From:	SCOPE
To:	ExecutiveOffice; PublicHearing; First District; Supervisor Janice Hahn (Fourth District); Barger, Kathryn; SecondDistrict; Sheila; Wickham , Mary
Cc:	ayochelson@da.lacounty.gov; fac@firstamendmentcoalition.org; Dean Walraff
Subject:	Brown Act Complaint - Cure and Correct Letter
Date:	Monday, April 13, 2020 9:52:39 AM
Attachments:	Spring Cyn Brown Act Complaint.pdf

Please find our Notice of Brown Act Violation/Cure and Correct Demand attached. Please acknowledge its receipt to this email address.

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
www.scope.org

April 9th, 2020

Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Brown Act Violation – Demand for Cure and Correction
Failure to allow public comment on public hearing matters, March 31st, 2020
Public hearing matters Agenda Items 73 through 75, and especially item 73)

Honorable Supervisors:

This letter is to call your attention to what we believe was a substantial violation of a central provision of the Ralph M. Brown Act, Govt. Code **Section 54953 - Requirements for Telephonic Meetings and 54954.3 - Opportunity for public to address the legislative body.**

On March 10th, 2020, as the representative of SCOPE, Lynne Plambeck spent approximately two hours driving from her home in Santa Clarita to attend your meeting with the sole purpose of giving input on Public Hearing Agenda Item #37, on matters that we believed would inform your decision on this issue. She signed in to speak at the public hearing on this matter on behalf of our group before 9:30 AM and then waited until after 4:30 at which time the item was continued. She was told at the time that the public hearing would be continued to March 24th and that she would have the opportunity to speak at the public hearing on behalf of our group on that date.

Subsequently the Covid 19 pandemic spread to California and public meetings were canceled including the March 17th and March 24th meeting of the Los Angeles County Board of Supervisors so that the Board, along with all other public agencies, could make arrangements to continue to conduct business telephonically or via the internet. While to our knowledge, all other agencies continued to comply with the requirements of the Brown Act even as they began to conduct their meetings telephonically or via the internet, the Board of Supervisors failed to devise a means of taking public comment as required by law.

While we understand and appreciate the difficulties imposed by efforts to protect the public during the Covid 19 pandemic, the Governor, in his March 12th order[1] to waive certain requirements under the Brown Act, did NOT waive the right of the public to make comments and be heard by public agencies at public meetings. This must especially be true when the item is a public hearing. We understand the need for telephonic meetings, but public comment and

[1] https://cnpa.com/governor-suspends-meeting-safeguards-in-brown-and-bagley-keene-acts-in-response-to-coronavirus-crisis/

testimony must still be made telephonically accessible during those meetings as required by section 54953 of the Brown Act[2]

All local and state agencies of which we are aware in the Santa Clarita Valley and elsewhere worked to comply with the Brown Act and allow telephonic public attendance and public comment. In spite of the fact that the County is well-versed in how to accomplish off site public comment, having provided offsite public comment availability for many years to outlying areas, the County purposefully and knowingly failed to allow public comment at its March 31st Board meeting. This occurred even on public hearing items where its own ordinances also require it to hear from the public, specifically items 73-75.

This failure was most egregious because not only was Agenda Item 73 a public hearing which we had previously attended and which had been continued, but also we were promised at the March 10th meeting that SCOPE would be able to speak on this public hearing item when it returned to the Board on March 24th.

We brought these concerns to the County prior to the March 31st public hearing item and asked that the County either allow the public to speak or continue the public hearing items on that agenda, including item 73, to such time when public comments and testimony could be accommodated as required by law.

We believe that the County made an error in not allowing Lynne Plambeck, representing our organization, to speak at this meeting during the public hearing and additionally by not allowing or accommodating any public comment at all.

To cure and correct, Brown Act Govt. Code Section 54960.1, requires you to withdraw any

commitments made and re-hear the matter. As provided by Govt. Code Section 54960.1, we

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[2] *(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.*
(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.
(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.
(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.
(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

request that you rescind the approvals granted for Agenda Item 73 and reschedule the public hearing agenda item to a time and date when the public may address you on this matter. As you are aware, the County has 30 days from receipt of this demand to either cure or correct the challenged action or to inform us of your decision not to do so, at which time we may take additional action to ensure compliance with the Brown Act.

In closing we wish to note that this is not the first time that the County has failed to comply with the public comment requirement of the Brown Act. We believe that this fact would qualify the County as a "bad actor" in these matters. We sympathize with the Board's dilemma in accommodating certain members of the public who regularly disrupt meetings. However, these actions do not justify the County's avoidance of the legally required public comment at a public hearing.

Respectfully yours,
SCOPE Board Members, including

Lynne Plambeck,
President

Cc Los Angeles County Counsel
Los Angeles District Attorney
First Amendment Coalition

From:	SCOPE
To:	PublicHearing; ExecutiveOffice
Cc:	First District; Supervisor Janice Hahn (Fourth District); Barger, Kathryn; SecondDistrict; Sheila; Chris Perry
Subject:	Agenda Iten 39 March 10
Date:	Monday, March 9, 2020 11:35:15 AM
Attachments:	Spring Cnayon Easement Vacation 3-10-20.pdf Housing project approved 3-27-19.pdf tr_48086_rppl2018004065-bos-approval.pdf

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Please copy to all Supervisors.
Thank you
Lynne Plambeck
President
Santa Clarita Organization for Planning and the Environment (SCOPE)
661 255-6899

SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
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POST OFFICE BOX 1182, SANTA CLARITA, CA 91386
www.scope.org

3-6-20

Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: - Board of Supervisors Agenda TUESDAY, MARCH 10, 2020 VI. PUBLIC HEARINGS 39 - 40 39. Hearing to Vacate a Portion of Valley Canyon Road, Set Aside a Portion of Soledad Canyon Road and Accept the Offer of Dedication on a Portion of Yellowstone Lane in the Unincorporated Community of Agua Dulce

Honorable Supervisors:

While this agenda item only refers to a tract number and states that the changes will comply with a 2003 EIR, it is important that you know that the most recent mitigation measures approved for this project, "Spring Canyon" were unanimously approved on March 26th, 2019 (and final approval on June 25th 2019). At the time, the changes were lauded by Supervisor Barger and Supervisor Hahn's office for enhancing the sustainability of the project (see news article attached).

Some of those changes included an enhanced wildlife corridor in the area of this agenda item's proposed changes to Valley Canyon Rd which is the ONLY underpass under the Highway 14 that animals can currently use to reach the river.

There is no indication that this proposal complies with the most recent conditions and mitigation measures approved last year, since in fact that approval is nowhere mentioned in the staff report. There is no indication that Parks and Recreation was contacted concerning this matter or that the County biologist reviewed the changes to ensure the wildlife corridor would remain viable.

Further, as you may recall, your approval last year allowed the developer to delay the building of the elementary school for the project until after about the 200 hundredth unit was built. You should know that according to our information, the school district has rejected the proposed site for the school, so the change you allowed last June may leave these first homes without ever having a local school. This scenario is similar to what occurred two decades ago with the Davidon project in Saugus where the developer never

built the other half of the project that would have required the school. We ask that you look into this matter before approving additional changes for this project.

Last, since the school district refused the site, they also refused to form a Mello-Roos facilities district for the developer. The developer then went to the Santa Clarita Valley Water Agency to request they form a Mello-Roos district. While the Board did vote at its last meeting to approve a policy allowing such facility districts, no district for this project was approved. You should know that the vote was contentious, divided and close.

In closing, please be aware that the Tick Fire (October 2019) burned through this area last year, pushed by 40 mile per hour winds, and requiring 40,000 residents to evacuate. Had the houses in this tract been built then, we might have seen far more residential loses than the 22 houses and 27 structures damaged in this fire.

We ask that you take these issues into consideration, especially the viability of the wildlife corridor and the fire danger as you evaluate this agenda item.

Thank you for your time.

Sincerely,

President

Attachment
1. News article lauding changes to the Spring Canyon Project "**Housing project approved as 'super sustainable' community"** SCV Signal March 27th, 2019
2. June 25th final approval of changes with new conditions and additional mitigation measures.

Housing project approved as ‘super sustainable’ community

- Jim Holt March 27, 2019 6:00 am

FILE PHOTO. gray water set up at the side of a house.

A 15-year-old plan to build close to 500 homes between Shadow Pines and Agua Dulce was approved unanimously by county supervisors Tuesday provided the developer includes 14 green conditions that promise to transform the plan into a state-of-the-art project in terms of sustainability.

The revamped Spring Canyon housing project, which calls for 495 homes now, includes solar panels for those homes, charging stations for electric vehicles, gray water recycling for lawns and solar heating for a community pool if such a pool is ever built.

“No project is static,” county Supervisor Kathryn Barger said before reading a long list of environment-friendly conditions.

“But (in the past 15 years), a lot has changed,” she said at the Los Angeles County Board of Supervisors meeting Tuesday, reflecting back to when the housing project was first approved in 2004.

Barger thanked Spring Canyon applicant Patrick Parker of Raintree Investment for having worked with SCV environmentalists and having arrived at “increased environmental protections.”

She also thanked Lynne Plambeck, president of Santa Clarita Organization for Planning and the Environment, or SCOPE, which filed a formal appeal of the decision made by regional planners to approve the Spring Canyon project.

“It’s admirable that both sides worked through the issues,” Barger said. “Thank you, Lynne Plambeck, for making this project better.”

‘Fabulously amended’
Barger then listed the climate-change amendments, prompting Supervisor Janice Hahn to call it “fabulously amended.”

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Creating 25 public-use charging stations for electric vehicles.

The garage of each home is to have a built-in, 220-volt outlet for future electric vehicle chargers.

If a community pool is ever built in Spring Canyon, it is to be heated by solar panels.

Each home is to have a tankless on-demand water heater.

Each home is to comply with current ordinances and state laws, including low impact and water conservation laws.

Pervious pavement, which allows rainwater to recharge the groundwater, is to be used in the parking lots of the park. Impervious pavement is to be eliminated where possible.

Each home is to come with plumbing that would accommodate an optional gray water system to recycle washing machine or kitchen sink water waste for use in backyard landscaping. Gray water is wastewater generated by washing people and their clothes. It comes from washing machines, sinks, shower stalls and baths. It does not come from toilets. Toilet wastewater is dubbed “black water,” and must be disposed of in sewer systems or septic tanks.

Each home is to come with a rainwater collection system to reduce landscape water use.

The landscaping of parks, common space areas and the front yards of each home is to comply with ordinances and state laws that call for drip irrigation of drought-tolerant landscaping.

At the request of the county biologist, the applicant for Spring Canyon is to plant locally native vegetation in the open space and on slopes as long as it is 50 feet from structures.

All new home sales offices for the Spring Canyon project are to be stocked with brochures highlighting the benefits of the green initiatives featured in Spring Canyon and with brochures from National Wildlife that inform homebuyers about the Backyard Habitat program. The Backyard Habitat program preserves pockets of land in its natural state, allowing native vegetation to thrive and wildlife to move about freely.

At the request of the county biologist and SCOPE, the applicant agrees to plant eight holly leaf cherry trees for every one removed. The new holly leaf cherries are to be planted in the open space of the project.

Also at the request of the county biologist, the applicant is to come up with a map of all existing holly leaf cherry trees on the property and indicate which ones will be impacted by the housing project. A map is also to be prepared showing where and how many impacts are to be made and the location of new plants in open space.

Plambeck thanked Parker and Chris Perry, the planning deputy for Los Angeles County's 5th District, because "they worked very well with us," she said.

SCOPE

"It took us all the way to appealing to the Board of Supervisors, but we are pleased to say that although there was no climate chapter in this because the (environmental impact report) was so old, there are accommodations now that match other (sustainable) projects in areas like Northlake and Newhall Ranch."

Likewise, Parker thanked Barger's staff, and his SCOPE critics, saying: "We've worked with SCOPE to talk about Spring Canyon.

"This is an amendment to a project that was previously approved and we're excited to move forward. There are many public benefits and we also think the project is better now," he said.

The planned Spring Canyon housing development is north of Highway 14 and Soledad Canyon Road, between Shadow Pines Boulevard and Agua Dulce Canyon Road.

It calls for one Los Angeles County Fire Department station and one Los Angeles County Sheriff's Department substation to be built, two parking lots and three open space lots, all on nearly 550 acres.

Jim Holt

From: Patrick Parker
To: SCOPE; Shari; Barger, Kathryn; PublicHearing
Subject: Re: Suggestion for Spring Canyon Easement continued item #39 (March 10)
Date: Thursday, March 12, 2020 9:40:44 AM

Lynn,

Thank you for the note. It was nice to see you at the hearing. I'm sure everyone on this e-mail will agree, that meeting was important for the County. Many thanks to the Supervisor and Staff for a job well done at the meeting.

Relative to your suggestion, I appreciate the comments. Naturally, I'll defer to the County for advice, but I know we'll all review and get back with you.

To everyone, I appreciate your efforts on this, and I hope you all stay healthy.

Best regards,

Patrick Parker
Raintree Investment Corp.

Patrick Parker
Raintree Investment Corp.
2753 Camino Capistrano A201
San Clemente, California 92672

From: SCOPE <exec-scope@earthlink.net>
Sent: Thursday, March 12, 2020 9:24:25 AM
To: Patrick Parker <pparker@raintree.us.com>; Shari <SAFSHARI@dpw.lacounty.gov>; Sup Kathryn <kathryn@bos.lacounty.gov>; Public Hearing <publichearing@bos.lacounty.gov>
Subject: Suggestion for Spring Canyon Easement continued item #39 (March 10)

HI Patrick - Since the easement approval was delayed on March 10th for two weeks, why not suggest to DPW that they resolve the issue by specially showing the location of the wildlife corridor and culvert dimensions and requirements on the map and include the information about the additional mitigation requirements approved with your fourth amendment and finalized on June 25th, 2019?

There are multiple agencies that will be looking at those maps. Without the specific location and requirements on the map, mistakes could be (and have ben in the past on other projects) made. Having the culvert on the map that everyone in every agency is using will ensure that doesn't happen.

Lynne Plambeck
Santa Clarita Organization for Planning and the Environment (SCOPE)
661 255-6899

From:	ExecutiveOffice
To:	Garibay, Francisco; Zometa, Katrina; Hernandez, Friendy
Cc:	Submit; ExecutiveOffice
Subject:	FW: Agenda Item 73 Spring Canyon - Jurisdictional Statement
Date:	Friday, March 27, 2020 7:58:40 AM
Attachments:	image001.png SPRING CANYON (TRACT 48086) - JURISDICATIONAL STATEMENT (03 25 20).docx

EXECUTIVE OFFICE
BOARD OF SUPERVISORS

The following correspondence is being forwarded to you for your review and handling. See below and attached.

Los Angeles County Board of Supervisors, Executive Office
Customer Service Center/ Records
500 West Temple Street, Suite 383
Los Angeles, California 90012

From: SCOPE <exec-scope@earthlink.net>
Sent: Thursday, March 26, 2020 4:14 PM
To: Patrick Parker <pparker@raintree.us.com>
Cc: Saraiya, Anish <ASaraiya@bos.lacounty.gov>; ExecutiveOffice <ExecutiveOffice@bos.lacounty.gov>; PublicHearing <PublicHearing@bos.lacounty.gov>
Subject: Agenda Item 73 Spring Canyon - Jurisdictional Statement

Thanks Patrick - I did see it on the agenda and have already contacted an attorney about the legality of holding a public hearing where the public is not allowed to testify. The Governor did not waive this part of the Brown Act, only the part that covers off site meetings. Other agencies throughout the state have set up teleconferencing capabilities that allow public participation and public comments. The County can and must do that too.

Perhaps it is posted now, but I didn't see this in the Board letter or on the map and don't know what legality this would hold when it is not in any of the vacation documents. Can you ask them to post it prior to the hearing? If they did it today, it would still meet the 72 hour posting requirement. I do not feel confident about this when there is no way to say anything at the hearing. Why can't they put the wildlife corridor on the map?

Sorry to be such a pain the @#$, but we have seen too many conditions that were promised then not enforced "by mistake". I sincerely appreciate your efforts to rectify the problem, but don't know why this wasn't included in the Board letter and why the wildlife corridor isn't on the map. Wildlife corridors are a focused goal for SCOPE this year voted by our membership in January. So this is really important.

Lynne Plambeck
Prresident
Santa Clarita Organization for Planning and the Environment

-----Original Message-----
>From: Patrick Parker
>Sent: Mar 26, 2020 12:08 PM
>To: Scope
>Subject: Spring Canyon - Jurisdictional Statement
>
>
>
>Lynn,
>
>The County is trying to get things in motion. I was just told by Public Works there is a virtual County Board Meeting on March 31. The vacation item for the road next to Spring Canyon will be heard.
>
>With your e-mail to the County, we got Public Works to agree to new language including the clarification of the use is for a "wildlife corridor" and the Spring Canyon development is subject to "conditions imposed by the Board of Supervisors at the June 25, 2019 Public Hearing. Please see the attached document that will be read into the public record immediately at the opening of the item.
>
>I am available to discuss.
>
>Thanks,
>
>Pat
>
>

TRACT NO. 48086 – SPRING CANYON

The purpose of these actions, among other things, is to seek Board approval to vacate a portion of Valley Canyon Road, west of Stonecrest Road, which is no longer needed for public use, located in the unincorporated community of Agua Dulce. The vacation will result in the property being unencumbered of the road easement and available to be used by the underlying property owner, subject to the easements that will be reserved by the County in order to comply with conditions of approval imposed by the County of Los Angeles including the conditions imposed by the Board of Supervisors at the June 25, 2019 Public Hearing.

Easement and rights of way for utility purposes will be reserved within the involved area in favor of the Santa Clarita Valley Water Agency for the construction, maintenance, operation, and use of waterlines and appurtenant structures; the Los Angeles County Flood Control District for storm drain and appurtenant structures; and the County of Los Angeles for purposes of riding and hiking trails, wildlife corridor,and a sewer lift station. I have concluded that the public convenience and necessity require the reservation of these easements.

From:	SCOPE
To:	Saraiya, Anish; ExecutiveOffice; PublicHearing
Cc:	Barger, Kathryn; First District; Supervisor Janice Hahn (Fourth District); SecondDistrict; Sheila
Subject:	Comment on Agenda Item 73 March 31 Agenda
Date:	Friday, March 27, 2020 1:05:39 PM
Attachments:	SCOPESpringCanyonEaseVacation3-31-20.pdf Housing project approved 3-27-19.pdf tr_48086_rppl2018004065-bos-approval.pdf Spring Cnayon Easement Vacation 3-10-20.pdf

---

Please see attached our comment letter for the Agenda Item 73 on the march 31st public hearing. We also attached the previous comment letter that we submitted on this item at the March 10th meeting for your reference and the June 25th 2019 approval.

Thank you for your attention to our concerns.

Sincerely,
Lynne Plambeck
Santa Clarita Organization for Planning and the Environment (SCOPE)
661 255-6899

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POST OFFICE BOX 1182, SANTA CLARITA, CA 91386
www.scope.org

3-27-20

Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: - Board of Supervisors Agenda TUESDAY, MARCH 31, 2020
III. PUBLIC HEARINGS Item 73
Hearing to Vacate a Portion of Valley Canyon Road Set Aside a Portion of Soledad Canyon Road and Accept the Offer of Dedication on a portion of Yellowstone Lane in the Unincorporated Community of Agua Dulce

Honorable Supervisors:

After waiting over 8 hours on March 10th to speak on this item (#37 at that meeting), which was ultimately continued after 5PM, I and other SCOPE members are appalled that you will not now hear public testimony on this item at a noticed public hearing. SCOPE members believe this is a violation of the Brown Act and will be filing a separate complaint letter on the matter.

While we understand and appreciate the difficulties posed by the efforts to protect the public during the Corvid 19 pandemic, the Governor, in his March 12th order[1] to waive certain requirements under the Brown Act, did NOT waive the right of the public to make comments and be heard by public agencies. This must especially be true when the item is a public hearing. We understand the need for telephonic meetings, but public comment and testimony must be still be made telephonically accessible during those meetings. All local agencies in the Santa Clarita Valley have worked to make that possible. The County must also, especially in the case of a public hearing. We therefore urge the County to continue the public hearing items on this agenda, including item 73, to such a time when public comments and testimony can be accommodated.

Even though the County and the Department of Public Works had three weeks to address the concerns in our original letter, submitted timely in advance of the March 10th meeting (attached) this agenda item and background material did not remedy any of our very reasonable concerns. We re-iterate our concern that the wildlife corridor must be designated on the maps and the resolutions to ensure that there are no errors in reserving this corridor that is required by the conditions of approval.

[1] https://cnpa.com/governor-suspends-meeting-safeguards-in-brown-and-bagley-keene-acts-in-response-to-coronavirus-crisis/

While we appreciate the developer's efforts to have a statement read into the record that addresses the wildlife corridor, such a statement is not sufficient to ensure that other agencies using the maps or future staff that are unacquainted with the approval would be aware of the requirements. In addition, it is not a part of the agenda item, and of course also, the County is not allowing public comment on anything that is added. This is a violation of the Brown Act as previously stated.

This item continues to refer only to a tract number and states that the changes will comply with a 2003 EIR, it is important that you know that the most recent mitigation measures approved for this project, "Spring Canyon" were unanimously approved on March 26th, 2019 (and final approval on June 25th 2019). At the time, the changes were lauded by Supervisor Barger and Supervisor Hahn's office for enhancing the sustainability of the project (see news article attached).

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Further, as you may recall, your approval last year allowed the developer to delay the building of the elementary school for the project until after about the 200 hundredth unit was built. You should know that according to our information, the school district has rejected the proposed site for the school, so the change you allowed last June may leave these first homes without ever having a local school. This scenario is similar to what occurred two decades ago with the Davidon project in Saugus where the developer never built the other half of the project that would have required the school. We ask that you look into this matter before approving additional changes for this project.

Last, since the school district refused the site, they also refused to form a Mello-Roos facilities district for the developer. The developer then went to the Santa Clarita Valley Water Agency to request they form a Mello-Roos district. While the Board did vote at its last meeting to approve a policy allowing such facility districts, no district for this project was approved. You should know that the vote was contentious, divided and close.

In closing, please be aware that the Tick Fire (October 2019) burned through this area last year, pushed by 40 mile per hour winds, and requiring 40,000 residents to evacuate. Had the houses in this tract been built then, we might have seen far more residential loses than the 22 houses and 27 structures damaged in this fire.

We ask that you take these issues into consideration, especially the viability of the wildlife corridor and the fire danger as you evaluate this agenda item. We further ask that you continue this item to a time when the public can exercise our right to make comments to the Board.

Thank you for your time.

Sincerely,

President

Attachment
1. News article lauding changes to the Spring Canyon Project "**Housing project approved as 'super sustainable' community"** SCV Signal March 27th, 2019
2. June 25th final approval of changes with new conditions and additional mitigation measures.

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- Jim Holt March 27, 2019 6:00 am

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SCOPE

"It took us all the way to appealing to the Board of Supervisors, but we are pleased to say that although there was no climate chapter in this because the (environmental impact report) was so old, there are accommodations now that match other (sustainable) projects in areas like Northlake and Newhall Ranch."

Likewise, Parker thanked Barger's staff, and his SCOPE critics, saying: "We've worked with SCOPE to talk about Spring Canyon.

"This is an amendment to a project that was previously approved and we're excited to move forward. There are many public benefits and we also think the project is better now," he said.

The planned Spring Canyon housing development is north of Highway 14 and Soledad Canyon Road, between Shadow Pines Boulevard and Agua Dulce Canyon Road.

It calls for one Los Angeles County Fire Department station and one Los Angeles County Sheriff's Department substation to be built, two parking lots and three open space lots, all on nearly 550 acres.

Jim Holt

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
www.scope.org

3-6-20

Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: - Board of Supervisors Agenda TUESDAY, MARCH 10, 2020 VI. PUBLIC HEARINGS 39 - 40 39. Hearing to Vacate a Portion of Valley Canyon Road, Set Aside a Portion of Soledad Canyon Road and Accept the Offer of Dedication on a Portion of Yellowstone Lane in the Unincorporated Community of Agua Dulce

Honorable Supervisors:

While this agenda item only refers to a tract number and states that the changes will comply with a 2003 EIR, it is important that you know that the most recent mitigation measures approved for this project, "Spring Canyon" were unanimously approved on March 26th, 2019 (and final approval on June 25th 2019). At the time, the changes were lauded by Supervisor Barger and Supervisor Hahn's office for enhancing the sustainability of the project (see news article attached).

Some of those changes included an enhanced wildlife corridor in the area of this agenda item's proposed changes to Valley Canyon Rd which is the ONLY underpass under the Highway 14 that animals can currently use to reach the river.

There is no indication that this proposal complies with the most recent conditions and mitigation measures approved last year, since in fact that approval is nowhere mentioned in the staff report. There is no indication that Parks and Recreation was contacted concerning this matter or that the County biologist reviewed the changes to ensure the wildlife corridor would remain viable.

Further, as you may recall, your approval last year allowed the developer to delay the building of the elementary school for the project until after about the 200 hundredth unit was built. You should know that according to our information, the school district has rejected the proposed site for the school, so the change you allowed last June may leave these first homes without ever having a local school. This scenario is similar to what occurred two decades ago with the Davidon project in Saugus where the developer never

built the other half of the project that would have required the school. We ask that you look into this matter before approving additional changes for this project.

Last, since the school district refused the site, they also refused to form a Mello-Roos facilities district for the developer. The developer then went to the Santa Clarita Valley Water Agency to request they form a Mello-Roos district. While the Board did vote at its last meeting to approve a policy allowing such facility districts, no district for this project was approved. You should know that the vote was contentious, divided and close.

In closing, please be aware that the Tick Fire (October 2019) burned through this area last year, pushed by 40 mile per hour winds, and requiring 40,000 residents to evacuate. Had the houses in this tract been built then, we might have seen far more residential loses than the 22 houses and 27 structures damaged in this fire.

We ask that you take these issues into consideration, especially the viability of the wildlife corridor and the fire danger as you evaluate this agenda item.

Thank you for your time.

Sincerely,

President

Attachment
1. News article lauding changes to the Spring Canyon Project "**Housing project approved as 'super sustainable' community"** SCV Signal March 27th, 2019
2. June 25th final approval of changes with new conditions and additional mitigation measures.

From:	ExecutiveOffice
To:	Submit
Cc:	ExecutiveOffice
Subject:	FW: Agenda Item 73 Spring Canyon - Jurisdictional Statement
Date:	Friday, March 27, 2020 4:41:34 PM
Attachments:	image001.png

EXECUTIVE OFFICE
BOARD OF SUPERVISORS

The following correspondence is being forwarded to you for your review and handling. Please see below.

Los Angeles County Board of Supervisors, Executive Office
Customer Service Center/ Records
500 West Temple Street, Suite 383
Los Angeles, California 90012

From: Anthony Nyivih <ANYIVIH@dpw.lacounty.gov>
Sent: Friday, March 27, 2020 2:26 PM
To: SCOPE <exec-scope@earthlink.net>
Cc: Saraiya, Anish <ASaraiya@bos.lacounty.gov>; ExecutiveOffice <ExecutiveOffice@bos.lacounty.gov>; Julia Weissman <jweissman@counsel.lacounty.gov>; Shari Afshari <SAFSHARI@dpw.lacounty.gov>; Rossana D'Antonio <RDANTON@dpw.lacounty.gov>; Jim Sparks <JSPARKS@dpw.lacounty.gov>
Subject: FW: Agenda Item 73 Spring Canyon - Jurisdictional Statement

In response to your statement that the public is not allowed to testify, this is not the case. The public is being provided with the opportunity to provide written testimony via mail or email in advance of the hearing. The Supervisors will review and consider all testimony received prior to making a decision on the matter and the written testimony will become a part of the record. Written testimony is appropriate given the current circumstances related to COVID-19 and is in line with the Governor's Executive order, N-29-20, signed March 17, 2020.

Regarding the issue of the wildlife corridor, PW has conferred with Counsel and has determined that the recommendations in the letter are very specific and the maps and legal descriptions subject to the Board's actions are also specific. The wildlife corridor is part of the tract but it is not directly related to the requested actions and the Department has determined that it would be inappropriate to modify these specific maps to show the wildlife corridor.

From: SCOPE <exec-scope@earthlink.net>
Sent: Thursday, March 26, 2020 4:14 PM

To: Patrick Parker <pparker@raintree.us.com>
Cc: Saraiya, Anish <ASaraiya@bos.lacounty.gov>; ExecutiveOffice <ExecutiveOffice@bos.lacounty.gov>; PublicHearing <PublicHearing@bos.lacounty.gov>
Subject: Agenda Item 73 Spring Canyon - Jurisdictional Statement

Thanks Patrick - I did see it on the agenda and have already contacted an attorney about the legality of holding a public hearing where the public is not allowed to testify. The Governor did not waive this part of the Brown Act, only the part that covers off site meetings. Other agencies throughout the state have set up teleconferencing capabilities that allow public participation and public comments. The County can and must do that too.

Perhaps it is posted now, but I didn't see this in the Board letter or on the map and don't know what legality this would hold when it is not in any of the vacation documents. Can you ask them to post it prior to the hearing? If they did it today, it would still meet the 72 hour posting requirement. I do not feel confident about this when there is no way to say anything at the hearing. Why can't they put the wildlife corridor on the map?

Sorry to be such a pain the @#$, but we have seen too many conditions that were promised then not enforced "by mistake". I sincerely appreciate your efforts to rectify the problem, but don't know why this wasn't included in the Board letter and why the wildlife corridor isn't on the map. Wildlife corridors are a focused goal for SCOPE this year voted by our membership in January. So this is really important.

Lynne Plambeck
Prresident
Santa Clarita Organization for Planning and the Environment

-----Original Message-----
>From: Patrick Parker
>Sent: Mar 26, 2020 12:08 PM
>To: Scope
>Subject: Spring Canyon - Jurisdictional Statement
>
>
>
>Lynn,
>
>The County is trying to get things in motion. I was just told by Public Works there is a virtual County Board Meeting on March 31. The vacation item for the road next to Spring Canyon will be heard.
>
>With your e-mail to the County, we got Public Works to agree to new language including the clarification of the use is for a "wildlife corridor" and the Spring Canyon development is subject to "conditions imposed by the Board of Supervisors at the June 25, 2019 Public Hearing. Please see the attached document that will be read into the public record immediately at the opening of the item.
>
>I am available to discuss.
>
>Thanks,
>
>Pat
>
>

FW: Comment on Agenda Item 73 March 31 Agenda

ExecutiveOffice

Reply all

Fri 3/27, 2:22 PM
Submit;
ExecutiveOffice
Inbox

Red Category

Flag for follow up. Completed on Monday, March 30, 2020.
You forwarded this message on 3/27/2020 2:25 PM

SCOPESpringCanyonEaseVacation3-31-20.pdf105 KB	Housing project approved 3-27-19.pdf118 KB	tr_48086_rppl2018004065-bos-approval.pdf12 MB	Spring Cnayon Easement Vacation 3-10-20.pdf97 KB

Show all 4 attachments (13 MB) Download all

The following correspondence is being forwarded to you for your review and handling. See below and attached.

Los Angeles County Board of Supervisors, Executive Office
Customer Service Center/ Records
500 West Temple Street, Suite 383
Los Angeles, California 90012

From: SCOPE <exec-scope@earthlink.net>
Sent: Friday, March 27, 2020 1:05 PM
To: Saraiya, Anish <ASaraiya@bos.lacounty.gov>; ExecutiveOffice <ExecutiveOffice@bos.lacounty.gov>; PublicHearing <PublicHearing@bos.lacounty.gov>
Cc: Barger, Kathryn <Kathryn@bos.lacounty.gov>; First District <firstdistrict@bos.lacounty.gov>; Supervisor Janice Hahn (Fourth District) <fourthdistrict@bos.lacounty.gov>; SecondDistrict <SecondDistrict@bos.lacounty.gov>; Sheila <Sheila@bos.lacounty.gov>
Subject: Comment on Agenda Item 73 March 31 Agenda

Please see attached our comment letter for the Agenda Item 73 on the march 31st public hearing. We also attached the previous comment letter that we submitted on this item at the March 10th meeting for your reference and the June 25th 2019 approval.

Thank you for your attention to our concerns.

Sincerely,
Lynne Plambeck
Santa Clarita Organization for Planning and the Environment (SCOPE)
661 255-6899

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
www.scope.org

3-27-20

Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: - Board of Supervisors Agenda TUESDAY, MARCH 31, 2020
III. PUBLIC HEARINGS Item 73
Hearing to Vacate a Portion of Valley Canyon Road Set Aside a Portion of Soledad Canyon Road and Accept the Offer of Dedication on a portion of Yellowstone Lane in the Unincorporated Community of Agua Dulce

Honorable Supervisors:

After waiting over 8 hours on March 10th to speak on this item (#37 at that meeting), which was ultimately continued after 5PM, I and other SCOPE members are appalled that you will not now hear public testimony on this item at a noticed public hearing. SCOPE members believe this is a violation of the Brown Act and will be filing a separate complaint letter on the matter.

While we understand and appreciate the difficulties posed by the efforts to protect the public during the Corvid 19 pandemic, the Governor, in his March 12th order[1] to waive certain requirements under the Brown Act, did NOT waive the right of the public to make comments and be heard by public agencies. This must especially be true when the item is a public hearing. We understand the need for telephonic meetings, but public comment and testimony must be still be made telephonically accessible during those meetings. All local agencies in the Santa Clarita Valley have worked to make that possible. The County must also, especially in the case of a public hearing. We therefore urge the County to continue the public hearing items on this agenda, including item 73, to such a time when public comments and testimony can be accommodated.

Even though the County and the Department of Public Works had three weeks to address the concerns in our original letter, submitted timely in advance of the March 10th meeting (attached) this agenda item and background material did not remedy any of our very reasonable concerns. We re-iterate our concern that the wildlife corridor must be designated on the maps and the resolutions to ensure that there are no errors in reserving this corridor that is required by the conditions of approval.

[1] https://cnpa.com/governor-suspends-meeting-safeguards-in-brown-and-bagley-keene-acts-in-response-to-coronavirus-crisis/

While we appreciate the developer's efforts to have a statement read into the record that addresses the wildlife corridor, such a statement is not sufficient to ensure that other agencies using the maps or future staff that are unacquainted with the approval would be aware of the requirements. In addition, it is not a part of the agenda item, and of course also, the County is not allowing public comment on anything that is added. This is a violation of the Brown Act as previously stated.

This item continues to refer only to a tract number and states that the changes will comply with a 2003 EIR, it is important that you know that the most recent mitigation measures approved for this project, "Spring Canyon" were unanimously approved on March 26th, 2019 (and final approval on June 25th 2019). At the time, the changes were lauded by Supervisor Barger and Supervisor Hahn's office for enhancing the sustainability of the project (see news article attached).

Some of those changes included an enhanced wildlife corridor in the area of this agenda item's proposed changes to Valley Canyon Rd which is the ONLY underpass under the Highway 14 that animals can currently use to reach the river.

There is no indication that this proposal complies with the most recent conditions and mitigation measures approved last year, since in fact that approval is nowhere mentioned in the staff report. There is no indication that Parks and Recreation was contacted concerning this matter or that the County biologist reviewed the changes to ensure the wildlife corridor would remain viable.

Further, as you may recall, your approval last year allowed the developer to delay the building of the elementary school for the project until after about the 200 hundredth unit was built. You should know that according to our information, the school district has rejected the proposed site for the school, so the change you allowed last June may leave these first homes without ever having a local school. This scenario is similar to what occurred two decades ago with the Davidon project in Saugus where the developer never built the other half of the project that would have required the school. We ask that you look into this matter before approving additional changes for this project.

Last, since the school district refused the site, they also refused to form a Mello-Roos facilities district for the developer. The developer then went to the Santa Clarita Valley Water Agency to request they form a Mello-Roos district. While the Board did vote at its last meeting to approve a policy allowing such facility districts, no district for this project was approved. You should know that the vote was contentious, divided and close.

In closing, please be aware that the Tick Fire (October 2019) burned through this area last year, pushed by 40 mile per hour winds, and requiring 40,000 residents to evacuate. Had the houses in this tract been built then, we might have seen far more residential loses than the 22 houses and 27 structures damaged in this fire.

We ask that you take these issues into consideration, especially the viability of the wildlife corridor and the fire danger as you evaluate this agenda item. We further ask that you continue this item to a time when the public can exercise our right to make comments to the Board.

Thank you for your time.

Sincerely,

President

Attachment
1. News article lauding changes to the Spring Canyon Project "**Housing project approved as 'super sustainable' community"** SCV Signal March 27th, 2019
2. June 25th final approval of changes with new conditions and additional mitigation measures.

Housing project approved as ‘super sustainable’ community

- Jim Holt March 27, 2019 6:00 am

FILE PHOTO. gray water set up at the side of a house.

A 15-year-old plan to build close to 500 homes between Shadow Pines and Agua Dulce was approved unanimously by county supervisors Tuesday provided the developer includes 14 green conditions that promise to transform the plan into a state-of-the-art project in terms of sustainability.

The revamped Spring Canyon housing project, which calls for 495 homes now, includes solar panels for those homes, charging stations for electric vehicles, gray water recycling for lawns and solar heating for a community pool if such a pool is ever built.

“No project is static,” county Supervisor Kathryn Barger said before reading a long list of environment-friendly conditions.

“But (in the past 15 years), a lot has changed,” she said at the Los Angeles County Board of Supervisors meeting Tuesday, reflecting back to when the housing project was first approved in 2004.

Barger thanked Spring Canyon applicant Patrick Parker of Raintree Investment for having worked with SCV environmentalists and having arrived at “increased environmental protections.”

She also thanked Lynne Plambeck, president of Santa Clarita Organization for Planning and the Environment, or SCOPE, which filed a formal appeal of the decision made by regional planners to approve the Spring Canyon project.

“It’s admirable that both sides worked through the issues,” Barger said. “Thank you, Lynne Plambeck, for making this project better.”

‘Fabulously amended’
Barger then listed the climate-change amendments, prompting Supervisor Janice Hahn to call it “fabulously amended.”

Conditions include:
Each home is to be built with a solar panel system that would generate the equivalent of 3 kilowatt-hours of electricity.

Creating 25 public-use charging stations for electric vehicles.

The garage of each home is to have a built-in, 220-volt outlet for future electric vehicle chargers.

If a community pool is ever built in Spring Canyon, it is to be heated by solar panels.

Each home is to have a tankless on-demand water heater.

Each home is to comply with current ordinances and state laws, including low impact and water conservation laws.

Pervious pavement, which allows rainwater to recharge the groundwater, is to be used in the parking lots of the park. Impervious pavement is to be eliminated where possible.

Each home is to come with plumbing that would accommodate an optional gray water system to recycle washing machine or kitchen sink water waste for use in backyard landscaping. Gray water is wastewater generated by washing people and their clothes. It comes from washing machines, sinks, shower stalls and baths. It does not come from toilets. Toilet wastewater is dubbed “black water,” and must be disposed of in sewer systems or septic tanks.

Each home is to come with a rainwater collection system to reduce landscape water use.

The landscaping of parks, common space areas and the front yards of each home is to comply with ordinances and state laws that call for drip irrigation of drought-tolerant landscaping.

At the request of the county biologist, the applicant for Spring Canyon is to plant locally native vegetation in the open space and on slopes as long as it is 50 feet from structures.

All new home sales offices for the Spring Canyon project are to be stocked with brochures highlighting the benefits of the green initiatives featured in Spring Canyon and with brochures from National Wildlife that inform homebuyers about the Backyard Habitat program. The Backyard Habitat program preserves pockets of land in its natural state, allowing native vegetation to thrive and wildlife to move about freely.

At the request of the county biologist and SCOPE, the applicant agrees to plant eight holly leaf cherry trees for every one removed. The new holly leaf cherries are to be planted in the open space of the project.

Also at the request of the county biologist, the applicant is to come up with a map of all existing holly leaf cherry trees on the property and indicate which ones will be impacted by the housing project. A map is also to be prepared showing where and how many impacts are to be made and the location of new plants in open space.

Plambeck thanked Parker and Chris Perry, the planning deputy for Los Angeles County's 5th District, because "they worked very well with us," she said.

SCOPE

"It took us all the way to appealing to the Board of Supervisors, but we are pleased to say that although there was no climate chapter in this because the (environmental impact report) was so old, there are accommodations now that match other (sustainable) projects in areas like Northlake and Newhall Ranch."

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It calls for one Los Angeles County Fire Department station and one Los Angeles County Sheriff's Department substation to be built, two parking lots and three open space lots, all on nearly 550 acres.

Jim Holt

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 972-5708
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

June 25, 2019

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
21 JUNE 25, 2019

Agenda No. 5
03/26/19

CELIA ZAVALA
EXECUTIVE OFFICER

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: PROJECT NO. 96-044-(5)
FOURTH AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 48086-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Dear Supervisors:

Your Board previously held a duly-noticed public hearing on the above-referenced Project related to the Fourth Amendment to Vesting Tentative Tract Map No. 48086-(5) ("Amendment"). The Amendment adjusts the sequencing of compliance with conditions of approval and mitigation measures related to grading, road, infrastructure, parks and trails improvements, and landscaping installation. The Amendment also clarifies which parties are responsible for implementation and approval of mitigation measures and adds conditions to address climate change considerations. The Project is located adjacent to the Antelope Valley Freeway near Soledad Canyon Road in the Soledad Zoned District. Raintree Investment Corporation applied for the Amendment. Project approval also includes approval of the environmental review document. At the completion of the hearing, you indicated an intent to deny the appeal and approve the amended Project. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By
JILL JONES
Senior Deputy County Counsel
Property Division

APPROVED AND RELEASED:

THOMAS J. FAUGHNAN
Senior Assistant County Counsel

JJ:ss
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Executive Officer, Board of Supervisors
Amy J. Bodek, Director, Department of Regional Planning

HOA.102507422.1

FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. 96-044-(5)
FOURTH AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 48086-(5)

1. The Los Angeles County ("County") Board of Supervisors ("Board") held a duly-noticed public hearing on March 26, 2019, in the matter of Project No. 96-044-(5), consisting of a fourth amendment ("Amendment") to Vesting Tentative Tract Map No. 48086-(5) ("Vesting Map") and Addendum to the Environmental Impact Report ("Addendum") associated with Environmental Assessment No. RPPL 2018004166 (collectively, the "Project Amendment"). The County Regional Planning Commission ("Commission") previously approved the Project Amendment at a duly-noticed public hearing on January 9, 2019. The Project Amendment approval was appealed to the Board on January 21, 2019 by Lynne Plambeck representing the Santa Clarita Organization for Planning and the Environment ("Appellant").

2. The subdivider, Raintree Investment Corporation ("Subdivider"), requests the Amendment to the Vesting Map, pursuant to Section 21.38.010 of the Los Angeles County Code ("County Code"), to adjust the sequencing of compliance with conditions of approval and mitigation measures related to grading, road, infrastructure, parks and trails improvements, as well as landscaping installation. The Amendment also clarifies which parties are responsible for implementation and approval of mitigation measures and adds conditions to address climate change considerations.

3. On August 3, 2004, at a duly-noticed public hearing, the Board approved the Vesting Map, Plan Amendment No. 96-044, Zone Change Number 96-044, Conditional Use Permit ("CUP") No. 96-044, Oak Tree Permit Number 96-044, and certified the final Environmental Impact Report ("EIR") and adopted Findings of Statement of Overriding Consideration and incorporated the Mitigation Monitoring and Reporting Program into the conditions of approval (collectively, the "Project"). These approved entitlements authorized creation of a clustered hillside residential development of 492 single-family residence lots, a fire station site, a Sheriff substation site, 3 private park lots and 3 open space lots dedicated to the public, 12 debris basin lots, and a public school lot on a total of 548.1 acres. Previous amendments to the Project authorized changes including relocation of the school site, adjustment of lot lines and lot configurations, redesign of a park site, street pattern revisions, relocation of a water reservoir, drainage facilities and desilting basin changes, wildlife corridor changes, street section changes for added retaining walls, addition of a sewer lift station, stream course protection changes, grading changes, and clarified language to conditions of approval and mitigation measures.

4. The Project site is located north of the Antelope Valley Freeway and Soledad Canyon Road, between Shadow Pines Boulevard and Agua Dulce Canyon, in the Soledad Zoned District ("Project Site"). The irregularly-shaped property is

vacant and undeveloped, in a mostly natural condition, with level to hilly and steeply- sloping topography.

5. The Project Site is located within the Urban Residential ("H2") land use category of the 2012 Santa Clarita Valley Area Plan ("Community Plan"). Residential development is permitted within the H2 land use category. The Project Site is located within Zone R-1-6,000 (Single-family Residential, 6,000 Square Feet Minimum Required Area), Zone R-1-7,000 (Single-family Residential, 7,000 Square Feet Minimum Required Area), Zone R-1-8,000 (Single-family Residential, 8,000 Square Feet Minimum Required Area), Zone R-1-10,000 (Single-family Residential, 10,000 Square Feet Minimum Required Area), Zone R-1-15,000 (Single-family Residential, 15,000 Square Feet Minimum Required Area), Zone R-1-20,000 (Single-family Residential, 20,000 Square Feet Minimum Required Area), and Zone A-2 (Heavy Agricultural).

6. Surrounding zoning within a 500-foot radius of the Project Site includes:

North:	Zone A-2-1 (Heavy Agricultural, One Acre Minimum Required Area);
South:	Zone A-2-1;
East:	Zone A-2-1; and
West:	Zones A-1-1 (Light Agricultural, One Acre Minimum Required Area), R-1-11,000 (Single-Family Residential, 11,000 Square Feet Minimum Required Area), and the City of Santa Clarita.

7. Surrounding land uses within a 500-foot radius of the Project Site include:

North:	Single-family residences and undeveloped land;
South:	Antelope Valley Freeway;
East:	Mineral processing; and
West:	Single-family residences.

8. Prior to the Department of Regional Planning ("Regional Planning") Hearing Officer's ("Hearing Officer") duly-noticed public hearing on the Amendment, an Addendum to the EIR associated with Environmental Assessment No. RPPL 2018004166 for the Amendment was prepared in compliance with the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) ("CEQA"), the State CEQA Guidelines (Cal. Code Regs., Tit. 14, § 15000 et seq.) ("State CEQA Guidelines"), and the Environmental Document Reporting Procedures and Guidelines for the County.

9. On September 18, 2018, at a duly-noticed public hearing, the Hearing Officer considered the Amendment and associated Addendum. The Hearing Officer moved to continue the matter to October 16, 2018, requesting additional time to review the County Subdivision Committee reports and recommendations for conditions of approval. The County Subdivision Committee, which consists of representatives of the County Departments of Regional Planning, Public Works,

Fire, Parks and Recreation, and Public Health, reviewed the Project and cleared it for public hearing.

10. On October 16, 2018, at the continued public hearing, Regional Planning staff ("Staff") recommended approval of the Project Amendment, subject to the conditions of approval and clarified mitigation measures.

Subdivider addressed the Hearing Officer with information to show why the Amendment was needed to adjust the timing of implementation of the conditions of approval and mitigation measures.

A member of the public expressed concerns that the Addendum comment period did not afford the public a reasonable amount of time to consider the proposed Amendment.

The Hearing Officer questioned whether or not the proposed Project Amendment changes would permit the County to receive the same mitigation for impacts that was intended with the original Project approval and continued the public hearing to November 6, 2018, to allow Subdivider and Staff adequate time to respond.

11. On November 6, 2018, at the continued public hearing, Staff's report addressed the Hearing Officer's concerns by indicating that the proposed conditions of approval and clarified mitigation measures were consistent with the original Project.

The Hearing Officer approved the Addendum, certifying that it had been completed in compliance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, and approved the Amendment, subject to the recommendations and conditions of approval submitted by the County Subdivision Committee.

12. Appellant timely filed an appeal with the Commission asserting that the proper level of environmental review had not been conducted.

13. On January 9, 2019, at the duly-noticed public hearing, the Commission heard presentations from Staff, Subdivider, and Appellant.

Appellant was represented by two speakers that voiced their concerns over greenhouse gas emissions, water availability for the Project, and the limited response by the County to the previously-approved Project's environmental impacts. Appellant felt there should have been a longer public comment period for the Addendum that was less proximate to the public hearing date. Appellant also argued that the entitlement sought, a Map Amendment, was not appropriate. Appellant argued this should have been processed as a Revised Map, which would have allowed for a broader scope of review from the Commission.

Subdivider informed the Commission of the Project status and the anticipated next steps of final map recordation. Subdivider also answered questions from the Commission.

Staff clarified that the Project Amendment was appropriate as this approval sought only to implement minor changes in implementation of the Vesting Map. The Commissioners inquired as to low and moderate housing requirements, and County Counsel informed the Commission that such considerations were outside the limited purview of the Project Amendment before them.

After closing the item's public hearing, the Commission discussed the merit of a continuance to review additional materials received the morning of the public hearing. The Commission decided there was no reason to continue the item and the Commission denied the appeal, thus upholding the Project Amendment approval.

14. On January 21, 2019, pursuant to County Code Section 22.240.010, Appellant filed an appeal with the Board.

15. On March 26, 2019, at a duly-noticed public hearing, the Board considered the appeal. The Board heard testimony from Subdivider, Appellant, and several members of the public. The public comments were aligned in commending the fact that after the Commission hearing, Subdivider worked with Appellant and agreed to incorporate project design features to address Appellant's concerns about greenhouse gas emissions. The Board then indicated its intent to approve the Addendum and Amendment, subject to the conditions of approval, which would include the project design features.

16. The Board finds that the Subdivision Map Act defers to local jurisdictions regarding procedures for amendments to tentatively approved maps, prior to the recordation of a final map.

17. The Board finds that Regional Planning has developed procedures for the processing of amendment map requests and that amendment requests may authorize minor modifications to tentatively approved maps.

18. The Board finds that Subdivider's Amendment, as conditioned, reduces the Project's potential environmental impacts.

19. The Board finds that Staff's review is limited to the Addendum and Amendment.

20. The Board finds that the requested adjustments and sequencing changes are in keeping with the intent of the original tentative approval and are necessary for Project implementation.

21. The Board finds that the Project is consistent with the applicable regulations of the County Code.

22. The Board finds that the Project Amendment is consistent with the Community Plan, because the Amendment does not alter Project elements which are consistent with the applicable land use designations and the Community Plan's policies.

23. The Board finds that it is appropriate to require the filing of a modification or elimination of conditions, pursuant to County Code Section 22.236, to ensure that the related CUP No. 96-044 is consistent with the conditions of approval for the Amendment. The modification will capture changes with respect to earth material export and will ensure the timing of the conditions of approval of both the CUP and Amendment are consistent and will be required prior to issuance of grading and/or building permits.

24. The Board finds that the adjustment to the timing of the required Sulphur Springs School District consultation with the County's Traffic and Lighting Division of the Department of Public Works ("Public Works") is necessary, prior to issuance of building permits for the development of the school site.

25. The Board finds that the naming of Stonecrest Road is consistent with the current proposal for street naming, and the previously-approved Project and the associated third amendment, approved on October 2, 2012.

26. The Board finds that Ordinance Number 82-0050, Section 21.32.200 of the County Code, applies to the Project, thus Subdivider will contribute its fair share for regional infrastructure improvements at SR-14 northbound ramps/Soledad Canyon Road and SR-14 southbound ramps north of Sand Canyon Road/Soledad Canyon Road.

27. The Board finds that it is reasonable to augment the Soledad Canyon Road Speed Advisory Study by requiring findings and recommendations to be reviewed and approved, prior to final map recordation, given that results could impact depictions to be recorded.

28. The Board finds that detailed striping and signal plans for Soledad Canyon Road improvements shall be filed prior to building permit issuance, so as to be prepared for construction, development, and improvement of the area.

29. The Board finds that requiring installation of Soledad Canyon Road improvements prior to issuance of the first certificate of occupancy is necessary.

30. The Board finds that because the final maps and all proposed lots are anticipated to record simultaneously, it is appropriate to require completion of the proposed active park prior to the issuance of the building permit for the 213th residential dwelling unit.

31. The Board finds that because the final maps and all proposed lots are anticipated to record simultaneously, it is appropriate to require completion of the proposed

passive park prior to the issuance of the building permit for the 380th residential dwelling unit.

32. The Board finds that because recordation of final maps grants no authorization to construct single-family residence dwelling units, and because park development is expected when fewer than 213 dwelling units are constructed, it is appropriate to require a park development agreement with the County Department of Parks and Recreation, prior to issuance of the first building permit for a dwelling unit.

33. The Board finds that because the active and passive parks are anticipated to be constructed by Subdivider and are expected to meet the acreage obligation for the development, a park obligation in-lieu fee credit for actual park improvement costs is authorized.

34. The Board finds that Subdivider's grant of a fire station lot to the County in fee title will allow the County to address fire activity and hazard concerns protecting lives, properties, and property values.

35. The Board finds that with the provision of a fire station lot within the Project Site boundaries, and after the proposed improvement of said lot occurs, a maximum of 300 single-family residence dwelling unit building permits may be issued before a second means of access to the Project Site is physically constructed to the satisfaction of Regional Planning, Public Works, and the Fire Department.

36. The Board finds that use of an arched culvert at the southwest corner of the Project Site, as proposed in the Amendment, is more likely to be utilized by wildlife than the 60-inch pipe previously approved.

37. The Board finds that review and approval of landscaping plans for the planting of manufactured slopes is appropriate prior to issuance of any grading permits.

38. The Board finds that planting of manufactured slopes is appropriate prior to issuance of the Project's first residential certificate of occupancy.

39. The Board finds that it is appropriate to have Subdivider analyze the need for a transit bus stop on Valley Canyon Road to the satisfaction of Public Works and the local transit provider prior to issuance of the building permits for lot no. 514 (school site).

40. The Board finds this tract map was originally approved as a vesting tentative map. As such, it is subject to the provisions of Section 21.38.010 of the County Code. The Amendment changes neither the vesting status nor the map expiration date.

41. The Board finds that approval of the Amendment does not change any map expiration dates. The expiration date of the Vesting Map is August 3, 2019.

42. The Board finds that it is appropriate to designate open space on the final map.

43. The Board finds that a conservation easement over the open space areas, in addition to the required deed restriction, is necessary to protect natural conservation lands, and to restrict construction on the lot.

44. The Board finds that it is appropriate to require an experienced agency familiar with supervision and management of open space to be appointed prior to issuance of occupancy for the Project. The agency shall maintain the natural, undisturbed open space consistent with the biodiversity and wildlife connectivity that presently exist.

45. The Board finds that the Project Site is approximately 96 percent covered by the mapped San Gabriel-Castaic Linkage wildlife corridor and that crucial crossings impacted by the Project are proposed to be improved with infrastructure and indigenous, native landscaping.

46. The Board finds that requiring indigenous, native landscaping is consistent with the existing conditions of approval and mitigation measures and supports easy care and maintenance, and facilitates safe wildlife passage.

47. The Board finds that walls and fences beyond the proposed graded pads constrain wildlife movement and that proposed walls and fences that restrict movement, or are greater than three feet in height, should be limited to the developed areas and graded pads of the Project Site.

48. The Board finds that a low wall of a maximum 42 inches in height, which is within a developed area, separating Fuel Modification Zones B and C, will preserve natural undisturbed areas and help prevent snakes and small wildlife from entering developed areas of the Project Site.

49. The Board finds that transplantation of holly-leaf cherry trees and/or seedling propagation and planting supports the native ecology of the area, is important to the biodiversity of the area, and aids in mitigating development impact.

50. The Board finds that a conservation easement is required over areas outside of the approved building pads of lot nos. 11-15, 33, 39-44, 55-56, 509, and 513 with a note placed on the final map to the satisfaction of Regional Planning.

51. The Board finds that changes in grading, if needed, will allow the County to require that Subdivider avoid using "V" ditches, which will, in turn, allow connectivity and wildlife crossing in open space areas and the wildlife corridor.

52. The Board finds that future detailed development plans of the proposed parcels must comply with the County's Low Impact Development and Green Building Ordinances, as applicable, prior to building permit issuance.

53. The Board finds that the Commission used the current Mitigation Monitoring Program to assess the proposed scope of changes and their impact on the environment, and that proposed changes improved or reduced impacts anticipated by the originally-approved Project.

54. The Board finds that soil testing and land banking shall be accomplished to the satisfaction of the Director of Regional Planning to ensure the success of mitigation trees planted.

55. The Board finds that the Final EIR was approved on August 3, 2004, which was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Final EIR consists of the Draft EIR dated August 2000, the Technical Appendices to the Draft EIR dated August 2000, the Supplemental EIR, Responses to Comments and Appendices dated January 8, 2003, and the Final EIR, including Responses to Comments dated July 8, 2003 (collectively, the "Final EIR").

    A mitigation monitoring program, dated July 8, 2003, consistent with the conclusions and recommendations of the Final EIR, was prepared and its requirements have been incorporated into the conditions of approval for the Project.

56. An Addendum to the Final EIR has been considered, as the appropriate environmental document for the Amendment, pursuant to CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.

57. After consideration of the Addendum to the certified Final EIR, together with any comments received during the public review process, the Board finds on the basis of the whole record before the Board that there is no substantial evidence that the proposed Amendment will have a significant effect on the environment.

58. The Board finds that the Addendum reflects the independent judgment and analysis of the Board, and approves the Addendum.

59. Approval of the Amendment is subject to Subdivider's compliance with the attached conditions of approval.

60. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter, is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

A. The proposed use at the Project Site with the attached conditions will be consistent with the adopted General Plan and Community Plan; will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

B. The Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the County Code, or as is otherwise required to integrate said use with the uses in the surrounding area, and is adequately served by highways or streets of sufficient width and improved, as necessary, to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Denies the appeal.

2. Approves the Addendum to the Final EIR and certifies that it has been completed in compliance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County related thereto.

3. Approves the Fourth Amendment to Vesting Tentative Tract Map No. 48086-(5), subject to the attached conditions of approval and recommendations of the County Subdivision Committee.

CONDITIONS OF APPROVAL
PROJECT NO. 96-044-(5)
FOURTH AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 48086-(5)

1. This grant for a fourth amendment ("Amendment") to Vesting Tentative Tract Map No. 48086 ("Vesting Map"), adjusts the timing of certain conditions of approval and mitigation measures and clarifies requirements for grading, road and infrastructure improvements, parks and trails improvements, and landscaping installation. The Vesting Map and related entitlements (collectively, the "Project") authorized creation of a clustered hillside residential development of 492 single-family residence lots, a fire station site, a Sheriff substation site, 3 private park lots and 3 open space lots dedicated to the public, 12 debris basin lots, and a public school lot on a total of 548.1 acres (collectively, "Project Site").

2. Unless otherwise apparent from the context, the term "Subdivider" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until Subdivider, and the owner of the subject property if other than Subdivider, has filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 7, 8, 9, and 10 shall be effective immediately upon the date of final approval of this grant by the County.

4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective, pursuant to County Code Section 22.222.230.

5. Subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County, or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 66499.37, or any other applicable limitations period. The County shall promptly notify Subdivider of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify Subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, Subdivider shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs, or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to Subdivider, or Subdivider's counsel.

A. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, Subdivider shall deposit additional funds sufficient to bring the balance up to the amount of $5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

B. At the sole discretion of Subdivider, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by Subdivider pursuant to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

8. In the event that the Vesting Map should expire without the recordation of a final map, this grant shall terminate upon expiration of the Vesting Map. Entitlement to the use of property thereafter shall be subject to the regulations then in effect.

9. Approval of this amendment map does not change any map expiration dates. The expiration date of the Vesting Map is August 3, 2019.

10. The Project Site shall be maintained and operated in full compliance with conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the Project Site. Failure of Subdivider to cease any development or activity not in full compliance shall be a violation of these conditions.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Board may, after conducting a public meeting, revoke or modify this grant, if the Board finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public's health or safety, or so as to be a nuisance, or as otherwise authorized, pursuant to County Code Section 22.242.030.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department ("Fire Department").

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the Project Site, unless specifically modified by this grant, as set forth in these conditions.

15. Subdivider shall maintain the Project Site in a neat and orderly fashion. Subdivider shall maintain free of litter all areas of the premises over which Subdivider has control.

16. All structures, walls, and fences open to public view shall remain free of graffiti, or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the Project Site, or that do not provide pertinent information about said Project Site. The only exceptions shall be seasonal decorations, or signage provided under the auspices of a civic, or non-profit organization.

17. In the event of graffiti or other extraneous markings occurring, Subdivider shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjoining surfaces.

18. The Project Site shall be developed and maintained in substantial compliance with the Amendment to Vesting Map dated August 14, 2018.

19. In the event that subsequent revisions to the approved Amendment to Vesting Map are submitted, Subdivider shall submit **five copies** of the proposed plans to the Regional Planning Director ("Director") for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

20. All Vesting Map conditions not amended by this Amendment map and all conditions of previously approved Conditional Use Permit ("CUP") No. 96-044 and Oak Tree Permit No.96-044 apply, except where modified herein, or as will be required to be modified through the CUP modification process, County Code Section 22.236, to ensure that the related CUP No. 96-044 is consistent with the conditions of approval for this Amendment. The modification will capture changes with respect to earth material export and will ensure the timing of the conditions of approval of both the CUP and Amendment are consistent and will be required prior to issuance of grading and/or building permits. Subdivider must file for the CUP modification prior to final map recordation.

21. Prior to issuance of building permits for lot no. 514 (school site), Subdivider shall coordinate with and notify the Sulphur Springs School District to prepare and submit preliminary improvement plans to the Public Works Traffic and Lighting Division.

22. Prior to final map recordation, Subdivider shall submit to Public Works a copy of a letter of intent to Caltrans, outlining the proposed monitoring program for traffic mitigations within Caltrans' jurisdiction.

23. Prior to issuance of building permits, Subdivider shall comply with County Code Section 21.32.200, by contributing its fair share for regional infrastructure improvements at SR-14 northbound ramps/Soledad Canyon Road and SR-14 southbound ramps north of Sand Canyon Road/Soledad Canyon Road to the satisfaction of Public Works.

24. Prior to final map recordation, Subdivider shall submit to Public Works a copy of a letter of intent to the City of Santa Clarita (the "City"), outlining the proposed monitoring program for traffic mitigations within the City's jurisdiction.

25. Prior to issuance of building permits, Subdivider shall contribute its fair share to the City to carry out improvements within the boundaries of the City's jurisdiction to the satisfaction of Public Works.

26. Prior to final map recordation, Subdivider shall submit to Public Works findings and recommendations from the Soledad Canyon Road Speed Advisory Study, to the satisfaction of said department.

27. Prior to issuance of building permits, Subdivider shall submit to Public Works detailed striping and signal plans consistent with the findings and recommendations from the Soledad Canyon Road Speed Advisory Study, to the satisfaction of said department.

28. Prior to issuance of any certificate of occupancy for any Project residential dwelling unit, Subdivider shall construct and complete, or cause to be constructed and completed, the approved detailed striping and signal plans consistent with the findings and recommendations from the Soledad Canyon Road Speed Advisory Study, to the satisfaction of Public Works.

29. Road widening improvements at the southern portion of the Project Site, adjacent to SR-14, shall include landscaping with indigenous/native plants that can connect and provide for wildlife passage between the Spring Canyon 10-foot-high culvert and continue underneath Valley Canyon Road (proposed future Yellowstone Lane) to the southern natural, undisturbed slopes. Landscaping plans shall be reviewed and approved by the Director prior to issuance of any grading permits.

30. Landscaping with indigenous/native plants shall provide for wildlife passage east of the Stonecrest Road/Yellowstone Lane intersection. The intersection shall be configured with indigenous/native landscaping to guide wildlife on the riding-hiking-wildlife trail to the east and south across Soledad Canyon Road and out of the intersection. Landscaping plans shall be reviewed and approved by the Director prior to issuance of any grading permits.

31. Indigenous/native vegetation shall be required on all slopes outside of fuel modification zones, or 50 feet from structures. Revegetation of slopes in, adjoining, and adjacent to the active park, shall be completed within five years of the active park's complete and final construction to aid with the success and viability of the plantings, depending on the type of habitat designed in the landscape plan and schedule of revegetation, to the satisfaction of Regional Planning. Landscaping plans shall be reviewed and approved by the Director prior to issuance of any grading permits.

32. Indigenous/native vegetation is required on all slopes outside of fuel modification zones, or 50 feet from structures. Revegetation of slopes in, adjoining, and adjacent to the passive parks, shall be completed within five years of any passive park's complete and final construction to aid with the success and viability of the plantings, depending on the type of habitat designed in the landscape plan and schedule of revegetation, to the satisfaction of Regional Planning. Landscaping plans shall be reviewed and approved by the Director prior to issuance of any grading permits.

33. The bridge over Spring Canyon on Soledad Canyon Road (proposed future improvement/widening) shall be retained or reconstructed to the satisfaction of Regional Planning and Public Works. Bridge/street improvement plans, if implemented by Subdivider or by a separate, agreed-upon party, shall be reviewed and approved by the Director prior to issuance of any building permit.

34. Reduced speed is required at intersections in the wildlife corridor. Plans for the installation of "wildlife crossing" flashing lights and signage along proposed "B" Street/gas line easement shall be reviewed and approved to the satisfaction of the Director. Sign development/improvement plans, if implemented by Subdivider or by a separate, agreed-upon party, shall be reviewed and approved by the Director prior to issuance of any building permit.

35. Prior to issuance of any Project building permit(s), Subdivider shall establish a Homeowner's Association ("HOA") for the Project.

36. Covenants, Conditions, and Restrictions ("CC&Rs") of the HOA shall be continuously maintained for the HOA. Prior to obtaining final map approval, Subdivider shall submit a draft copy of the Project's CC&Rs, including maintenance reserves, and any other covenants or maintenance agreements entered into with respect to the Project, to Regional Planning for review and approval.

37. A copy of these Project conditions of approval shall be attached and included as conditions in the CC&Rs, and the CC&Rs shall prohibit any such condition from being amended in any way, or eliminated, without prior approval from the Director.

38. Where mitigation measures have provisions for buyers to receive information in escrow packages, the measures shall be recorded in the CC&Rs.

39. Prior to issuance of any building permits for the Project, Subdivider shall enter into a park development agreement with the County Department of Parks and Recreation.

40. Prior to issuance of a building permit for the 213th residential dwelling unit, Subdivider shall complete, or cause complete construction of, the proposed active park.

41. Prior to issuance of a building permit for the 380th residential dwelling unit, Subdivider shall complete, or cause complete construction of, the proposed passive park.

42. Subdivider shall pay the prevailing wage for the park improvements. Subdivider shall be eligible for a park obligation in-lieu fee credit for actual park improvement costs.

43. Subdivider shall grant a fire station lot in fee title to the County at a location and size to be approved by the Fire Department.

44. Subdivider shall be authorized to develop a maximum of 300 residential dwelling units before a second means of access is physically constructed to the satisfaction of Regional Planning, Public Works, and the Fire Department.

45. Prior to final map recordation, Subdivider shall place a note or notes on the final map to designate open space areas to the satisfaction of the Director.

46. A conservation easement, to be held by an agency experienced in the management of undisturbed land, and to be approved by the Director, shall be placed on areas designated as open space and undisturbed areas of lot nos. 11-15, 33, 39-44, 55-56, 509, and 513 on the tentative map. The conservation easement shall be filed, reviewed, and approved by the Director prior to issuance of certificates of occupancy for the project. Upon recordation, the subject recorded conservation easements shall not be subordinate in title to any liens, or monetary obligations. Subdivider shall provide a current title report for each easement parcel to the agency slated to hold the easements and, shall be responsible for all costs related to the easement review and recordation, including title insurance.

47. Prior to issuance of any project certificates of occupancy, Subdivider shall transfer ownership of undeveloped, natural area depicted as open space to a public agency, or non-profit conservation organization, to the satisfaction of the Director, for perpetual maintenance of those portions of the open space and shall dedicate to the County the right to restrict any and all development on said lots. The final executed agreement shall include a reasonable endowment for

maintenance as agreed upon by the public agency, or non-profit conservation organization and permittee, and must be to the satisfaction of the Director.

48. Existing native and non-native trees shall be mapped to the satisfaction of the Director, including individual holly-leaf cherry trees and California junipers.

49. Holly-leaf cherry trees impacted by the Project shall be replaced and preserved in open space areas to the satisfaction of the Director. The Subdivider shall provide mitigation trees of eight to one (8:1) for each tree removed. Soil testing and land banking for the holly-leaf cherry trees shall be accomplished prior to issuance of building permits, to the satisfaction of the Director.

50. Mitigation trees shall be planted within one year of the holly-leaf cherry tree removals. Subdivider shall inform the Director when such trees have been planted.

51. Subdivider or authorized party, shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree to the satisfaction of the Director. The five-year maintenance period will begin upon notification from Subdivider that the such trees have been planted. The maintenance period of the trees failing to survive five years will start anew with different replacement trees.

52. A low wall made of fire-resistant material, to a maximum 42 inches in height, may be constructed at the proposed building pad boundaries between fuel modification Zones B and C. Zone C and beyond, shall have indigenous native plants to the satisfaction of the Fire Department.

53. Subdivider shall avoid using "V" ditches in the open space areas, so as to allow wildlife crossing, to the satisfaction of Public Works and Regional Planning.

54. Every residential dwelling unit within the Project Site shall be built with a solar panel system to generate electricity equivalent to 3 KwH.

55. Subdivider shall fund 25 electric vehicle ("EV") charging stations within the Project Site and/or the surrounding community for the public to access and use and, once funded, these charging stations shall be installed by a third-party electric car charging provider, such as ChargePointe or Blink.

56. Every residential dwelling unit constructed within the Project Site shall feature a 220V outlet in the garage for future EV chargers.

57. No community pool is currently planned in the community; however, if any community pool is built within the subdivision, it must be equipped with solar panels for heating.

58. Every residential dwelling unit constructed within the Project Site shall feature a tankless on-demand water heater.

59. Every residential dwelling unit constructed within the Project Site shall comply with current ordinances and State laws, including low impact and water conservation.

60. Pervious pavement shall be utilized in parking areas of the park built within the Project Site and impervious pavement shall be eliminated wherever possible.

61. Every residential dwelling unit constructed within the Project Site shall be plumbed for an optional greywater system to recycle washing machine or kitchen sink water waste for use in backyard landscaping.

62. Every residential dwelling unit constructed within the Project Site shall feature a rainwater collection system to reduce landscape water use.

63. All landscaping within the common space of the developed portion of the Project Site and in the front yards of each residential lot shall comply with the County Code and State laws, featuring drip irrigation with drought tolerant and/or native landscaping.

64. Subdivider shall plant indigenous/native vegetation in the open spaces, and on slopes, as long as it is outside of the fuel modification zones and 50 feet from structures.

65. All new home sales offices within the Project Site shall have brochures available to highlight the benefits of the green initiatives featured at the Project Site and a brochure from the National Wildlife Federation to inform homebuyers of the Backyard Habitat Program.

66. Subdivider has completed a plant survey to document all existing holly-leaf cherry trees and which trees will be impacted by the development. Subdivider will prepare, or cause to be prepared, a map to identify and count where the Project will impact said trees, and show the location of new trees in open spaces.

Attachments:
Subdivision Committee Report
Final EIR Addendum

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER
96044-(5)

HEARING DATE
September 18, 2018

REQUESTED ENTITLEMENTS
Fourth Amendment to Vesting Tentative Tract Map No. 48086 (RPPL2018004065)

Environmental Assessment RPPL2018004166

SUBDIVISION COMMITTEE REPORT

OWNER / APPLICANT	MAP/EXHIBIT DATE:	SCM REPORT DATE:	REPORTS ONLY SCM DATE:
Raintree Investment Corporation, Matthew Villalobos	08/14/18	0917/18	09/20/18

PROJECT OVERVIEW

To adjust the timing of required conditions of approval relating to triggers and clarifications for grading and road and infrastructure improvements, parks and trails improvements and landscaping installation.

Subdivision: To create 492 single-family residence lots, a fire station lot, a Sheriff substation lot, three park lots, three open space lots, 12 debris basin lots and one public school lot, for a total of 514 lots on 548.1 acres.

MAP STAGE

Tentative: ☐ Revised: ☐ Amendment: ☒ Amended : ☐ Exhibit Map Modification to : ☐ Recorded Map Other: ☐

MAP STATUS

Initial: ☒ 1st Revision: ☐ 2nd Revision: ☐ # Revision (requires a fee): ☐

LOCATION

North of the Antelope Valley Freeway and Soledad Canyon Road, between Shadow Pines Boulevard and Agua Dulce Road.

ACCESS

Soledad Canyon Road.

ASSESSORS PARCEL NUMBER(S)

3211-021-043, -044, -045, -046, -48, -050 and -051

SITE AREA

548.1 gross acres

GENERAL PLAN / LOCAL PLAN

Santa Clarita Valley (OVOV)

ZONED DISTRICT

Soledad

SUP DISTRICT

5th

LAND USE DESIGNATION

H2 (Residential 2 – 2 Dwelling Units Per Acre)

RL5 (Rural Land 5 – 1 Dwelling Units Per 5 Acres)

OS-C (Open Space)

ZONES

R-1-6,000, R-1-7,000, R-1-8,000, R-1-10,000, R-1-15,000, R-1-20,000 and A-2

CSD

N/A

PROPOSED UNITS (DU)

492 (0.90 DU/AC)

MAX DENSITY/UNITS (DU)

H2 = 483 (2 DU/AC)

RL5 = 61 (1 DU/5AC)

GRADING (CUT/FILL, IMPORT/EXPORT, ONSITE/OFFSITE)

Approximately 7,932,000 cubic yards combined (cut, fill, over excavation and export) movement of earth material, including approximately 82,000 cubic yards proposed to be deposited on lots no. 1 and 2 of TR36943-01.

ENVIRONMENTAL DETERMINATION (CEQA)

Addendum to the project's certified final EIR.

SUBDIVISION COMMITTEE DEPARTMENT CLEARANCE

Department	Status	Contact
Regional Planning	Cleared	Steven Jones (213) 974-6433 sdjones@planning.lacounty.gov

Public Works	Cleared	Phoenix Khoury (626) 458-3133 pkhoury@dpw.lacounty.gov
Fire	Cleared	Juan Padilla (323) 890-4243 juan.padilla@fire.lacounty.gov
Parks & Recreation	Cleared	Loretta Quach (626) 588-5305 lquach@parks.lacounty.gov
Public Health	Cleared	Vincent Gallegos (626) 430-5381 vgallegos@ph.lacounty.gov

SUBDIVISION COMMITTEE STATUS

Reschedule for Subdivision Committee Meeting: ☐

Reschedule for Subdivision Committee Reports Only: ☐

PREVIOUS CASES

TR48086, RAM TR48086-1, RAM TR48086-2, RAM TR48086-3

REGIONAL PLANNING ADDITIONAL COMMENTS AND HOLDS

Case Status/Recommendation: Regional Planning staff recommends approval of the amendment to the vesting tentative map, subject to conditions of approval.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION-SUBDIVISION
TRACT NO. 48086-4

AMEND TENTATIVE MAP DATED 08-14-2018

We have no objections to the request to amend Vesting Tract 48086, 48086-02, and 48086-03 to accommodate clarifications to some conditions and mitigations to support more appropriate sequencing for completing mitigations and satisfying conditions of approval.

The following report consisting of 74 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Within 30 days of the approval date of this land use entitlement or at the time of the first plan check submittal, the applicant shall deposit the sum of $5,000 with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances.

2. Comply with all other previously approved subdivision conditions for Tract 48086 and to the satisfaction of Public Works.

HW

Prepared by Phoenix Khoury Phone (626) 458-4921 Date 09-05-2018

tr48086-4La-new RPPL2018004065.docx
http://planning.lacounty.gov/case/view/amendment_to_tract_map_no_48086/

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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TRACT MAP NO: 48086-4 AMENDED TENTATIVE MAP DATE: 08/14/18

DRAINAGE CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Approval of this map pertaining to drainage is recommended.

Prior to Final Map Recordation:

1. Provide drainage facilities to remove the flood hazard and dedicate and show necessary easements and/or right of way on the final map. This is required to the satisfaction of the Department of Public Works prior to the filing of the final map.

2. Place a note of flood hazard on the final map and delineate the areas subject to flood hazard. Show and label all natural drainage courses. Dedicate to the County the right to restrict the erection of buildings in the flood hazard area. This is required to the satisfaction of the Department of Public Works prior to the filing of the final map.

3. Provide fee title lot for debris basins/inlets to the satisfaction of the Department of Public Works.

4. Notify the State Department of Fish and Game prior to commencement of work within any natural drainage course. If non-jurisdiction is established by the Department of Fish and Game, submit a letter of non-jurisdiction to Public Works (Land Development Division).

5. Contact the State Water Resources Control Board to determine if a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) are required to meet National Pollution Discharge Elimination System (NPDES) construction requirements for this site.

6. Comply with Caltrans permit conditions for encroaching and connecting to their drainage systems.

7. Contact the Corps of Engineers to determine if a permit is required for any proposed work within the major watercourse. Provide a copy of the 404 Permit upon processing of the drainage plans. If non-jurisdiction is established by the Corps of Engineers, submit a letter of non-jurisdiction to Public Works (Land Development Division).

8. Prior to recordation of the final map, form an assessment district to finance the future ongoing maintenance and capital replacement of SUSMP devices/systems identified on the latest approved Drainage Concept. The developer shall cooperate fully with Public Works in the formation of the assessment district, including, without limitation, the preparation of the operation, maintenance, and capital replacement plan for the SUSMP devices/systems and the prompt submittal of this information to Land Development Division. The developer shall pay for all costs associated with the formation of the assessment district. SUSMP devices/systems shall include but are not limited to catch basin inserts, debris excluders, biotreatment basins, vortex separation type systems, and other devices/systems for stormwater quality.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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9. Prior to recordation of the final map, the developer shall deposit the first year's total assessment for the entire assessment district, based on the engineers estimate as approved by Public Works. This will fund the first year's maintenance after the facilities are accepted. The County will collect the second and subsequent years' assessment from the owner(s) of each parcel within the assessment district.

10. Comply with the requirements of the Revised Drainage Concept / Hydrology Study / Standard Urban Stormwater Mitigation Plan which was conceptually approved on 11/18/2010 to the satisfaction of Public Works..

Name VILONG TRUONG Date 9/5/18 Phone (626) 458-4921

PCA LX001129
EPIC LA RPPL2018004065
Telephone: (626) 458-4925

County of Los Angeles Department of Public Works
Geotechnical and Materials Engineering Division
GEOLOGIC AND SOILS ENGINEERING REVIEW SHEET
900 S. Fremont Avenue, Alhambra, CA 91803

Tentative Tract Map 48086-4 **Tentative Map Dated** 8/14/18 (Amended) **Parent Tract** _____
Grading By Subdivider? [ ] (Y or N) _____ yd^3 **Location** Spring Canyon
Geologist Byer Geotechnical, Inc. **Subdivider** Spring Canyon Recovery Acquisition LLC
Soils Engineer Byer Geotechnical, Inc. **Engineer/Arch.** RBF Consulting

Review of:
Geologic Report(s) Dated: _____
Soils Engineering Report(s) Dated: _____
Geotechnical Report(s) Dated: 9/23/10, 7/14/10
References: J. Byer Group: 6/22/05, 4/19/05, 1/31/05; Pacific Soils Engineering: 5/15/00, 12/17/97, 11/12/97; Petra: 7/27/90

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOTECHNICAL STANDPOINT

PRIOR TO FILING THE FINAL LAND DIVISION MAP THE FOLLOWING CONDITIONS MUST BE FULFILLED:

G1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to policy memo GS051.0 in the County of Los Angeles Department of Public Works *Manual for Preparation of Geotechnical Reports.* The Manual is available at: ***http://dpw.lacounty.gov/gmed/permits/docs/manual.pdf***.

G2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

G3. Prior to grading plan approval, a detailed geotechnical report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultant(s) must be incorporated into the plan. The report must comply with the provisions of the County of Los Angeles Department of Public Works *Manual for Preparation of Geotechnical Reports.* The Manual is available at: ***http://dpw.lacounty.gov/gmed/permits/docs/manual.pdf***.

G4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas. For information on the RUA policy refer to policy memo GS063.0 in the County of Los Angeles Department of Public Works *Manual for Preparation of Geotechnical Reports.* The Manual is available at: ***http://dpw.lacounty.gov/gmed/permits/docs/manual.pdf***..

S1. At the grading plan stage, submit grading plans to the GMED for verification of compliance with County Codes and policies.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY DISTRICT ENGINEER:
ON-SITE SOILS ARE CORROSIVE TO FERROUS METALS.

Prepared by

REGISTERED PROFESSIONAL ENGINEER
JEREMY CHUN YIN WAN
No. GE 2849
GEOTECHNICAL
STATE OF CALIFORNIA

Jeremy Wan
Soils Section

PROFESSIONAL GEOLOGIST
Geir R. Mathisen
No. 2376
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

Geir Mathisen
Geology Section

Date 8/28/18

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey
NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

COUTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - GRADING
TRACT NO. 048086 AMEN. TENTATIVE MAP

TENTATIVE MAP DATED 08-14-2018

1. Approval of this map pertaining to grading is recommended.

The subdivision shall conform to the design standards and policies of Public Works, in particular but not limited to the following items:

Comply with approved conditions for Tract Map No. 48086.

Name Erik Rodriguez Date 8/27/2018 Phone (626) 458-4921

We have no objection to the amendment requests. The following revised conditions supersedes all previously approved conditions:

1. The centerline of all local streets shall be aligned without creating jogs of less than 150 feet. A one-foot jog may be used where a street changes width from a 60-foot to a 58-foot right of way.

2. The minimum centerline radius is 350 feet on all local streets with 40 feet between curbs and on all the streets where grades exceed 10%.

3. A minimum centerline curve length of 100-feet shall be maintained on all local streets. Curves through intersections should be avoided when possible. If unavoidable, the alignment should be adjusted so that the proposed BC and EC of the curve through the intersection is set back a minimum of 100 feet away from the BCR's of the intersection. Reversing curves of local streets need not exceed a radius of 1500-feet and any curve need not exceed a radius of 3,000-feet.

4. Adjust the location of the PRC on "B" Street (also known as Pistache Way) so that it is either at or outside the BCR of "F" Street (also known as Burkwood Court). If unavoidable, maintain a minimum centerline radius of 400 feet.

5. The central angles of the right-of-way radius returns shall not differ by more than 10 degrees on local streets.

6. Provide standard property line return radii of 13 feet at all local street intersections, including intersection of local streets with General Plan Highways, and 27 feet where all General Plan Highways intersect, or to the satisfaction of this Department.

7. Driveways will not be permitted within 25 feet upstream of any catch basins when street grades exceed 6 percent.

8. Dedicate right of way 32 feet from centerline on "A" Street (also known as Lindera Avenue) from Yellowstone Lane to "H" Street (also known as Calluna Drive), "H" Street (also known as Calluna Drive), Stonecrest Road and Yellowstone Lane.

9. Dedicate right of way 30 feet from centerline on "A" Street (also known as Lindera Avenue) cul-de-sac north of "H" Street (also known as Calluna Drive) plus additional right of way for the cul-de-sac bulb, "B" St. (also known as

Pistache Way), "C" Street (also known Pale Leaf Court) from "E" Street (also known as Shenandoah Lane) to "D" Street (also known as Aster Place, "E" Street (also known as Shenandoah Lane) north of "B" Street (also known as Pistache Way), "I" Street (also known as Anise Avenue), on "J" Street (also known as Madrona Drive) from Stonecrest Road to "I" Street (also known as Anise Avenue), "K" Street (also known as Aralia Way), "P" Street (also known as Canyon Oak Way) plus additional right of way for a cul-de-sac bulb, "T" Street (loop also known as Myrtus Way and Lantana Road) plus additional right of way for a standard knuckle" and "V" Street (also known as Sargent Lane).

10. Dedicate right of way 32 feet from centerline on Yellowstone Lane between Stonecrest Road and the westerly tract boundary. Permission is granted to reduce the parkway from 12 feet to 4 feet on the south side of Yellowstone Lane adjacent to the Freeway 14 right of way (Typical Section D-D is not necessarily approved as shown) only at locations to the satisfaction of Public Works. Sidewalk is not required on south side of Yellowstone Lane between Stonecrest Road and the westerly tract boundary (Typical Sections C-C and D-D).

11. Dedicate right of way 29 feet from centerline plus additional right of way for a standard cul-de-sac bulb on "C" Street (also known as Pale Leaf Court) west of "D" Street (also known as Aster Place), "D" Street (also known as Aster Place), "E" Street (also known as Shenandoah Lane) west of "B" Street (also known as Pistache Way), "F" Street (also known as Burkwood Court), "G" Street (also known as Spire Court), "J" Street (also known as Madrona Drive) north of "I" Street (also known as Anise Avenue) and south of Stonecrest Road, "L" Street (also known as Lydia Terrace), "M" Street (also known as Daphne Court), "N" Street (also known as Caffra Place), the unnamed street (also known as Empress Way), "Q" Street (also known as Hollyleaf Court), "R" Street (also known as Buckwheat Drive, "W" Street (also known as Privet Way), "X" Street (also known as Pearbush Court), and "Z" Street (also known as Cassia Way).

12. Dedicate vehicular access rights on "T" Street (also known as Myrtus Avenue) from the school lot (Lot 514). If the Department of Regional Planning requires the construction of a wall, complete access rights shall be dedicated.

13. Permission is granted to reduce the road right of way from 32 feet to approximately 23 feet from centerline on the easterly half of Stonecrest Road in the vicinity under the Antelope Valley Freeway adjacent to the proposed equestrian/wildlife trail to the satisfaction of Public Works. Sidewalks are not required on the east side of Stonecrest Road in the vicinity under the freeway

adjacent to the proposed equestrian/wildlife trail. The proposed equestrian/wildlife trail shall be located outside of the road right of way.

14. Prior to final map approval, the subdivider shall enter into an agreement with the County franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench.

15. Provide and install street name signs to occupancy of building(s).

16. All existing and new utility lines shall be underground to the satisfaction of the Department of Public Works per Section 21.24.400 of Title 21 of the Los Angeles County Code. Please contact Construction Division at (818) 458-3129 for new location of any above ground utility structure in parkway.

17. Provide adequate landing area at a maximum 3% grade on all "tee" intersections except "F" Street (also known as Burkwood Court) and "Z" Street (also known as Cassia Way) to the satisfaction of Public Works. Permission is granted to provide adequate landing area at a maximum grade of 4 percent on "F" Street and "Z" Street.

18. Install postal delivery receptacles in groups to serve two or more residential units.

19. Construct drainage improvements and offer easements needed for street drainage or slopes.

20. Plant street trees on all streets to the satisfaction of Public Works.

21. Construct curb, gutter, base, pavement, and sidewalks on all streets. Modifications to sidewalk locations and grades along Stonecrest Road shall be subject to approval and to the satisfaction of the Department of Public Works.

22. Construct curb return and offsite pavement transitions at the intersection of Stonecrest Road and Soledad Canyon Road to the satisfaction of Public Works.

23. Offsite improvements are required. It shall be the sole responsibility of the developer to acquire the necessary right-of-way and/or easements.

24. Provide 64 feet of offsite full street right of way or easement and construct full street improvements (base, pavement, curb, gutter, sidewalks, street trees, and street lights) on Yellowstone Lane including the offsite portions fronting the

subdivision, on Yellowstone Lane future street within Tract 36943 joining existing improvements in Tract 36943 and on Stonecrest Road joining Soledad Canyon Road to the satisfaction of the Department of Public Works. Modified street cross section shall be approved by the Department of Public Works.

25. Construct roadside barriers (if needed) at locations to the satisfaction of Public Works.

26. Design the intersection of Stonecrest Road with Soledad Canyon Road to provide a 60mph sight distance (vertical and horizontal) from the local street. Provide 650 feet of sight distance on Soledad Canyon Road from Stonecrest Road based on its 60mph design speed. Additional right of way or airspace easement dedication and/or grading may be required.

27. Provide intersection sight distance for a design speed of 40 mph (415 feet) on "A" Street (also known as Lindera Avenue) from "B" Street (also known as Pistache Way) (northerly direction), from "H" Street (also known as Calluna Drive) (southerly direction), from "O" Street (also known as Empress Way) (southerly direction) and from "V" Street (also known as Sargent Lane) (northerly direction); on "H" Street (also known as Calluna Drive) from "I" Street (also known as Anise Avenue) (westerly direction); on Stonecrest Road from "H" Street (also known as Calluna Drive) (southerly direction); and on Valley Canyon Rd. from the proposed driveways serving Lot 496 (both directions). Line of sight shall be within right of way or dedicate airspace easement to the satisfaction of the Department of Public Works. Additional grading may be required.

28. This previously approved road condition is modified to, "Provide intersection sight distance commensurate with a design speed of 30 mph (310 feet) on "B" Street (also known as Pistache Way) from "Z" Street (also known as Cassia Way) (Southerly direction), "E" Street (also known as Shenandoah Lane) from "C" Street (also known as Pale Leaf Court) (southerly direction), on "I" Street (also known as Anise Avenue) from "N" Street (also known as Caffra Place)(southerly direction), Line of sight shall be within right of way or dedicate airspace easement to the satisfaction of the Department of Public Works. Additional grading may be required."

29. Provide intersection sight distance commensurate with a design speed of 25mph (260 feet) on "L" Street (also known as Lydia Terrace) from "M" Street (also known as Daphne Court) (northerly direction). Line of sight shall be within right of way or dedicate airspace easement to the satisfaction of the Department of Public Works. Additional grading may be required.

30. Provide stopping sight distance commensurate with a design speed of 30 mph (200 feet) along "I" Street (also known as Anise Avenue) in the vicinity of lots 491 to 492. Line of sight shall be within right of way or dedicate airspace easements to the satisfaction of the Department of Public Works. Additional grading may be required.

31. Provide stopping sight distance commensurate with a design speed of 40mph (300 feet) along "A" Street (also known as Lindera Avenue) in the vicinity of lots 186 to 190; along "H" Street (also known as Calluna Drive) in the vicinity of lots 209 to 213, lots 416 to 418 and lot 502; along Stonecrest Road in the vicinity of lots 401 to 403; and along Yellowstone Lane in the vicinity of lots 8 to 10 and lot 494. Line of sight shall be within right of way or dedicate airspace easements to the satisfaction of Public Works. Additional grading may be required.

32. In determining the adequate sight distance with respect to the position of the vehicle at the minor road, the driver of the vehicle is presumed to be located 4 feet right of centerline and 10 feet back the top of curb (TC) or flow line (FL) prolongation. When looking left, we consider the target to be located at the center of the lane nearest to the parkway curb. We use 6 feet from TC as a conservative rule. When looking right, the target is the center of the lane nearest to the centerline or from the median TC (when present). The lines of sight and/or airspace easements as depicted on the amendment map are not necessarily approved.

33. Permission is granted for street grades up to 12.5% on the off-site portion of Yellowstone Road within Tract 36943 and 11% on "E" Street (also known as Shenandoah Lane) only at locations to the satisfaction of Public Works.

34. Permission is granted to vacate excess right of way on Yellowstone Road. Easement shall be provided for all utility companies that have facilities remaining within the vacated area.

35. Provide a site plan showing driveway locations and parking lot circulation for Lot 514 (school site) to avoid queuing problems on any of the choice of access point from either Stonecrest Road or "H" St (also known as Calluna Drive). and for a more efficient drop-off/pick-up area to the satisfaction of Public Works.

36. Prepare signing and striping plans for Stonecrest Road and Soledad Canyon Road within or abutting this subdivision to the satisfaction of Public Works.

37. Prior to Building permit issuance, pay the fees established by the Board of Supervisors for the Eastside (Route 126) Bridge and Major Thoroughfare Construction Fee District (B&T District). The fee is to be based upon the fee rate in effect at the time of building permit issuance. The current applicable fee is $19,440 per factored unit and is subject to change. Record a covenant (subject to the approval of Public Works) at final map approval to encumber parcels/property owners with provisions requiring payment of applicable B&T District fees prior to building permit issuance.

38. If any ultimate improvements are constructed by the subdivider and accepted by the Los Angeles County Department of Public Works, or if any fair share payments for ultimate improvement work are made and are included as District improvements in the Eastside (Route 126) Bridge and Major Thoroughfare Construction Fee District, then the subdivider may be issued credits which may then be used within the Eastside District. Reimbursements will only be made on improvements constructed by the subdivider that are included as District improvements and are deemed ultimate improvements (as opposed to interim improvements).

39. Prior to issuance of building permit(s) for Lot 514 (school site), the developer shall coordinate with and notify the Sulphur Springs School District (SSSD) that the preliminary school site plan, traffic circulation plan, the informational packets or brochures, and the student drop-off/pick-up procedures shall be prepared and submitted to our Traffic and Lighting Division for review and approval. We recommend a mechanism for enforcement and levying of non-compliance penalties be included in the plan. The SSSD shall prepare informational packets containing the approved student drop-off/pick-up procedures and provide them to the parents/guardians of the students.

40. Comply with the attached May 15, 2012 memorandum from our Traffic and Lighting Division to the satisfaction of Public Works. As indicated in the attached letter, detailed signing and striping and traffic signal plans for the required improvements on Soledad Canyon Road at Stonecrest Road shall be submitted to Public Works for review and approval prior to final map recordation and installed prior to issuance of Building Permit of the first residential unit.

41. Construct additional pavement and transitions on Soledad Canyon Road to accommodate the requirements from Traffic and Lighting Division May 15, 2012 memorandum.

42. The project shall submit to Public Works a copy of a letter of intent to Caltrans,

outlining the proposed monitoring program for traffic mitigations with the jurisdiction of Caltrans prior to Final Map recordation. The project shall enter into an agreement with Caltrans prior to issuance of Certificate of Occupancy of first residential unit.

43. The project shall submit to Public Works a copy of a letter of intent to City of Santa Clarita, outlining the proposed monitoring program for traffic mitigations required per the March 27, 2003 memorandum from Watershed Management Division along the south approach improvements at Sand Canyon and Soledad Canyon within the jurisdiction of City of Santa Clarita prior to Final Map recordation. The project shall enter into an Agreement with City of Santa Clarita prior to issuance of the Certificate of Occupancy of first residential unit.

44. The project shall analyze the need for horizontal alignment signs as well as speed advisory signs along the Soledad Canyon Road from SR-14 to Agua Dulce Canyon Road. The project shall submit the findings and any recommendations resulting from this analysis to Public Works for review and approval prior to Final Map recordation. Detailed striping and signal plans for these improvements shall be prepared and submitted to Public Works for review and approval prior to issuance of Building Permit of first residential unit and improvements completed prior to issuance of Certificate of Occupancy of first residential unit.

45. Comply with the attached March 27, 2003 memorandum from Watershed Management Division except for the following conditions which are not applicable and eliminated:

~~Spring Canyon Road / Soledad Canyon Road~~
~~Install a crosswalk on the east side of the intersection rather than on the west side to avoid heavy dual-lane right-turn vehicle movements in conflict with pedestrian movements.~~

~~Soledad Canyon Road~~
~~Widen Soledad Canyon Road from SR-14 eastbound ramps to Spring Canyon Road to provide a total of three lanes. A three-lane section of roadway shall include one lane in each direction in addition to a center passing lane in the upgrade portion of the roadway that could serve both westbound and eastbound traffic.~~

~~Detailed road construction, striping and signage plans shall be prepared and submitted to Public Works for review and approval.~~

~~Since this project is within the Eastside Bridge and Major Thoroughfare Construction Fee District, the cost of this improvement will be given as a credit toward the project's Bridge and Major Thoroughfare District fee.~~

46. Comply with the attached September 4, 2018 street lighting requirements or as otherwise modified by Public Works.

47. Permission is granted to record 20-acre parcel map prior to recordation of tract map providing private and future right f ways are offered and slope easements are dedicated on all streets to the satisfaction of the Department of Public Works.

PC Prepared by Patricia Constanza Phone (626) 458-4921 Date 09-05-2018
tr48086ra-4

May 15, 2012

TO: Anthony Nyivih
Land Development Division

Attention Steve Burger

FROM: Dean R. Lehman
Traffic and Lighting Division

SPRING CANYON PROJECT
TECHNICAL MEMORANDUM (APRIL 6, 2011)
TENTATIVE TRACT MAP NO. 48086

We reviewed the Technical Memorandum dated April 6, 2011, (copy attached) regarding conditions of approval for the proposed Spring Canyon Project located on Spring Canyon Road north of Soledad Canyon Road in the unincorporated Pinetree area.

We generally agree with the Technical Memorandum that the proposed roadway improvements are acceptable in satisfaction of the mitigation measures and tract map conditions of approval listed below (copy of Mitigation Monitoring Program dated July 8, 2003, and Tentative Tract Map No. 48086 revised conditions dated March 7, 2000, are attached). The project shall be solely responsible for implementing the improvements prior to issuance of any building permits, unless the project submits an alternative traffic control plan acceptable to Public Works. Detailed striping/signing and traffic signal plans for the improvements shall be submitted to Public Works for review and approval.

Soledad Canyon Road at Spring Canyon Road

Mitigation measure (July 8, 2003):

"The project applicant proposes to install a new traffic signal and widen the intersection to provide an eastbound left turn lane and through lane and a westbound right-turn lane and through lane. The extent of widening will provide for sight distance along Soledad Canyon Road for a 60 mph design speed."

Tentative Tract Map Condition (March 7, 2000):

"Design the intersection of Spring Canyon Road with Soledad Canyon Road to provide a 60 mph sight distance (vertical and horizontal) from the local street. Provide 650 feet of sight distance on Soledad Canyon Road from Spring Canyon Road based on its 60 mph design speed. Additional right of way or airspace easement dedication and/or grading may be required."

Proposed improvement to satisfy mitigation measure and tentative tract map condition:

The project shall modify the intersection to provide one left-turn lane and one free right-turn lane on the north approach, one shared through/right-turn lane on the east approach, and one left-turn lane and one through lane on the west approach. The eastbound left turn shall operate as a fully protected left-turn phase.

The project shall install a new traffic signal with advanced warning signs and flashing beacons in accordance with the concept plan included in Exhibit A. The flashing beacons shall operate continuously 24 hours a day and 7 days a week.

Soledad Canyon Road – State Route (SR) 14 to Spring Canyon Road

Mitigation measure (July 8, 2003):

"In order to fully mitigate the project traffic impacts on this roadway segment, Soledad Canyon Road shall be widened to accommodate a total of three lanes. A three-lane section of roadway should include one lane in each direction plus a center passing lane that could serve both westbound (in the a.m.) and eastbound (in the p.m.) traffic."

Proposed improvement to satisfy mitigation measure:

The project shall provide one free right-turn lane on the north approach at the intersection of Soledad Canyon Road at Spring Canyon Road in accordance with the concept plan included in Exhibit A.

In addition, the project shall analyze the need for horizontal alignment signs as well as speed advisory signs along Soledad Canyon Road from SR-14 to Agua Dulce Canyon Road. The project shall submit the findings and any recommendations resulting from this analysis to Public Works for review and approval. The project shall be solely responsible for implementing the improvements recommended by this analysis prior to final map recordation. Detailed striping and signing plans for any recommended improvements shall be submitted to Public Works for review and approval.

If you have any further questions regarding the review of this document, please contact Gerald Ley of the Traffic Studies Section at Extension 4822.

LMS:ch
P:\pub\WPFILES\FILES\STU\Lindsay\EIR\TR 48065 - Revised Conditions.docm

Attach.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

JAMES A. NOYES, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: WM-4

March 27, 2003

TO: Daryl Koutnik
Department of Regional Planning

FROM: Rod Kubomoto
Watershed Management Division

RESPONSE TO A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT SPRING CANYON PROJECT (Vesting Tentative Tract No. 48086) **UNINCORPORATED COUNTY OF LOS ANGELES AREA OF SPRING CANYON**

Thank you for the opportunity to provide comments on the Environmental Impact Report for the Spring Canyon Project. The project consists of the subdivision of a currently vacant site into 542 single-family residential lots, one fire station lot, two private park sites, and one lot for future elementary school use. The project site is located immediately north of the Antelope Valley Freeway (Highway 14) and Soledad Canyon Road within the unincorporated County of Los Angeles area of Spring Canyon. We have reviewed the submittal and offer the following comments:

Traffic and Lighting

The project, upon its anticipated completion in 2005, is estimated to generate approximately 6,056 daily vehicle trips, with 626 vehicle trips, and 547 vehicle trips during the a.m. and p.m. peak hours, respectively.

The Significance Criteria Section on Page 20 for the County of Los Angeles is incorrect and shall be corrected as follows:

According to the County of Los Angeles' Traffic/Access Guidelines for intersections, a significant project-related traffic impact is determined based on the following:

Pre-Project V/C	LOS	Project-Related Increase in V/C
0.71 to 0.80	C	0.04 or more
0.81 to 0.90	D	0.02 or more
0.91 or more	E/F	0.01 or more

We agree with the study that the project traffic alone will significantly impact the following intersections and roadways and the following improvements will fully mitigate the project's impacts to a level of less than significant. The project shall be solely responsible for these improvements.

Spring Canyon Road/Soledad Canyon Road

This is the project's main entrance. The intersection shall be modified to provide one shared left-right-turn lane and one exclusive right-turn lane on the north approach. On the east approach, provide sufficient pavement on Soledad Canyon Road for one through lane and one shared through/right-turn lane (instead of one through lane and one right-turn lane recommended in the Supplemental Environmental Impact Report), and on the west approach, a left-turn lane and one through lane.

Pay the entire cost for the installation of the traffic signals. Traffic signals shall only be installed when actual traffic conditions warrant the signals.

Install a crosswalk on the east side of the intersection rather than on the west side to avoid heavy dual-lane right-turn vehicle movements in conflict with pedestrian movements.

Detailed striping and signal plans for these improvements shall be prepared and submitted to Public Works for review and approval.

Spring Canyon Road

A minimum vehicle lane width of 18 feet should be provided from north of the State Route 14 (SR-14) overpass columns to Valley Canyon Road for disabled vehicle refuge.

Any grade change in pedestrian sidewalk must comply with the Americans with Disabilities Act.

Seventeen feet of vertical clearance should be provided at the SR-14 overpass and Spring Canyon Road.

Detailed striping, signage, and signal plans for these improvements shall be prepared and submitted to Public Works and to the State of California Department of Transportation (Caltrans) for review and approval.

Soledad Canyon Road

Widen Spring Canyon Road from SR-14 eastbound ramps to Spring Canyon Road to provide a total of three lanes. A three-lane section of roadway shall include one lane in each direction in addition to a center passing lane in the upgrade portion of the roadway that could serve both westbound and eastbound traffic.

Detailed road construction, striping and signage plans shall be prepared and submitted to Public Works for review and approval.

Since this project is within the Eastside Bridge and Major Thoroughfare Construction Fee District, the cost of this improvement will be given as a credit toward the project's Bridge and Major Thoroughfare District fee.

SR-14 Southbound Ramps/Soledad Canyon Road

Pay the entire cost for the installation of the traffic signal. Traffic signals shall only be installed when actual traffic conditions warrant the signals. Since the signalization of the intersections is included in the Eastside Bridge and Major Thoroughfare Construction Fee District, the project shall be given the credit against the District fees.

The cumulative traffic of the project and related projects in the study will significantly impact the following intersections. The project shall pay its fair share of the cost for the following improvements needed to fully mitigate its cumulative traffic impacts to a level of insignificance.

SR-14 Northbound Ramps/Soledad Canyon Road

Restripe the south approach of this intersection to provide for two through lanes. The two through lanes will be carried north of the intersection under the SR-14 Freeway bridge to join two westbound lanes which currently exist.

The project is within the Eastside Bridge and Major Thoroughfare Construction Fee District. The project shall pay its fair share of the District fees.

The project will not have any impact to a Congestion Management Program route, intersections, or freeways.

The following intersections impacted by the project traffic alone are within the City of Santa Clarita's jurisdiction. Therefore, the City's approval is needed to implement these mitigation measures:

Sand Canyon Road/Soledad Canyon Road

Pay project's fair share of the cost to improve the south approach of the intersection for the ultimate improvements that will provide dual left-turn lanes, two through lanes, two right-turn lanes, and modification of traffic signals.

SR-14 Southbound Ramps North of Sand Canyon Road/Soledad Canyon Road

Pay project's fair share of the cost to improve the east approach of the intersection for the ultimate improvements that will provide dual left-turn lanes, three through lanes, and modification of traffic signals.

A freeway traffic impact analysis has been conducted and determined that no project-related significant traffic impact will occur to the mainline freeways. Inasmuch as Caltrans has the jurisdiction over the freeway system, Caltrans shall review this document for any CEQA traffic impacts and mitigation measures proposed as necessary.

If you have any questions, please contact James Chon of our Traffic Studies Section at (626) 300-4721.

Waterworks and Sewer Maintenance

We have reviewed the subject document and have no comments.

If you have any questions, please contact Kyle Kornelis at (626) 300-3322.

Watershed Management

The proposed project should include investigation of watershed management opportunities to maximize capture of local rainfall on the project site, eliminate incremental increases in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.

If you have any questions regarding the above comments or the environmental review process of Public Works, please contact Massie Munroe at the above address or at (626) 458-4359.

MM:kk
A:\EIR231.DOC

bc: Traffic and Lighting
Waterworks and Sewer Maintenance
Watershed Management (Lafferty)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

JAMES A. NOYES, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: T-4

October 30, 2002

TO: James E. Hartl
Planning Director
Department of Regional Planning

Attention Daryl Koutnik

FROM: James A. Noyes
Director of Public Works

SHADOW PINES PROJECT
TRAFFIC IMPACT STUDY (JULY 30, 2002)
VESTING TENTATIVE TRACT MAP NO. 48086

We have reviewed the above-mentioned document submitted by the Project traffic consultant and agree with the analysis and conclusions in the study.

The Project is generally located north of Soledad Canyon Road at Spring Canyon Road in the unincorporated County of Los Angeles area. The Project consists of the development of 542 single-family residential lots, three open space lots, a fire station lot, a sheriff's substation lot, and two park site lots. Contiguous to, but not a part of, the Project is a nine-acre elementary school site for a maximum student capacity of 750 students.

The Project upon its anticipated completion year in 2005 is estimated to generate approximately 6,056 daily vehicle trips with 626 vehicle trips and 547 vehicle trips during the a.m. and p.m. peak hours, respectively.

We agree with the study that the Project traffic alone will significantly impact the following intersections and roadways and the following improvements will fully mitigate the Project's impacts to a level insignificance. The Project shall be solely responsible for these improvements.

FILE COPY

Spring Canyon Road/Soledad Canyon Road

This is the Project's main entrance. The intersection shall be modified to provide one shared left-/right-turn lane and one exclusive right-turn lane to the north approach. On the east approach, provide sufficient pavement on Soledad Canyon Road for one through lane and one shared through/right-turn lane, and on the west approach, a left-turn lane and one through lane.

Pay the entire cost for the installation of the traffic signals. Traffic signals shall only be installed when actual traffic conditions warrant the signals.

Install a crosswalk on the east side of the intersection rather than on the west side to avoid heavy dual-lane right-turn vehicle movements in conflict with pedestrian movements.

Detailed striping and signal plans for these improvements shall be prepared and submitted to Public Works for review and approval.

Spring Canyon Road

A minimum vehicle width of 18 feet should be provided from north of the SR-14 overpass columns to Valley Canyon Road for disabled vehicle refuge.

Any grade change in pedestrian sidewalk must comply with the Americans with Disabilities Act.

Seventeen feet of vertical clearance should be provided at the SR-14 overpass and Spring Canyon Road.

Detailed striping, signage, and signal plans for these improvements shall be prepared and submitted to Public Works and to the State of California Department of Transportation for review and approval.

Soledad Canyon Road

Widen Spring Canyon Road from SR 14 eastbound ramps to Spring Canyon Road to provide a total of three lanes. A three-lane section of roadway shall include one lane in each direction plus a center passing lane in the upgrade portion of the roadway that could serve both westbound and eastbound.

Detailed striping and signage plans shall be prepared and submitted to Public Works for review and approval.

The cumulative traffic of the Project and related Projects in the study will significantly impact the following intersections. The Project shall pay its fair share of the cost for the following improvements needed to fully mitigate its cumulative traffic impacts to a level insignificance:

Soledad Canyon Road/SR-14 Eastbound Ramps

Restripe the south approach of this intersection to provide for two through lanes. The two through lanes will be carried north of the intersection under the SR-14 Freeway bridge to join two northbound lanes which currently exist.

The Project is within the Eastside Bridge and Major Thoroughfare Construction Fee District. The Project shall pay its fair share of the District fees.

The Project will not have any impact to a Congestion Management Program route, intersections, or freeways.

The following intersections impacted by the Project traffic alone are within the City of Santa Clarita's jurisdiction and thus City's approval is needed to implement these mitigation measures:

Soledad Canyon Road/Sand Canyon Road

Pay Project's fair share of the cost to improve the south approach of the intersection for the ultimate improvements that will provide dual left-turn lanes, two through lanes, two right-turn lanes, and modification of traffic signals.

Soledad Canyon Road/SR-14 Westbound Ramps East of Sand Canyon Road

Pay Project's fair share of the cost to improve the east approach of the intersection for the ultimate improvements that will provide dual left-turn lanes and three through lanes and modification of traffic signals.

If you have any questions, please contact James Chon of our Traffic and Lighting Division at (626) 300-4721.

JHC:cn
T:\ATLPUB\WPFILES\FILES\STU\JHC\SPRING CANYON\SHADOWPINES02

cc: Land Design Consultants, Inc. (Christy Cuba)

bc: Ronald J. Ornee
T. M. Alexander
Land Development (Hunter, Ruiz, Witler)
Watershed Management (David)

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
TRAFFIC AND LIGHTING DIVISION
SUBDIVISION, CONDITIONAL USE PERMIT (CUP) & R3 REVIEW
STREET LIGHTING REQUIREMENTS

Date: 9/04/18

TO: Jose Suarez
Project Entitlement & CEQA Section
Land Development Division

Attention Phoenix Khoury

FROM: Inez Yeung
Street Lighting Section
Traffic and Lighting Division

Prepared by Emmanuel Okolo

STREET LIGHTING REQUIREMENTS
RPPL2018004065 TR 48086-4

[X] Provide streetlights on concrete poles with underground wiring on all streets and highways within and around TR 48086-4 to the satisfaction of Department of Public Works or as modified by Department of Public Works. The streetlights shall be designed as a County owned and maintained (LS-3) system. **Submit street lighting plans along with existing and/or proposed underground utilities plans to Traffic and Lighting Division, Street Lighting Section, for processing and approval.**

[ ] Provide a streetlight on a concrete pole with underground wiring along the property frontage on_____ to the satisfaction of Department of Public Works or as modified by Department of Public Works. **Submit street lighting plans along with existing and/or proposed underground utilities plans to Traffic and Lighting Division, Street Lighting Section, for processing and approval.**

[ ] Provide streetlights on concrete poles with underground wiring on non-gated private or public future streets along the property frontage on _____to the satisfaction of Department of Public Works or as modified by Department of Public Works. **Submit street lighting plans along with existing and/or proposed underground utilities plans to Traffic and Lighting Division, Street Lighting Section, for processing and approval.**

[ ] Provide streetlights on concrete poles with underground wiring on gated private future street(s) along the property frontage on _____ with fixtures acceptable to Southern California Edison and to the satisfaction of Department of Public Works or as modified by Department of Public Works. The operation and maintenance of the street lights shall remain the responsibility of the owner/developer/Home Owners Association until such time as the street(s) are accepted for maintenance by the County. Assessments will be imposed on portions of the development served by gated private and future streets (if any) as a result of benefits derived from existing or future streetlights on adjacent public roadways. **Submit street lighting plans along with existing and/or proposed underground utilities plans to Traffic and Lighting Division, Street Lighting Section, for processing and approval.**

[ ] Provide street lighting plans to upgrade the existing streetlights from High Pressure Sodium Vapor to LED along the property frontage on _____ to the satisfaction of Department of Public Works or as modified by Department of Public Works. **Submit street lighting plans along with existing and/or proposed underground utilites plans to raffic andn Lighting Division, Street Lighting Section, for processing and paproval.**

[ ] New streetlights are not required.

ANNEXATION AND ASSESSMENT BALLOTING REQUIREMENTS:

☐ The proposed project or portions of the proposed project are not within an existing lighting district. Annexation to street lighting district is required. Street lighting plans cannot be approved prior to completion of annexation process. See Conditions of Annexations below.

☐ Upon CUP approval (CUP only), the applicant shall comply with conditions of acceptance listed below in order for the lighting districts to pay for the future operation and maintenance of the streetlights. It is the sole responsibility of the owner/developer of the project to have all street lighting plans approved prior to the issuance of building permits. The required street lighting improvements shall be the sole responsibility of the owner/developer of the project and the installation must be accepted per approved plans prior to the issuance of a certificate of occupancy.

☐ Upon issuance of an Agreement to Improve (R3 only), the applicant shall comply with conditions of acceptance listed below in order for the lighting districts to pay for the future operation and maintenance of the streetlights. It is the sole responsibility of the owner/developer of the project to have all street lighting plans approved prior to the issuance of building permits. The required street lighting improvements shall be the sole responsibility of the owner/developer of the project and the installation must be accepted per approved plans prior to the issuance of a certificate of occupancy.

☒ Upon tentative map/parcel map approval (subdivision only), the applicant shall comply with conditions of acceptance listed below in order for the lighting districts to pay for the future operation and maintenance of the streetlights. It is the sole responsibility of the owner/developer of the project to have all street lighting plans approved prior to the map recordation. The required street lighting improvements shall be the sole responsibility of the owner/developer of the project and the installation must be accepted per approved plans. If phasing of the project is approved, the required street lighting improvements shall be the sole responsibility of the owner/developer of the project and will be made a condition of approval to be in place for each phase.

CONDITIONS OF ACCEPTANCE FOR STREET LIGHT TRANSFER OF BILLING:

All required streetlights in the project must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. The lighting district can assume the responsibility for the operation and maintenance of the streetlights by July 1st of any given year, provided all required streetlights in the project have been constructed per Public Works approved street lighting plan and energized and the owner/developer has requested a transfer of billing at least by January 1st of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met. The lighting district cannot pay for the operation and maintenance of streetlights located within gated communities.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 48086-4 (Amend.)

TENTATIVE MAP DATED 08-14-2018

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. The subdivider shall install and dedicate main line sewers, pump stations and serve each building/lot with separate house lateral to the satisfaction of Public Works or have approved and bonded sewer plans.

2. A sewer area study for the proposed subdivision (PC11877AS, dated 10/17/2017) and outlet approval from the City of Santa Clarita (PC11961AS, dated 4/30/2018) was reviewed and approved with mitigation. The sewer area study shall be invalidated should there be an increase in the total number of dwelling units, an increase in the density, dwelling units occur on previously identified building restricted lots, a change in the proposed sewer alignment, an increase in the tributary sewershed, a change in the sewer connection points, or the adoption of a land use plan or a revision to the current plan. A revision to the approved sewer area study may be allowed at the discretion of the Director of Public Works. The approved sewer area study shall remain valid for two years from the date of sewer area study approval. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. See the attached will serve letter agreement from the Newhall County Water District dated October 12, 2018.

4. See the attached Outlet Approval requirement with the sewer mitigation agreement from the City of Santa Clarita dated April 30, 2018.

5. See the attached City of Santa Clarita requirement and approval for Final Map Recordation dated August 2, 2018.

6. The subidvider shall install off-site sewer mainline to serve this subdivision to the satisfaction of Public Works.

7. The subdivider shall provide any necessary off-site easements to construct the off-site sewer improvements to the satisfaction of Public Works. It shall be the sole responsibility of the subdivider to acquire the necessary easements/or right of way.

Prepared by Nikko Pajarillaga Phone (626) 458-3137 Date 08-23-2018

City of
SANTA CLARITA

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196
Phone: (661) 259-2489 • FAX: (661) 259-8125
www.santa-clarita.com

August 2, 2018

Mr. Diego G. Rivera, PE
County of Los Angeles
Department of Public Works
900 S. Fremont Ave.
Alhambra, CA 91803

Dear Mr. Rivera

Subject: TR 48086 - Spring Canyon Development, City Approval for Final Map Recordation
City Record Number: SS18-00009

This letter is intended to notify the County of Los Angeles (County) that the City of Santa Clarita (City) is granting approval for the recordation of Final Maps for the proposed Spring Canyon Development project (Tract 48086).

Our recent discussions with representatives for the Spring Canyon Recovery Acquisition, LLC (Developer) have indicated that the Developer will obtain the required bonds on behalf of the Santa Clarita Valley Water Agency for the Shadow Pines Sewer Lift Station improvements prior to the County Board of Supervisors' hearing date of September 25, 2018.

Based upon these commitments by the Developer, the City grants approval to allow for the project Final Maps to be recorded by the County. Please contact me at (661) 255-4968 or at spickett@santa-clarita.com if you have any questions or would like to discuss this matter further.

Sincerely,

Mr. Shannon L. Pickett, PE, LS
Interim Assistant City Engineer

SLP:dly
S:\PW\ENGINEERING\Projects\ENG06-00061 - Spring Cyn\SS18-00009\CityLetter_SewerApproval_07 26 2018.docx

cc: Robert Newman, Director of Public Works
Mike Hennawy, City Engineer
Ronil Santa Ana, Assistant Engineer

Michael Baker INTERNATIONAL

We Make a Difference

OFF-SITE
SEWER AREA STUDY
FOR SPRING CANYON DEVELOPMENT

THOMAS GUIDE: 4462 & 4463
TENTATIVE TRACT NO.: 48086
SEWER MAINTENANCE DIVISION INDEX: 1512
PC: 11961 AS

Developer:
Spring Canyon Recovery Acquisition, LLC
c/o Paulson & Company, Inc.
(858) 500-6781
Contact: Patrick M. Parker

Engineer:
Michael Baker International
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670
Contact:Safa Kamangar, P.E.
(949) 330-4138

APPROVED
CITY OF SANTA CLARITA
ENGINEERING SERVICES DIVISION
SIGNATURE A. Marcella DATE 4/30/2018
With Upgrades (per approved report.

REGISTERED PROFESSIONAL ENGINEER
SAFA M. KAMANGAR
C70118
EXP 9/30/18
CIVIL
STATE OF CALIFORNIA

Agency Approval:

A. Marcella
City of Santa Clarita

4/30/2018
Date

Santa Clarita Valley Water Agency

6/26/2018
Date

There were two different design criteria used to analyze the sewer system, the LACDPW criteria and the City of Santa Clarita/NCWD criteria. Each sewer reach was analyzed with the appropriate design criteria based on the ownership of the pipe, i.e. City pipes were analyzed using City design guidelines and LACDPW pipes were analyzed using LACDPW guidelines. Below is a brief description of each agencies design criteria.

The Los Angeles County Department of Public Works design criteria as stated in; Policies for Managing Available Sewer Capacity and Sewage Discharge in Excess of Design Capacity, identifies maximum sewer capacities. The Los Angeles County design criteria identifies that all sewer pipes 15-inches and smaller are considered full (100 percent) when the ratio of the depth of flow (d) over the pipe diameter (D) is equal to 0.5, expressed as d/D = 0.5. For those pipes that exceed this capacity (101 percent to 150 percent), no flow measurements or mitigation is required unless maintenance records warrant these actions. If the capacity exceeds 150 percent, flow measurements are required. Sewer pipes 15-inches and greater are considered full (100 percent) when the ratio of the depth of flow (d) over the pipe diameter (D) is equal to 0.75. It should be noted that the County is in the process of refining the maximum capacity criteria for sewer pipes 15-inches and greater, therefore this report identifies all pipes 15-inches and greater with a d/D equal to or greater than 0.75. Upon final review, some of these pipes may not require mitigation or flow monitoring.

The City of Santa Clarita and NCWD design criteria state that pipes that are 15-inches and smaller must not exceed 50 percent full, while pipes 15-inches and greater may flow 75 percent full.

VII. PROPOSED MITIGATION

Based on the existing sewer capacity analysis, it was found that under each scenario portions of the existing sewer system exceed the maximum capacity currently allowed and require mitigation. It was agreed upon by the City, that any existing sewer pipe that exceeds its allowable capacity due to the addition of Spring Canyon flows, shall be up-sized to accommodate the ultimate flow. Any pipe that exceeds capacity based upon future developments (beyond Spring Canyon), shall be the responsibility of the future development project to improve. A Sewer Mitigation Agreement was recorded between the developer and the City agreeing to the proposed off-site sewer mitigation (See Appendix J). Pipelines that require mitigation have been identified in Appendix D, as well as Table 3 below. Please also see Exhibit 5, which identifies the pipelines that require mitigation.

Table 3 – Deficient Pipe Summary

Street Name	PC Number	Ultimate Flow (cfs)	Segment		Existing Pipe Properties				Minimum Required Pipe Properties	
			MH #	MH #	Size (in)	Slope (%)	Length (ft)	d/D (%)	Diameter (in)	d/D (%)
Sequoia Road	11184	2.551	207	52	8	6.20	347	52.3%	12	31.9
Sequoia Road	11184	2.588	51	50	8	2.00	273	78.3%	15	31.4
Sequoia Road	11184	2.606	50	49	8	2.12	239	77.1%	15	31
Sequoia Road	11184	2.629	49	48	8	2.72	311	70.4%	15	29.3
Sequoia Road	11184	2.705	48	47	8	6.32	141	55.1%	12	32.6
Lost Canyon Road	10484	7.046	267	266	18	0.52	328	75.6%	21	47.1

Lost Canyon Road	10484	7.046	266	265	18	0.52	302	75.6%	21	47.1
Lost Canyon Road	10484	7.046	265	264	18	0.52	303	75.6%	21	47.1
Lost Canyon Road	10484	7.076	264	263	18	0.52	302	75.9%	21	47.2
Lost Canyon Road	9768R	14.010	142	141	18	0.20	157	100.0%	30	53.3
Lost Canyon Road	9768R	14.010	141	140	18	0.20	114	100.0%	30	53.3
Lost Canyon Road	9768R	14.010	140	139	18	0.20	19	100.0%	30	53.3
Lost Canyon Road	9768R	14.010	139	138	18	0.20	350	100.0%	30	53.3

Note: Deficient pipes identified for Scenario 1 only. Please also note that ultimate flows account for additional requirements set forth by the City of Santa Clarita as well as planned upgrades by the NCWD. See Appendix H for details.

VIII. SHADOW PINES SEWER LIFT STATION

The Shadow Pines Sewer Lift Station (SPSLS) is currently owned and operated by the Newhall County Water District (NCWD). NCWD has been in discussions with the City of Santa Clarita and the County to transition ownership of the lift station and force main to the City, and operation of the facility to the County. Per review by the County, the lift station does not meet the County's current design standards. The City and the County have requested that the lift station be upgraded to the current County design standards, prior to the lift station being transferred. The County provided a comment letter to NCWD identifying the elements of the lift station that do not meet current County design criteria. NCWD and the developer are currently reviewing the feasibility of implementing these improvements as a part of the Spring Canyon project. Upgrades to SPSLS will be required in order to accommodate the development. The extent of the upgrades will ultimately be determined by the owner of the lift station.

IX. CONCLUSION

Based on the findings of this report, a majority of the existing downstream sewer system has adequate capacity to accommodate the proposed Spring Canyon development. However, some of the existing sewer lines may exceed maximum allowable capacity as future developments are constructed, and may require mitigation.

Table 3 contains deficient pipelines identified using Scenario 1 flows. These pipes have been analyzed under an ultimate flow condition to determine the minimum required pipe diameter. The ultimate flow condition accounts for flows identified in Scenario 3, with additional flows added as a request by the City of Santa Clarita as well as future upgrades planned by the Newhall County Water District. Please see Appendix H for a detailed description of the ultimate flow used to determine the proposed diameters, as well as the capacity calculations for the mitigated pipes. It should be noted that the mitigated pipes were examined with the same slope and length as the existing pipes.

Flow tests may be required to determine actual flow conditions, and will require cooperation and coordination between the City of Santa Clarita, Newhall County Water District, and the Los Angeles County Department of Public Works. Flow test locations will be selected based on this analysis and discussions with the above-mentioned agencies.

Sewer Mitigation Agreement

RECORDING REQUESTED BY:
City of Santa Clarita
Development Services Division
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355

WHEN RECORDED MAIL TO:
Armine Chaparyan, Interim City Clerk
City of Santa Clarita
23920 Valencia Blvd., Suite 120
Santa Clarita, CA 91355

Space above this line for Recorder's use.

TITLE(S)

SEWER MITIGATION AGREEMENT

SEWER MITIGATION AGREEMENT

This **SEWER MITIGATION AGREEMENT** (the "Agreement") is made and entered into effective as of DECEMBER 18, 2012 by and between the City of Santa Clarita, a municipal corporation, located at 23920 Valencia Boulevard, Suite 300, Santa Clarita, California 91355-2196, (the "City") and Santa Clarita Land JME, LLC, a Delaware limited liability company located at 23622 Calabasas Road, Suite 200, Calabasas, CA 91302 ("SCL"), collectively known as the "Parties."

PRELIMINARY STATEMENTS

A. SCL is engaged in a residential development project located in the County of Los Angeles (the "County") adjacent to the City of Santa Clarita, known as Spring Canyon Tentative Tract No. 48086 (the "Spring Canyon Development"), the legal description for which is attached hereto as Exhibit "A" and incorporated herein by reference (the "Property").

B. The City and SCL acknowledge that additional development adjacent to the City creates sewer capacity issues that contribute to the need for a sewer improvement project; and as a condition to the City's approval of the sewer area study, as set forth in a report dated June 24, 2011 prepared by RBF Consulting, (the "Off-Site Sewer Area Study for the Spring Canyon Development"), the City desires that the City and SCL enter into this Agreement.

C. The City has requested, and SCL has agreed, that, subject to the provisions of this Agreement, SCL will construct the approximately 3,186 lineal feet of sewer line upgrade improvements described in "Table 3 – Deficient Pipe Summary" of the Off-Site Sewer Area Study for the Spring Canyon Development, chiefly consisting of the upsizing of five existing 8-inch diameter sewer segments (1,311 LF) to the required 12-inch and 15-inch diameter gravity sewer line in Sequoia Road between Mammoth Lane and the northeast intersection with Yellowstone Lane; and the upsizing of four existing 18-inch diameter sewer segments (1,235 LF) to the required 21-inch diameter gravity sewer line in Lost Canyon Road beginning at Oak Spring Road and heading westerly; and the upsizing of four existing 18-inch diameter sewer segments (640 LF) to the required 30-inch diameter gravity sewer line in Lost Canyon Road beginning at Sand Canyon Road and heading westerly (the "Project"). Attached hereto as Exhibit "B" and incorporated herein is a conceptual schematic of the Project.

NOW THEREFORE, the Parties agree as follows:

1. Prerequisites to Recordation of Final Tract Map. Prior to the recordation hereafter on behalf of SCL of the first final tract map pertaining to any portion of the Spring Canyon Development for which a connection will be made to the existing sewer line in Yellowstone Lane (the "First Recordation"), SCL shall (a) obtain the City's approval of the Project, including the design of the Project, which approval shall not be withheld unreasonably, and (b) provide to the City documentation, reasonably satisfactory to the City, of a performance

bond pertaining to the Project in an amount equal to One Hundred Percent (100%) of the Cost Estimate as defined below in Paragraph 2.

2. Cost Estimate. As used herein, the "Cost Estimate" is that aggregate amount to be determined, based on improvement plans prepared by RBF Consulting as referenced above in Recital "C," by a cost and quantity estimate by SCL and approved by the City prior to the First Recordation.

3. Completion of Project: SCL must complete the Project prior to the Los Angeles County Department of Public Works certifying the completion of the Yellowstone Lift Station and the lift station being placed into service.

4. Alternate Mitigation. If, at any time prior to SCL's commencement of the actual construction of the Project as envisioned above, the City approves a different sewer area study that may affect the routing of sewage from the Spring Canyon Development, SCL may submit for the City's consideration a proposal for an alternative to the Project to mitigate the issues referenced above in Recital "B." In the event of such submission, the City agrees to evaluate such alternative in good faith.

5. Cooperation: Reimbursements. Upon execution of this Agreement, SCL and the City shall confirm to the County that SCL has satisfied the City's sewer mitigation requirements related to the Project. In addition, the City agrees that SCL's full performance in accordance with this Agreement shall satisfy all obligations to the City related to impacts of the Spring Canyon Development upon, and connection to, the sewer service within the City. This Agreement shall not prevent or preclude SCL's entitlement to reimbursements from third party projects benefitted by the upsized sewer improvements incorporated by SCL into the Project for the cost of sewer facilities constructed by SCL pursuant to this Agreement having a capacity exceeding that required to mitigate the sewer impact of the Spring Canyon Development, as such reimbursements are provided under applicable law.

6. Governing Laws. This Agreement shall be governed by, interpreted by, and construed in accordance with the laws of the State of California. Any litigation or claims related to this Agreement shall be determined by the state and federal courts located in Los Angeles, CA.

7. Partial Invalidity. If any provisions of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall nevertheless continue in full force and effect.

8. Non-Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by the authorized representative of a Party. No failure or delay by a party in exercising any right, power or remedy under this Agreement shall operate as a waiver of the right, power or remedy.

9. Entire Agreement. This Agreement sets forth the entire agreement between the Parties with respect to the subject business contemplated in this Agreement and supersedes all

prior and contemporaneous agreements, representations and discussions, written or oral, by or between the Parties with respect thereto. No amendment to this Agreement shall be effective unless in writing and signed by the duly authorized representatives of both Parties. This Agreement shall be inure of the benefit of and be binding upon the Parties and their respective successors and assigns and affiliates. The obligations set forth herein shall be binding upon SCL and any other current of subsequent owners of the Property.

10. Attorneys' Fees. The prevailing party in any litigation related to arising under this Agreement shall be entitled to recover it reasonable attorneys' fees and costs from the non-prevailing party.

11. No Third-Party Beneficiary. This Agreement is solely for the benefit of the Parties and their respective successors, and no third party shall claim any right or benefit hereunder.

State of Callifornia)

County of Orange)

On Oct. 8, 2012 before me, Susan W. Manrow, Notary Public Notary Public, personally appeared John G. Markley who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my official hand and Seal.

Susan W. Manrow
Notary Public

SUSAN W. MANROW
Commission # 1945111
Notary Public - California
Orange County
My Comm. Expires Aug 19, 2015

State of California)

County of Los Angeles)

On December 18, 2012 before me, Linda R. Newman, Notary Public, personally appeared ~~Kerry Breyer~~ Armire Chaparyan who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. See attached

WITNESS my official hand and Seal.

Linda Newman
Notary Public

LINDA R. NEWMAN
Commission # 1960227
Notary Public - California
Los Angeles County
My Comm. Expires Nov 12, 2015

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of Los Angeles

On December 17, 2012 (Date) before me, Linda R Newman, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Robert Newman (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LINDA R. NEWMAN
Commission # 1960227
Notary Public - California
Los Angeles County
My Comm. Expires Nov 12, 2015

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Linda R Newman (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Acknowledgement

Document Date: December 17, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of Los Angeles }

On December 18, 2012 (Date) before me, Linda R Newman, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Armine Chaparyan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Linda R Newman (Signature of Notary Public)

LINDA R. NEWMAN
Commission # 1860227
Notary Public - California
Los Angeles County
My Comm. Expires Nov 12, 2015

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Acknowledgment

Document Date: December 18, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed and delivered by their respective duly authorized representatives.

Date: 12/17/2012

"City"

City of Santa Clarita,
a municipal corporation

By _____
Robert Newman, Director of Public Works

Date: October 8, 2012

"SCL"

Santa Clarita Land JME, LLC,
a Delaware limited liability company

By _____
John G. Markley, Manager

ATTEST:

_____
CITY CLERK, ARMINE CHAPARYAN

12/18/12
_____
DATE

EXHIBIT "A"

Legal Description of Property

(See attachment.)

DESCRIPTION

PARCEL 1:

THE WEST ONE HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880.

EXCEPT THEREFROM AN UNDIVIDED ONE-SIXTEENTH INTEREST IN AND TO ALL OIL AND GAS IN AND UNDER SAID LAND AS RESERVED TO THE STATE OF CALIFORNIA, IN PATENT RECORDED IN BOOK 17785 APGE 112, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN SAID LAND OWNED BY GRANTORS BELOW A DEPTH OF 500 FEET FROM THE SURFACE AS GRANTED TO FAIRVIEW PROPERTIES, INC., A CORPORATION, BY DEED RECORDED JULY 11, 1967 IN BOOK D 3699 PAGE 291 AS INSTRUMENT NO. 2700 OFFICIAL RECORDS.

PARCEL 2:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880.

EXCEPT THEREFROM AN UNDIVIDED ONE-SIXTEENTH INTEREST IN AND TO ALL OIL AND GAS IN AND UNDER SAID LAND AS RESERVED TO THE STATE OF CALIFORNIA IN PATENT RECORDED IN BOOK 17785 PAGE 112, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN SAID LAND OWNED BY GRANTORS BELOW A DEPTH OF 500 FEET FROM THE SURFACE AS GRANTED TO FAIRVEIW PROPERTIES, INC., A CORPORATION, BY DEED RECORDED JULY 11, 1967 IN BOOK D 3699 PAGE 291 AS INSTRUMENT NO. 2700 OFFICIAL RECORDS.

PARCEL 3:

THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, ALL IN TOWHSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880.

EXCEPT THEREFROM AN UNDIVIDED ONE-SIXTEENTH INTEREST IN AND TO ALL OIL AND GAS IN AND UNDER SAID LAND AS RESERVED TO THE STATE OF CALIFORNIA, IN PATENT RECORDED IN BOOK 17785 PAGE 112, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM, ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM, AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN SAID LAND OWNED BY GRANTORS BELOW A DEPTH OF 500 FEET FROM THE SURFACE AS GRANTED TO FAIRVIEW PROPERTIES, INC., A CORPORATION BY DEED RECORDED JULY 11, 1967 IN BOOK D 3699 PAGE 291 AS INSTRUMENT NO. 2700, OFFICIAL RECORDS.

ALSO EXCEPT FROM SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

DESCRIPTION

BEGINNING AT A POINT 310.16 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17; THENCE 250 FEET NORTHEAST FOLLOWING COUNTY ROAD; THENCE 150 NORTHWEST TO SECTION LINE; THENCE 300 FEET SOUTH TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17 LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 DISTANT THEREON SOUTH 0 DEGREES 19'21" WEST 827.82 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 17 SAID LAST MENTIONED POINT BEING ALSO THE TRUE POINT OF BEGINNING OF THE DESCRIPTION AND BEING A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 420 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, FROM A TANGENT WHICH BEARS NORTH 69 DEGREES 28'45" EAST THROUGH AN ANGLE OF 29 DEGREES 36'00" AN ARC DISTANCE OF 216.98 FEET, TO A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 480 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 57 DEGREES 03'11" AN ARC DISTANCE OF 477.97 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, SOUTH 83 DEGREES 34'04" EAST, 116.61 FEET TO A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 570 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 26 DEGREES 25'23 AN ARC DISTANCE OF 262.87 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, NORTH 70 DEGREES 30'33" EAST, 963.84 FEET TO A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 570 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 32 DEGREES 26'37" AN ARC DISTANCE OF 322.76 FEET TO THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 17 DISTANT ALONG SAID LAST MENTIONED NORTHERLY LINE NORTH 89 DEGREES 38'55" WEST 516.81 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17.

PARCEL 4:

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880.

EXCEPT THAT PORTION OF SAID LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID EAST HALF, THENCE ALONG THE SOUTHERLY LINE THEREOF, NORTH 89 DEGREES 38'55" WEST 516.81 FEET TO A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 570 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE FROM A TANGENT WHICH BEARS NORTH 38 DEGREES 03'56" EAST, THROUGH AN ANGLE OF 1 DEGREES 35'13" AN ARC DISTANCE OF 15.78 FEET; THENCE TANGENT TO SAID CURVE NORTH 36 DEGREES 28'43" EAST 92.04 FEET TO A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 630.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 20 DEGREES 15'59" AN ARC DISTANCE OF 222.84 FEET; THENCE NORTH 56 DEGREES 44'42" EAST 272.19 FEET; THENCE NORTH 48 DEGREES 19'16" EAST 95.05 FEET TO THE EASTERLY LINE OF SAID WEST HALF, DISTANT ALONG SAID EASTERLY LINE NORTH 0 DEGREES 54'32" EAST 454.57 FEET FROM SAID SOUTHEASTERLY CORNER, THENCE ALONG SAID EASTERLY LINE SOUTH 0 DEGREES 54'32" WEST 454.57 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM AN UNDIVIDED ONE-SIXTEENTH INTEREST IN AND TO ALL OIL AND GAS IN AND UNDER SAID LAND AS RESERVED TO THE STATE OF CALIFORNIA IN PATENT RECORDED IN BOOK 17785 PAGE 112, OFFICIAL RECORDS.

DESCRIPTION

ALSO EXCEPT THEREFROM OIL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN SAID LAND OWNED BY GRANTORS BELOW A DEPTH OF 500 FEET FROM THE SURFACE AS GRANTED TO FAIRVIEW PROPERTIES, INC., A CORPORATION BY DEED RECORDED JULY 11, 1967 IN BOOK D 3699 PAGE 291 AS INSTRUMENT NO. 2700, OFFICIAL RECORDS.

PARCEL 5:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 23, 1880, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID NORTH HALF OF SAID NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 17, SOUTH 89 DEGREES 38'55" EAST, 731.65 FEET; THENCE SOUTH 42 DEGREES 54'49" WEST, 96.11 FEET; THENCE SOUTH 71 DEGREES 17'08" WEST, 268.71 FEET; THENCE WESTERLY IN A DIRECT LINE TO A POINT IN THE WESTERLY LINE OF SAID NORTHEAST QUARTER, DISTANT ALONG SAID WESTERLY LINE 301.64 FEET SOUTHERLY FROM SAID NORTHWESTERLY CORNER; THENCE NORTHERLY ALONG SAID EASTERLY LINE, 301.64 FEET TO THE POINT OF BEGINNING.

EXCEPTING AND RESERVING UNTO THE STATE OF CALIFORNIA ANY AND ALL RIGHTS OF INGRESS TO AND EGRESS FROM THE REAL PROPERTY HEREIN CONVEYED TO OR FROM THE FREEWAY LYING SOUTHERLY OF SAID REAL PROPERTY, AS SET FORIN IN DEED RECORDED NOVEMBER 15, 1963 IN BOOK D2257 PAGE 919, OFFICIAL RECORDS.

IT IS THE PURPOSE OF THE FOREGOING EXCEPTION AND RESERVATION TO PROVIDE THAT NO EASEMENT OF ACCESS IN AND TO SAID FREEWAY SHALL ATTACH OR BE APPURTENANT TO THE PROPERTY HEREBY CONVEYED BY REASON OF THE FACT THAT THE SAME ABUTS UPON A PUBLIC WAY ADJOINING SAID FREEWAY, WITH ACCESS ONLY TO THE FREEWAY BEING RESTRICTED.

ALSO EXCEPT THEREFROM ALL MINERALS, OIL, GASES AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITH OR NOT OTHERWISE RESERVED UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED WITHOUT, HOWEVER, THE RIGHT TO DRILL DIG OR MINE THROUGH THE SURFACE THEREOF, AS EXCEPTED IN THE DEED ABOVE MENTIONED.

PARCEL 6:

THAT PORTION OF THE EAST HALF OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID EAST HALF DISTANT THEREON NORTH 0 DEGREES 54'32" EAST 389.68 FEET FROM THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 48 DEGREES 19'16" EAST 1047.46 FEET; THENCE NORTH 35 DEGREES 37'05" EAST 978.26 FEET; THENCE NORTH 49 DEGREES 41'00" EAST 411.66 FEET; THENCE FROM A TANGENT WHICH BEARS NORTH 28 DEGREES 18'50" EAST NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 2170 FEET THROUGH A CENTRAL ANGLE OF 29 DEGREES 14'57" AN ARC DISTANCE OF 1107.77 FEET; THENCE TANGENT TO SAID CURVE NORTH 57 DEGREES 33'47" EAST 295.65 FEET; THENCE NORTH 21 DEGREES 09'17" EAST 415.75 FEET TO A POINT IN THE EAST LINE OF SAID SECTION DISTANT THEREON NORTH 4 DEGREES 22'56" WEST 831.11 FEET FROM THE QUARTER CORNER IN SAID EAST LINE; THENCE ALONG SAID EAST LINE NORTH 4 DEGREES 22'56" WEST 1820.28 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SECTION 8; THENCE ALONG THE NORTH

DESCRIPTION

LINE OF SAID SECTION NORTH 89 DEGREES 42'56" WEST 2594.66 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID EAST HALF OF SAID SECTION 8; THENCE ALONG SAID WESTERLY LINE OF SAID EAST HALF SOUTH 0 DEGREES 54'32" WEST 4935.08 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS INCLUDED WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8.

EXCEPT THEREFROM 51% OF ALL PETROLEUM, OIL, NATURAL GAS, MINERALS, OR OTHER HYDROCARBON SUBSTANCES IN OR UNDER THE LAND DESCRIBED, EXCEPT ALL PETROLEUM, OIL, NATURAL GAS, MINERALS OR ANY OTHER HYDROCARBON SUBSTANCES IN OR UNDER THE LAND ABOVE A DEPTH OF 525 FEET FROM THE SURFACE, WITHOUT THE RIGHT OF SURFACE ENTRY, GRANTOR COVENANTS AND AGREES WITH GRANTEE AND FOR HIS HEIRS, SUCCESSORS AND ASSIGNS THAT IF GRANTOR OR HIS HEIRS, SUCCESSORS AND ASSIGNS SHALL FOR A PERIOD OF 20 YEARS FROM DATE OF THIS DEED COMMENCE DRILLING OR MINING OPERATIONS FOR PETROLEUM, OIL, NATURAL GAS, MINERALS, OR OTHER HYDROCARBON SUBSTANCES THE GRANTEE AND HIS HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE THE RIGHT TO REMOVE ANY DRILLING RIGS, TOWERS, OR OTHER STRUCTURES WHICH MAY BE ERECTED TO A HEIGHT GREATER THAN 20 FEET ABOVE THE SURFACE WITHIN 180 DAYS AFTER THE CESSATION OF SUCH DRILLING OR MINING OPERATIONS BUT IN NO EVENT MORE THAN 2 YEARS AFTER THE COMMENCEMENT THEREOF, AS RESERVED IN THE DEED DATED JULY 9, 1976 AND RECORDED JULY 20, 1976 AS INSTRUMENT NO. 1213, OFFICIAL RECORDS.

E-COPY

WATER AND SEWER SERVICE AGREEMENT

1. IDENTIFICATION.

This Water and Sewer Service Agreement ("Agreement") is made and entered into effective this 12 day of OCTOBER, 2006, by and between PARDEE HOMES, a California corporation (hereafter "Developer"), and NEWHALL COUNTY WATER DISTRICT, a public water district ("NCWD"), sometimes referred to individually as a "Party" and collectively as Parties", and is based upon the following facts:

2. RECITALS.

A. Developer has the right to acquire approximately 548 acres of property in the unincorporated area of Los Angeles County known as Pinetree . Said property is described in Exhibit A and depicted on Exhibit B attached hereto (the "Property").

B. Developer has plans to develop the Property for residential use into 494 lots, plus related public facilities for fire protection, law enforcement and open space parks. The improved residential lots and related public facilities are known as Tract Map No. 48086 and commonly referred to as "Spring Canyon" (hereafter the "Development").

C. In order to accommodate the intended residential use of the Property, Developer needs to obtain a reliable water supply and a means by which wastewater may be collected and transmitted to County Sanitation District facilities for treatment and disposal.

D. On October 19, 2000, NCWD issued the County of Los Angeles a water service Will Serve letter for the Development.

E. NCWD provides water on a retail basis for domestic and fire protection purposes within its boundaries and operates a sewage lift station and various sewer transmission lines in the vicinity of the Property (together "Water and Sewer Service" and separately "Water Service" or "Sewer Service" as the case may be).

F. NCWD currently provides Water Service from groundwater supplies and from imported water purchased from Castaic Lake Water Agency ("CLWA"), a wholesaler of imported water supplies.

G. In order for NCWD to provide Water and Sewer Service to the Property, certain new water and sewer facilities will have to be designed and constructed and other existing facilities for the production, transmission, storage and distribution of water and waste water operated by NCWD may have to be upgraded and/or expanded.

H. NCWD acknowledges that upon the upgrading of existing water and sewer system facilities and the construction of additional water and sewer system improvements, and

provided there is an adequate water supply available, NCWD should be able to provide Water and Sewer Service to the Development, subject to NCWD's rules and regulations regarding Water and Sewer Service.

I. Developer is willing to enter into this Agreement to provide for the design and construction of the additional water and sewer system improvements and upgrading of certain existing water and sewer system facilities required by NCWD in order for NCWD to provide Water and Sewer Service to the Development.

3. AGREEMENTS.

NOW, THEREFORE, the Parties agree as follows:

3.1. DEVELOPER REQUIREMENTS AND OBLIGATIONS. Developer agrees to perform or cause to be performed the following:

3.1.1. The Parties acknowledge and agree that although some water and sewer facilities necessary to provide service to the Development exist, NCWD cannot now determine or identify what upgrades or additional water and sewer facilities need to be designed and constructed to accommodate the Development. Accordingly, Developer shall design and construct, or cause to be designed and constructed, at its sole cost and expense in accordance with NCWD's Standard Specifications for Construction, subject to the inspection and reasonable

approval of NCWD, including approvals of materials, and in compliance with all legal requirements and applicable rules and regulations, all upgrades of existing facilities and additional water and sewer system facilities which NCWD shall reasonably determine are necessary to provide service to the Development (together "Water and Sewer System Facilities" and separately "Water System Facilities and "Sewer System Facilities"). Developer shall pay for or reimburse NCWD for all out-of-pocket costs (including the reasonable value of staff time) incurred by NCWD in reviewing and approving the design of the Water and Sewer System Facilities in accordance with (and subject to) Paragraphs 3.1.21 and 3.1.22 below. The Parties acknowledge and agree that, for future planning purposes, some of the Water System Facilities may be designed and constructed with excess capacity or oversized to accommodate future growth. To the extent Developer incurs actual reasonable costs in excess of the reasonable design and construction costs related to the Water System Facilities necessary to support and accommodate only the Development and not future growth, Developer shall be entitled to be reimbursed for such excess costs pursuant to Paragraph 3.1.5 below.

3.1.2. NCWD has approved Developer's retention of RBF Consulting ("RBF") to provide design services for the Water and Sewer System Facilities. A report prepared by RBF entitled Water and Wastewater Analysis that identifies the facilities needed to adequately provide the Development with water and sewer service is attached hereto as Exhibit "D". Subject to the reasonable approval of NCWD and, further, subject to the requirements of this Agreement, Developer shall enter into a contract with a general contractor or contractors for the construction of the Water and Sewer System Facilities.

3.1.3. Prior to the commencement of any construction work, Developer shall provide to NCWD a policy or certificate of liability insurance in which NCWD is named as an additional insured, along with its directors, officers, employees, agents, consultants, engineers, attorneys and volunteers, against all claims arising out of or in connection with the work to be performed. The policy (or policies) of insurance shall remain in full force and effect until the work is accepted by NCWD. NCWD, its directors, officers, employees, agents, consultants, engineers and volunteers shall be covered as additional insureds under the insurance provided by Developer with respect to the following: liability arising out of activities performed by or on behalf of Developer or any contractor or subcontractor; products and completed operations of Developer or any contractor or subcontractor; premises owned, occupied or used by Developer or any contractor or subcontractor; or automobiles owned, leased, hired or borrowed by Developer or any contractor or subcontractor. The coverage shall contain no special limitations on the scope of protection afforded the additional insureds. The above-referenced insurance policy (or policies) shall be furnished at Developer's expense, in a form and with insurance companies authorized to do business and having an agent for service of process in California and an "A-" policyholder's rating and a financial rating of at least Class VIII in accordance with the most recent Best's Insurance Guide, or if Best's is no longer published, comparable ratings from a service reasonably acceptable to NCWD. Such insurance, in addition to the multiple additional named insured endorsements set forth above, shall be broad form commercial general liability insurance in the amounts set forth below, and shall contain additional endorsements providing as follows: (i) blanket contractual liability coverage for Developer or contractor indemnification obligations owing to District and others pursuant to this Agreement and any agreements between Developer and contractor(s); (ii) coverage for

explosion, collapse, underground excavation and removal of lateral support; (iii) that the insurance may not be canceled or reduced until thirty (30) days after NCWD has actually received written notice of such cancellation or reduction; (iv) "cross liability" or "severability of interest" coverage for all insureds under the policy or policies; (v) that any other insurance maintained by NCWD or any other named or additional insured is excess insurance, and not contributing insurance with the insurance required herein; and (vi) that the coverage afforded the additional insureds shall not be affected by any failure of Developer, contractor or any subcontractor to comply with reporting requirements or other provisions of the policy or policies, including breaches of warranties. The amount of coverage shall be no less than the following:

(a) General bodily injury and property damage – Five Million Dollars ($5,000,000) per occurrence, and aggregate.

(b) Automobile bodily injury and property damage – Five Million Dollars ($5,000,000) per occurrence, including owned, non-owned and hired autos, and providing coverage for loading and unloading.

The evidence of insurance required to be provided to NCWD shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative and certificate(s) of insurance (Accord Form 25-S or equivalent) reflecting the existence of the required insurance. Commercial general liability insurance must include NCWD's and Developer's Protective Coverage, Products-Completed Operations Coverage,

Premises-Operations Coverage, and coverage of NCWD's facilities during the course of construction.

Developer shall insure that the contractor and all subcontractors performing work on the Water and Sewer System Facilities are aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and that all contractors will comply with such provisions before commencing the performance of the work under any agreement with Developer. Developer shall insure that the contractor and subcontractors keep workers' compensation insurance for their employees in effect during performance of all work covered or contemplated by this Agreement.

3.1.4. Subject to the terms and conditions contained herein, Developer shall pay during the term of this Agreement NCWD's prevailing charges for any plan checking, meters, inspection, meter setting, meter boxes, check valves and other outside services concerning the Development in accordance with NCWD Rules and Regulations and as set forth in Paragraph 3.1.21, below. For purposes of this Agreement, a "prevailing charge" shall mean a charge that is imposed generally through out the Pinetree Service Area for comparable uses.

3.1.5. Developer shall pay all sums owing to NCWD under its policies, rules and regulations for water service connection fees under the Connection Fee Policy for the Pinetree Service Area and other charges and fees, prior to commencement of Water Service to the Development. Developer acknowledges NCWD has delivered a copy of the Connection Fee

Policy to Developer. The Water Connection Fees are subject to adjustment pursuant to the Connection Fee Policy. Water Connection Fees shall be calculated in accordance with the Connection Fee Policy in effect at the time such fees are paid.

3.1.5.1. Developer acknowledges that the Water Connection Fees adopted by the Connection Fee Policy constitute the sum of two component fees: (1) a Master Plan Facilities Fee based on the reasonable cost of designing and constructing new Water System Facilities required to serve the Development; and (2) a Back-Up Facilities Fee based upon the reasonable cost of replacing, repairing and maintaining existing NCWD water system facilities which will support and benefit the Development.

3.1.5.2. Developer shall pay to NCWD the Back-Up Facilities Fee portion of the Water Connection Fees in cash for any connection in the Development at or before the time Developer obtains a building permit for such residence or other facility. Developer's payment of all costs related to the design and construction of the Water System Facilities shall constitute full payment of the Master Plan Facilities Fee portion of the Connection Fees for the Development.

3.1.5.3. During the course of construction of the Water System Facilities, Developer shall prepare and submit to NCWD periodic accountings in such form as NCWD may reasonably require, certified as correct by Developer, which set forth in detail all expenditures made by Developer in connection with the design and

construction of the Water System Facilities during the preceding reporting period. Such statements shall be submitted by Developer periodically as the Parties shall agree, but not less frequently than each calendar quarter (January 1, April 1, July 1 and October 1) while the Water System Facilities are under construction. Developer shall also submit such supporting or additional documentation pertaining to such expenditures as NCWD may reasonably require, including but not limited to all billings and invoices related to said work and all records of Developer relating to said construction, which shall be subject to audit and verification by NCWD.

3.1.5.4. After completion of construction of all Water System Facilities and conveyance to and acceptance thereof by NCWD pursuant to Paragraph 3.1.27 below, Developer shall submit a final accounting for NCWD's approval summarizing all expenditures related to the Water System Facilities. Thereafter, the Parties shall negotiate in good faith using their best efforts to reach agreement on the amount of expenditures incurred and paid by Developer because the Water System Facilities were oversized or designed with excess capacity to accommodate future growth in the Pinetree Service Area. If the Parties cannot reach such agreement within thirty (30) calendar days after submission of Developer's final accounting, the Parties shall jointly prepare a statement of each Party's final position with respect to such excess expenditures. Thereafter, the Parties shall jointly appoint a single neutral arbitrator with engineering and/or construction expenses to determine said amount and, if the Parties cannot so agree within seven (7) calendar days, they shall apply to American Arbitration Association ("AAA") to appoint a qualified arbitrator to make such determination. In

either event, the arbitrator appointed shall conduct such hearing(s) as the arbitrator, in his or her sole discretion, deems necessary and/or appropriate, but may only select the final offer of either Party as set forth in the joint statement as the appropriate amount. The Party whose final proposal is not selected by the arbitrator shall pay all costs associated with the arbitrator's determination, including the arbitrator's fee and costs, and all expenses and charges of the AAA related thereto. The arbitrator shall render his or her decision within fifteen (15) calendar days of appointment by the Parties or AAA.

3.1.5.5. Developer shall be entitled to be reimbursed by NCWD for such excess expenditures as determined in Paragraph 3.1.5.4., above, in accordance with the following formula:

$$\frac{EE}{edu} = \$ \text{ per edu}$$

EE: Excess Expenditures

edu: number of connections outside the Development which NCWD designed the Water System Facilities to accommodate as future growth.

Reimbursements by NCWD shall be paid over to Developer within thirty (30) days after NCWD receives payment of a Back-Up Facilities Fee payment from a person, developer or entity actually connecting to the Water System Facilities. Such payment shall be accompanied by an accounting showing how the payment was calculated. Developer's right to receive reimbursement under this Paragraph 3.1.5.5. is subject to the right of District to off-set against any sums payable to Developer the amount of any indebtedness

due or owing by Developer to District. Further, Developer's right to receive reimbursements hereunder shall terminate twelve (12) years after the date District accepts the transfer and conveyance of the Water System Facilities from Developer under Paragraph 3.1.27.

3.1.6 Developer shall pay all sums owing to NCWD under its policies, rules and regulations for Sewer Service Connection Fees under the Sewer Connection Fee Policy for the Pinetree Area. Said payment shall be made in cash at or before the time Developer obtains a building permit for any residence or other facility within the Development. Developer acknowledges that NCWD is now in the process of developing the Sewer Connection Fee Policy for the Pinetree Area, which policy will specify that Sewer Service Connection Fees will be subject to adjustment from time to time by NCWD. Sewer Connection Fees will be calculated in accordance with the Sewer Connection Fee Policy in effect at the time such fees are paid. Developer shall not pay any such fees until after NCWD has adopted the Sewer Connection Fee Policy establishing the Sewer Service Connection Fees.

3.1.6.1. The Parties anticipate that the Sewer Connection Fee Policy will establish a fee composed of two parts: (1) a Master Plan Facilities Fee which shall be the actual cost of designing and constructing new sewer system facilities, or upgrading existing sewer facilities, required to serve the Development; and (2) a Back-Up Facilities Fee based upon the reasonable cost of replacing, repairing and maintaining existing NCWD sewer system facilities which will support the Development.

3.1.6.2. Developer shall pay to NCWD the Back-Up Facilities Fee portion of the Sewer Connection Fees in cash for any connection in the Development at or before the time Developer obtains a building permit for the structure or facility to be connected to or through NCWD's Sewer System Facilities. Developer shall also pay all costs related to the design and construction of new Sewer System Facilities, or the upgrading or expansion of existing Sewer System Facilities, if any, necessary to provide Sewer Service to the Development.

3.1.6.3. Developer shall submit upon completion of construction a financial statement and accounting for NCWD approval summarizing all expenditures incurred and paid by Developer in designing, constructing and upgrading the Sewer System Facilities, with such additional supporting documentation as may be reasonably requested by NCWD.

3.1.7. Developer shall pay to CLWA all connection or other fees established by CLWA relating to Water Service to the Property and the Development.

3.1.8. Developer shall acquire and transfer, at its sole cost and expense, any and all easements and other interests in real property within the Development which are reasonably necessary for the construction and operation of the Water and Sewer System Facilities, together with title insurance showing title vested in NCWD as to each easement or other interest, in an amount valued at not less than Twenty-Five Thousand Dollars ($25,000) each. If NCWD determines there are other easements and/or real property interests outside the

boundaries of the Development which are necessary in order for NCWD to provide Water or Sewer Service to the Development, the Parties shall cooperate in good faith to obtain such easements or real property interests. All costs associated with acquisition of such easements or real property interests shall be paid by Developer.

3.1.9. Developer shall comply, and require that the contractor and all subcontractors comply, with applicable laws, rules, regulations and requirements related to or connected in any way with the design and construction of the Water and Sewer System Facilities, including but not limited to the prevailing wage requirements relating to public improvements.

3.1.10. Developer shall beneficially use water provided by District pursuant to this Agreement solely and only in connection with the Development on the Property.

3.1.11. To the fullest extent permitted by law, Developer shall indemnify and hold harmless NCWD, its directors, officers, agents, employees, consultants and volunteers (together "Indemnified Parties") consultants and volunteers from and against all claims, damages, losses, expenses, and other costs, including, but not limited to, costs of defense and attorneys' fees, arising out of or resulting from or in connection with the design or construction of the Water and Sewer System Facilities, the Development or the Property (the "Work"), both on and off the job site, provided that any such liability (1) is attributable to personal injury, bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (2) is caused in whole or in part by an

act or omission of Developer, contractor, any subcontractor, any supplier, anyone directly or indirectly employed by any of them or anyone for whose acts or omissions any of them may be liable, except to the extent caused by the active negligence or willful misconduct of any one of the Indemnified Parties, in which case, such indemnity shall not apply. The obligation hereunder shall not be abridged, reduced or discharged by the maintenance of insurance by any contractor or Developer. Developer shall indemnify and hold harmless the Indemnified Parties from and against all losses, expenses, damages (including damages to the Property or Water and Sewer System Facilities), attorneys' fees, and other costs, including all costs of defense, which any of them may incur with respect to the failure, neglect, or refusal of Developer or any contractor to faithfully perform the Work and/or any of their obligations under this Agreement or under any agreement between Developer and contractor.

3.1.12. To the extent Developer requires the use of construction water, such water shall be provided through a separate meter and in accordance with the NCWD Rules and Regulations in effect at the time the permit is issued for the construction work.

3.1.13. Upon completion of the Water and Sewer System Facilities, and concurrently with acceptance thereof by NCWD as hereinafter provided, Developer shall provide NCWD with as-built drawings depicting the Water and Sewer System Facilities.

3.1.14. All work relating to the Water and Sewer System Facilities shall be performed or supervised by a general contractor possessing that class of contractor's license issued pursuant to Division 3, Chapter 9, of the Business and Professions Code required for

construction of the said Facilities. The general contractor with whom Developer proposes to enter into a contract for construction of any Water or Sewer System Facility shall be subject to the reasonable prior approval of NCWD. The approved general contractor retained by Developer is sometimes referred to herein as the "Contractor." Developer shall secure from the Contractor and provide to NCWD the following information for review and approval by NCWD:

3.1.14.1. Information regarding the Contractor's experience, financial condition and business references to be set forth on the form attached as Exhibit E. Contractor shall have at least five (5) years' experience in performing similar work.

3.1.14.2. The Contractor's Licensing Statement in the form attached as Exhibit F.

3.1.14.3. The names and addresses of subcontractors, if any, who will perform work under the contract between Developer and Contractor or who will specially fabricate and install a portion of the work, shall be set forth on the form attached as Exhibit G. The contract between Contractor and Developer shall provide that subcontractors may not be substituted without NCWD's prior approval. Contractor may not subcontract for more than fifty percent (50%) of the work to be performed under its contract with Developer.

3.1.15. NCWD shall at reasonable times and upon reasonable notice have access to the Development, the Property and sites where Water and Sewer System Facilities are under construction or being installed and shall be provided with every opportunity for ascertaining full knowledge respecting the progress, workmanship, and character of the materials and equipment used and employed in construction of said Facilities. Contractor shall give at least forty-eight (48) hours notice to NCWD in advance of any work being performed on a Saturday, Sunday or holiday designated by NCWD, or for more than eight (8) hours in a work day. Contractor shall give at least twenty-four (24) hours notice to NCWD in advance of back filling or otherwise covering any part of the said Facilities constructed so that NCWD may, if desired, inspect such work before it is concealed. The observation, if any, by NCWD of the construction of the said Facilities shall not relieve Developer or Contractor of any of their obligations under this Agreement. Defective work shall be made good, and materials and equipment furnished and work performed which is not in accordance with the approved plans, and NCWD's current Standard Specifications for Construction, may be rejected notwithstanding the fact that such materials, equipment and work have been previously inspected by NCWD.

3.1.16. Developer shall have a written agreement with Contractor, which agreement shall incorporate by reference the terms and conditions of this Agreement and shall contain a provision by which the Contractor agrees to be bound by the terms and conditions of this Agreement. A fully executed copy of the agreement between Developer and Contractor shall be delivered to NCWD prior to commencement of work by the Contractor.

3.1.17. Prior to Contractor's commencement of construction of the Water and Sewer System Facilities, Developer shall furnish and deliver to NCWD a bond with a responsible corporate surety or corporate sureties reasonably acceptable to NCWD conditioned upon the faithful performance by Developer of all covenants and conditions of this Agreement with respect to the construction of the Water and Sewer System Facilities. Said bond shall be in the form attached hereto as Exhibit H and shall be in an amount that is not less than one hundred percent (100%) of the total amount payable under Contractor's agreement with Developer for the construction of the Water and Sewer System Facilities.

3.1.18. Prior to commencement of work, Developer shall furnish a payment bond. Said payment bond shall be in a sum not less than one hundred percent (100%) of the total amount payable under contractor's agreement with Developer for the construction of the Water and Sewer System Facilities, and shall be on the mandatory form attached hereto as Exhibit I.

3.1.19. The surety or sureties on any bond furnished hereunder must be reasonably satisfactory to NCWD. If during the course of construction any of the sureties in the reasonable discretion of NCWD are or become insufficient, NCWD may require additional sufficient sureties which the Contractor shall furnish to the satisfaction of NCWD within fifteen (15) calendar days after written notice thereof.

3.1.20. Developer shall provide NCWD with a schedule for construction of the Water and Sewer System Facilities and shall keep NCWD advised of the schedule and

progress of work. The construction work hereunder shall not commence unless (a) there has been a pre-construction meeting with representatives of NCWD, Developer and Contractor in attendance; (b) NCWD has been given written notice of the name and telephone number of Contractor's job superintendent who shall be Contractor's representative at the job site and shall have authority to act on behalf of Contractor, and the name and telephone number of Contractor's alternate in the event the job superintendent is unavailable; and (c) NCWD has been given at least five (5) business days written notice of the commencement of construction. Construction of the Water and Sewer System Facilities shall commence within thirty (30) days after the pre-construction meeting and shall be completed (except for minor punchlist items) within two (2) years after commencement. Developer shall not be deemed in breach of this Agreement because of delays in completion of construction of the Water and Sewer System Facilities due to unforeseeable causes beyond the reasonable control and without the fault of Developer and/or Contractor. Developer shall include such time for completion in its agreement with Contractor.

3.1.21. Developer shall pay NCWD's prevailing charges for meters, inspection, meter setting, contract administration, Water Connection Fees, Sewer Connection Fees, meter boxes, check valves, meter jumpers and outside services then in effect upon issuance of a building permit for any residence within the Development. The prevailing charges as of the date hereof are:

(a)	Meter, meter boxes and valves	$345.64 each meter boxes and valves
(b)	Meter setting	$50.00 each
(c)	NCWD Labor, Equipment, and Material	$ Billed at Cost
(d)	Water Connection Fees (Pinetree Service Area)	$ To be determined in accordance with the applicable policy
(e)	Sewer Connection Fees	$ To be determined in accordance with the applicable policy to be adopted by NCWD
(f)	Contract Administration and Inspection	$ Billed as provided in Paragraph 3.1.22
(g)	Outside services	$ Billed at Cost
Total		$ To be determined

3.1.22 Developer shall pay to NCWD a fee for NCWD's design, inspection and contract administration costs and services equal to two point twenty-five percent (2.25%) of the Total Project Cost incurred by Developer for the design and construction of the Water and Sewer System Facilities, exclusive of any and all other payments to NCWD under Paragraph 3.1.21, above. Prior to commencement of work, Developer shall pay one-half (½) the inspection and contract administration fees owed to NCWD based on the agreement(s) between Developer and Contractor(s). Thereafter, Developer shall pay NCWD one-half (½) of the balance of such fees one (1) year after commencement of work and the remainder two (2) years after commencement of work. Any increase in the cost of design and construction by change order, or otherwise, shall result in a corresponding increase in the inspection and contract administration fees payable to NCWD.

3.1.23. All work related to construction of the Water and Sewer System Facilities is for the convenience of and at the request of Developer, who shall be solely responsible for all costs and expenses in connection therewith. NCWD shall not be responsible to Contractor or its subcontractors, suppliers or materialmen for such work. Developer shall not permit liens or claims of any type to be enforced against the Water and Sewer System Facilities, however such liens or claims may arise. Regardless of the merits of any such lien or claim, Developer shall, within ten (10) business days of the assertion thereof, cause said claim to be discharged or provide a bond releasing such claim, in a form reasonably satisfactory to NCWD.

3.1.24. The agreement between Developer and Contractor shall require that: (a) Contractor shall conduct its operations so as to avoid injury or damage to any person or property, and to minimize any obstruction and inconvenience to the public; (b) Contractor shall comply with all applicable laws or regulations relating to the work under the agreement with Developer, including safety measures applicable in particular operations or kinds of work; (c) Contractor shall provide and maintain such fences, barriers, directional signs, lights, and flag men as are necessary to give adequate warning to the public at all times of any dangerous conditions to be encountered as a result of the construction work and to give directions to the public; and (d) Contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during construction of the Water and Sewer System Facilities.

3.1.25. Developer guarantees all work against defects in workmanship or materials for a period of one (1) year after NCWD's acceptance of the Water and Sewer System Facilities. Developer shall repair or remove and replace any and all such work, together with any other work which may be displaced in so doing, that is found to be defective in workmanship and/or materials within said one (1) year period, without expense whatsoever to NCWD. In the event of a failure by Developer to comply with the above-mentioned conditions within seven (7) business days after being notified in writing, NCWD shall be entitled to have the defects remedied and the work repaired or replaced at the expense of Developer. Developer agrees to pay all such expenses promptly on demand therefore by NCWD. The performance bond and the payment bond shall continue in full force and effect for the guarantee period. Additionally, Developer shall provide NCWD with any manufacturer warranties that may be applicable to materials or equipment included in the Water and Sewer System Facilities.

3.1.26. Developer shall protect and maintain the Water and Sewer System Facilities through completion thereof and until transferred to NCWD pursuant to Paragraph 3.1.27, below. In the event all or any part of the Water and Sewer System Facilities are damaged or destroyed prior to Developer transferring the same to NCWD, Developer shall repair or replace said Facilities without cost to NCWD.

3.1.27. Upon completion of construction, the Water and Sewer System Facilities shall be transferred and conveyed by Developer to NCWD free and clear of all liens, claims and encumbrances and shall become the property of NCWD upon acceptance thereof for operation, maintenance, and repair by NCWD. NCWD may require Developer to provide a

deed, bill of sale, or other instrument of conveyance, conveying the Water and Sewer System Facilities from Developer to NCWD.

3.1.28. Should the Property or Development require irrigation water, Developer shall apply for service through a separate meter in accordance with NCWD rules and regulations. NCWD reserves the right to limit irrigation water to off-peak hours between 10:00 p.m. and 3:00 a.m. except for the landscape installation period. Developer shall cause its landscaping to be planted over a reasonable period of time so that portions of the landscaping will be watered in sequence rather than all at one time. NCWD will not be liable for any losses or damages to the landscaping due to the lack of water.

3.1.29. Developer shall provide NCWD with an estimate of the amount of water required for irrigation including irrigation of slopes, green belts, parkways and open spaces. The estimate shall include the daily water demand. Developer shall also provide NCWD with a written statement showing the types of sprinklers and controllers it proposes to use. Developer's irrigation system shall include sensors for moisture, temperature and wind, and devices which will turn off water when there is adequate moisture in the ground, when the temperature is excessively warm and when there is excessive wind. When Developer provides NCWD with its estimated irrigation needs, Developer's report shall include the period commencing with initial planting through the period when the landscaping is established.

3.1.30. Before NCWD will provide Water Service to the Development, and at least two (2) weeks prior to pouring concrete footings and foundation slabs for residences

and any other improvements constructed within the Development, Developer must request temporary meter jumpers. Developer will be responsible for providing a list of names and lot numbers, along with maps pertaining to the jumper request. Developer shall also be responsible for obtaining the jumpers from the NCWD warehouse and for their installation. Upon jumper installation, a water account will be established and a Twenty-Four Dollar ($24.00) monthly flat fee will be charged for each jumper. Jumpers will be used at individual lots in the Development solely for plumbing pressure tests, concrete, block or brick finish work, plastering, scratch, brown and color coat, and labor and tool clean-up. All other use of jumpers is prohibited and will be considered as unauthorized water use under NCWD's Rules and Regulations. Landscape meters must be requested prior to hydro seeding of hillsides and greenbelt areas, or any other landscaping in the Development. At least one week prior to landscaping individual lots within the Development, Developer shall request meter boxes. Developer will be responsible for obtaining all meter boxes from the NCWD warehouse, and installing meter boxes to final grade behind the sidewalks. Developer shall also be responsible for locating and digging out angle stops, verifying angle stop size, type and correct positions, and cutting of angle stop down to grade per NCWD specifications. Upon inspection by NCWD and the above criteria being met, meters will be installed by NCWD. Developer also shall be responsible for ensuring that the Contractor, and any subcontractors working at the Development, comply with NCWD rules and regulations regarding setting, location, and maintenance of meters during construction.

3.1.31. Developer shall have the responsibility to ascertain the fire flow requirements for the Property and the Development. NCWD neither guarantees nor agrees to

supply water in any specific quantities, qualities or pressures for fire flow, domestic use or for any other purpose whatsoever and no such obligations shall be implied.

3.1.32. Developer hereby agrees to indemnify, defend and hold harmless NCWD from all claims, liabilities, causes of action, liens, expenses, or damages of any type, including reasonable attorneys' fees and expenses, incurred by NCWD arising from any claim, action or proceeding under the California Environmental Quality Act (California Public Resources Code §§21000, et seq.) related to the Development or connected in any way with the Water or Sewer System Facilities constructed by Developer or from any challenges to this Agreement or NCWD's right and authority to enter into or perform under this Agreement. With respect to any claim for which NCWD has requested indemnification under this Section 3.1.32, Developer shall assume the defense of any related litigation, arbitration or other proceeding, provided that NCWD may, at its election and expense, participate in such defense. At Developer's reasonable request, NCWD will cooperate with Developer in the preparation of any defense to any such claim, and Developer will reimburse NCWD for any reasonable expenses incurred in connection with such request.

3.1.33. A failure by Developer to complete construction of the Water System Facilities and commence Water Service to the Development within five (5) years from the effective date of this Agreement shall relieve NCWD of any obligation to provide water service to the Development under this Agreement. However, the Parties recognize that completion of the entire Development within that time frame may not reasonably be assured. Therefore, NCWD agrees to extend the time for commencement of water service for an

additional two (2) years, provided Developer: (a) undertakes the construction of the Facilities within sixteen (16) months after execution of this Agreement; (b) demonstrates that it is proceeding with reasonable diligence to complete the Development; and (c) applies for an extension of time before this Agreement expires. Further, if the seven (7) year period noted above in this subparagraph has expired and Water Service to the Development has not commenced despite Developer's diligent good-faith performance of all obligations under this Agreement, Developer may request in writing a further extension of the deadline to commence Water Service to the Development to a date certain, which request may be granted or denied by NCWD, in its sole discretion.

3.2. NCWD REQUIREMENTS AND OBLIGATIONS. Promptly upon full performance of this Agreement by Developer and full and complete compliance with NCWD's Rules and Regulations, and provided there is an adequate supply of water available, NCWD shall provide Water Service and Sewer Service to the Development in accordance with NCWD's Rules and Regulations.

3.3. DEVELOPER AND NCWD AGREE:

3.3.1. Neither Developer, nor the Contractor is the agent or representative of NCWD. Neither has any authority to bind NCWD.

3.3.2. Developer acknowledges that NCWD's water supply may be a blend of groundwater and State Water Project water and, as a result, certain chemicals and

minerals may concentrate in NCWD's water supply. Developer acknowledges that it may be the nature of the water to be corrosive and have corrosive effects on water facilities. Developer acknowledges that certain materials utilized for the conveyance of water may be more susceptible than others to corrosion and its related effects.

3.3.3. NCWD will not provide any type of Water Service to the Property and/or Development unless and until: (i) Developer has designed and constructed the Water and Sewer System Facilities and said Facilities have been donated to and accepted by NCWD as contemplated by this Agreement; (ii) all fees, charges and other amounts due to CLWA and NCWD hereunder, by law and in accordance with the applicable Rules and Regulations of CLWA and NCWD, have been paid; and (iii) all requirements of CEQA have been met with respect to the Development.

4. MISCELLANEOUS PROVISIONS.

4.1. At any action at law or in equity, including an action for declaratory relief seeking to interpret or enforce the terms of this Agreement, the prevailing Party shall be entitled to recover a reasonable amount as attorneys' fees and costs incurred in prosecuting or defending such action, including any dispute submitted to arbitration, in addition to any other relief to which the Party is entitled.

4.2 Except as may otherwise be provided herein, the rights and obligations of Developer under this Agreement are not assignable without the written consent of NCWD and

any prior written consent of NCWD shall not operate to release, excuse or discharge Developer from any of its obligations under this Agreement.

4.3. This Agreement and the application or interpretation thereof shall be governed exclusively by its terms and by the laws of the State of California. Venue for all purposes shall be deemed to lie within Los Angeles County, California, and any action to enforce this Agreement or for any remedies, damages or other relief shall be brought only in the State Courts of the State of California for the County of Los Angeles or in the United States District Court, Central District of California.

4.4. Subject to the provisions relating to assignment, each and all of the terms, conditions and agreements herein contained shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto.

4.5. This Agreement constitutes the entire agreement of the Parties with respect to the subject matter hereof and no amendment, modification or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly approved and executed by each of the Parties.

4.6. Developer represents that the person or persons executing this Agreement on its behalf have the full and complete authority to do so, and NCWD represents and warrants

that the execution of this Agreement by its representative has been duly authorized by NCWD's Board of Directors.

Executed at SANTA CLARITA, California.

NEWHALL COUNTY WATER DISTRICT

By: _____

Its: General Manager

PARDEE HOMES, a California corporation

By: _____

Its: James C. Bizzelle, III
Vice President, Community Development

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 48086 (Amend.)

TENTATIVE MAP DATED 08-14-2018

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor (including off-site pump station), with appurtenant facilities to serve all lots in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

2. Provide a "Written Verification" and supporting documents from the water supplier to indicate the availability of a "Sufficient Water Supply" as required per Section 66473.7 of the Subdivision Map Act (SB 221) prior to filing any map or parcel map to the satisfaction of Public Works and the Department of Regional Planning.

3. Install off-site water mainline to serve this subdivision to the satisfaction of Public Works.

4. Easements (including off-site easements) shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

5. Submit landscape and water efficient plans for each open space lot in the land division, with landscape area greater than 500 square feet, in accordance with the Water Efficient Landscape Ordinance.

TK Prepared by Tony Khalkhali Phone (626) 458-4921 Date 09-04-2018
tr48086-4wa-new.doc

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

CASE NUMBER:	RPPL2018004065	MAP DATE:	August 14, 2018
PROJECT NUMBER:	TR48086 – Amendment Map and Amendments to DPW conditions and Traffic Mitigation Measure.		

THE FIRE DEPARTMENT RECOMMENDS APPROVAL OF THE PROPOSED AMENDMENTS AS PRESENTLY SUBMITTED.

ALL PREVIOUSLY APPROVED FIRE DEPARTMENT CONDITIONS AND REQUIREMENTS ARE STILL APPLICABLE TO THE PROJECT.

For any questions regarding the report, please contact Juan Padilla at (323) 890-4243 or Juan.Padilla@fire.lacounty.gov.

Reviewed by: Juan Padilla Date: September 11, 2018

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map # **48086**	DRP Map Date: **08/14/2018**	SCM Date: **09/20/2018**	Report Date: **09/11/2018**
Park Planning Area # **43B**	CSD: **N/A**		Map Type: **Amendment Map - Tract**

Total Units	= Proposed Units	+ Exempt Units
492	**492**	**0**

Park land obligation in acres or in-lieu fees:

ACRES:	**4.59**
IN-LIEU FEES:	**$167,145**

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

The Representative Land Value (RLVs) in Los Angeles County Code (LACC) Section 21.28.140 are used to calculate park fees and are adjusted annually, based on changes in the Consumer Price Index. The new RLVs become effective July 1st of each year and may apply to this subdivision map if first advertised for hearing before either a hearing officer or the Regional Planning Commission on or after July 1st pursuant to LACC Section 21.28.140, subsection 3. Accordingly, the park fee in this report is subject to change depending upon when the subdivision is first advertised for public hearing.

The park obligation for this development will be met by:

Contributing $167,145 in park improvements.

Trails:

See also attached Trail Report

Comments:

Developer shall receive Quimby credit for private park improvements up to $167,145 and shall otherwise bear the entire costs to complete the private parks.
Quimby Obligation was calculated based on fee schedule in effect on 08/03/2004 Board approval date.
The Department has no objections to the amendment request, but recommends additional changes included in the attached memo.

For further information or to schedule an appointment to make an in-lieu fee payment:
Please contact Clement Lau at (626) 588-5301 or Loretta Quach at (626) 588-5305
Department of Parks and Recreation, 1000 S. Fremont Avenue, Unit #40. Building A-9 West, 3rd Floor. Alhambra, California 91803.

By: Kathline King
Kathline J. King, Chief of Planning

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # **48086**	DRP Map Date: **08/14/2018**	SCM Date: **09/20/2018**	Report Date: **09/11/2018**
Park Planning Area # **43B**	CSD: **N/A**		Map Type: **Amendment Map - Tract**

The formula for calculating the acreage obligation and or in-lieu fee is as follows:

(P)eople x (0.0030) Ratio x (U)nits = (X) acres obligation
(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the U.S. Census
Ratio = The subdivision ordinance provides a ratio of 3.0 acres of park land for each 1,000 people generated by the development. This ratio is calculated as "0.0030" in the formula.
U = Total approved number of Dwelling Units.
X = Local park space obligation expressed in terms of acres.
RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units **492** = Proposed Units **492** + Exempt Units **0**

Park Planning Area = **43B**

Type of dwelling unit	People *	Ratio 3.0 Acres/ 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	**3.11**	**0.0030**	**492**	**4.59**
M.F. < 5 Units	**2.08**	**0.0030**	**0**	**0.00**
M.F. >= 5 Units	**2.51**	**0.0030**	**0**	**0.00**
Mobile Units	**2.40**	**0.0030**	**0**	**0.00**
Exempt Units			**0**	**0.00**
TOTAL			**492**	**4.59**

Ratio	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@ (0.0030)	4.59	$36,415	**$167,145**

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit
0		0.00	100.00%	0.00
			Total Provided Acre Credit:	**0.00**

Acre Obligation	Public Park Credit	Net Obligation	RLV / Acre	In-Lieu Fee Due
4.59	0.00	4.59	$36,415	**$167,145**

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Parks Make Life Better!"

John Wicker, Director | Norma E. Garcia, Chief Deputy Director

September 11, 2018

TO: Steven Jones
Principal Regional Planner
Department of Regional Planning

FROM: Kathline J. King
Chief of Planning

SUBJECT: **PROPOSED MODIFICATIONS TO CONDITIONS OF APPROVAL FOR SPRING CANYON PROJECT VTTM 48086**

The proposed modifications to the original conditions of approval and Mitigation Monitoring Program for the Spring Canyon Project (VTTM 48086) has been reviewed by the Department of Parks and Recreation (the Department). We have no objections to the amendment request, but recommend the following changes to be included:

Condition No. 1 – The Department recommends the modification below:

1. Dedicate natural open space Lot 510 and Lot 502 to the County or another public agency.

Condition No. 5 – The proposed modification below is acceptable with one additional recommendation from the Department

Prior to the ~~Department clearing the first final (unit) map~~ issuance of Building Permit of first residential unit:

5.1 Enter into Park and Trail Development Agreement (PDA) with the Department for development of the parks on Lot 497 (active park) and Lot 495 (passive park) and post Faithful Performance and Labor and Materials bonds with the Department to cover design and construction of the parks and trails in accordance with cost estimates for the parks and trails. The PDA shall be substantially similar in form and content to the PDA approved by the Board of Supervisors on August 8, 2006, and the content of the bonds shall be substantially similar in form and content to the bonds used by the Los Angeles County Department of Public Works (DPW).

Thank you for including this Department in the review of this document. For trail-related questions, please contact Robert Ettleman at (626) 588-5323 or by email at rettleman@parks.lacounty.gov. For all other questions, please contact Loretta Quach at (626) 588-5305 or by email at lquach@parks.lacounty.gov.

KK:LQ:nr

c: Raintree Investment Corporation (M. Villalobos)
Carolyn Ingram Seitz & Associates (C. Seitz)
Parks and Recreation (C. Lau, M. O'Connor, L. Quach, R. Ettleman)

COUNTY OF LOS ANGELES
Public Health

LOS ANGELES COUNTY
HEALTH AGENCY

BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS, QEP
Deputy Director for Health Protection

TERRI S. WILLIAMS, REHS
Director of Environmental Health

BRENDA J. LOPEZ, REHS
Assistant Director of Environmental Health

5050 Commerce Drive

Baldwin Park, California 91706
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BOARD OF SUPERVISORS

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First District

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Third District

Janice Hahn
Fourth District

Kathryn Barger
Fifth District

September 17, 2018 / update

Amendment to 48086-4_RPPL2017004065
PLANNER: Steven Jones
LOCATION: Spring Canyon, Santa Clarita

SUBJECT: RPPL 2018004065

The Department of Public Health Environmental Health Division reviewed the project that will be utilizing public water from the Newhall County Water District and public sewerage. This is an addendum to the certified final EIR, MMRP for TR48086 aka Spring Canyon. The Department *recommends clearance approval* of the Map amendment.

For any questions regarding the report, please contact Vincent Gallegos at (626)430-5380 or vgallegos@ph.lacounty.gov

Prepared by:
Vincent Gallegos, REHS
Environmental Health Specialist IV

Planner: Shanna Fawley-Judkins
SD-3

SPRING CANYON

Amended Vesting Tentative Tract No. 48086

County of Los Angeles, State of California

LOT AREAS

LOT SCHEDULE

LOT SCHEDULE BY ZONE

SEE SHEET 5

SEE SHEET 3

SEE SHEET 4

GENERAL NOTES

VICINITY MAP

UTILITIES AND SERVICES:

OAK TREES:

EASEMENTS:

DRAINAGE EASEMENTS

LOT SCHEDULE:

BENCHMARK

EASEMENT NOTES

ITEM NO.	EASEMENT HOLDER	PURPOSE OR TYPE	WIDTH	LOCATION (IF APPROX. OR BLANKET ENTER)	RECORDING #
1	STATE OF STATE OF CALIFORNIA	RIGHT TO ITEM	—	PAP 8998, LE E. HALF OF SEC 8, 5N, 17W, SBBM	17788-712 O.R.
2	COUNTY OF LOS ANGELES	S.D. & SLOPES	VARIES	AS SHOWN	4289H-388 O.R.
3	SO CAL GAS CO	GAS PIPELINE	40'	AS SHOWN	81963-276 O.R.
4	STATE OF CALIFORNIA	HIGHWAY SLOPES	VARIES	AS SHOWN	8962-388 O.R.
5	HARVEY C. MOORE & MARY E. MOORE	PARCELS A &PARCEL	—	AS SHOWN	B.K. 83388-426, PAC. 347/88 AND D.R. 87788-821, REC. 7/88/87 TO BE RELOCATED
6	HARVEY C. MOORE & MARY E. MOORE	WATER LINE	10'	AS SHOWN	D.R. 83388-426, REC. 347/88
7	SO CAL GAS CO.	PIPELINE	10'	AS SHOWN	D.R. 81963-276 REC. 12/04/86
8	LACFCD	STORM DRAIN/ INCIDENTAL WORKS	40' & VARIES	AS SHOWN	O.R. IN CLOSED REC. 7/24/63

LEGEND

1ST R/W - TYPICAL SECTION

60' R/W - TYPICAL SECTION

64' R/W - TYPICAL SECTION

TYPICAL STREET SECTIONS

SUBDIVIDER

OWNER/DEVELOPER

SANTA CLARITA LAND, LLC
1575 SPYGLASS DRIVE, SUITE 205
VENTURA, CA 93003-4380
PHONE: (805) 647-7067

AMENDMENT

LEGAL DESCRIPTION

A PORTION OF SECTION 8 & 17, TOWNSHIP 4 N, RANGE 14 W, S.B.B.M., IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

REVISION

RBF CONSULTING

AMENDED VESTING TENTATIVE TRACT MAP NO.

48086

IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO. _____

SHEET 1 OF 6

AMENDED VESTING TENTATIVE TRACT MAP NO.
48086
IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO. _____

SHEET 2 OF 6

RBF CONSULTING
PLANNING & DESIGN & CONSTRUCTION

REVISION

DATE: 5/3/2010

OWNER/DEVELOPER
SUNSET DIAMOND LAND DEVELOPMENT, LLC
1125 SPINNAKER DRIVE, SUITE 205
VENTURA, CA 93001-4380
PHONE: (805) 642-8567

LEGAL DESCRIPTION
A PORTION OF SECTION 8 & 17, TOWNSHIP 4 N, RANGE 14 W, SBBM,
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

AMENDMENT
INCLUDING EDUCATIONAL FACILITY, PARK, AND OPEN SPACE AREAS

PHASING PLAN

GRAPHIC SCALE
0 250 500 750

PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5

TYPICAL MULTI-USE TRAIL CROSS SECTIONS IN UNDISTURBED AREA

MULTI-USE TRAIL OR DESIGNED IN UNDISTURBED AREA

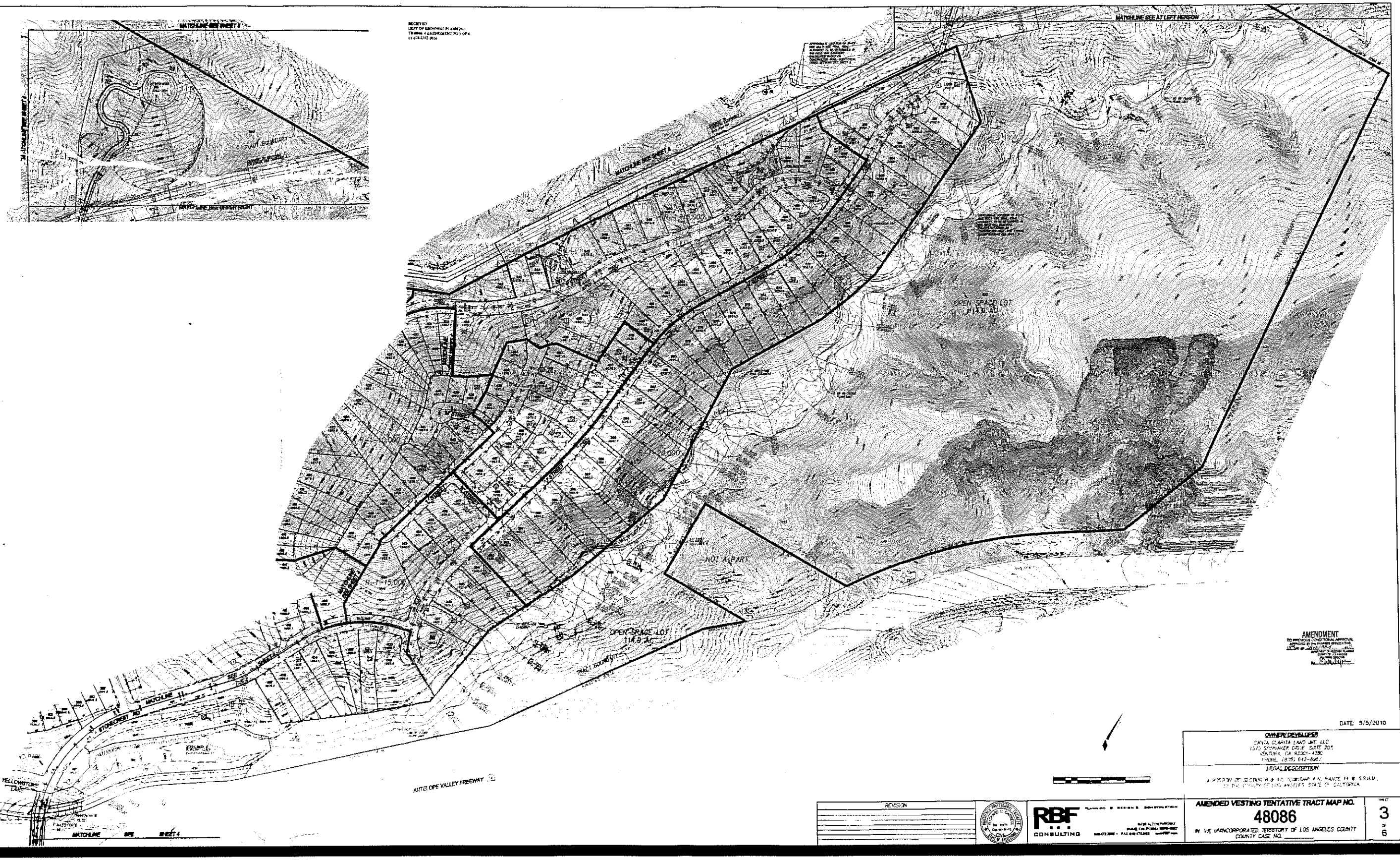
PLAN VIEW

SECTION A-A

SECTION B-B

TYPICAL MULTI-USE TRAIL CROSS SECTIONS IN UNDISTURBED AREA

RECEIVED
SUNSET DIAMOND RANCH
TENTATIVE & VESTING TRACT #
16 AUGUST 2010



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DEPT OF REGIONAL PLANNING
This is a DEPARTMENT COPY OF A
11 AUGUST 2016

AMENDMENT
TO PREVIOUS CONDITIONAL APPROVAL
APPROVED BY THE HEARING OFFICER ON
JANUARY 2017
SUBSEQUENT TO PREVIOUS APPROVAL
APPROVED BY THE REGIONAL PLANNING
COMMISSION ON
By

DATE: 5/5/2010

OWNER/DEVELOPER
CANYA CLARITA LAND LLC
1510 SCHUMACHER DRIVE, SUITE 201
WESTLAKE, CA 91361-4156
PHONE: (805) 640-6464

LEGAL DESCRIPTION
A PORTION OF SECTION 8 & 17, TOWNSHIP 4 N., RANGE 14 W. S.B.B.M.,
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

REVISION

RBF CONSULTING

AMENDED VESTING TENTATIVE TRACT MAP NO.
48086
IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO.

SHEET 3 OF 6

AMENDED VESTING TENTATIVE TRACT MAP NO.
48086
IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO.

RBF CONSULTING

SHEET 4 OF 6 SHEETS

DATE: 9/3/2010

AMENDMENT

OWNER'S DEVELOPER

LEGAL DESCRIPTION

A PORTION OF SECTION 9 & 17, TOWNSHIP 4 N, RANGE 14 W, SBBM,
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

YELLOWSTONE LANE - SECTION P-P

YELLOWSTONE LANE - SECTION C-C

YELLOWSTONE LANE - SECTION B-B

DETAIL B
STONECREST ROAD
TYPICAL SECTION
NOT TO SCALE

DETAIL A
STONECREST ROAD
UNDER CROSSING
SCALE 1"=40'

DETAIL C
APPROVED CUL-DE-SAC
OFF-SITE SCHOOL DRIVING
SCALE 1"=100'

TRACT NO. 38943-02

SEE DETAIL C ABOVE FOR APPROVED CUL-DE-SAC OFF-SITE SCHOOL DRIVING

MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 5

YELLOWSTONE LANE

ANTELOPE VALLEY FREEWAY N

SOLEDAD CANYON RD

SHERRY STATION

STONECREST ROAD

RESERVOIR PARK

ACTIVE PARK

RESERVOIR

TRACT NO 38943-01

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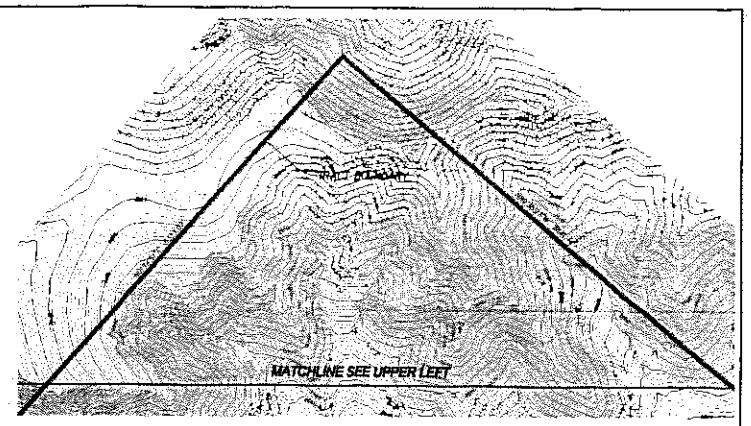
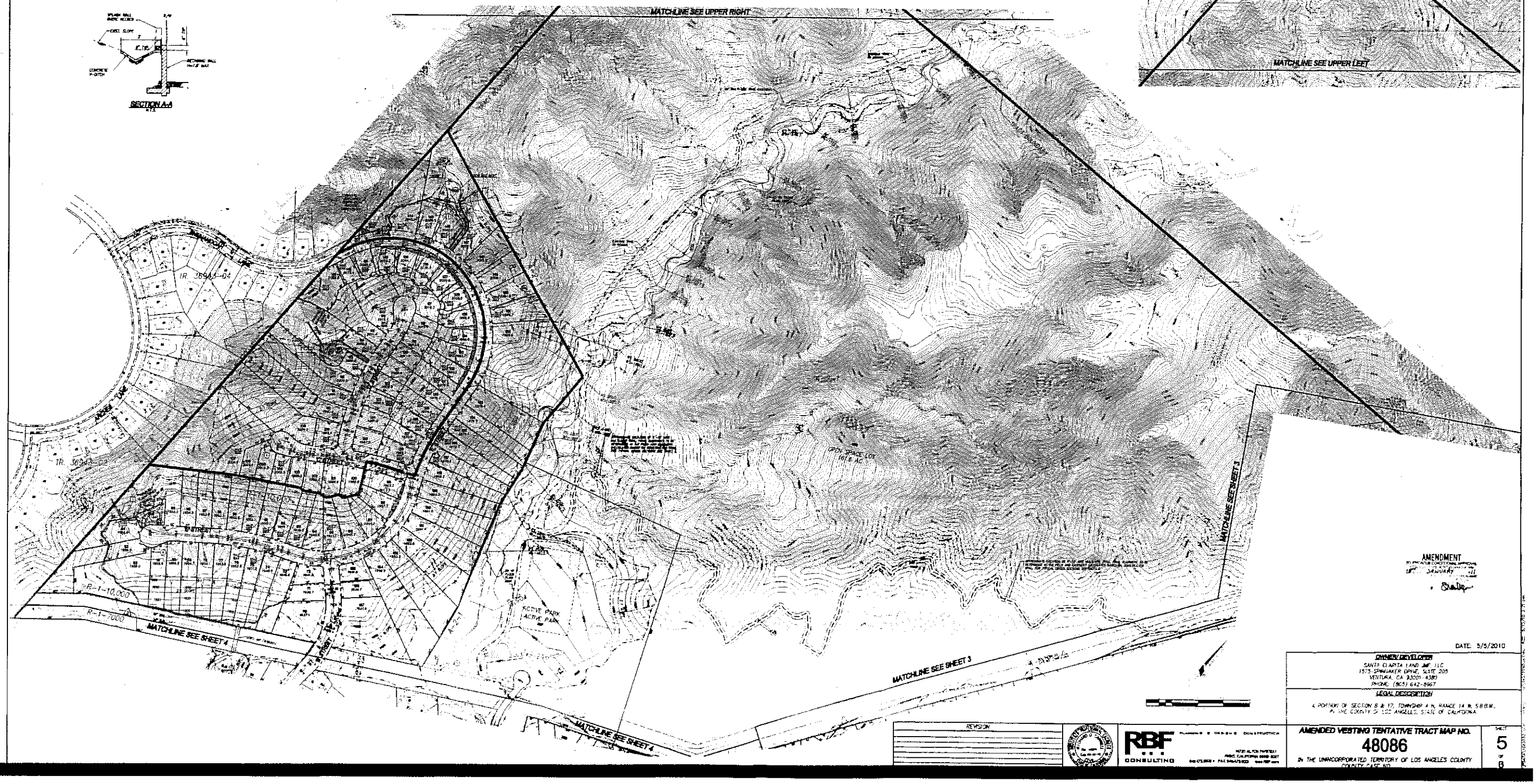




AMENDMENT
[illegible]
JANUARY [illegible]

DATE: 5/5/2010

OWNER/DEVELOPER
SANTA CLARITA LAND [illegible], LLC
1575 SPINNAKER DRIVE, SUITE 205
VENTURA, CA 93001-4380
PHONE: (805) 642-8967

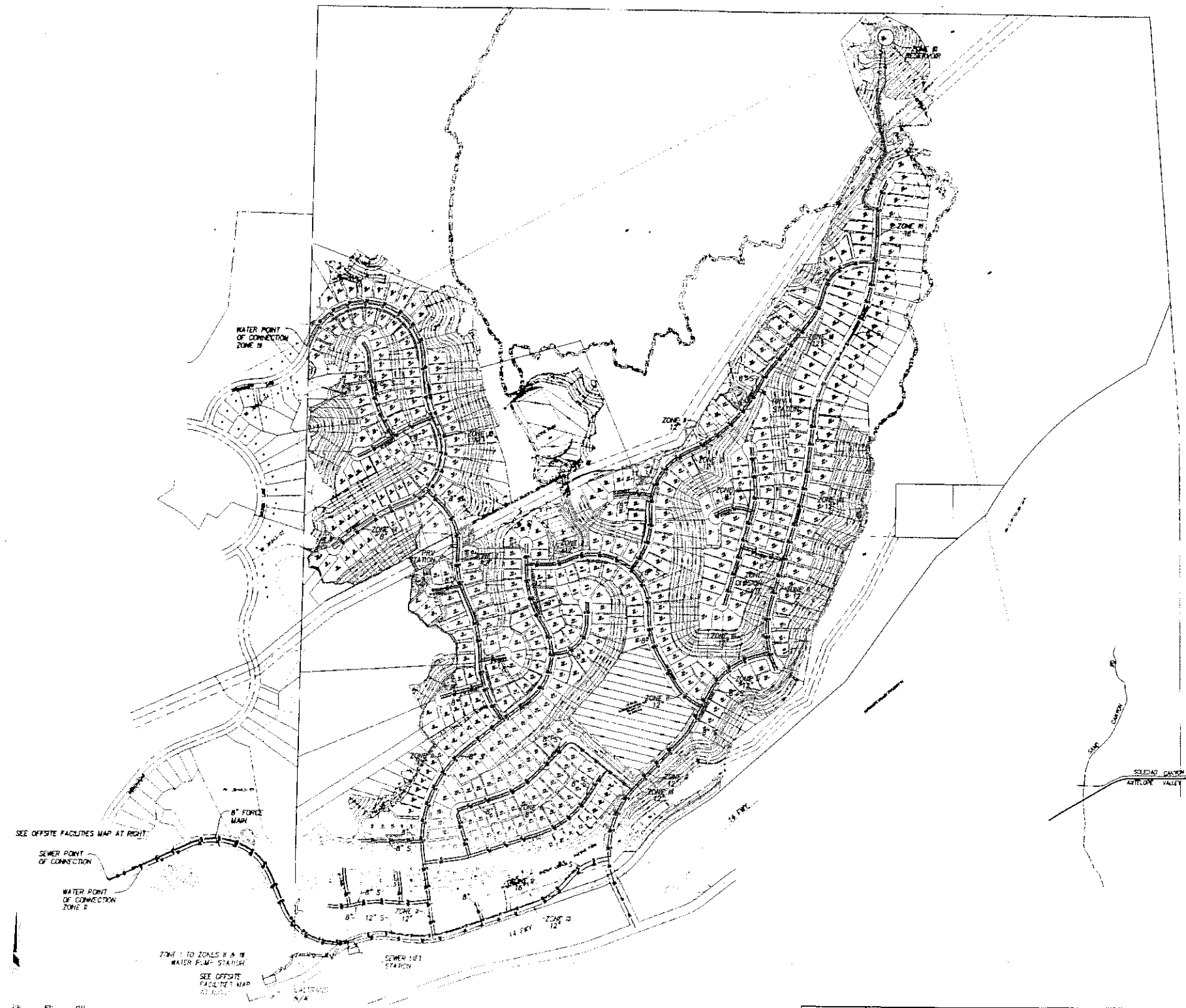
LEGAL DESCRIPTION
A PORTION OF SECTION 8 & 17, TOWNSHIP 4 N, RANGE 14 W, S.B.B.M.,
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

REVISION

RBF CONSULTING

AMENDED VESTING TENTATIVE TRACT MAP NO.
48086
IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO.

SHEET 5 OF 8



OFFSITE WATER & SEWER FACILITIES MAP
NOT TO SCALE

AMENDMENT
TO PREVIOUS CONDITIONAL APPROVAL

PROPOSED WATER & SEWER SYSTEM EXHIBIT

DATE: 5/5/2010

OWNER/DEVELOPER
SANTA CLARITA LAND, LLC
1575 SPINNAKER DRIVE, SUITE 205
VENTURA, CA 93001-4380
PHONE: (805) 642-8567

LEGAL DESCRIPTION
A PORTION OF SECTION 8 & 17, TOWNSHIP 4 N, RANGE 14 W, S.B.B.M., IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

NO.	REVISION

RBF CONSULTING — PLANNING · DESIGN · CONSTRUCTION

AMENDED VESTING TENTATIVE TRACT MAP NO.
48086
IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY
COUNTY CASE NO.

SHEET 6 OF 6

ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
FOR FOURTH AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 48086
PROJECT NO. 96-044-(5)

1. Existing Entitlements

a. On August 3 2004, the Board of Supervisors approved Vesting Tentative Tract Map ("VTTM") No. 48086, Plan Amendment ("PA") No. 96-044, Zone Change ("ZC") No.96-044, Conditional Use Permit ("CUP") 96-044 and Oak Tree Permit ("OTP") No. 96-044, certified the final Environmental Impact Report ("EIR") and adopted the Findings and Statement of Overriding Considerations ("Findings and SOC") and incorporated the Mitigation Monitoring and Reporting Program ("MMRP") into the conditions of approval. The subject property is located north of the Antelope Valley Freeway and Soledad Canyon Road in the Soledad Zoned District.

b. The approved VTTM and CUP authorized creation of clustered hillside residential development of 542 single-family residence lots, a fire station lot, a sheriff sub-station lot, two park lots and three open space lots on 548.1 gross acres.

c. The PA and ZC authorized the urban land use category of the Santa Clarita Valley Areawide Plan and Zone R-1-6,000 (Single-family Residential, 6,000 Square Feet Minimum Required Area) on 62.51 acres of the site, Zone R-1-7,000 (Single-family Residential, 7,000 Square Feet Minimum Required Area) on 60.57 acres of the site, Zone R-1-8,000 (Single-family Residential, 8,000 Square Feet Minimum Required Area) on 6.97 acres of the site, Zone R-1-10,000 (Single-family Residential, 10,000 Square Feet Minimum Required Area) on 58.35 acres of the site, Zone R-1-15,000 (Single-family Residential, 15,000 Square Feet Minimum Required Area), Zone R-1-20,000 (Single-family Residential, 20,000 Square Feet Minimum Required Area) on 27.36 acres of the site, Zone A-2 (Heavy Agricultural) on 306.4 acres of the site..

d. The original OTP authorized removal of four oak trees and their replacements in accordance with County Code provisions.

e. A subsequent oak tree permit was also authorized removal of four additional oak trees that had subsequently grown to ordinance-size and their replacements.

f. Mitigation measures identified in the approved EIR and MMRP, and imposed on the project as a condition of approval, include the following categories: geotechnical, fire hazard and fire protection, traffic/access, education, water services, environmental safety, library services, flood hazard, noise, biological resources, cultural resources, sewage disposal, sheriff protection, solid waste, recreation, visual qualities.

g. First, second and third amendments to the vesting tentative tract map requested by the Sulphur Springs School District, Newhall County Water District and the Los Angeles County Department of Public Works, authorized changes including relocation of a school site, adjustment of lot lines and lot configurations, redesign of park site, street pattern revisions, relocation of a water reservoir, drainage facilities and desilting basin changes, wildlife corridor changes, street section changes for added retaining walls, addition of a sewer lift station, stream course protection changes, grading changes, and clarified language to conditions of approval and mitigation measures..

2. Proposed Entitlement Modifications

The proposed project changes require the Fourth amendment to VTTM No. 48086 and an Addendum to the certified final EIR.

3. Proposed Amendment to Vesting Tentative Tract Map No. 060922

The fourth amendment to the VTTM, proposes the following:

a. Adjustment of timing triggers of compliance with conditions of approval and mitigation measure related to grading and road and infrastructure improvements, parks and trails improvements and landscaping installation.

b. Clarifications for responsible parties for implementation of mitigation measures.

c. All applicable Conditions of Approval for VTTM 48086, CUP 96-044 and OTPs 96-044 and 201300017 shall remain in effect for this proposed Fourth Amendment to VTTM 48086 except for those conditions specifically called out to be modified by these entitlements (see attached Amendment Map Conditions).

4. CEQA Addendum Findings Pertaining to Project Modifications

CEQA Guidelines section 15164 authorizes a Lead Agency to prepare an Addendum to a previously certified EIR if changes or additions to the document are necessary, but none of the conditions described in Section 15162 are present, as described below:

- No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new potentially significant environmental effects or a substantial increase the severity of previously identified potentially significant effects;

- No new information of substantial importance, which was not known, and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete has arisen:

    - Therefore the project will not have one or more significant effects not discussed in the previous EIR;

        - Potentially significant effects previously examined will not be substantially more severe than shown in the previous EIR:

            - No new mitigation measures or alternatives previously found to be infeasible have been found to be feasible but declined by the project proponent to be adopted; and

- No new mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, and that would substantially reduce one or more potentially significant effects on the environment, have been found and declined by the project proponent to be adopted.

The final EIR certified by the Board of Supervisors on August 3, 2004, analyzed the following potential project impacts: visual quality, noise, air quality, law enforcement services, cumulative traffic, solid waste disposal, and cumulative global climate change. The Board found that implementation of the project would result in unavoidable significant effects. The Board found the benefits of the project outweighed those potential unavoidable adverse impacts and they were determined to be acceptable based upon the overriding considerations set forth in the Findings and SOC.

Following are comparisons between the originally approved project and the proposed modified project of the potential impacts identified in the EIR:

COMPARISON OF IMPACTS

DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 542-UNIT PROJECT	MODIFIED PROJECT	DESCRIPTION OF MODIFICATIONS
Project Description	Spring Canyon	Amended Spring Canyon	542 SFR lots, fire station lot, sheriff substation lot, two park lots and open space on 548.1 gross acres.
Project-specific Geotechnical	Slope stabilization by buttress fills	No change.	N/A.
	Address landslides by removal and replacement of compacted fill, buttressing or place area in "Restricted Use Areas", as applicable.	No change.	N/A.
	Subdrain outlet in Spring and Tapie Canyons, concrete headwalls.	No change.	N/A.
	Grading plan required.	No change.	N/A.
Project-specific Fire Hazard and Protective Services	Graded, future fire station lot.	No change.	N/A.

	Assess value of fire station lot prior to issuance of building permits.	No change.	N/A.
Project-specific Noise	Construction of 6' high solid wall along the property lines of lots adjacent to the freeway.	No change.	N/A.
	All windows and glass doors facing the freeway on lot nos. 505-521 and lot no. 533 shall be glazed with STC 32 glazing.	No change.	Lot numbers updated.
Project-specific Biological Resources	Deed restrict open space lots from future development and manage as natural reserves for the life of the project.	No change.	Final map to note open space.
	Open space management plan ("OSMP")	No change.	N/A.
	Site survey.	No change.	N/A.
	Wildlife corridor mitigation plan.	No change.	N/A.
	Construct separate 8' wide trail.	No change.	N/A.
	Improve and construct natural habitat connectivity from Spring Canyon to the project site underpass with native vegetation.	Use locally native vegetation.	Clarification includes opportunity to employ vegetation that naturally occurs on the site.
	Install a 60" concrete pipe under proposed Valley Canyon Road for wildlife underpass crossing.	Install a 5'5" tall by 7'8" wide with arched culvert.	Allows wildlife to more easily access the existing culvert for safe crossing; a culvert is more likely to be used.

	Pull back grading on lot nos. 8, 9, 12 and 13.	No change.	Lot numbers updated.
	Install and construct a 12' wide, landscaped parkway to facilitate wildlife movement from open space through the project site.	No change.	Update to include locally indigenous/native vegetation.
	Eliminate stream encroachment and narrowing of the existing corridor in the vicinity of lot nos. 400-403.	No change.	Lot numbers updated.
	Develop an aggressive revegetation plan for the project.	No change.	Update to include locally indigenous/native vegetation.
	Only use locally native landscaping and restrict in the CC&Rs.	No change.	Update to include locally indigenous/native vegetation.
	Place a low wall, approximately 3' in height at the brow of the slopes on all lots adjacent to preserved open space areas.	No change.	N/A.
	Place deed restriction on the south- and east-facing slopes of Spring Canyon within designated private lots.	No change.	Clarification needed for distinguishing Spring and Tapie Canyons.
	Salvage topsoil on south- and west-facing slopes of Spring Canyon for replacement there.	No change.	N/A.
	Reconstruct/re-contour stream course and slopes.	No change.	N/A.

	Relocate, where feasible, the holly-leaved cherry trees to Spring Canyon.	No change.	Attempts failed, re-attempt required to take place in dedicated open space.
	Replacement of scrub oaks within dedicated open spaces.	No change.	N/A.
	Gather and store seed for dispersal within Spring Canyon.	No change.	N/A.
	Consult Fire Department for fuel modification zones.	No change.	N/A.
	Mitigate lighting of open spaces.	No change.	N/A.
	Buffer open space.	No change.	N/A.
	Incorporate education signposts on hiking and riding trails.	No change.	N/A.
	Minimize brush clearance.	No change.	N/A.
	Allow non-native groundcover only in setback and irrigation zones (Zones A and B). No non-natives elsewhere.	No change.	N/A.
	Incorporate on-site signage and CC&R provisions for open space access prohibition.	No change.	N/A.

	Development landscaping to be planted with non-invasive plants native to the area with no noxious weeds.	No change.	N/A.
	Incorporate signs for pet prohibition in open spaces.	Responsible party change.	There is no conservation district being created.
	Incorporate signs for trapping, shooting, or poisoning native predators prohibition.	Responsible party change.	There is no conservation district being created.
	Filter stormwater runoff.	No change.	N/A.
	Use bio-filters, where feasible.	No change.	N/A.
	Use "least toxic" pesticides.	Note change.	Notes.
Project-specific Cultural Resources	Employ archaeological monitoring in Shadow Pines 2-5.	No change.	N/A.
	If avoidance is not feasible, conduct Phase II testing program to determine the nature, extent, and significance of the site.	No change.	N/A.
Project-specific Visual Qualities	Maximize setbacks from the backyard edges of pads located atop the highest manufactured slopes with freeway-oriented rear yards to lessen potential visibility of structures walls.	No change.	N/A.

	Lot nos. 18, 29, 30, 42 and 43 shall be deed restricted from any major alteration of the natural topography or the main ridgeline beyond the initial graded pad in order to maintain view of that ridge.	No change.	Lot nos. need to be updated.
	Use tones compatible with the surrounding terrain using textured materials or construction methods which create a textured effect for understories and retaining walls higher than 6'.	No change.	N/A.
	Hoods and minimum spill-over required for lights.	No change.	N/A.
	Minimize proposed park lights.	No change.	N/A.
Project-specific Traffic and Access	Participate in improvements.	Clarify street name(s); change in responsible party and sequencing.	Caltrans or City of Santa Clarita, as applicable to implement with subdivider payment of fair share, prior to issuance of building permits
Project-specific Sheriff Protection	Provide space for a Los Angeles County Sheriff's Department sub-station lot.	No change.	N/A.
Project-specific Water Services	Provide irrigation management plan.	No change.	N/A.
Project-specific Solid Waste	Provide resident information on recycling.	No change.	N/A.

	Construction-phase recycling containers.	No change.	N/A.
Project-specific Environmental Safety	Observe gas company guidelines during grading.	No change.	N/A.
Project-specific Recreation	Dedicate 18 acres of private parkland.	No change.	N/A.

No changes to standard mitigation measures of Code-required provisions are proposed. The amended Project proposes to implement the same mitigation measures as the previous project where the measures are not related to the changes.

As shown above, these amendments will result in the reduction of each potential impact identified in the original EIR, and, therefore, will not cross the thresholds identified in Section 15162 of the California Environmental Quality Act ("CEQA") that would require a subsequent EIR.

Therefore, this Project Amendment qualifies for an Addendum to the previously certified final EIR, as authorized under CEQA Section 15164.

By: _____

Date: 2018 September 6

Addendum to the
Final Environmental Impact Report
for the

Spring Canyon Project

State Clearinghouse No. 1997031043

October 2006

CH2MHILL
610 Anacapa Street
Santa Barbara, CA 93101

Executive Summary

This is an Addendum to a Final Environmental Impact Report (EIR) previously prepared for the Spring Canyon Project (Project), located in the Santa Clarita Valley, California. It provides updated information regarding the Santa Clarita Valley's water supply and the reliability of that supply, as well as information regarding how this updated information could affect previously identified impacts regarding the Project's water supply. The County of Los Angeles, acting as Lead Agency under the California Environmental Quality Act (CEQA), certified a Final EIR for the Project in 2001. The Project, as approved, includes 542 residential lots, open space, and sites for public service facilities. Water for this Project would be provided by Newhall County Water District, one of four local water purveyors in the Santa Clara Valley. The local and imported regional water supplies are cooperatively managed by those four water purveyors and the Castaic Lake Water Agency, the regional wholesale water agency.

Since the Project was approved, several studies, plans and water management upgrades have been completed and modify the existing environmental conditions with regard to water supply when compared to the conditions existing at the time of Project approval. These studies, plans and water management upgrades include:

- Perchlorate contamination of several groundwater wells in the Santa Clarita Valley and completion of steps towards cleanup;
- Completion of steps towards expanded use of recycled water in the Santa Clarita Valley;
- Completion of the Groundwater Management Plan in compliance with AB 3030;
- Completion of groundwater banking agreements with Semitropic Water Storage District;
- Completion of the revised Castaic Lake Water Agency Supplemental Water Project Transfer of 41,000 Acre-Feet of State Water Project Table A Amount Final EIR, and continued implementation of the 41,000 acre-foot water transfer from Kern County Water Agency and its member unit in Kern County, the Wheeler Ridge-Maricopa Water Storage District;
- Completion of long-term groundwater banking arrangements with Rosedale-Rio Bravo Water Storage District;
- Initiation of an imported water augmentation agreement with the Buena Vista Water Storage District and the Rosedale-Rio Bravo Water Storage District Water;
- Completion of water quality and capacity improvements to the Earl Schmidt Water Treatment Plant and planned expansion of the Rio Vista Water Treatment Plant;
- Planning and construction of treated water supply pipelines (Pitchess and Honby);
- Completion of the Newhall County Water District's Water Supply Assessment;

- Completion of annual updates of the Santa Clarita Valley Water Report;
- Completion of the 2005 Urban Water Management Plan;
- Completion of the California State Water Project Water Supply Reliability Report; and
- Completion of the California Department of Water Resources' technical memorandum describing progress made in incorporating climate change into existing water resources planning and management tools and methodologies.

The current annual water supply for the Santa Clarita Valley is approximately 112,000 af and the current annual demand (2005) is approximately 80,000 af. The Project would add an additional annual demand of approximately 705 af to the current demand. As described in the Final EIR, this new, site-specific water demand would be met by a combination of regional groundwater resources and imported water supplies provided by the Newhall County Water District.

The Project was identified as "pending" in the Newhall County Water District's 2004 Water Supply Assessment and was included in the report's projected water demand. Based on the Water Supply Assessment, which concluded that sufficient water supply appears to be available to meet projected demands, the Project's demand for water would not exceed the available supply, and the impacts to water supply would be less than significant, as described in the Final EIR.

Similarly, the Project was included in future water demand projections used in the 2005 Urban Water Management Plan. This plan shows that there is sufficient water to meet demands within the Castaic Lake Water Agency service area as a whole, and cumulative water supply impacts, including those of the Project in combination with other projected development, would be less than significant, as described in the Final EIR.

At the time the Final EIR was prepared, the water supply infrastructure needed to transport water to the Project site was insufficient, and the Final EIR identified this as a significant impact. Although the necessary upgrades have been completed, for the purposes of full disclosure, this impact is considered to be the same as described in the Final EIR and is significant. Mitigation measures are the same as those included in the Final EIR and have reduced the impact to less than significant as predicted in the Final EIR.

This Addendum concludes that regional water supply availability, quality, and reliability in the Santa Clarita Valley area have changed since the preparation of the Final EIR for the Project. However, these changes would not result in changes to, or increases in the severity of, the water supply impacts described in the Final EIR. Mitigation measures identified in the Final EIR, including improvements to the water supply infrastructure necessary to supply the Project site, have not changed and will not represent a substantial change or significant new circumstance that has bearing on the Project or its impacts.

Therefore, none of the conditions requiring preparation of a Subsequent EIR or Supplement to an EIR have occurred, and this Addendum is the appropriate mechanism under the CEQA to document the changes that have occurred since completion of the Final EIR for the Project.

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SECTION 1

Introduction and Background

1.1 Purpose of this Addendum

The purpose of this Addendum is to evaluate the water supply impacts of the Spring Canyon Project (also referred to as the Project) in the context of the current (2006) regional water supply availability, quality, and reliability in the Santa Clarita Valley area. This Addendum supplements information provided in the Spring Canyon Final Environmental Impact Report (EIR; State Clearinghouse No. 1997031043) and the Supplemental EIR prepared by the County of Los Angeles. This Addendum is prepared to assist Newhall County Water District (NCWD) in its consideration of a water service agreement for the Project. NCWD is a responsible agency for the Project.

1.2 CEQA Regulatory Background

Section 15164(a) of the State California Environmental Quality Act (CEQA) Guidelines states that the responsible agency "shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

Section 15162 of the State CEQA Guidelines lists the conditions that would require the preparation of a Subsequent EIR rather than an Addendum. These conditions are:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

   a.) The project will have one or more significant effects not discussed in the previous EIR;

   b.) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c.) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the

project, but the project proponents decline to adopt the mitigation measure or alternative; or

d.) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines states that the responsible agency "may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

1. Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation."

After evaluating the water supply impacts associated with the Project in the context of the current (2006) regional water supply availability, quality, and reliability in the Santa Clarita Valley area, the NCWD has concluded that none of the conditions requiring preparation of a Subsequent EIR or Supplement to an EIR have occurred. The updated information on current regional water supply availability, quality, and reliability demonstrates that the water supply impacts from the Project remain less than significant with mitigation.

Section 15164(e) of the State CEQA Guidelines states that "a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record." This explanation is provided in Section 5 of this Addendum. Per Section 15164(d) of the State CEQA Guidelines, NCWD will consider this Addendum with the Final EIR prior to making a decision on the project.

1.3 Project Background

The Project includes the development of the approximately 548-acre Spring Canyon property for single-family residential uses, as well as provision of space for several public service agencies. Vesting Tentative Tract Map 48086 for the Project includes 542 single-family residential lots on approximately 220 acres, one fire station lot, a sheriff sub-station lot, two parking sites totaling approximately 18 acres, and three open space lots that would occupy the remaining 30 acres of the property. A 9-acre elementary school site adjacent to the property on Tract 31973 will also be provided. The majority of the 542 residential lots are proposed to be constructed in the south-central portion of the site along slopes, ridgelines, and flatter portions of both Tapie and Spring canyons.

1.4 Santa Clarita Valley Water Supply Background

1.4.1 Water Agencies

One wholesale water agency (Castaic Lake Water Agency (CLWA)) and four retail water purveyors provide water service to most residents of the Santa Clarita Valley. The four

retail purveyors are NCWD, Los Angeles County Water Works District #36 (LACWWD #36), the Santa Clarita Water Division of CLWA (SCWD), and the Valencia Water Company (VWC); these four purveyors are collectively referred to as the Local Purveyors. The service area for CLWA and the Local Purveyors is shown on Figure 1.

NCWD was formed in 1959. It is a municipal utility providing potable water to more than 30,000 people in an area of more than 34 square miles in the Santa Clarita Valley. NCWD's service area is composed of four separate water service areas (Newhall, Castaic, Pinetree, and Tesoro), and includes portions of the City of Santa Clarita and unincorporated portions of Los Angeles County in the communities of Newhall, Canyon Country, Saugus, and Castaic. NCWD supplies water from local groundwater and imported water from CLWA. NCWD delivered approximately 11,000 acre-feet (af) of water via approximately 9,200 connections in 2005 (CLWA 2005a). The NCWD service area is shown on Figure 2.

SCWD's service area includes portions of the City of Santa Clarita and unincorporated portions of Los Angeles County in the communities of Canyon Country, Newhall, and Saugus. SCWD supplies water from local groundwater and imported water from CLWA. SCWD delivered approximately 29,000 af of water via approximately 26,000 connections in 2005 (CLWA 2005a).

LACWWD #36's service area includes the Hasley Canyon area in the unincorporated community of Val Verde. During most years, the District obtains its water supply from CLWA. LACWWD #36 delivered approximately 1,200 af of water via approximately 1,300 connections in 2005 (CLWA 2005a).

VWC's service area includes a portion of the City of Santa Clarita and unincorporated portions of Los Angeles County in the communities of Castaic, Stevenson Ranch, and Valencia. VWC supplies water from local groundwater, imported water from CLWA, and recycled water. VWC delivered approximately 30,000 af of water via approximately 31,000 connections in 2005 (CLWA 2005a).

CLWA was formed for the purpose of contracting with the California Department of Water Resources (DWR) to provide a supplemental supply of imported water from the California Sate Water Project (SWP) to the Local Purveyors in the Santa Clarita Valley. CLWA serves an area of 195 square miles in Los Angeles and Ventura counties. CLWA, as a SWP Contractor, holds a water supply contract with DWR with a Table A Amount of 95,200 af[1].

1.4.2 Water Supply

There are two main water supplies for the Santa Clarita Valley—local supplies and imported supplies. Local supplies consist of groundwater and recycled water, and imported supplies consist of SWP water, and SWP-related supplies such as groundwater banking programs, transfers, and purchases. Additional information on these supplies is

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1 Table A Amount (formerly referred to as "entitlement") is named for the "Table A" in each SWP contractor's Water Supply Contract. It contains an annual buildup in Table A Amounts of SWP water, from the first year of the Water Supply Contract through a specific year, based on growth projections made before the Water Supply Contract was executed. CLWA has augmented its Table A Amount through the acquisition of contract rights from the Devil's Den Water District (in 1991) and from the acquisition of contract rights from the Kern County Water Agency via the Wheeler Ridge-Maricopa Water Storage District (in 1999). The total of all SWP Contractors' maximum Table A Amounts is currently about 4.17 million af.

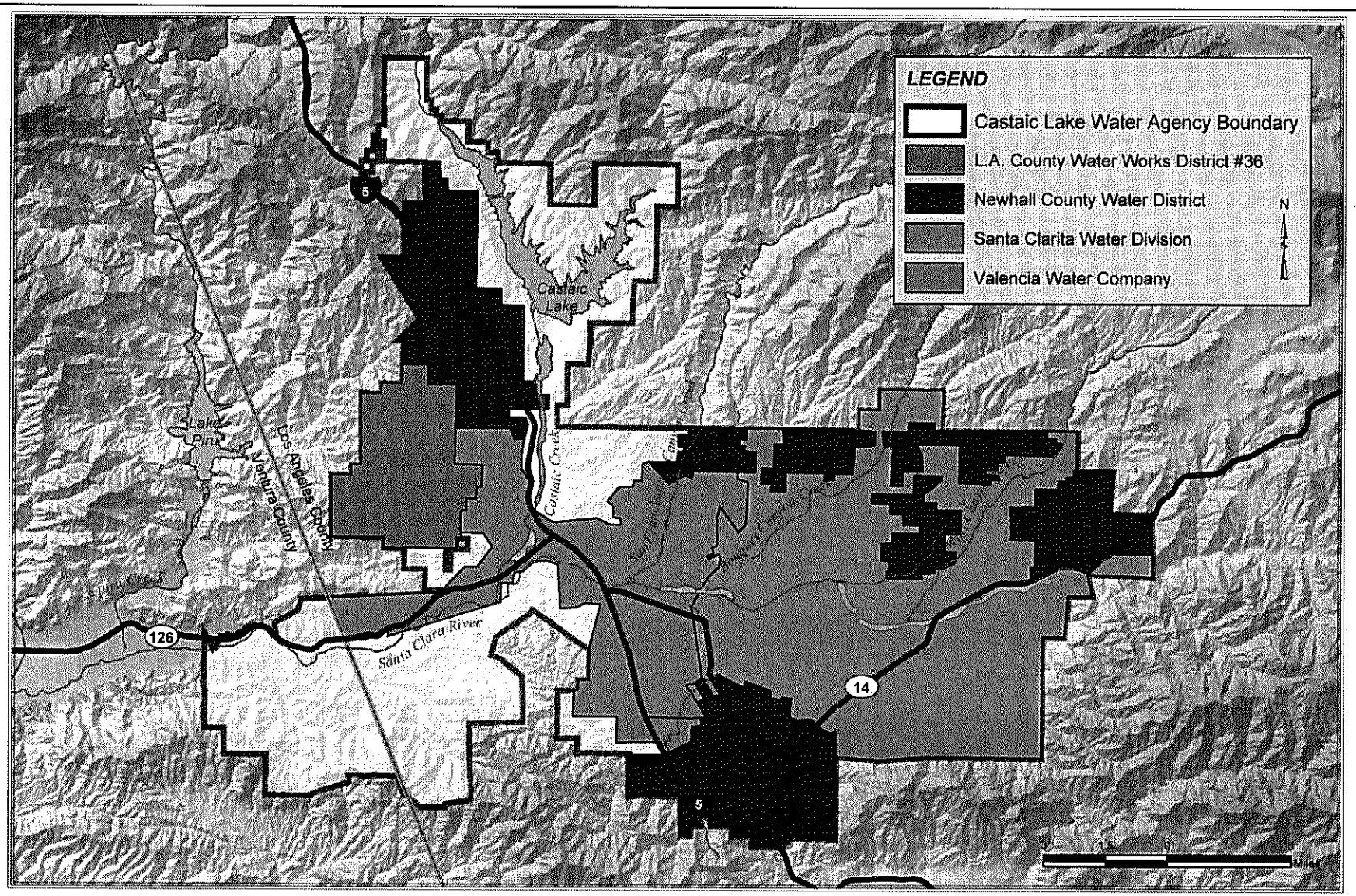
provided in Sections 3 and 4 of this Addendum. Background information on the SWP system is provided below.

The SWP is a large water supply, storage, and distribution system authorized by an act of the California State Legislature in 1959. Today, the SWP includes 28 storage facilities, reservoirs and lakes; 20 pumping plants; six pumping-generating plants and hydroelectric power plants; and approximately 660 miles of aqueducts and pipelines. The primary water source for the SWP is the drainage of the Feather River, a tributary of the Sacramento River. Runoff released from Oroville Dam in Butte County flows down natural channels to the Sacramento-San Joaquin River Delta (Delta), where some of the water is pumped through the North Bay Aqueduct to Napa and Solano counties. In the southern Delta, water is pumped from the Clifton Court Forebay by the Harvey O. Banks Delta Pumping Plant into the 444-mile-long, Governor Edmund G. Brown California Aqueduct (California Aqueduct). The California Aqueduct conveys water to the primarily agricultural users in the San Joaquin Valley and the primarily urban regions of the San Francisco Bay Area, the Central Coast, and southern California. Water intended for use in southern California is conveyed through the West Branch to Castaic Lake and through the East Branch to Lake Perris, which are referred to as terminal reservoirs for the SWP.

The original plan for the SWP included constructing additional water storage facilities as Contractor demands increased, however, essentially no new construction of additional SWP storage facilities has occurred since the initial SWP facilities were completed. Although future construction or other actions can improve the quantity and reliability of SWP supplies (e.g., the CALFED Bay-Delta Program and the South Delta Improvement Program), these actions entail their own environmental reviews, potential litigation delays, and multi-year construction period; therefore, it is likely to take many years before any additional storage and/or conveyance facilities that improve SWP reliability are operational.

In 1960, DWR began executing individual Water Supply Contracts with public agencies throughout the State of California for financing and constructing SWP facilities designed to deliver water to each public agency. ("SWP contractors" or "contractors" collectively refer to the public agencies that hold SWP Water Supply Contracts with DWR.)

Each Water Supply Contract identifies a Table A Amount, the annual maximum amount of water to which an SWP Contractor has a contract right. Each Contractor annually submits a request to DWR for water delivery in the following year, in any amount up to the Contractor's Table A Amount. The Water Supply Contracts provide that in a year when DWR is unable to deliver total Contractor requests, deliveries to all contractors will be reduced so that total deliveries equal total available supply for that year. While SWP contractors currently hold Table A Amounts totaling approximately 4.173 million af, the amount of water actually requested by contractors is less than that due to a number of contractors whose demands have not yet increased to their full Table A Amount. Even at these lower current demands, however, the SWP cannot meet all water delivery requests in some years due to operational and environmental constraints.



Source: SCVWP 2006

FIGURE 1
CLWA and Local Purveyors Service Area

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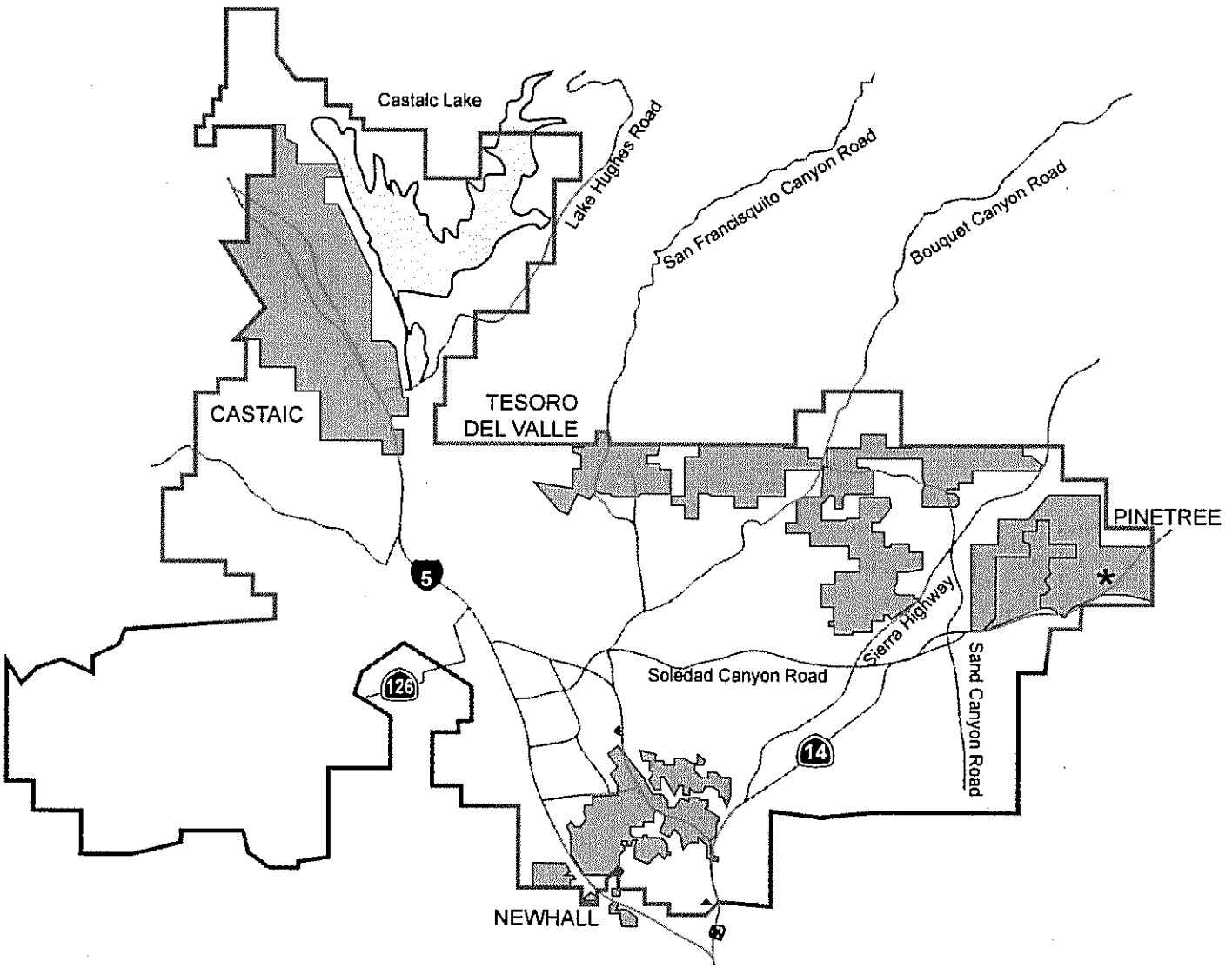

* Approximate Location of the Spring Canyon Project
Source: NCWD 2006

FIGURE 2
NCWD Service Area

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1.5 Contents of this Addendum

This Addendum contains the following sections in addition to this Introduction:

- Section 2.0, Summary of the Spring Canyon Project. This section provides a description of the aspects of the Project that are relevant to the subject of this Addendum.
- Section 3.0, Relevant New Information. This section provides summaries of the new studies, plans, and water management upgrades completed since completion and adoption of the Final EIR.
- Section 4.0, Updated Water Supply Characteristics. This section provides an update of regional water supply availability, quality, and reliability.
- Section 5.0, Impacts of the Spring Canyon Project. This section provides an update of the water supply impact analysis for the Project in light of the new water supply availability, quality, and reliability in the Santa Clarita Valley.
- Section 6.0, List of Document Preparers and Organization and Persons Contacted. This section provides a list of the preparers of this document and the organizations and persons contacted.
- Sections 7.0, References. This section provides a list of references cited in this Addendum.

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SECTION 2

Spring Canyon Project and Prior Environmental Analyses

2.1 Project Description

The Project site is located immediately north of the Antelope Valley Freeway and Soledad Canyon Road, between Shadow Pines Boulevard and west of Agua Dulce Canyon Road in the northeast portion of the Santa Clarita Valley (see Figure 3). This portion of the Santa Clarita Valley is located within unincorporated Los Angeles County. The Project involves the development of the approximately 548-acre property with single-family residential uses, open space, and sites for several public service agencies. Vesting Tentative Tract Map 48086 for the Project includes 542 single-family residential lots on approximately 220 acres, one fire station lot, a sheriff sub-station lot, two parking sites totaling approximately 18 acres, and three open space lots that would occupy the remaining 30 acres of the property. As part of the project mitigation, the Project also proposes to provide a 9-acre elementary school site adjacent to the Project site on Tract 31973. The majority of the 542 residential lots are proposed to be constructed in the south-central portion of the site along slopes, ridgelines and flatter portions of both Tapie and Spring canyons.

The Project site is located within NCWD's Pinetree service area (see Figure 2). As shown in Table 1, the Project would increase regional potable water demand by approximately 706 af per year. This anticipated water demand would be met by a combination of local groundwater, recycled water, and imported water supplies. All water would be acquired from the NCWD, and its wholesale supplier, CLWA. CLWA supplies imported water to the Pinetree area through the Honby Lateral. NCWD operates and maintains the Lost Canyon Pump Station, which provides pressure needed to deliver water to the area.

2.2 Previous Environmental Documentation

A Draft EIR for the Project (Vesting Tract 48086) was prepared and released for public review in August 2000 (County of Los Angeles 2000). The Draft EIR examined the potential Project-related impacts for the following environmental resource areas:

- Geotechnical
- Flood Hazard
- Cultural Resources
- Fire Hazard & Protective Services
- Noise
- Traffic and Access
- Water Services
- Air Quality
- Education
- Biological Resources
- Solid Waste Disposal
- Sheriff Protection
- Visual Qualities
- Recreation
- Environmental Safety
- Sewage Disposal
- Library Services

TABLE 1
Project Water Use Estimate

Land Use Categories	Water Use Factor afy	per	Project	Estimated Water Use afy
On-site				
Single Family Residential	0.90	SFU[1]	542	487.8
Fire Station	0.14	acre[3]	5.0	0.70
Landscaped Park Area and Manufactured Slopes	3	acre[2]	56.4	169.2
Open Space[4]	0	acre	266	0
Streets[5]	0	acre	34.3	0
Off-site				
School Pad Area	3	acre[2]	9.3	27.9
Manufactured Slope (School Site)	3	acre[2]	6.7	20.1
Open Space (School Site)[4]	0	acre	4.02	0
			Total	**705.7**

Note: afy=acre-feet per year
1. Single Family dwelling unit generation factor designated in the "Master Water Plan for Pinetree Water System"
2. Valencia Water Company Water Duty Factor.
3. CLWA Urban Water Management Plan 2000.
4. Open space includes natural park areas (i.e., park areas that are not irrigated).
5. Streets will not have landscaped medians.

Based on the analyses contained in the Draft EIR, all the potentially significant environmental impacts are mitigable to levels that are less than significant with the incorporation of all available and appropriate mitigation measures, except in the areas of air quality, visual/aesthetics, and biological resources.

In October 2001, the County of Los Angeles Regional Planning Commission certified the Final EIR for the Project, and also approved the Project's Conditional Use Permit, Oak Tree Permit, and Vesting Tentative Tract Map, and recommended that the Board of Supervisors adopt the Zone Change, General Plan Amendment, and Local Plan Amendments (County of Los Angeles 2001).

The Final (Certified) EIR consists of the following: (1) the Draft EIR dated August 2000; (2) the Response to Comments document dated September 25, 2001; (3) the Environmental Findings document dated September 25, 2001; (4) the Statement of Overriding Considerations document dated September 25, 2001; and (5) the Mitigation Monitoring Program document dated September 25, 2001.

In October 2002, a Water Supply Assessment and Required Water Supply Written Verification in compliance with the requirements of Water Code Section 10910 and Government Code Section 66473.7 were approved by the NCWD Board of Directors. Based on the evaluation of the anticipated land uses within the Project, the Water Supply Assessment and Verification estimated that the Project would result in an additional annual demand of 705.7 af. The

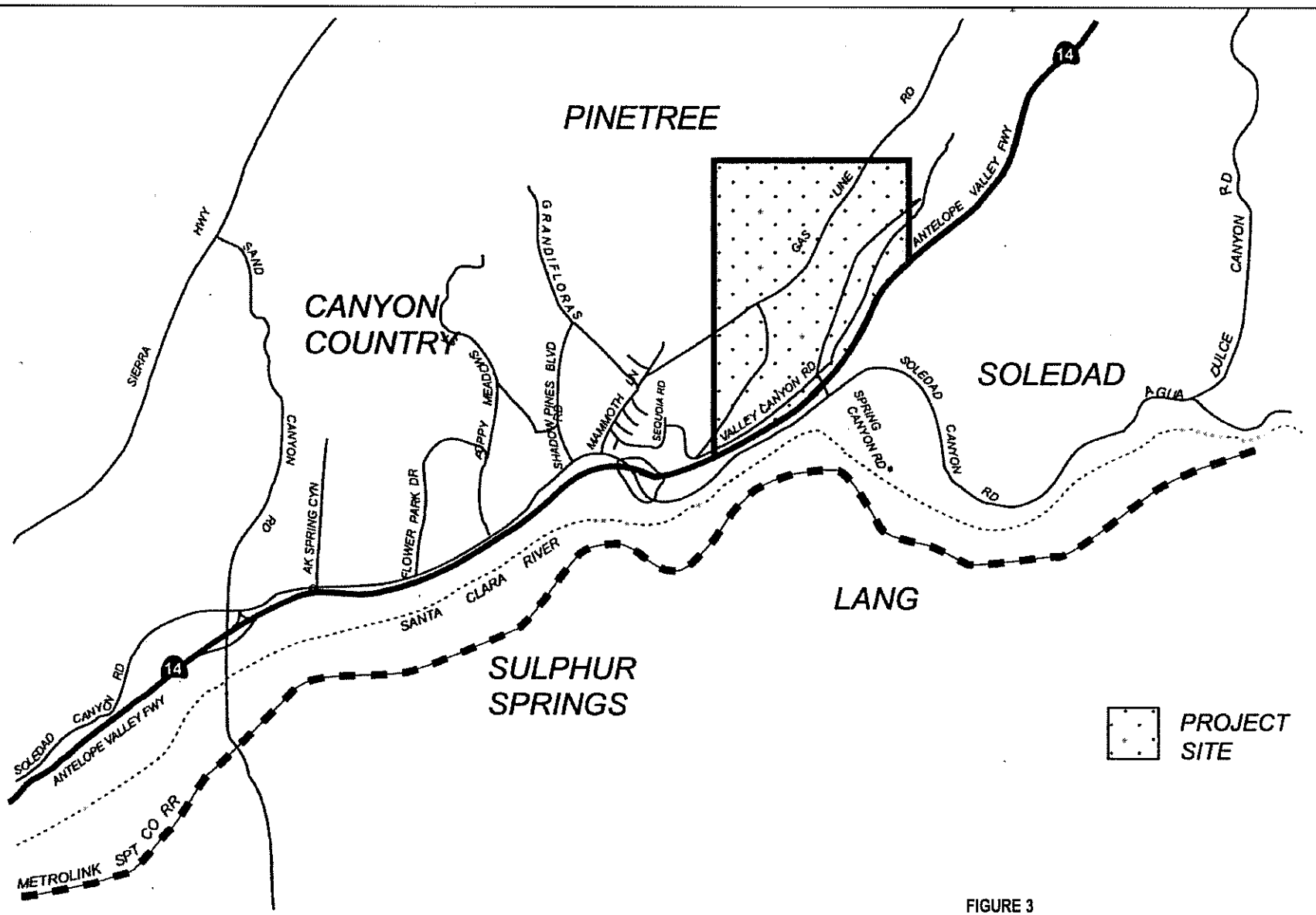

FIGURE 3
Spring Canyon Project Site

* Note: Spring Canyon Road was recently re-named "Stonecrest Road".

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Water Supply Assessment and Verification was conditioned upon the Project developer entering into an agreement with NCWD relating to the design and construction of water system improvements related to the Project. This Addendum is prepared to assist NCWD in its consideration of the agreement regarding the design and construction of water system improvements for the Project.

Subsequent to certification of the Final EIR, a Supplemental EIR was prepared to provide additional information regarding the Project's potential environmental analysis on traffic conditions and to provide the necessary water supply assessment required under Water Code Section 10910 and Government Code Section 66473.7 (County of Los Angeles 2003). The Supplemental EIR was approved by the County Board of Supervisors in January 2003.

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SECTION 3

New Relevant Information

This section summarizes the new information on water supply, water quality, and water supply reliability that was not available for consideration by the County during its prior approval of the Project (refer to Chapter 4 for an overview of the current supply and demand characteristics in the CLWA service area). The documents and reports summarized below are publicly available from NCWD, CLWA, or DWR (refer to Section 7).

3.1 Local Supplies

Water derived from local sources includes groundwater pumped from the Alluvial or Saugus Formation aquifers in the Santa Clarita Valley or from recycled water following treatment and disinfectant at local wastewater treatment plants. New information about these local sources is provided below.

3.1.1 Groundwater

The local groundwater source for the Santa Clarita Valley is the Santa Clara River Valley Groundwater Basin and specifically the East Subbasin. The East Subbasin and the location of the Alluvial and Saugus Formation aquifers are shown on Figures 4 and 5.

3.1.1.1 Groundwater Management Plan

Water management agencies and those individuals and organizations producing water from the local groundwater resources in the Santa Clarita Valley prepared and adopted a regional Groundwater Management Plan in December 2003 (CLWA 2003c). This Plan satisfies all applicable requirements (including those outlined in Assembly Bill [AB] 134 and AB 3030 and associated sections of the California Water Code). The Groundwater Management Plan outlines four specific management goals for the East Subbasin (CLWA 2003c):

1. Development of integrated surface water, groundwater, and recycled water supply to meet existing and projected demands for municipal, agricultural, and other water supply;
2. Assessment of groundwater basin conditions to determine a range of operational yield values that will make use of local groundwater conjunctively with SWP and recycled water to avoid groundwater overdraft;
3. Preservation of groundwater quality, including active characterization and resolution of any groundwater contamination problems; and,
4. Preservation of interrelated surface water resources, which includes managing groundwater to not adversely impact surface and groundwater discharges or quality to downstream basin(s).

As described in the Plan, implementation of the specific management goals for the Alluvial aquifer system would result in the preservation of the groundwater levels and quality that is consistent with the last 30 years of use of that resource. While some specific changes in groundwater levels have been observed over the last 20 years, there has been no chronic decline in groundwater level or aquifer storage. Management actions to reduce water surface fluctuations, sustain aquifer recharge and avoid storage overdraft will accomplish the basin objectives while continuing to use local groundwater to meet part of the existing and anticipated water requirements of the Santa Clarita Valley.

Implementation of the specific management goals for the Saugus Formation aquifer would also result in the preservation of the groundwater levels and quality. However, pumping rates from the Saugus Formation aquifer may be intermittently higher than the historic pumping rates during periods of low SWP supply or other emergency conditions. Such increases in pumping rate would withdraw a small portion of the total aquifer storage and successfully contribute to local water supplies while meeting the management objective. Water stored in the Saugus Formation would be expected to recover via a reduction in pumping during wet or normal conditions.

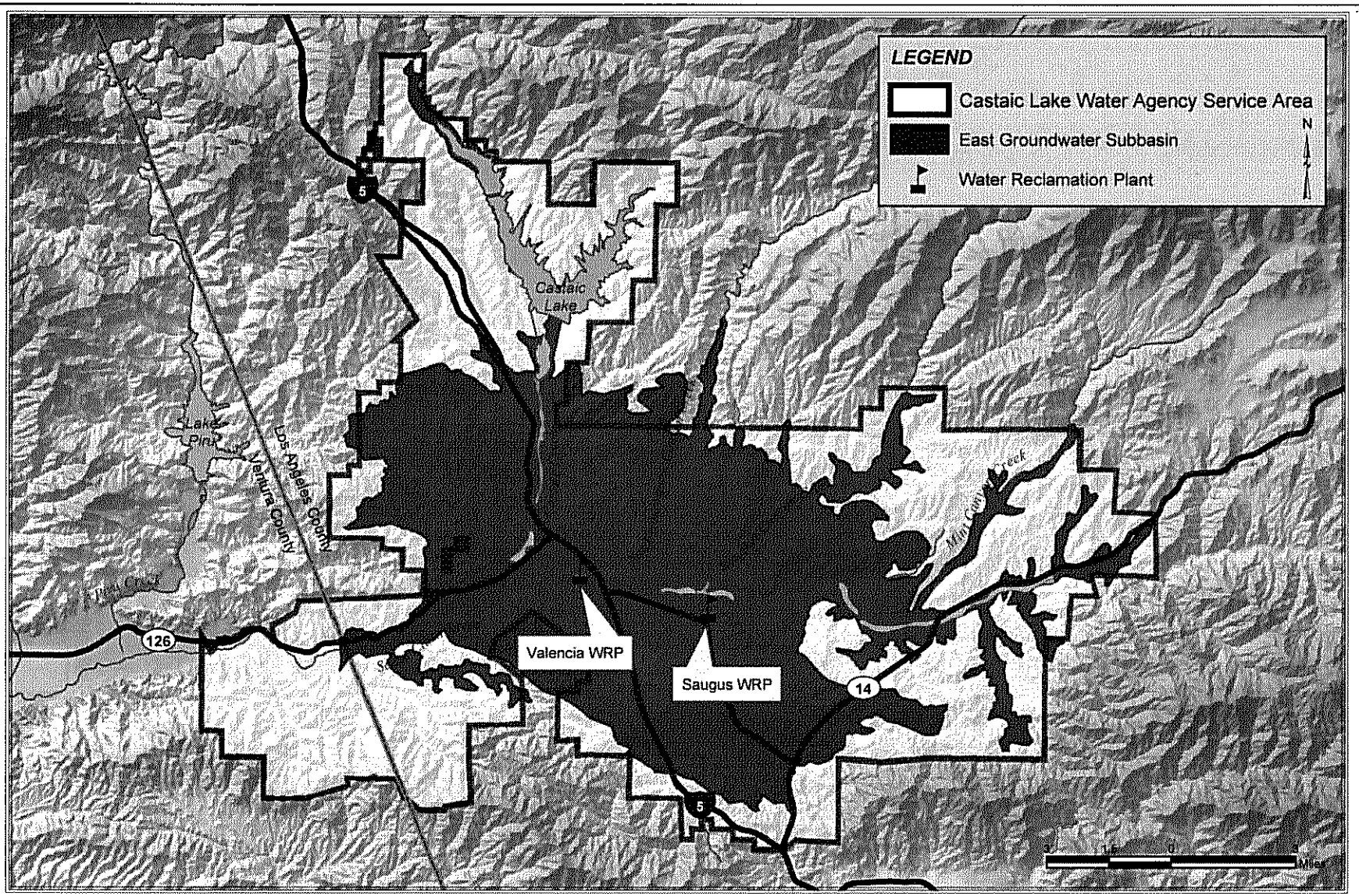
Development and adoption of the regional Groundwater Management Plan does not change the water supply available for use in the Santa Clarita Valley. However, the Plan does provide additional assurances regarding groundwater use and protection of that use through the four management goals listed above.

3.1.1.2 Ammonium Perchlorate Contamination

Perchlorate, originating at the former Whittaker-Bermite propellant production facility, has been a water quality concern in groundwater basins of the Santa Clarita Valley. Perchlorate was first detected in four wells in the Saugus Formation in 1997. In November 2002, perchlorate was detected in one Alluvial well (Stadium well) near the Whittaker-Bermite site, and in early 2005, perchlorate was detected in a second Alluvial well. All six wells were removed from active water service, and one of the Alluvial wells has been returned to active water supply service with the operation of wellhead perchlorate removal technology approved for operation by California Department of Health Services (DHS; Santa Clarita Valley Water Purveyors [SCVWP] 2006). In addition, based on zone specific modeling, very low levels of perchlorate contamination, i.e., approximately 2 parts per billion, were found in well NC-13 (personal communication, S. Cole 2006). However, this level is well below the action level and the well remains in operation (personal communication, S. Cole 2006).

In November 2000, CLWA and the Local Purveyors filed a suit against the then current and former owners of the Whittaker-Bermite site. The suit seeks to have the defendants cover all costs of response, contaminant removal, remedial actions, and any liabilities or damages caused by the contamination. In 2003, the parties reached an interim settlement and funding agreement, which since expired in January 2005. However, negotiations continue toward reaching a final settlement (SCVWP 2006). The parties to the lawsuit have also jointly developed a plan to pump and treat contaminated water from some of the impacted wells to stop the movement of the plume.

The development and implementation of a cleanup plan for the Whittaker-Bermite site and the impacted groundwater is being coordinated among CLWA, the Local Purveyors, the



Source: SCVWP 2006

FIGURE 4
Santa Clara River Valley East Groundwater Subbasin

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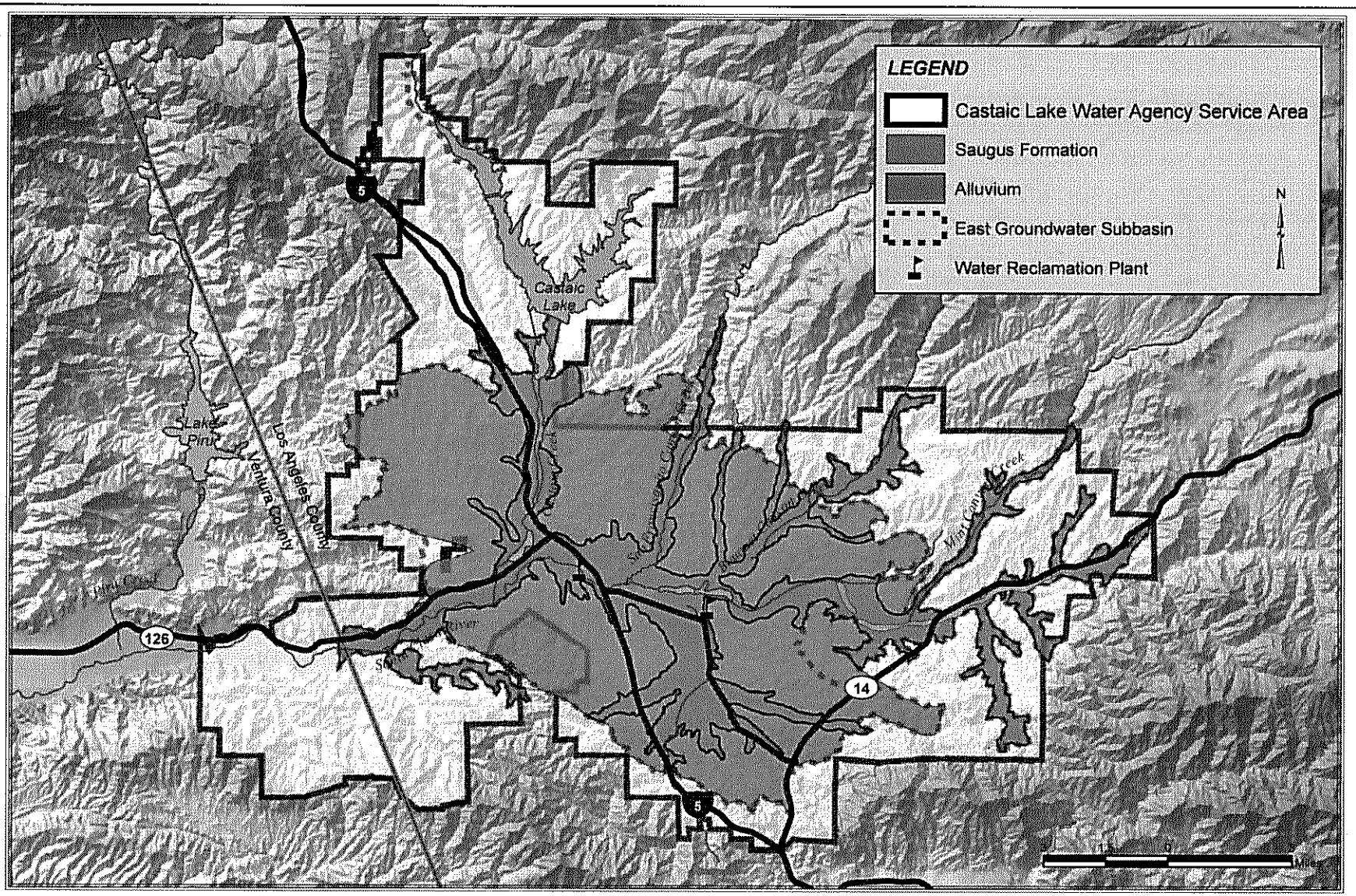

Source: SCVWP 2006

FIGURE 5
Alluvium and Saugus Formation

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City of Santa Clarita, California Department of Toxic Substances Control (DTSC), and the U.S. Army Corps of Engineers. In February 2003, the DTSC and the impacted Local Purveyors entered into an agreement in which DTSC will provide review and oversight of the response activities being undertaken by the impacted Local Purveyors related to the detection of perchlorate in the five impacted wells (SCVWP 2003).

CLWA and the affected Local Purveyors have undertaken a comprehensive groundwater containment, treatment, and restoration project to address perchlorate contamination (CLWA 2005c). The project would intercept the perchlorate plume in the Saugus Formation groundwater (SCVWP 2006 and CLWA 2005c). Contaminated water would be pumped from intercepting wells to the new treatment facility where the chemical would be removed and the treated water used as part of the Santa Clarita Valley drinking water supply. Construction is scheduled to begin in November 2006, and startup and monitoring is planned to begin in April 2007.

Remediation of the contaminated aquifers and lands will restore the production capacity of the affected wells. Remediation will also eliminate the risk of further contamination of water stored in either the Saugus Formation or Alluvial aquifers.

3.1.2 Recycled Water

As water demands in the Santa Clarita Valley increase, recycled water will be an important factor in increasing water supply reliability. Los Angeles County Sanitation District (LACSD) is the main supplier water for recycling in the CLWA service area. Distribution of the recycled water is the responsibility of CLWA. LACSD owns and operates two water reclamation plants (WRP) in the CLWA service area, the Saugus WRP and the Valencia WRP.

The Saugus WRP, located in District No. 26, was completed in 1962 and has undergone two expansions since that time. Its current design capacity is 6.5 million gallons per day (mgd). Use of tertiary treated water from this plant for water recycling is permitted under the Los Angeles Regional Water Quality Control Board (LARWQCB) Order No. 87-49; however, there is concern that reducing discharges from this plant may impact habitat in the Santa Clara River downstream of the WRP (both the Saugus and Valencia WRP discharge treated water to the Santa Clara River). Because of these concerns, water from the Valencia WRP is used for recycled purposes.

The Valencia WRP was completed in 1967. After three subsequent expansions, its current capacity is 21.6 mgd. Use of recycled water from this plant is permitted under LARWQCB Order No. 87-48. In July 1996, CLWA entered into an agreement with LACSD to purchase up to 1,700 acre-feet per year (afy) of recycled water from the Valencia WRP. In 2002, CLWA constructed facilities needed to utilize this supply and began recycled water deliveries in 2003.

The Saugus and Valencia WRP's together have a design capacity of 28.1 mgd. To accommodate future growth in the Santa Clarita Valley and meet LARWQCB standards, LACSD is expanding the Valencia WRP. The Phase I expansion of 9 mgd was completed in 2002. Phase 2 is expected to be completed in 2010 and would expand the capacity by an additional 6 mgd. There are no current plans to expand the Saugus WRP. With completion of the Phase II expansion at the Valencia WRP, total combined capacity at the WRPs would

be 34.1 mgd (38,200 afy). Table 2 provides the existing and projected future wastewater flow for the Saugus and Valencia WRPs.

TABLE 2
Saugus and Valencia WRP Wastewater Collection and Capacity

Type of Wastewater	Capacity (af)						
	2002	2005	2010	2015	2020	2025	2030
Wastewater Collected and Treated in the Service Area	20,542	31,500	38,200	38,200	38,200	38,200	38,200
Quantity that meets Recycled Water Standards	20,542	31,500	38,200	38,200	38,200	38,200	38,200

Source: CLWA 2005a.

Use of recycled water by CLWA is constrained by water right holders downstream of the Santa Clarita Valley. According to Section 1211 of the California Water Code, downstream water rights holders are protected if the source of return flow is "native water". Native water is water that, under natural conditions, would contribute to a given stream or other body of water. The use of "foreign water," such as imported SWP water, by downstream water right holders is not protected under the Water Code. Therefore, groundwater pumped from and used in the Valley is considered "native water" while imported SWP water is considered "foreign water". Only the percentage of foreign water discharged from the WRPs can be diverted for recycling purposes. While CLWA has been approved to use 1,700 afy of recycled water, it may only do so if the amount of foreign water to be discharged from the WRP's meets or exceeds this amount.

Table 3 provides the current and projected future demand and availability of recycled water. In 2005, foreign water comprised 64 percent of the Valley's potable water supply, while the remaining 36 percent consisted of native water. Future (2030) projected potable water demand is expected to be met with 65 percent foreign and 35 percent native water. This means that projected recycled water availability will be 65 percent of generated wastewater.

TABLE 3
Current and Projected Demand and Availability of Recycled Water

	Native Water Demand (afy) (a)	Foreign Water Demand (afy)[1] (b)	Recycled Water Demand (afy) (c)	Potable Water Demand Total (afy) (a+b+c)	Waste-water Flow (afy)	Foreign Water Percentage of Potable Water Demand	Foreign Water Portion of Wastewater (afy)
2005 Projected	25,500	46,100	800	71,600	31,500	64%	20,100
2030 Future	39,700	72,800	17,931	112,500	38,200	65%	24,830

Source: CLWA 2005a.
Notes: (1) Foreign water includes SWP water, water transfers, and desalination.

In addition to the previously discussed sources of recycled water, the Newhall Ranch development is planning to construct a water reclamation plant and this new source of non-

potable water may become available to CLWA in the future. Berry Petroleum, another potential recycled water supplier, is considering treating the produced water from the Placerita Oilfield and making it available for CLWA to purchase. This recycled water source would be available on a short-term basis only because it is a by-product of oil extraction. The use of these recycled water sources for irrigation and to meet non-potable demand would allow CLWA to more efficiently use and distribute its potable water, increasing the reliability of water supplies in the Santa Clarita Valley.

While actual recycled water demand was only 448 af in 2004, projected future recycled water demands are expected to steadily increase to 3,300 af in 2015, and 17,400 af in 2030 (CLWA 2005a). Recycled water is used for non-potable, landscape purposes.

3.2 Imported Supplies

Imported water supplies consist primarily of SWP or SWP-related supplies (such as transfers and groundwater banking programs).

3.2.1 Semitropic Groundwater Banking Projects

In 2002 and 2003, CLWA entered into agreements with the Semitropic Water Storage District (Semitropic) to store a portion of CLWA's available Table A Amount under Semitropic's groundwater banking program (CLWA 2002 and 2003a). In 2002, CLWA stored 24,000 af, and in 2003, CLWA stored 32,522 af. Under the terms of both storage agreements, water can be stored for up to 10 years and 90 percent of the amount stored by CLWA, or 50,870 af is recoverable through 2013 to meet demands in the CLWA service area. Water not recovered by CLWA after 2013 is forfeited. As described in the 2005 UWMP and in Section 4 below, CLWA anticipates using the stored water for a dry-year supply (CLWA 2005a).

A legal challenge was filed on CEQA grounds to CLWA's approval of its 2002 Groundwater Banking Project and its related Negative Declaration (California Water Network v. Castaic Lake Water Agency [Ventura Superior Court Case No. CIV 215327]). The Trial Court ruled in favor of CLWA, and found that the approval of the project and the Negative Declaration did not violate CEQA. The Court of Appeal decided the case in favor of CLWA and rejected all of the petitioners claims on appeal. The decision is now final. No legal challenges were filed to CLWA's approval of the 2003 Groundwater Banking Project or its related Negative Declaration.

Implementation of groundwater banking agreements with Semitropic does not change the long-term, year-by-year water supply available for use in the Santa Clarita Valley. However, implementation of these agreements does increase the reliability of supplies for use within the CLWA service area because water stored in Semitropic could be used to augment dry-year supply sometime in the future.

3.2.2 CLWA Supplemental Water Project (41,000 Acre-foot Table A Transfer)

The principal component of the CLWA Supplemental Water Project is the execution of an agreement for the transfer for 41,000 af of SWP Table A Amount and the associated conveyance and delivery terms from Kern County Water Agency (KCWA) to CLWA. In 1999, CLWA entered into such a contract with KCWA and its member unit, the Wheeler

Ridge-Maricopa Water Storage District (WRMWSD). DWR concurred on this arrangement and modified CLWA's water delivery contract to conform to the agreement.

This transfer of contract rights to the SWP was part of the "Monterey Amendments". These amendments to the water delivery contract for the SWP are based on a statement of principles that were incorporated into an omnibus revision of the long-term contracts between DWR and most of the agencies that hold contracts governing the delivery of water and other rights under the SWP.

Prior to the enactment of the Monterey Amendments and in compliance with an agreement among the SWP contractors and DWR, the Central Coast Water Agency (CCWA), one of the SWP contractors, acted as the lead agency for the preparation of a program EIR, which was used to support Monterey Amendments (the "Monterey Agreement Program EIR"). Each of the other affected SWP contractors and DWR later adopted the Monterey Agreement Program EIR. These actions were challenged in court by the Planning and Conservation League, Citizens Planning Association, and Plumas County. In the absence of a restraint from the courts, DWR modified the contracts to the SWP and implemented the various components of the Monterey Agreement. At this point, the omnibus revision of the long-term contracts became know as the Monterey Amendments.

CLWA later prepared and certified a Supplemental Water Project EIR (CLWA 1999) to evaluate the agreement with KCWA, including the 41,000 af transfer. As a project contained within the Monterey Agreement Program EIR, the Supplemental Water Project EIR was tiered off of the Monterey Agreement Program EIR.

After CLWA's certification of the Supplemental Water Project EIR, the Monterey Agreement Program EIR was decertified by the Court of Appeal in *Planning and Conservation League v. Dept. of Water Resources* (2000) 83 Cal.App.4th 892 (*PCL*). The Court of Appeal in *PCL* held that DWR should have been the lead agency for the program EIR, instead of CCWA, and required DWR to prepare and certify its own EIR for the Monterey Agreement. The Court did not invalidate the Monterey Agreement or enjoin the resulting implementing transfer contracts. Instead, the Court directed the trial court to consider whether the Monterey Agreement should remain in place pending DWR's preparation of a new EIR under Public Resources Section 21168.9 and to retain jurisdiction pending certification of the new EIR.

Because it was tiered from a now decertified program EIR, the Court of Appeal decertified CLWA's Supplemental Water Project EIR in *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal. App. 3d 1373 (*Friends*).

The Court of Appeal in *Friends* decertified CLWA's Supplemental Water Project EIR solely because it tiered from the now decertified Monterey Agreement Program EIR. The Court expressly found that all other contentions concerning the legal adequacy of the EIR were without merit. "If the PCL/tiering problem had not arisen, we would have affirmed the judgment." *Friends, supra*, at 1387.

Similarly, the Court of Appeal in *Friends* did not enjoin the Supplemental Water Project or its 41,000 af transfer. It instead ordered the trial court to consider whether the contract authorizing the 41,000 af transfer should remain in place pending CLWA's preparation of a new EIR that is not tiered from the now decertified program EIR under Public Resources Code Section 21168. Accordingly, the Court did not issue any ruling affecting CLWA's

ability to continue to use and rely on the 41,000 af, leaving it to the trial court to determine whether to enjoin CLWA's use of the water pending its completion of a new EIR. *Friends, supra*, at 1388.

In September 2002, on remand to the Los Angeles County Superior Court, the *Friends* petitioners applied under Public Resources Section 21168.9 to enjoin CLWA from continuing to use and rely on water from the 41,000 af transfer. The trial court rejected that request. In December 2003, the Court of Appeal affirmed the trial court's ruling and refused to enjoin CLWA from continuing to use and rely on water from the 41,000 af transfer pending completion of a new EIR. The *Friends* petitioners were permitted to renew its application based upon evidence of the actual use of such additional water for purposes it considers improper.

Meanwhile, before the trial court in *Friends* acted on remand, the parties to the *PCL* litigation entered into a settlement agreement, which was later approved by the Sacramento County Superior Court. The settlement agreement provides that SWP would continue to be administered and operated in accord with both the Monterey Amendments and the terms of the settlement agreement. The settlement agreement did not invalidate or vacate the Monterey Amendments or any water transfer effected under them, including the CLWA-KCWA transfer. The settlement agreement recognized the pending litigation on the 41,000 af transfer and the parties to the settlement agreement agreed that the litigation should remain in the Los Angeles County Superior Court. The water transfer was effected and permanent under the settlement agreement.

The CLWA Board of Directors decertified its 1999 Supplemental Water Project Final EIR on November 27, 2002. CLWA then prepared and certified a new Supplemental Water Project EIR in December 2004. The new Supplemental Water Project EIR, prepared in accordance with the decisions of the Second Appellate Court, Fourth Division and the Superior Court of Los Angeles, re-evaluated the potential environmental impacts of the transfer of the 41,000 af of SWP Table A Amount, without tiering from the Monterey Agreement EIR (CLWA 2004). This EIR also evaluated the use of SWP facilities from Northern California to Los Angeles County for the delivery of SWP water to the CLWA service area, and use of this water within the CLWA service area (CLWA 2004).

Two legal challenges to CLWA's new Supplemental Water Project EIR were filed in January 2005 in the Ventura County Superior Court (*Planning and Conservation League v. CLWA* and *California Water Impact Network v. CLWA*). These challenges were transferred to the Los Angeles Superior Court. The trial is scheduled for January 7, 2007.

Although CLWA's new Supplemental Water Project EIR is currently being challenged in court, CEQA requires that the EIR be conclusively presumed to comply with CEQA until a court has judged it deficient. See Public Resources Code Section 21167.3(b), CEQA Guidelines Section 15231.

Other court actions have addressed water planning issues in the Santa Clarita Valley and the CLWA Supplemental Water Project specifically.

Most recently, the Court of Appeal in *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th struck down the City of Santa Clarita's certification of an EIR for the Gate-King industrial project because it did not address the legal uncertainties surrounding the

41,000 af transfer. The City's EIR included no discussion of the uncertainty regarding the 41,000 af transfer other than references to it in the appendices and responses to comments. The Court of Appeal found this to be an inadequate analysis because it failed to inform the public of the litigation uncertainties surrounding the transfer.

The Court of Appeal's ruling in *California Oak* does not prohibit reliance on the CLWA Supplemental Water Project, including the 41,000 af transfer. The Court criticized the City's reasoning for relying on the CLWA-imported water supply (including the 41,000 af Table A transfer), but it did not bar the City or any other agency from relying on the transfer for planning purposes.

Instead, the Court of Appeal held that the EIR must include either: (1) an analysis of why it is appropriate to rely on the 41,000 af transfer; or in the alternative (2) an analysis of how the demand for water would be met without the 41,000 af entitlement. The Court held that it was still up to the City to determine whether reliance on the 41,000 af is reasonable.

Accordingly, under *California Oak*, so long as the agency has analyzed the uncertainties surrounding this water supply, it is within the agency's province to decide whether to rely on the transfer for planning purposes.

Despite the litigation uncertainties surrounding the 41,000 af transfer since its inception, the transfer was completed in 1999 and the water has been continuously delivered to CLWA. CLWA has paid approximately $47 million for the additional Table A Amount based on the transfer. The monies have been delivered. The sales price was financed by tax-exempt bonds. DWR recognized the transfer as permanent under the Monterey Agreement by entering into Amendment No. 18 to CLWA's agreement, which increases its Table A Amount by 41,000 af. The water supplies have consistently been allocated to CLWA based on that entitlement ever since.

A future adverse judgment invalidating the Monterey Agreement or the 41,000 af transfer could affect CLWA's and NCWD's ability to use water from the 41,000 af transfer and adversely affect CLWA's and NCWD's water supplies over the long term. The new pending challenges to the adequacy of CLWA's new Supplemental Water Project EIR and DWR's pending preparation of a new Monterey Agreement Program EIR therefore create potential uncertainty regarding the 41,000 af transfer.

However, it is not reasonable to believe that pending litigation is likely to unwind executed and completed agreements with respect to the permanent transfer of SWP water amounts, including the 41,000 af transfer.

After review of the current available information, NCWD determines that it is appropriate to rely upon the 41,000 af transfer for planning purposes for the following reasons:

1. The Monterey Agreement and resulting implementing transfer amendments remain in full force and effect, and no court has questioned the validity of the Monterey Agreement or the resulting implementing contracts.

2. The Court of Appeal refused to enjoin the reasonable use of water from the CLWA Supplemental Water Project including the 41,000 af transfer in *Friends*.

3. The existing SWP Water Delivery contract (including the 41,000 af transfer amendment) remains in full force and effect, and no court has ever questioned the validity of the contract or enjoined use of this portion of CLWA's Table A Amount.

4. DWR is preparing an EIR that will analyze all of the water transfers that were facilitated by the Monterey Amendments; this does not preclude CLWA from preparing and certifying its own EIR for the 41,000 af transfer, as instructed by *Friends*.

5. CLWA has certified the Supplemental Water Project EIR, including the 41,000 af Table A Amount transfer, without tiering from the Monterey Agreement EIR.

6. The 1999 CLWA Supplemental Water Project EIR for the 41,000 af transfer was overturned solely because it tiered from a later-decertified Monterey Agreement EIR.

7. CLWA's new Supplemental Water Project EIR corrects the sole defect identified by the Court of Appeal (i.e., tiering off the Monterey Agreement Program EIR).

8. CLWA's new Supplemental Water Project EIR must be deemed to be legally adequate until and unless it is set aside by a court.

9. Nothing in the Monterey Amendments settlement agreement precludes reliance on the 41,000 af transfer.

10. Nothing in the Monterey Amendments settlement agreement precludes CLWA from preparing and certifying its new Supplemental Water Project EIR for the 41,000 af transfer, as instructed by the Court of Appeal in *Friends*.

11. The Monterey Amendments settlement agreement expressly authorizes the operation of the SWP in accordance with the Monterey Amendments, which authorize the 41,000 af transfer.

12. The 41,000 af transfer was completed in 1999 and DWR has allocated and annually delivered water in accordance with the completed transfer. A price was set, the money was paid (financed by tax-exempt bonds), DWR amended CLWA's contract to include the additional entitlement, and the water has been continuously allocated and annually delivered to CLWA since 2000.

13. The Los Angeles County Superior Court in Sierra Club, et al. v. City of Santa Clarita, et al., Case No. BS 098 722 recently upheld the City of Santa Clarita's EIR for Newhall Land and Farming's Riverpark project and expressly found that the City properly relied on the 41,000 af water transfer for planning purposes. See Attachment A.

3.2.3 Rosedale-Rio Bravo Water Storage District Groundwater Storage, Banking, Exchange, Extraction and Conjunctive Use Program

CLWA has entered into a water banking agreement with the Rosedale-Rio Bravo Water Storage District (RRBWSD). The EIR for this project was certified and the project was approved by CLWA in October 2005. Under the RRBWSD Groundwater Storage, Banking, Exchange, Extraction and Conjunctive Use Program (RRBWSD Storage and Recovery Program), CLWA would store up to 20,000 afy of its total SWP Table A Amount for use later

withdrawal and delivery to the CLWA service area in a future year or years when demand in the CLWA service area is greater than supply (i.e., in drier years; CLWA 2005b). Additional yearly storage capacity may be provided from time to time as determined by RRBWSD, however, the maximum amount of stored water that CLWA will have in the RRBWSD Storage and Recovery Program at any time is 100,000 af. Over the life of the project (through 2035), CLWA will be able to store a total of 200,000 af in the RRBWSD Storage and Recovery Program (CLWA 2005b). Under the RRBWSD Storage and Recovery Program, CLWA banked 20,000 af in 2005 and will bank 20,000 af this year (personal communication, D. Masnada 2006).

Under the RRBWSD Storage and Recovery Program, CLWA may elect to deliver to RRBWSD its excess Table A Amount or other SWP supplies available to CLWA. RRBWSD would use this water in lieu of pumping groundwater for irrigation or would directly recharge it to the underlying groundwater basin in recharge/percolation ponds. Upon request, RRBWSD would return CLWA's previously stored SWP water in one or more years, by either (1) requesting that an equivalent amount of RRBWSD's SWP water be delivered to CLWA (exchange); or (2) by pumping the water from its groundwater basin (pumpback) to the Cross Valley Canal into the Edmund G. Brown California Aqueduct (California Aqueduct), at which time the water would commingle with the SWP water in the California Aqueduct and would be conveyed to CLWA. The water RRBWSD returns to CLWA would be delivered through the California Aqueduct to CLWA on a space-available basis within the capacity of SWP facilities. CLWA will be able to request the withdrawal of 20,000 afy plus any additional and available extraction capacity as determined by RRBWSD. If RRBWSD constructs additional extraction facilities in the future, CLWA could potentially request up to 45,000 afy of its banked water.

This is a long-term banking and exchange project that would extend through 2035. The RRBWSD Storage and Recovery Program would improve the reliability of CLWA's existing dry-year supplies. The purpose of this project is to increase water supply reliability in the Santa Clarita Valley during single or multiple dry years.

3.2.4 Water Acquisition from the Buena Vista Water Storage District and Rosedale-Rio Bravo Water Storage District Water Banking and Recovery Program

CLWA is evaluating a water acquisition agreement with the Buena Vista Water Storage District (BVWSD) and the Rosedale-Rio Bravo Water Storage District (RRBWSD), referred to as the BVWSD/RRBWSD Water Acquisition Project. The water acquired by CLWA would be used to meet current and future demand in its service area, and anticipated demands of several currently identified sites that CLWA may soon be requested to annex into its service area. Through the BVWSD/RRBWSD Water Acquisition Project, CLWA would have rights to purchase the 11,000 af annually from BVWSD/RRBWSD during the term of CLWA's SWP Contract (2035), with an option to extend to a later date.

This 11,000 af of water acquired by CLWA would be used to meet current and future demand in its service area or the service area as it may be extended through annexation. An additional 9,000 af would be available for purchase from year-to-year, depending on the hydrologic conditions and water availability, for a total of 20,000 af. This additional water would only be available periodically, and while it would increase the water supply reliability for the CLWA service area, it would not support new development.

The Draft EIR for the CLWA Water Acquisition from the Buena Vista Water Storage District/Rosedale-Rio Bravo Water Storage District Water Banking and Recovery Program was issued in June 2006 (CLWA 2006b). The Final EIR for the project is currently being prepared; the Board of Directors is expected to determine whether to certify the EIR and approve the project in the fall of 2006. If approved, the project would increase CLWA's water supply by 11,000 to 20,000 afy. A portion (11,000 afy) of this water would be used to support existing and anticipated new demands, and a portion (up to 9,000 afy) would be used to increase the water supply reliability in the CLWA service area.

3.3 New Facilities

3.3.1 Treatment

CLWA filters and disinfects SWP water at its two treatment plants prior to its distribution to Local Purveyors. Since the completion of the CEQA evaluations for the Project, CLWA has approved and constructed upgrades to the Earl Schmidt Water Filtration Plant and is considering expansion of the Rio Vista Water Treatment Plant. The following section summarizes these actions.

The Earl Schmidt Water Filtration Plant (ESWFP) is one of two potable water treatment plants in the CLWA service area. The ESWFP is located near Castaic Junction, south of Lake Hughes Road and adjacent to Castaic Lake. It receives untreated SWP water from Castaic Lake and treats that water to meet applicable potable water quality standards.

CLWA was evaluating designs and potential environmental impacts of the upgrade and expansion of the ESWFP at the time of the approval of the Project. The process modifications were designed to achieve compliance with current and proposed water quality regulations (CLWA 2003b). The capacity modifications to the ESWFP were intended to accommodate a firm treatment capacity of 56 mgd (CLWA 2003b). These capacity modifications had the additional benefits of providing: (1) a greater degree of redundancy in treatment capabilities in the event of an emergency; (2) additional peak throughput capacity to meet existing summer peaking needs; and (3) capacity to serve future growth.

CLWA approved the plans for this project in mid-2003. Construction of the ESWFP upgrade and expansion followed the project approval. The 56 mgd plant has been functioning with its new processing system and added capacity since the spring of 2005.

CLWA is currently evaluating designs for the expansion of the Rio Vista Water Treatment Plant (CLWA 2006a). The plans call for the immediate expansion of this facility from its current 30 mgd to 60 mgd. The capacity modifications would have the same benefits as described for the ESWFP, above. The CLWA Board of Directors recently approved the project and certified the Rio Vista Water Treatment Plant Expansion Final EIR on August 23, 2006.

Expansion of treatment capacity enhances the ability of regional water agencies to meet the peak demands of water users. Without these expansions water purveyors would be forced to increase the pumping capacity of groundwater wells to meet peak demands. Treatment plant expansions do enhance the reliability of the delivery of water to users but do not add to the reliability of the supply.

3.3.2 Conveyance

CLWA provides treated water to the Local Purveyors via network pipelines. Since the completion of the CEQA evaluations for the Project, CLWA has approved the extension of the Honby Pipeline, and is in the process of extending the Pitchess Pipeline and the Sand Canyon Pipeline and related storage reservoir.

Completion and operation of the new facilities described below does not influence the amount of water available to support new development (like the Project) in the CLWA service area, but does support the delivery of the available water for use to existing and future development. Facilities upgrades in the CLWA service area significantly contribute to meeting peak period daily demands and provide redundancy to cope with unanticipated outages and emergencies.

3.3.2.1 Pitchess Pipeline

The Pitchess Pipeline is an approximately 4,300-foot-long, 24-inch lateral pipeline extension that extends existing pipeline from just east of Interstate 5 to the intersection of the Old Road and Sedona Way in unincorporated Los Angeles County. The Pitchess Pipeline carries treated imported water to the northwestern portion of CLWA's service area to supplement existing groundwater supplies distributed by the Local Purveyors. The Pitchess Pipeline was completed in fall of 2005.

3.3.2.2 Honby Pipeline

The Honby Pipeline Project is the construction of a 9,500-foot, 60-inch buried steel water pipeline to replace the existing 33-inch Honby pipeline, in a new alignment. Construction will occur in two stages. The first phase will include construction of a 2,500-foot pipeline segment that will connect the 84-inch treated water pipeline that leads from the RVWTP to the existing Honby Pipeline. The second phase will consist of the construction of the remaining 7,000-foot segment of the pipeline. This segment will continue from the end of the 2,500-foot segment to the new Sand Canyon pump station. Construction is expected to be complete by spring 2007. This pipeline will transport water that is already part of CLWA's supply.

3.3.2.3 Sand Canyon Pipeline

CLWA recently completed the construction of the Sand Canyon Pipeline and pump station, and the construction of a related storage reservoir is currently underway. Construction is expected to be completed by December 2006. The 48-inch, approximately 30,000-foot-long water pipeline originates near the intersection of Furnivall Avenue and Santa Clara Street where the new Sand Canyon pump station is located. The pipeline travels southeast from the new pump station and terminates at the new storage reservoir being constructed west of Rolling Hills Avenue and Warmuth Road. The new pump station will provide the lift to transport water to the 7-million-gallon storage reservoir and ensure that adequate pressure is available throughout the project's service zone.

3.4 Plans and Reports

3.4.1 NCWD Water Supply Report

In late 2004, NCWD prepared an assessment of regional water supplies to assist the agency in determining if currently available and reasonably foreseeable water sources will be sufficient to meet existing and anticipated future water demands (NCWD 2004). This assessment characterized the local and imported water supplies available to NCWD, the reliability of those water supplies and the projected water demands for the Santa Clarita Valley, and those within the NCWD service area. The assessment followed the guidelines in the California Water Code Sections 10910-10912 for approach, required information, and the criteria for determining supply sufficiency to allow NCWD to facilitate the use of the information in the Water Supply Report in future.

NCWD evaluated various methods of predicting future water demands. The various methods included regional projections of per capita use estimates, extrapolation of historic water connection to new water connections, and econometric approaches using planned land use. The extrapolation of historic water connection method (with consideration of the results of the other methods) was used in this report.

It was determined that the total annual demand within the NCWD service area at build-out of the approved land use (at an indeterminate date) would be 29,150 af. Water connections were expected to increase to 14,550 by 2025. Water demand (with anticipated conservation measures) was expected to increase to 17,400 afy by 2025.

NCWD reviewed the status of each of the local and imported water supplies, their constraints, reliability, and augmentation possibilities. Based on those analyses sufficient water supplies appeared to be available to meet anticipated demand through 2025. This determination included normal, multiple dry, and single dry year conditions along with the use of local groundwater, imported, banked, and recycled supplies.

3.4.2 Santa Clarita Valley Water Reports

Water management agencies in the Santa Clarita Valley have prepared the annual *Santa Clarita Valley Water Report* (SCVWR) since 1998. This report provides the current information about water supplies (including the local groundwater resources, SWP water supplies, water conservation supplies and recycled water) and demands. The 2005 edition reviews the sufficiency and reliability of current supplies compared to existing demand and provides a short-term outlook of the supply-demand relationship for 2006.

As described in the most recent SCVWR, the total water demand in the Santa Clarita Valley in 2005 was approximately 83,600 af. Approximately 85 percent (70,800 af) of this demand was delivered for municipal use and the remainder (12,800 af) was for agricultural and other (miscellaneous) uses. As a result of the significantly wet conditions that prevailed through winter and spring, total demand in 2005 was approximately five percent lower than in 2004, and about nine percent lower than had been estimated in the previous SCVWR. The total water demands were met by a combination of about 45,100 af from local groundwater resources, about 38,000 af of SWP water, and about 450 af of recycled water. Groundwater supplies were used to meet nearly 32,300 af for municipal demand and 12,800

af for agricultural and other uses. Groundwater supplies from the alluvial aquifer produced approximately 38,700 af and slightly less than 6,500 af were pumped from the underlying, deeper Saugus Formation. Alluvial aquifer pumping represented about a 5,000 af increase from 2004 while pumping from the Saugus formation was essentially unchanged. Neither pumping volume resulted in any overall change in ongoing groundwater conditions (water levels, water quality, etc.) in either aquifer system. SWP deliveries to the Local Purveyors decreased by about 9,000 af from the volume delivered in 2004.

Table 4 provides a summary of the water uses and supplies in the Santa Clarita Valley in 2005.

TABLE 4
Summary of 2005 Water Supplies and Uses (acre-feet)

Municipal		
State Water Project		38,034
Groundwater (Total)		32,316
Alluvial Aquifer	26,368	
Saugus Formation	5,948	
Recycled Water		438
Subtotal		**70,788**
Agriculture/Miscellaneous		
State Water Project		-
Groundwater (Total)		12,785
Alluvial Aquifer	12,280	
Saugus Formation	505	
Subtotal		12,785
Total		**83,573**

Source: SCVWP 2005.

CLWA's final allocation of Table A from the SWP for 2005 was 90 percent, or 85,680 af. Utilizing SWP contract provisions, CLWA elected to "carry over" unused remaining Table A Amount into 2006. The total available SWP supply in 2005 was 88,382 af, including 2,702 af of 2004 carryover delivered in early 2005. CLWA deliveries were 38,034 af to the Purveyors and 20,000 af to the RRBWSD Storage and Recovery Program (described above), with 31,377 af of the 2005 Table A Amount for potential carryover to 2006. In 2005, CLWA did not need to supplement water supplies from the two groundwater banking agreements with Semitropic.

The SCVWR also provided a review of the status of the water resources available for use in the Santa Clarita Valley and applicable water management plans. Management plans for the Alluvial aquifer anticipate withdrawals in the range of 30,000 to 40,000 afy in average/normal years, and 30,000 to 35,000 afy in dry years. Pumping from the Alluvial aquifer was 38,700 af in 2005. Higher than average precipitation in late 2004 and 2005

resulted in significant water level recovery in the eastern part of the basin, continuing the overall trend of fluctuating groundwater levels within a generally constant range over the last 30 years. On a long-term basis, there is no evidence of any historic or recent trend toward permanent water level or storage decline.

These ongoing data indicate that the Alluvial aquifer remains in good operating condition and can continue to support pumping in the range described above without adverse results (e.g., long-term water level decline or degradation of groundwater quality). While there have been historical fluctuations in groundwater level and quality, typically associated with variations in precipitation and streamflow, there has been no long-term trend toward groundwater quality degradation; groundwater produced from the Alluvial aquifer remains a viable municipal and agricultural water supply.

All other Alluvial wells operated by the Purveyors continue to be used for municipal water supply service; those wells near the Whittaker-Bermite property are routinely sampled and perchlorate has not been detected. The inactivation of Alluvial wells due to perchlorate contamination (described above) does not limit the Purveyors' ability to produce groundwater from the Alluvial aquifer in accordance with the groundwater operating plan.

Management plans for the Saugus Formation aquifer anticipate withdrawals in the range of 7,500 to 15,000 afy in average/normal years and 21,000 to 35,000 afy for one to three consecutive dry years. These management plans describe that such short-term pumping can be recharged during subsequent wet/normal years to allow groundwater levels and storage to recover, as it has in historical periods. Total pumping from the Saugus Formation was slightly less than 6,500 af in 2005. On average, pumping from the Saugus Formation has been about 7,000 afy since 1980. Both rates are near the lower end of the range of use of the water within the formation. As a result of long-term relatively low pumping from the Saugus Formation, groundwater levels in that aquifer have remained essentially constant over the last 35 to 40 years. Ammonium perchlorate contamination from the Whittaker-Bermite facility continued to force the closure of four wells in the Saugus Formation (described above). Despite the inactivated Saugus wells, the Purveyors still have sufficient pumping capacity in other wells to meet the planned normal range of Saugus pumping.

The 2005 SCVWR also provided up-to-date information on historical and current water deliveries by water source type. This information is provided in Table 5. The SCVWR identified that water demands and supplies fluctuate from year to year in response to climatic conditions. For example, while the long-term urbanization of the Santa Clarita Valley has resulted in a long-term increase in demand for urban uses, demand in 2005 was approximately five percent less than in 2004, principally as a result of a lengthy rainy season. Water supplies for 2006 were expected to be sufficient to meet the needs of the CLWA service and allow for the banking of an additional 20,000 af in the RRBWSD's Storage and Recovery Program. Previously banked water in the Semitropic Groundwater Storage Bank is not anticipated to be needed in 2006.

TABLE 5
Municipal Water Supply Utilization by the Local Purveyors

Year	State Water Project	Alluvial Aquifer	Saugus Formation	Recycled Water	Total Municipal
1980	1,125	16,625	4,569	0	22,319
1981	5,816	14,056	4,950	0	24,822
1982	9,659	8,684	3,569	0	21,912
1983	9,185	8,803	3,398	0	21,386
1984	10,996	12,581	3,809	0	27,386
1985	11,823	12,519	4,140	0	28,482
1986	13,759	12,418	4,975	0	31,152
1987	16,285	12,630	4,962	0	33,877
1988	19,033	12,197	6,404	0	37,634
1989	21,618	13,978	7,217	0	42,813
1990	21,613	13,151	8,302	0	43,066
1991	7,968	17,408	14,417	0	39,793
1992	13,911	16,897	10,458	0	41,266
1993	13,393	19,808	10,151	0	43,352
1994	14,389	20,068	11,531	0	45,988
1995	16,996	20,590	8,087	0	45,673
1996	18,093	24,681	7,373	0	50,147
1997	22,148	25,273	6,752	0	54,173
1998	20,254	23,898	4,706	0	48,858
1999	27,282	27,240	2,728	0	57,250
2000	32,579	25,216	3,193	0	60,988
2001	35,369	22,055	3,267	0	60,691
2002	41,768	22,097	4,360	0	68,225
2003	44,419	19,397	3,581	700	68,097
2004	47,205	18,970	5,701	448	72,324
2005	38,034	26,368	5,948	438	70,788

Source: SCVWP 2005.

3.4.3 2005 Urban Water Management Plan

Water management agencies in the Santa Clarita Valley prepared and approved an updated Urban Water Management Plan (UWMP) in 2005[2]. The approved UWMP provides a framework to guide long-term planning and management actions by the regional water agencies. It also provides a broad perspective on a number of water supply issues to the public and provides information regarding:

- the potential sources of supply and their reasonable probable yield;
- the probable demand, given a reasonable set of assumptions about regional growth and implementation of good water management practices; and
- an assessment of how the supply will be able to meet demand in the next 20 years.

The UWMP contains a description of the historic and current water use and a description of the methodology used to project future demands within CLWA's service area. Water use was divided into applicable land use categories (residential, industrial, institutional, landscape, agricultural, and other). Existing land use data and approved new water connection information were compiled from each of the Local Purveyors. Future projections of demand were based on information in the "One Valley One Vision" (OVOV) report, a joint planning effort by the City of Santa Clarita and the County of Los Angeles. This information was then compared to historical trends for new water service connections and customer use factors considering climatic and water conservation effects. Historic water demands are shown in Figure 6, and projected future water demands are provided in Table 6.

The 2005 UWMP also contains a description of existing and reasonably anticipated water resources available to CLWA and the Local Purveyors. These descriptions include the various sources of water, the amount of water that would be expected to be available under normal years and during periods of single year and multiple year droughts.

Table 7 provides the existing and anticipated water supplies for use within the CLWA service area, and the associated assumptions and caveats, as were described in the 2005 UWMP.

Reliability planning and the inherent nature of the delivery reliability of each of the water sources were reviewed in the 2005 UWMP. This discussion included:

- characteristics of the local groundwater supplies from the alluvial and Saugus Formation aquifers;
- the timing and availability of recycled water;
- supplies from the SWP, provisions of the water supply contract and the anticipated delivery reliability of those supplementary supplies (as described in the 2005 SWP Delivery Reliability Report (DWR 2006b)); and

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2 The California Legislature enacted the Urban Water Management Planning Act in 1983. This act has been implemented through Water Code Sections 10610 - 10656. The Act states that every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually, should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. The Act describes the contents of the Urban Water Management Plans as well as how urban water suppliers should adopt and implement the plans.

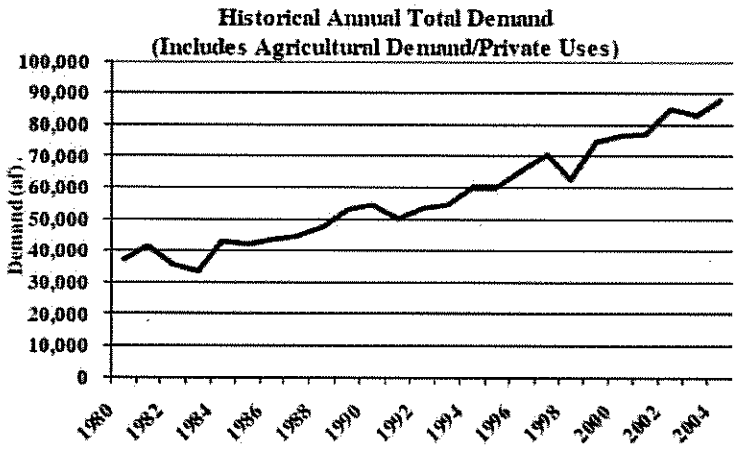

FIGURE 6
Historical Annual Total Demand in the CLWA Service Area
SOURCE: CLWA 2005.

TABLE 6
Projected Water Demands in the CLWA Service Area

Purveyor	Demand (af)						Annual Increase
	2005	2010	2015	2020	2025	2030	
CLWA's SCWD	30,400	35,000	39,100	43,100	47,100	51,100	2.1%
LACWWD #36	1,300	1,600	1,800	2,000	2,000	2,800	3.1%
NCWD	11,800	14,400	16,000	17,700	19,300	21,000	2.4%
VWC	30,200	35,100	40,200	43,700	50,600	54,400	2.4%
Total Purveyor	**73,700**	**86,100**	**97,100**	**106,500**	**119,400**	**129,300**	**2.2%**
Agricultural / Private Uses	15,600	13,950	12,300	10,650	9,000	9,000	--
Total (w/o conservation)	**89,300**	**100,050**	**109,400**	**117,150**	**128,400**	**138,300**	**--**
Conservation[1]	(7,370)	(8,610)	(9,710)	(10,650)	(11,940)	(12,930)	--
Total w/conservation	**81,930**	**91,440**	**99,690**	**106,500**	**116,460**	**125,370**	**1.3%**

Source: CLWA 2005a.
1. Assumes 10 percent reduction on urban portion of demand resulting from conservation best management practices.

TABLE 7
Existing and Planned Water Supplies in the CLWA Service Area

Water Supply Sources	Supply (af)					
	2005	2010	2015	2020	2025	2030
Existing Supplies						
Imported (Wholesale)	**70,380**	**73,660**	**75,560**	**76,080**	**77,980**	**77,980**
SWP Table A Supply [2]	65,700	67,600	69,500	71,400	73,300	73,300
Flexible Storage Account (CLWA) [3]	4,680	4,680	4,680	4,680	4,680	4,680
Flexible Storage Account (Ventura County) [3, 4]	0	1,380	1,380	0	0	0
Local Supplies						
Groundwater	40,000	46,000	46,000	46,000	46,000	46,000
Alluvial Aquifer	35,000	35,000	35,000	35,000	35,000	35,000
Saugus Formation	5,000	11,000	11,000	11,000	11,000	11,000
Recycled Water	1,700	1,700	1,700	1,700	1,700	1,700
Total Existing Supply	**112,080**	**121,360**	**123,260**	**123,780**	**125,680**	**125,680**
Existing Banking Programs[3]						
Semitropic Water Bank[5]	50,870	50,870	0	0	0	0
Total Existing Banking Programs	**50,870**	**50,870**	**0**	**0**	**0**	**0**
Planned Supplies						
Local Supplies						
Groundwater	0	10,000	10,000	20,000	20,000	20,000
Restored wells (Saugus Formation)	0	10,000	10,000	10,000	10,000	10,000
New Wells (Saugus Formation)	0	0	0	10,000	10,000	10,000
Recycled Water	0	0	1,600	6,300	11,000	15,700
Transfers						
Buena Vista/Rosedale-Rio Bravo[6]	0	11,000	11,000	11,000	11,000	11,000
Total Planned Supplies	**0**	**21,000**	**22,600**	**37,300**	**42,000**	**46,700**
Planned Banking Programs						
Rosedale-Rio Bravo	0	20,000	20,000	20,000	20,000	20,000
Additional Planned Banking	0	0	20,000	20,000	20,000	20,000
Total Planned Banking Programs	**0**	**20,000**	**40,000**	**40,000**	**40,000**	**40,000**

Source: CLWA 2005a.
1. The values shown under "Existing Supplies" and "Planned Supplies" are supplies projected to be available in average/normal years. The values shown under "Exiting Banking Programs" and "Planned Banking Programs" are either total amounts currently in storage, or the maximum capacity of program withdrawals.
2. SWP supplies are calculated by multiplying CLWA's Table A Amount of 95,200 af by percentages of average deliveries projected to be available, then from Table 6-5 of DWR's "Excerpts from Working Draft of 2005 SWP Delivery Reliability Report (May 2005).
3. Supplies shown are total amounts that can be withdrawn and would typically be used only during dry years.
4. Initial term of the Ventura County entities' flexible storage account is ten years (from 2006 to 2013).
5. Supplies shown are the total amount currently in storage and would typically be used only during dry years. Once the current storage amount is withdrawn, this supply would no longer be available, and this supply is not available after 2013.
6. CLWA is in the process of acquiring this supply, primarily to meet the demands of future annexations to the CLWA service area.

- various flexible water supply arrangements (e.g.; the flexible storage account with DWR, water banking agreements with Semitropic Water District and the Rosedale-Rio Bravo Water Storage District, and the water supply agreement with the Buena Vista Water Storage District and the Rosedale-Rio Bravo Water Storage District) established by CLWA to meet water demands in years when local and SWP supplies were insufficient to meet water user demands.

Also included in the 2005 UWMP are descriptions of water Demand Management Measures and the Best Management Practices implemented by CLWA as a part of water conservation programs to result in quantifiable water savings for the Valley, and a Water Shortage Contingency Plan and a Drought Emergency Water Sharing Agreement have been prepared by CLWA and the Local Purveyors.

The UWMP was the subject of a series of public outreach actions, including two public hearings. It was adopted by the water management agencies in the Santa Clarita Valley in late 2005.

In February 2006 a petition challenging the 2005 UWMP was filed by California Water Impact Network and Friends of the Santa Clara River in the Ventura Superior Court. The petition alleges that the plan violated the Urban Water Management Planning Act because it overstates availability of local groundwater and SWP supplies thereby facilitating unsustainable urban development and resulting in harm to public trust resources involving the contribution to the water flows and quality of water in the Santa Clara River and its habitat. These challenges were transferred to the Los Angeles Superior Court and the litigation is pending (Los Angeles County Superior Court Case BS 103295).

3.4.4 Monterey Agreement and the SWP Reliability Report

During the 1990s, disagreements arose between DWR and the agencies that hold contracts for SWP water (SWP contractors) about how available SWP supplies should be allocated. The SWP contractors and DWR agreed to negotiate a settlement of their differences and develop a new approach to managing SWP resources through a major overhaul of the Water Supply Contracts. After a series of exhaustive negotiating sessions, an agreement was reached in December 1994 in Monterey, California on a set of principles, known as the "Monterey Agreement." The Monterey Agreement principles were implemented through an amendment to the Water Supply Contracts between DWR and the SWP contractors, which became known as the "Monterey Amendment." The Monterey Amendment was approved in 1995 and went into effect in August 1996.

A Program EIR analyzing the environmental impacts of the Monterey Amendment (Monterey Agreement EIR) was prepared and certified by the Central Coast Water Authority (CCWA) in 1995.

As discussed in Section 3.2.2 of this Addendum, in late 1995, a lawsuit was filed by the Planning and Conservation League (PCL), Plumas County Water Conservation and Flood Control District (Plumas County), and Citizens Planning Association of Santa Barbara County (CPA) (collectively referred to as the "plaintiffs") challenging the EIR. The plaintiffs argued that the environmental impact analysis prepared was inadequate because CCWA was not a proper lead agency and the EIR analysis did not reflect the inability of the SWP to deliver full Contract amounts to SWP contractors, even though they held contractual

"entitlements" to those supplies. In 2000, the California State Court of Appeal (Third District) found that a new EIR must be prepared.

Discussions to mediate a settlement began in 2001 and were finalized in May 2003. All parties to the litigation have signed the settlement agreement. The settlement agreement calls for DWR to prepare a new EIR pursuant to CEQA, while the Monterey Amendment's provisions remain in operation. Pursuant to the settlement agreement, the parties are preparing a new EIR. The new EIR will evaluate the potential environmental impacts of changes to SWP operations incorporated in the Monterey Amendment and the settlement agreement. The settlement agreement did not change the substance of the Monterey Amendment, but addressed the process by which the new Monterey Amendment EIR will be prepared. The settlement agreement also calls for DWR to produce a biennial SWP Delivery Reliability Report.

The Department of Water Resources (DWR) issued The SWP Delivery Reliability Report 2005 (DWR 2006b) to update information presented in the similar 2002 report (DWR 2003). A draft of the SWP Delivery Reliability Report 2005 underwent extensive public review in late-2005. The information contained in the 2005 report was recommended by DWR for use by SWP contractors in developing their 2005 Urban Water Management Plans.

The SWP Delivery Reliability Report 2005 presented DWR's current information regarding the annual water delivery reliability of the SWP for existing and future levels of development in the water source areas, assuming historical patterns of precipitation. This report reviewed the general subject of water delivery reliability and discussed how DWR determines delivery reliability for the SWP. A discussion of the analysis tool (the CalSim II computer simulation model), the analyses, and peer review regarding the accuracy of CalSim II and its suitability for use in this report was included[3]. Finally, estimates of SWP delivery reliability today and in the future were provided along with examples of how to incorporate this information into local water management plans.

The SWP Delivery Reliability Report 2005 did not include analyses of how specific water agencies should integrate SWP water supply into their water supply equation. The reports identified that such integration requires extensive information about local facilities, local water resources, and local water use, which is beyond the scope of the State-wide report. Moreover, such an analysis would require decisions about water supply and use that traditionally have been made at the local level. DWR identified that local officials (like CLWA) should continue to fill this role. Chapter 6 of the 2005 Report provided examples to help local agencies incorporate the information presented in this report into local water management assessments.

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3 The critical data in the 2002 and 2005 Reports are based upon water delivery predictions using a computer simulation model, CalSim II. Public criticism of this analytical approach centers on two areas: (1) the ability of CalSim II to simulate "real world" conditions and accurately estimate SWP deliveries; and (2) the inability of the approach to account for future uncertainties such as changes in the climate pattern or levee failure in the Sacramento-San Joaquin Delta due to flooding or an earthquake. While no model is perfect, DWR is satisfied with the degree to which CalSim II simulates actual, real-world operations of the SWP. When professional judgment is used with the knowledge of the limitations of CalSim II and the assumptions used in the studies, CalSim II is a useful tool in assessing the delivery reliability of the SWP. The studies and peer review related to CalSim II are discussed in Chapter 3 and Appendix E of the 2005 Report.

The 2005 Report (DWR 2006b) provided information on five CalSim II model studies. Studies 1, 2, and 3 were from the 2002 SWP Delivery Reliability Report while studies 4 and 5 were developed specifically for the 2005 Report. The results of studies 1, 2 and 3 were included in for comparison purposes.

The results of these studies as summarized in Table 8 for average, maximum, and minimum deliveries for SWP contractors south of the Sacramento-San Joaquin Delta.

TABLE 8
Table A Deliveries for SWP Contractors South of the Delta

Study	Average Delivery		Maximum Delivery		Minimum Delivery	
	Thousand afy	Percent of Maximum Table A	Thousand afy	Percent of Maximum Table A	Thousand afy	Percent of Maximum Table A
2002 SWP Delivery Reliability Report						
1. 2001 Study	2,962	72%	3,845	93%	804	19%
2. 2021A Study	3,083	75%	4,128	100%	830	20%
3. 2021B Study	3,130	76%	4,133	100%	830	20%
2005 SWP Delivery Reliability Report (Updated Studies)						
4. 2005 Study	2,818	68%	3,848	93%	159	4%
5. 2025 Study	3,178	77%	4,133	100%	187	5%

Source: DWR 2006b.
Note: Maximum Delta Table A is 4.133 million acre-feet per year.

The results of these studies for a variety of dry-year scenarios are provided in Table 9. Information is provide for both current (Study 4) and for 20 years in the future (Study 5).

TABLE 9
Average and Dry-year Table A Delivery from the Delta

	Average 1922-1994	Single dry-year (1977)	2-year drought (1976-1977)	4-year drought (1931-1934)	6-year drought (1987-1992)	6-year drought (1929-1934)
2002 SWP Delivery Reliability Report						
1. 2001 Study	72%	19%	48%	37%	41%	40%
2. 2021 A Study	75%	20%	44%	39%	40%	41%
3. 2021B Study	76%	20%	44%	39%	40%	41%
2005 SWP Delivery Reliability Report (Updated Studies)						
4. 2005 Study	68%	4%	41%	32%	42%	37%
5. 2025 Study	77%	5%	40%	33%	42%	38%

Source: DWR 2006b.

The anticipated average delivery of SWP forecast in the SWP Water Delivery Reliability Report (DWR 2006b) are similar to those found in prior DWR (2003) report. Anticipated

delivery in a single-year drought scenario is significantly less than those previously published. These result tend to demonstrate the need for water banking programs such as those implemented by CLWA (e.g., Semitropic and RRBWSD) to reduce or eliminate the anticipated delivery amounts in single dry years. The results of the SWP Water Delivery Reliability Report (DWR 2006b) were incorporated into the 2005 Urban Water Management Plan (CLWA 2005a).

3.4.5 Global Warming

The potential effects of increasing atmospheric concentrations of carbon dioxide and other 'greenhouse gases' and the observed increase in the average temperature of the Earth's atmosphere and oceans have been the subject of considerable technical analysis and political debate. The natural phenomena (e.g.; temperature, rainfall) that together form the climate of a particular region vary from day-to-day and year-to-year. The variation in climate can be a result of natural, internal processes or in response to external forces from both human and non-human causes, including solar activity, volcanic emissions, and greenhouse gases. There is little controversy that the earth's atmosphere has warmed over the last century. The detailed causes of this change remain an active field of research. However, there is increasing amount of scientific evidence that identifies greenhouse gases as the primary cause of the recent warming. This conclusion can be controversial, especially outside the scientific community. The U.S. Environmental Protection Agency maintains a website summarizing the most recent scientific evaluations and current news on the global warming issue at: http://yosemite.epa.gov/oar/globalwarming.nsf/content/index.html.

On June 1, 2005, Governor Arnold Schwarzenegger issued Executive Order S-3-05 establishing greenhouse gas emissions targets for California and requiring biennial reports on potential climate change effects on several areas, including water resources. In June 2006 DWR published a Technical Memorandum Report entitled Progress on Incorporating Climate Change into Planning and Management of California's Water Resources in response to the Executive Order (DWR 2006a).

This Technical Memorandum Report describes progress made incorporating climate change into existing water resources planning and management tools and methodologies. Some preliminary results on the potential effects of climate change are presented. While the analyses presented in that report used many of the most current scientific techniques and were reviewed by experts, all of the results are preliminary. They incorporate several assumptions, reflect a limited number of climate change scenarios, and do not address the likelihood of each scenario. Policy implications of climate change and recommendations to respond to the future demands for water are identified as beyond the scope of the report.

The Report covers a wide range of topics addressing climate change and its potential impact on California's water resources. These include the following:

- Causes of climate change and potential threat to California's water resources, and measures that could be taken to adapt to or mitigate the effects of climate change.
- Background and approach used for the climate change analyses included and the climate change scenarios used in the Report.

- Potential impacts of the selected climate change scenarios on SWP and Central Valley Project operations. Results presented include changes in reservoir inflows, delivery reliability, and annual average carryover storage. It also discusses the interaction of various regulatory and operational conflicts such as water allocations, flood control, in-stream flow requirements, and water quality requirements. The Report also presented the implications for possible changes to operations that could mitigate the effects of climate change. However, these operational changes are left for future work.
- Potential impacts to Delta water quality and water levels, including effects of modified Delta inflows and exports on compliance with water quality standards and the implications of sea level rise.
- Implications of global warming for managing floods.
- Potential increases in crop water use due to global warming, and application of analysis tools to assess changes in estimated net irrigation requirements for crops.

In addition, the Report included directions for further work to incorporate climate change into California's water resources management. This includes probability estimates of potential climate change scenarios in order to provide policymakers with both ranges of impacts and the likelihoods associated with those impacts.

Based on the information provided in the Report, Table 10 provides a summary of the anticipated future effects of global climate change on California's water resources and the consequences of those effects.

TABLE 10
Potential Effects of Climate Change on California's Water Resources and Expected Consequences

Potential Water Resource Impact	Expected Consequence
Reduction of the State's Average Annual Snowpack	Potential loss of 5 million acre-feet or more of average annual water storage in the State's snowpack
	Increased challenges for reservoir management and balancing the competing concerns of flood protection and water supply
Changes in the Timing, Intensity, Location, Amount, and Variability of Precipitation	Potential increased storm intensity and increased potential for flooding
	Possible increased potential for droughts
Long-term Changes in Watershed Vegetation and Increased Incidence of Wildfires	Changes in the intensity and timing of runoff
	Possible increased incidence of flooding and increased sedimentation
Sea Level Rise	Inundation of coastal marshes and estuaries
	Increased salinity intrusion into the Sacramento-San Joaquin River Delta
	Increased potential for Delta levee failure
	Increased potential for salinity intrusion into coastal aquifers (groundwater)
	Increased potential for flooding near the mouths of rivers due to backwater effects

TABLE 10
Potential Effects of Climate Change on California's Water Resources and Expected Consequences

Potential Water Resource Impact	Expected Consequence
Increased Water Temperatures	Possible critical effects on listed and endangered aquatic species
	Increased environmental water demand for temperature control
	Possible increased problems with foreign invasive species in aquatic ecosystems
	Potential adverse changes in water quality, including the reduction of dissolved oxygen levels
Changes in Urban and Agricultural Water Demand	Changes in demand patterns and evapotranspiration rates

Source: DWR 2006a.

Other recent DWR documents have addressed the potential for climate change, the potential effects on water resources management, and the applicability of existing models to simulate current and future conditions that would be likely to occur over the next 20-years. Other evaluations (see http://www.climatechange.ca.gov/biennial_reports/2006report/) have used readily available models and other water management tools to assess the affects of various global climate change scenarios on water supplies in California. DWR addressed the need to consider global climate change as part of long-term planning for the management of California's water resources in the Bulletin 160: California Water Plan Update - 2005. This report acknowledged that:

> *California's future hydrologic conditions will likely be different from patterns observed over the past century. Predictions include increased temperatures, reductions to the Sierra snowpack, earlier snowmelt, and a rise in sea level, although the extent and timing of the changes remain uncertain. ...*
>
> *Managing water resources with climate change could prove different than managing for historical climate variability because climate change could produce hydrologic conditions, variability, and extremes that are different from what current water systems were designed to manage; ...*
>
> *At present, the extent of climate change impacts is uncertain. As more sophisticated tools are developed and more studies are completed, better quantification may be possible. ... Incorporating flexibility and adaptability into our current system can strengthen our ability to respond to change. Flexible systems contribute to beneficial operations both under current as well as future climate conditions by allowing management adjustments or midcourse corrections without causing major economic and social disruptions.... (DWR 2005)*

The SWP Delivery Reliability Report addressed the need to incorporate some of the uncertainties of global warming with regard to planning and operation of the SWP, as described in the following excerpt from the Report:

> *Until the impacts of climate change on precipitation and runoff patterns in California are better quantified, future weather patterns are usually assumed to be similar to those in the past, especially where there is a significant historical rainfall record.*
>
> *The State Water Project analyses contained in this report are based upon 73 years of historical records (1922-1994) for rainfall and runoff that have been adjusted to reflect the current and future levels of development in the source areas by analyzing land use patterns and projecting future land and water use. These series of data are then used to forecast the amount of water available to the SWP under current and future conditions.*
>
> *The assumption that past rainfall-runoff patterns will be repeated in the future has an inherent uncertainty, especially given the evolving information on the potential effects of global climate change. (DWR 2006a)*

The California Assembly and Senate recently passed Assembly Bill 32, the California Global Warming Solutions Act of 2006. This act requires the State Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 and establish a mechanism to achieve this limit by 2020. The bill also requires the Board to adopt regulations for reporting and verifying statewide greenhouse gas emissions and to monitor and enforce compliance with the greenhouse gas emissions program. As of September 5, 2006, Assembly Bill 32 was enrolled and awaiting the Governor's signature.

3.5 Sacramento-San Joaquin Delta Limitations

Since completion of the Final EIR for the Project in 2001, a variety of actions have occurred or are planned for the Sacramento-San Joaquin Delta. These actions range from changes in water management infrastructure to changes in water quality requirements to protect the biological resources in the Delta. A description of some of the more substantial changes in the Delta region is provided below:

- **CALFED Litigation**—The CALFED Bay Delta Program is an association of agencies and stakeholders whose goal is to develop and implement a long-term plan to address chronic water supply and environmental problems in the Sacramento-San Joaquin River Delta and San Francisco Bay. This association has developed a Program Action Plan that provides a framework for the implementation of projects within the CALFED Program. The major program components are ecosystem restoration; water supply reliability (including water use efficiency, water transfers, watershed management, water storage, and water conveyance); water quality; and levee system integrity. An Environmental Impact Statement/EIR was prepared for the CALFED Program in 1999 and was certified in August 2000. Three separate cases concerning the CALFED process were originally filed in Superior Court in Sacramento, Fresno, and Orange counties, and the cases were coordinated for trial proceedings before the Superior Court, Sacramento County. In April 2003, a Sacramento Superior Court upheld the EIR and its certification under CEQA. However, this judgment was reversed, in part, by the Third Appellate Court of California. The components of the CALFED Program continue to be implemented.

- **Environmental Water Account**—The Environmental Water Account (EWA) is a cooperative water management program designed to provide protection to at-risk native fish species of the Delta estuary while improving water supply reliability for water users. The EWA program makes environmentally beneficial changes in the operations of the SWP and the Central Valley Project (at no uncompensated water loss to the Central Valley Project and SWP water users). The protective actions for at-risk native fish species proposed as part of the EWA would range from reducing Delta export pumping to augmenting instream flows and Delta outflows. Beneficial changes in SWP and Central Valley Project operations could include changing the timing of some flow releases from storage and the timing of water exports from the Delta pumping plants to coincide with periods of greater or lesser vulnerability of various fish species to environmental conditions in the Delta. DWR and the U.S. Bureau of Reclamation (Reclamation) released the Final Environmental Impact Statement (EIS)/EIR for the EWA in January 2004.

- **South Delta Improvements Program**—The South Delta Improvements Program (SDIP) was included in the CALFED Program. The SDIP consists of two major components: (1) physical and structural improvements in the south Delta; and (2) operational improvements at the SWP's Clifton Court Forebay. The physical and structural improvements consists of the following: construction and operation of permanent operable gates at up to four locations in the south Delta channels to protect fish and meet the water level and, through improved circulation, water quality needs for local irrigation diversions; channel dredging to improve water conveyance; and modification of 24 local agricultural diversions. The operational components consider raising the permitted diversion limit into the SWP Clifton Court Forebay from 6,680 cubic feet per second (cfs) to 8,500 cfs. DWR and the U.S. Bureau of Reclamation released a Draft Environmental Impact Statement/EIR for the SDIP in October 2005.

- **North Delta Flood Control and Ecosystem Restoration Project**—The channel system in several of the streams in the North Delta lacks capacity to convey flows from the upstream watershed through the Delta to the San Joaquin River and to the San Francisco Bay. In concert with the CALFED Program, the North Delta Flood Control and Ecosystem Restoration Project, also referred to as the North Delta Improvements Project (NDIP), is designed to implement flood control improvements in a manner that also contributes to ecosystem restoration, water quality, and water supply reliability concerns in the North Delta. The NDIP will improve water conveyance, improve water supply reliability, facilitate reductions in salinity, recommend ecosystem restoration actions, and improve levee stability and integrity while minimizing impacts to agricultural and recreation resources. DWR and U.S. Army Corps of Engineers published a Notice of Intent/Notice of Preparation for the EIS/EIR on this project in January 2003.

- **Delta Levee Improvements**—There are over 1,600 miles of aging levees in the Delta. The integrity of these levees has been of concern for some time and was brought to the forefront after the failure of the Delta's Jones Tract levee in 2004, and subsequent levee failures and flooding due to hurricane Katrina in New Orleans in 2005. There are a variety of on-going and planned activities related to improving the integrity of the levees in the Delta.

- **Other SWP and/or Central Valley Project Operations Projects**—There are a variety of on-going and planned projects related to the operations of the SWP and Central Valley Project. These include, but are not limited to the following: 2004 Long-Term Central Valley Project Operations Criteria and Plan; San Luis Reservoir Low-Point Study; and the Delta-Mendota Canal/California Aqueduct Intertie.
- **Endangered Species Considerations**—Since completion of the Final EIR for the Project some protected species in the Delta, such as the Delta smelt, have experienced significant declines in their abundance. A variety of actions, projects, and plans have been implemented or are in the planning stages to address these species issues. These actions are being undertaken by a variety of federal, state, and local agencies. Several federal, state and local agencies, including the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, the National Oceanic and Atmosphere Administration-Fisheries, DWR, certain water management wholesale and retail agencies, have initiated new species conservation planning and permitting activities for anticipated and ongoing water management operations in the Delta.

The 2005 SWP Delivery Reliability Report and the modeling analysis conducted for that report took into account the effects of many of these changes on water supply, quality, and supply reliability for SWP contractors south of the Delta. It is anticipated that future SWP Delivery Reliability Reports will take into account the effects of additional projects and programs as they are implemented.

3.6 Santa Clarita River TMDLs

Since completion of the Final EIR for the Project, two Total Maximum Daily Load (TMDL)[4] were completed for chlorides and nitrogen on the Santa Clara River. These TMDLs are described below.

3.6.1 Chlorides

In recent years, elevated concentrations of chloride have been measured in waters of the Santa Clara River watershed. These concentrations are primarily due to various types of loading during beneficial water uses, including agricultural uses (irrigation and leaching); commercial uses; domestic uses; and water treatment (e.g., water softeners) (LACSD 2002). In addition to loading from urban runoff, imported water in certain year types, and the discharge of treated wastewater, naturally occurring chloride concentrations contribute to excessive chloride concentrations in Santa Clarita Valley groundwater (LARWQCB 1999b). The identification of excessive chloride concentrations resulted in the addition of several reaches of the Santa Clara River in the Section 303(d) List, as identified above.

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4 The federal Clean Water Act requires states to designate appropriate water uses to be protected and directs states to set water quality criteria based on these uses (United States Environmental Protection Agency [USEPA] 2000a). Under section 303(d) of the Clean Water Act, states, territories, and authorized Indian tribes are required to submit lists to the USEPA detailing water bodies for which existing pollution controls are insufficient to attain or maintain water quality standards. After submitting the list of "impaired waters" to the USEPA, states must develop a TMDL plan to limit excess pollution. A TMDL is a number that represents the assimilative capacity of water for a particular pollutant, or the amount of a particular pollutant that the waterbody can receive without impacting its beneficial uses. TMDL plan implementation can be accomplished through revised permit requirements (for point source contaminants) and through implementation of Best Management Practices (USEPA 1999).

Table 11 provides a timeline summary of the regulatory actions taken to regulate chloride loading within the Santa Clara River.

TABLE 11
Regulatory Timeline for Chloride

Time	Action
January 1997	LARWQCB adopts a Chloride Policy, which consists of Resolution No. 97-02: Amendment to the California Regional Water Quality Control Plan for the Los Angeles Region, to Incorporate a Policy for Addressing Levels of Chloride in Discharges of Wastewaters.
Fiscal Year 1997/1998	Santa Clara River Reaches 3, 7 and 8 are added to the Section 303(d) List for chloride impairment, and TMDL monitoring commences.
October 2002	LARWQCB amended the 1994 Basin Plan to incorporate a TMDL for chloride for the upper Santa Clara River, establishing the 100 mg/L surface water quality objective for Reaches 7 and 8.
February 2003	The California State Water Resources Control Board (SWRCB) remanded the chloride TMDL back to the LARWQCB to consider sequentially phasing TMDL implementation tasks, extending the interim limits, and reevaluation of the chloride objective itself.
March 2003	LACSD adopts an ordinance that prohibits the installation and use of new self-regenerating water softeners in the Santa Clarita Valley to help lessen the chloride loading in the region.
May 2003	The U.S. Environmental Protection Agency (USEPA) is developing chloride TMDLs for Reaches 3, 7 and 8 of the Santa Clara River, in the event that the LARWQCB does not adopt it's chloride TMDL by June 2003.
July 2003	The LARWQCB adopted the chloride TMDL in light of the Remand Resolution, and revised the Basin Plan to incorporate the chloride TMDL.
May 2004	The LARWQCB revised and adopted the chloride TMDL. Revisions included incorporation of four major studies into the Implementation Plan, including an evaluation of the appropriate chloride threshold for the reasonable protection of salt-sensitive agriculture.
Late 2004	The SWRCB and the Office of Administrative Law approve the chloride TMDL.
April 2005	The USEPA approved the chloride TMDL.
August 2006	The LARWQCB adopted revisions to the TMDL. The revisions include acceleration of the final TMDL completion date and incorporation of time-certain tasks related to the design and treatment facilities into the Implementation Plan.

Source: LARWQCB 2006a and 2006b, SWRCB 2003 and 2002, LACSD 2002, USEPA 2003.

The revisions to the chloride TMDL adopted in May 2004 required completion of several special studies to characterize the sources, fate, transport, and specific impacts of chloride in the Upper Santa Clara River. The first of these special studies, the Literature Review Evaluation, was completed in September 2005 (Upper Santa Clara River Agricultural Technical Working Group 2005).

In addition, the LACSD has compiled the Santa Clarita Valley Joint Sewerage System Chloride Source Report, a detailed and comprehensive study of the sources of chloride loading in the Santa Clarita Valley (LACSD 2002). That study identified that residential water use, primarily from self-regenerating water softeners, greatly contributes to the chloride loading.

Based on the results of that study, the LACSD adopted an ordinance that prohibits the installation and use of new self-regenerating water softeners in the Santa Clarita Valley. This ordinance took effect in March 2003.

LACSD has also led the completion of a collaborative report entitled "Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan" which identifies chloride sources and strategies for reducing sources. The Report identified the potable water supply as the largest source and self-regenerating water softeners as the second largest source of chloride loading (LARWQCB 2006b).

As described in Table 11, the LARWQCB recently adopted revisions to the chloride TMDL that would accelerate the final TMDL completion date and incorporate time-certain tasks related to the design and treatment facilities into the Implementation Plan (LARWQCB 2000b).

3.6.2 Nitrogen

The LARWQCB adopted a nutrient TMDL in late 2003 for the upper Santa Clara River that addresses the Section 303(d) List for nitrate plus nitrite impairment (LARWQCB 2003). The TMDL limits nitrate (NO_3), nitrite (NO_2), ammonia (NH_3), and total nitrogen (N). Principal sources of nitrogen to a watershed typically include discharges from water reclamation plants and runoff from agricultural activities. Elevated nitrogen concentrations (ammonia, nitrate, and nitrite) can cause impairments in warm water fish and wildlife habitat, along with contributing to eutrophic effects such as algae growth and low dissolved oxygen. The establishment of the TMDL will not affect the amount of water available or the reliability of the water supply.

SECTION 4

Updated Water Supply Characteristics

4.1 Existing and Planned Local Supplies

The following discussion of the existing conditions regarding water supply in the Santa Clarita Valley is based on the new information, facilities, plans and reports (outlined above) that have been completed since the approval of the Spring Canyon Final EIR in 2001.

4.1.1 Groundwater

The East Subbasin of the Santa Clara River Valley Groundwater Basin (Basin) is the sole source of groundwater for urban use in the Santa Clarita Valley. Two aquifers in this Basin are used for domestic and agricultural supply – the Alluvial and Saugus Formation aquifers.

The groundwater component of overall water supply in the Valley is managed based on a groundwater operating plan developed over the last 20 years to meet water requirements (municipal, agricultural, small domestic) while maintaining the Basin in a sustainable condition (i.e., no long-term depletion of groundwater or interrelated surface water). This operating plan also addresses groundwater contamination issues in the Basin. The groundwater operating plan is based on the concept that pumping can vary from year to year to allow increased groundwater use in dry periods and increased recharge during wet periods and to collectively assure that the groundwater basin is adequately replenished through various wet/dry cycles. As formalized in the GWMP, the operating yield concept has been quantified as ranges of annual pumping volumes.

Two formal reports have been produced under the Memorandum of Understanding between CLWA, the Local Purveyors, and United Water Conservation District (UWCD) that preceded the GWMP of 2003. The first report, dated April 2004, documents the construction and calibration of the groundwater flow model for the Santa Clarita Valley. The second report, dated August 2005, presents the modeling analysis of the Local Purveyors' groundwater operating plan, described below. The primary conclusion of the modeling analysis is that the groundwater operating plan will not cause detrimental short or long term effects to the groundwater and surface water resources in the Valley and is therefore, sustainable[5].

4.1.1.1 Alluvial Aquifer

The groundwater operating plan includes pumping from the Alluvial aquifer in the range of 30,000 to 40,000 afy in average/normal years, and slightly reduced pumping (30,000 to 35,000 afy) in dry years (CLWA 2005a). Current data indicate that the Alluvial aquifer remains in good operating condition and can continue to support groundwater pumping in

5 From "Analysis of Groundwater Basin Yield, Upper Santa Clara River Basin, Eastern Subbasin, Los Angeles County, California," prepared by CH2M Hill and Luhdorff and Scalmanini Consulting Engineers, August 2005.

the range stated above without adverse results (e.g., long-term water level decline or degradation of groundwater quality; CLWA 2005a).

In 2002, as part of ongoing monitoring of wells for perchlorate contamination, perchlorate was detected in one well in the Alluvial aquifer located near the former Whittaker-Bermite facility. The detected concentration was slightly below the Notification Level for perchlorate (6 ug/l), and the well has been inactivated for municipal water supply since the detection of perchlorate. In early 2005, perchlorate was detected in a second well in the Alluvial aquifer. Following the installation of wellhead treatment (in the fall of 2005), the second well was returned to water supply service. All other wells in the Alluvial aquifer operated by the Local Purveyors continue to be used for municipal water supply service; those wells near the Whittaker-Bermite property are routinely sampled and perchlorate has not been detected. Further information on the status of the remediation efforts of this contamination are described in Section 3.1.1 above. Also, as described in section 3.1.1.2, low levels of perchlorate have also been detected in well NC-13, however, the level is well below the action level and the well remains in operation (refer to the discussion above).

4.1.1.2 Saugus Formation

The groundwater operating plan includes pumping from the Saugus Formation in the range of 7,500 to 15,000 afy in average/normal years; it also includes planned dry-year pumping from the Saugus Formation of 21,000 to 35,000 afy for one to three consecutive dry years (CLWA 2005a). Such short-term pumping can be recharged during subsequent wet/normal years to allow groundwater levels and storage to recover, as it has in historical periods.

In 1997, ammonium perchlorate was discovered in four Saugus Formation wells in the vicinity of the former Whittaker-Bermite facility. All four of those impacted wells remain out of active supply service. All other wells in the Saugus Formation owned and operated by the Purveyors are available for municipal water supply service. As part of regular operation, those wells are sampled on a routine basis and perchlorate has not been detected. Despite the inactivated wells, the Purveyors still have sufficient pumping capacity in other wells to meet the planned normal range of Saugus pumping (see discussion in Section 3.1.1).

4.1.2 Recycled Water

Recycled water service was initiated in July 2003 and CLWA is permitted to deliver up to 1,700 afy of recycled water. Future plans (currently under environmental review) would allow the delivery of up to 17,400 afy (an additional 15,700 af). The amount of recycled water used for irrigation purposes, at a golf course and in roadway median strips, was approximately 450 af in 2005 (SCVWP 2006).

4.2 Existing and Planned Imported Supplies

4.2.1 SWP Table A Supply

CLWA holds a water supply contract to the SWP with DWR. CLWA's contractual "right" to the SWP (the Table A Amount) is 95,200 af[6]. Climatic conditions and other factors can significantly alter the availability of SWP water in any year, and DWR makes annual allocations of SWP water based on that year's hydrologic conditions, the amount of water in storage in the SWP system, and SWP contractors' requests for SWP supplies. Based on the information provided in the 2005 SWP Delivery Reliability Report (see Section 3.4.4), CLWA's average or normal year SWP supply is anticipated to range from approximately 67,600 af in 2010 to approximately 73,300 af in 2030. Additional SWP supplies may be available in above-average years, and conversely, CLWA's SWP supply would be less in below-average years (see Table 8).

4.2.2 CLWA and Ventura County Flexible Storage Account

Flexible storage is storage available to SWP contractors that share in repayment of the costs of terminal reservoirs (Castaic and Perris lakes). These contractors may withdraw water from their share of flexible storage, in addition to any other SWP supplies available to the Contractor. The Contractor must replace any water it withdraws from flexible storage within five years.

CLWA may withdraw up to 4,684 af of water from Castaic Lake as flexible storage (CLWA 2005a). CLWA manages this storage by keeping the account full in normal and wet years and then delivering that stored amount (or a portion of it) during dry periods. The account is refilled during the next year that adequate SWP supplies are available to CLWA to do so.

In addition, CLWA has negotiated with Ventura County water agencies to obtain the use of their Flexible Storage Account. As part of this agreement, CLWA has access to another 1,376 af of storage in Castaic Lake on a year-to-year basis for ten years, beginning in 2006 (CLWA 2005a).

4.2.3 Semitropic Groundwater Banking Projects

CLWA has two groundwater banking agreements with the Semitropic Water Storage District (refer to Section 3.2.1). CLWA stored some of its SWP water in 2002 and 2003 in accordance with these agreements, and can withdraw up to 50,870 af of water to meet its demands over a ten-year period (until 2012/13). Once the current storage amount is withdrawn, the supply would no longer be available.

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6 As described in Section 3.2.2, legal challenges are pending for the transfer of 41,000 af of Table A Amount from WRMWSD to CLWA. The new certified EIR completed by CLWA in 2004 must presumed to be adequate while the legal challenges are pending.

4.2.4 Rosedale-Rio Bravo Water Storage District Groundwater Storage, Banking, Exchange, Extraction and Conjunctive Use Program

As described in Section 3.2.3 of this Addendum, CLWA has a water banking agreement with RRBWSD, and CLWA can store and later withdraw up to 20,000 afy of its total SWP Table A Amount. Modifications to RRBWSD facilities or extra capacity in these facilities would allow CLWA to withdraw up to an additional 25,000 afy for a total annual withdrawal of 45,000 af. For the purposes of water supply planning, CLWA has assumed a maximum annual withdrawal of 40,000 af. These supplies are planned for the future and are not part of CLWA's existing supply. As discussed above, under the RRBWSD Storage and Recovery Program, CLWA banked 20,000 af in 2005 and will bank 20,000 af this year (personal communication, D. Masnada 2006).

4.2.5 Water Acquisition from the Buena Vista Water Storage District and Rosedale-Rio Bravo Water Storage District Water Banking and Recovery Program

As described in Section 3.2.3 of this Addendum, CLWA is evaluating a water acquisition agreement with the BVWSD and the RBWSD. Through this water acquisition agreement, CLWA would have rights to purchase the 11,000 af annually from BVWSD/RRBWSD during the term of CLWA's SWP Contract (2035) with an option to extend to a later date. This 11,000 af of water acquired by CLWA would be used to meet current and future demand in its service area or the service area as it may be extended through annexation. These supplies are planned for the future and are not part of CLWA's existing supply.

4.3 Summary of Existing and Planned Water Supply

Existing and planned water supplies are shown by source in Table 7 of this Addendum, and summarized in Table 12 below. Existing and planned banking programs are summarized in Table 12, but because these programs would typically be used only during dry years, they are not included as part of the existing and planned water supply for the Santa Clarita Valley.

TABLE 12
Summary of Current and Planned Water Supplies in the CLWA Service Area

Water Supply Sources	Supply (af)					
	2005	2010	2015	2020	2025	2030
Existing Supplies						
Imported	70,380	73,660	75,560	76,080	77,980	77,980
Local Supplies	41,700	47,700	47,700	47,700	47,700	47,700
Total Existing Supply	**112,080**	**121,360**	**123,260**	**123,780**	**125,680**	**125,680**
Existing Banking Programs						
Total Existing Banking Programs	**50,870**	**50,870**	**0**	**0**	**0**	**0**

TABLE 12
Summary of Current and Planned Water Supplies in the CLWA Service Area

Water Supply Sources	Supply (af)					
	2005	2010	2015	2020	2025	2030
Planned Supplies						
Local Supplies	0	10,000	11,600	26,300	31,000	35,700
Transfers	0	11,000	11,000	11,000	11,000	11,000
Total Planned Supplies	**0**	**21,000**	**22,600**	**37,300**	**42,000**	**46,700**
Planned Banking Programs						
Total Planned Banking Programs	**0**	**20,000**	**40,000**	**40,000**	**40,000**	**40,000**

Source: CLWA 2005a.
Note: The values shown under "Existing Supplies" and "Planned Supplies" are supplies projected to be available in average/normal years. The values shown under "Exiting Banking Programs" and "Planned Banking Programs" are either total amounts currently in storage, or the maximum capacity of program withdrawals. Refer to Table 7 for more information.

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SECTION 5

Impacts of the Project

5.1 Significance Criteria

The Draft, Final, and Supplemental EIRs evaluated water service impacts of the Project based on the following significance criteria:

- the project's demand for water exceeds the available supply of the water district serving the project site;
- water service infrastructure cannot be made available to serve the proposed project;
- the impacts of the proposed project together with cumulative projects in the water service district exceeds available supply.

These significance criteria are also used for this analysis.

5.2 Impacts

As described in Section 2.1 and shown in Table 1 of this Addendum, the Project would increase regional water demand by approximately705.7 af or approximately 1 percent of the amount of water used in the Santa Clarita Valley in 2005 (see Table 5). This new, site-specific water demand would be met by a combination of regional groundwater resources and imported water supplies.

The Project site was identified as "pending development" in the NCWD Water Master Plan for the Pinetree Water System, and was identified as "pending" in the NCWD's 2004 Water Supply Assessment (Figure 5 in that report). Because the Project was included in the water demand projections in the 2004 Water Supply Assessment, and because that Report concluded that sufficient water supply appears to be available to meet projected demands over the next 20 years of Purveyors in the Santa Clarita Valley, including NCWD (NCWD 2004), the Project's demand for water would not exceed the available supply of the NCWD, which would serve the Project site. Therefore, this impact would be less than significant and the same as described in the Final EIR.

As described in the Final EIR, following Project construction, the Project applicant will be obligated to replant some of the open space areas disturbed during construction for approximately 2 years. This water demand is in addition to the Project's long-term water demands. This is expected to be temporary and minimal impact on water supply. Impacts would be less than significant and the same as described in the Final EIR.

The Final EIR identified a significant impact to Purveyors and infrastructure from the Project because at the time the Final EIR was prepared, the water supply infrastructure needed to transport water to the site was insufficient. However, since this time, all

upgrades that were necessary in order for NCWD to serve the Project site have been completed. In addition, as a condition of Project approval, NCWD had asked that:

> The applicant provide a graded pad, an access road, and a new 1.5 million gallon (mg) water tank in order to provide the project and surrounding, existing development with additional short-term storage, emergency storage, and fire flows. In addition, the provision of the new 1.5 mg tank will allow for maintenance and repair of the existing water tank when needed. The new water tank will be located either on- or –off site in the immediate vicinity of the existing NCWD's Tank 3.

This Addendum is prepared to assist NCWD in its consideration of the agreement regarding the design and construction of water system improvements for the Project. As described in the Final EIR, the applicant will also extend NCWD's Soledad Canyon Road transmission line to the Project site. Although the necessary upgrades to serve the Project site have been completed, for the purposes of full disclosure, this impact is considered to be the same as described in the Final EIR and is significant.

Given the Project's pending status by the County of Los Angeles the development of the Project site was included in, and would be consistent with, future water demand projections used in the 2005 UWMP. Because the 2005 UWMP shows that there is sufficient water to meet demands within the CLWA service area as a whole, the impacts of the Project together with cumulative projects in the Santa Clarita Valley would not exceed available supply. Therefore, cumulative water supply impacts would be less than significant and the same as described in the Final EIR.

5.3 Mitigation Measures

The mitigation measures are the same as described in the Final EIR and consist of the following:

WR-1 The applicant shall pay connection fees, as necessary, to the satisfaction of NCWD. The fees shall be paid prior to water service connection.

WR-2 The applicant shall participate in any future funding mechanism as necessary that is identified and implemented as part of the NCWD Master Water Plan for the Pinetree Water System.

Implementation of these mitigation measures would reduce impacts to less than significant.

5.4 Conclusion

Although current (2006) regional water supply availability, quality, and reliability in the Santa Clarita Valley area has changed since the completion of the Final EIR for the Project, these changes would not result in changes to, or increases in the severity of, the water supply impacts described in the Final EIR. The impacts and mitigation measures are the same as were described in the Final EIR. Implementation of the mitigation measures identified in the Final EIR, including improvements to the water supply infrastructure necessary to supply the Project site, follows the commitments identified in the Final EIR,

and does not represent a substantial change or significant new circumstance that has bearing on the Project or its impacts. Because none of the conditions requiring preparation of a Subsequent EIR or Supplement to an EIR have occurred, this Addendum is the appropriate mechanism under CEQA to document the changes that have occurred since completion of the Final EIR for the Project.

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SECTION 6

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The following individuals were involved in the preparation of this Addendum:

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SECTION 7

References and Personal Communications

CLWA (Castaic Lake Water Agency). 2006. Castaic Lake Water Agency Water Acquisition from the Buena Vista Water Storage District and Rosedale-Rio Bravo Water Storage District Water Banking and Recovery Program. Draft Environmental Impact Report. State Clearinghouse No. 2006021003. June.

CLWA (Castaic Lake Water Agency). 2006. Castaic Lake Water Agency Rio Vista Water Treatment Plant Expansion Project. Final Environmental Impact Report. State Clearinghouse No. 2005091138. August.

CLWA (Castaic Lake Water Agency). 2005a. 2005 Urban Water Management Plan. Prepared for the Castaic Lake Water Agency, CLWA Santa Clarita Water Division, Newhall County Water District, Valencia Water Company. November.

CLWA (Castaic Lake Water Agency). 2005b. Castaic Lake Water Agency Rosedale-Rio Bravo Water Storage District Water Banking and Exchange Program. State Clearinghouse No. 2005061157. October.

CLWA (Castaic Lake Water Agency). 2005c. Mitigated Negative Declaration for the Groundwater Containment, Treatment and Restoration Project.

CLWA (Castaic Lake Water Agency). 2004. Castaic Lake Water Agency Supplemental Water Project Transfer of 41,000 Acre-Feet of State Water Project Table A Amount. Final Environmental Impact Report. State Clearinghouse No. 1998041127. December.

CLWA (Castaic Lake Water Agency). 2003a. Castaic Lake Water Agency 2003 Groundwater Banking Project Negative Declaration and Initial Study.

CLWA (Castaic Lake Water Agency). 2003b. Expansion of Earl Schmidt Filtration Plant Final Environmental Impact Report. State Clearinghouse No. 2002061061. March.

CLWA (Castaic Lake Water Agency). 2003c. Groundwater Management Plan, Santa Clara River Valley Groundwater Basin, East Subbasin, Los Angeles County, California. December.

CLWA (Castaic Lake Water Agency). 2002. Castaic Lake Water Agency 2002 Groundwater Banking Project Negative Declaration and Initial Study. August.

CLWA (Castaic Lake Water Agency). 1999. Final Supplemental Water Project Environmental Impact Report. State Clearinghouse No. 98041127. February.

Cole, Steve, General Manager. Newhall County Water District. October 3, 2006.

County of Los Angeles (Los Angeles County Department of Regional Planning). 2000. Draft Environmental Impact Report, Spring Canyon Project. August.

County of Los Angeles (Los Angeles County Department of Regional Planning). 2001. Final Environmental Impact Report, Spring Canyon Project. October.

County of Los Angeles (Los Angeles County Department of Regional Planning). 2003. Supplemental Environmental Impact Report, Spring Canyon Project. January.

DWR (California Department of Water Resources). 2006a. Progress on Incorporating Climate Change into Planning and Management of California's Water Resources. Technical Memorandum Report. July.

DWR (California Department of Water Resources). 2006b. State Water Project Delivery Reliability Report–2005. April.

DWR (California Department of Water Resources). 2005. Bulletin 160: California Water Plan Update 2005, A Framework for Action. December.

DWR (California Department of Water Resources). 2003. State Water Project Delivery Reliability Report–2002.

LACSD (Sanitation Districts of Los Angeles County). 2002. Santa Clarita Valley Joint Sewerage System Chloride Source Report. October 2002.

LARWQCB (Los Angeles Regional Water Quality Control Board). 2006a. Attachment A to Resolution No. 06-016, Revision of the Implementation Plan for the TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008.

LARWQCB (Los Angeles Regional Water Quality Control Board). 2006b. Resolution No. 06-016-Amendment to the Water Quality Control Plan for the Los Angeles Region through revision of the Implementation Plan for the Upper Santa Clara River Chloride TMDL, Resolution 04-004.

LARWQCB (Los Angeles Regional Water Quality Control Board). 2003. Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds in the Santa Clara River - Resolution No. 03-011. August 7, 2003.

LARWQCB (Los Angeles Regional Water Quality Control Board). 1999b. Chloride Study for the Santa Clara River. Summary of RWQCB workshop, on February 25, 1999, presented by Jon Bishop, TMDL Chief, Regional Programs Section, for Concerned Parties in the Santa Clara River and Calleguas Creek Watersheds Publicly Owned Treatment Works, Water Suppliers, Growers, and Others.

Masnada, Dan, General Manager. Castaic Lake Water Agency. October 4, 2006.

NCWD (Newhall County Water District). 2004. Final Water Supply Assessment. November.

NCWD (Newhall County Water District). 2002a. Required Water Supply Assessment (WSA) (SB610) for Spring Canyon. October.

NCWD (Newhall County Water District). 2002b. Required Water Supply Written Verification (WV) (SB221) for Spring Canyon. October.

SCVWP (Santa Clarita Valley Water Purveyors). 2006. Santa Clarita Valley Water Report 2005.

SCVWP (Santa Clarita Valley Water Purveyors). 2003. Santa Clarita Valley Water Report 2002.

SWRCB (California State Water Resources Control Board). 2003. Resolution No. R03-014. February 19, 2003.

SWRCB (California State Water Resources Control Board). 2002. Resolution No. R02-018. October 24, 2002.

Upper Santa Clara River Agricultural Technical Working Group. 2005. Literature Review Evaluation, Upper Santa Clara River Chloride TMDL Collaborative Process. Final Report. September.

USEPA (U.S. Environmental Protection Agency). 2003. Total Maximum Daily Load for Chloride in the Santa Clara River, Reaches 3, 5 & 6, Public Review Draft. May 1.

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ATTACHMENT A

Los Angeles County Superior Court Decision on Submitted Matter in Sierra Club, et al. v. City of Santa Clarita, et al.

ORIGINAL FILED
AUG 1 4 2006
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

SIERRA CLUB, et al., Petitioner, vs. CITY OF SANTA CLARITA, et al., Respondent.	CASE NO. BS 098 722 DECISION ON SUBMITTED MATTER
NEWHALL LAND AND FARMING, Real Party in Interest.	

Having taken the matter under submission on May 31, 2005, having considered all the evidence admitted and the parties' oral and written arguments, the Court rules as follows:

Petitioners Sierra Club, Center for Biological Diversity, Friends of the Santa Clarita River, and California Water Impact Network ("Petitioners") seek a Writ of Mandate commanding Respondents City of Santa Clarita and Santa Clarita City Council ("City" or "Respondents") to set aside its decision certifying the Final Environmental Impact Report ("FEIR") and approving the Project known as Riverpark in favor of Real Party in Interest Newhall Land and Farming ("Newhall").

The Riverpark project is located on a 695.4-acre site. Originally, Riverpark proposed 1,183 residential units, consisting of 439 single-family homes and 744 apartments, and 40,000 square feet of commercial development, a trail system, a 29-acre active/passive park along the Santa Clara River, and approximately 442 acres of open space area, including most of the Santa Clara River. (2:1 AR, Tab 4, 340-42 [Draft EIR, § 1.0, Project Description].) Through the public hearing process, the project was revised by converting the apartments to condominiums or townhouses, reducing to 1,123 the residential units and to 16,000 square feet commercial development, and preserving additional areas of the Santa Clara River and its south fork. (10 AR, Tab 12, 11742-44 [FEIR, Project Revisions and Additional Information].) Further hearings in 2005 reduced the residential units to 1,089, consisting of 432 single family homes and 657 condominium/townhouses, and provided for the preservation of more land and river areas, totaling 788 acres (470-acres on-site) for recreation and open space. (10 AR 11742-44; 9 AR, Tab 11, 11418-22.) Included among the 318 off-site acres are the remaining portions of the south fork of the Santa Clara River owned by RPI, and 37 acres of the Santa Clara River significant ecological area ("SEA").

Project approvals included a General Plan Amendment, a Zone Change, a vesting tentative tract map, a conditional use permit to build in excess of two stories and a maximum of 50-feet, Hillside Innovative Application, a permit for vehicular gating, a variance to reduce setback requirements and to build sound walls in excess of 7 feet, Hillside Development Application, and an Oak Tree Permit. (1 AR, Tab 2, 9-114; 2 AR 259.)

The Planning Commission held 9 hearings and on 12/21/04 recommended that the City Council certify the EIR and adopt a Statement of

Overriding Considerations for impacts that could not be mitigated to a less than significant level. (1 AR, Tab 2, 9-22 [App. Reso.]; 7:2 AR, Tab 9, 8079-81 [12/21/04 Hearing Transcript]; 73 AR, Tab 652, 51639-43 [12/21/04 Staff Report].)

The City Council held 3 hearings and certified the EIR on 5/24/05, unanimously approving the project on 6/14/05. (1 AR, Tab 2, 22-26; 1 AR, Tab 3, 115-229.)

Petitioner filed within Petition for Writ of Mandate alleging non-compliance with CEQA.

To establish violation of the California Environmental Quality Act ("CEQA"), Petitioner must show an abuse of discretion in that the County either failed to proceed in the manner required by law or the determination or decision is not supported by substantial evidence. (Code Civ. Proc., § 1094.5(b); Pub. Resources Code, §§ 21168, 21168.5.) When CEQA non-compliance is alleged, the Court reviews the entire record to see if substantial evidence supports the challenged determinations.

"Substantial evidence" is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (14 Cal. Code Regs., § 15384(a); Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393.) Substantial evidence may include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, but not argument, speculation, unsubstantiated opinion, or clearly erroneous evidence. (Pub. Resources Code, §§ 21080(e)(1)(2), 21082.2(c).)

"[I]n applying the substantial evidence standard, the reviewing court must resolve reasonable doubt in favor of the administrative

finding and decision. As such, if there are conflicts in the evidence, their resolution is for the agency." (River Valley Preservation Project v. Metropolitan Transit Development Board (1995) 37 Cal. App. 4th 154, 168.) Determinations in an EIR must be upheld if supported by substantial evidence, and the mere presence of conflicting evidence in the administrative record does not invalidate them. (Chaparral Greens v. City of Chula Vista (1996) 50 Cal.App.4th 1134, 1143.) An agency's approval of an EIR may not be set aside on the ground that an opposite conclusion would have been equally or more reasonable. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393.) The Court's role is not to substitute its judgment for that of the local agency representatives, but to enforce legislatively mandated CEQA requirements. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.) The Court passes only upon the EIR's sufficiency as an informative document, not upon the correctness of its environmental conclusions. (Laurel Heights at 392.)

I. City Properly Relied on the 41,000 AFY Water Transfer for Planning Purposes

Petitioners contend that the City is legally precluded from relying on water from the transfer of 41,000 AFY acre feet per year ("AFY") of State Water Project ("SWP") water to the local SWP wholesaler, Castaic Lake Water Agency ("CLWA") ("41,000 AFY transfer") for planning purposes, and the EIR's reliance on water supplies is not supported by substantial evidence.

The water for the Riverpark project is to be supplied by CLWA.

In 1999, CLWA entered into a contract with the Kern Delta Water District for transfer of 41,000 acre feet per year (AFY) as part of the

"Monterey Agreement."[1] The CLWA certified an EIR for the 41,000 AFY transfer tiered on the earlier program EIR that had been prepared for the Monterey Agreement.

In Planning and Conservation League v. Dept. of Water Resources (2000) 83 Cal.App.4th 892 ("PCL"), the PCL challenged the Monterey Agreement program EIR. The Court of Appeal held that the EIR should have been prepared by DWR as the lead agency, rather than by one of the contractors, and that a new EIR must be prepared and certified by DWR. The Court did not invalidate the Monterey Agreement or enjoin the water transfers effected thereunder, but directed the trial court to consider under CEQA section 21168.9 whether the Monterey Agreement should remain in place pending preparation of DWR's new EIR, and to retain jurisdiction pending certification of DWR's EIR.

In Friends of Santa Clara River v. CLWA (2002) 95 Cal.App.4th 1373 ("Friends I"), the Court of Appeal ordered CLWA's EIR decertified because it had been tiered from the Monterey Agreement EIR, adjudged inadequate: "We have examined all of appellant's other contentions and find them to be without merit. If the PCL/tiering problem had not arisen, we would have affirmed the judgment." (Friends, supra, at 1387.) The Court did not issue any ruling affecting CLWA's ability to continue to use and rely on water supplies from the 41,000 AFY Transfer, leaving it to the trial court's discretion whether to enjoin CLWA's use of the water pending its completion of a new EIR. (Friends, supra, at 1388.)

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[1]An excellent history of the SWP and the role of Department of Water Resources ("DWR") in the management of the SWP, the Monterey Agreement and amendments, and relevant litigation is set forth in Calif. Oak Foundation v. Santa Clarita, 133 Cal.App.4th 1219 (2005).

In September 2002, on remand to the Los Angeles County Superior Court, the Friends petitioners applied under CEQA section 21168.9 to enjoin CLWA from continuing to use and rely on water from the 41,000 AFY Transfer. The trial court rejected that request, and in December 2003, the Court of Appeal affirmed the trial court's ruling allowing CLWA to continue to use and rely on water from the 41,000 AFY Transfer pending completion of its new EIR. (Id.; see also, Friends of the Santa Clara River v. Castaic Lake Water Agency, 2003 WL 22839353 ("Friends II"] at Tab 7, 5 AR 4180-97.)

Meanwhile, on 5/5/03, before the trial court acted on remand, the parties to the PCL litigation entered into the Monterey Settlement Agreement.[2] Section II of that agreement provides that SWP would continue to be administered and operated in accord with both the Monterey Amendments and the terms of the Monterey Settlement Agreement. (5:1 AR, Tab 7, 4367.) The Monterey Settlement Agreement did not invalidate or vacate the Monterey Amendments, or any water transfer effected under them.

A. *PCL, Friends of the Santa Clara River and California Oak do not preclude reliance on the 41,000 AFY Water Transfer*

Petitioners contend that legal uncertainties surrounding the 41,000 AFY transfer due to the PCL and Friends lawsuits preclude the City from relying on water from that transfer for planning purposes. Specifically, Petitioners contend that because PCL requires the Department of Water Resources ("DWR") to prepare an EIR analyzing the

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[2]On 6/6/03, the Sacramento County Superior Court issued its Order under CEQA section 21168.9, approving both the Monterey Settlement Agreement, and the continued operation of the SWP pursuant to the Monterey Amendment and the approved Monterey Settlement Agreement. (See 6 AR, Tab 8, 6557; 8 AR, Tab 10, 9775-78 [Order].)

effects of the eight SWP water transfers completed under the Monterey Agreement, none of those transfers, including the 41,000 AFY transfer, can be relied on for planning purposes until DWR has completed and certified that EIR. Moreover, Petitioners contend that the Court of Appeal so held in California Oak Foundation v. City of Santa Clarita (2005) 133 Cal.App.4th 1219.

PCL, Friends and California Oak (discussed infra) do not preclude reliance on the 41,000 AFY transfer for planning purposes.

While the Courts of Appeal could have simply said that all EIRs requiring reliance on the 41,000 AFY transfer, must await the certification of a new FEIR by DWR (and resolution of any litigation challenging such FEIR), they have not done that.

Although the Court in Friends and California Oak observed that CLWA "may be able to cure the PCL problem by awaiting action by the [DWR] complying with the PCL decision, then issuing a subsequent EIR, supplement to EIR, or addendum . . . tiering upon a newly certified Monterey Agreement EIR" (California Oak, supra, 133 Cal.App.4th at 1230, n.6), neither court said that the CLWA and City of Santa Clarita must await the DWR FEIR.

CLWA certified a new EIR on the 41,000 AFY Transfer on 12/22/04. (Tab 10, 8:2 AR 10441-480 [CLWA Resolution certifying the EIR]; see also Tab 637, 63 AR 43468-44683 [CLWA FEIR]; Tab 12, 10 AR 11750 [Final Riverpark EIR Project Revisions and Additional Information.) This new EIR analyzes the effects of the 41,000 AFY Transfer without tiering from the Monterey Agreement EIR.[3] Although CLWA's EIR is currently being

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[3]The CLWA EIR concludes that the Monterey Settlement Agreement neither requires that DWR's new EIR be certified before CLWA can certify its new EIR for the 41,000 AFY Transfer, nor requires that DWR's new EIR

challenged, CEQA requires that the EIR be conclusively presumed to comply with CEQA, until a court has judged it deficient. (See. e.g., CEQA, § 21167.3(b), CEQA Guidelines, § 15231; see also, Barthelemy v. Chino Basin Water Dist., supra, 38 Cal.App.4th 1609, 1617.)

Since the prior CLWA EIR for the 41,000 AFY Transfer was overturned solely because it tiered from a later-decertified Monterey Agreement EIR, and CLWA has now certified an EIR approving the 41,000 AFY Transfer without tiering from the Monterey Agreement EIR,[4] the City reasonably included water from the 41,000 AFY Transfer in CLWA's supplies, after considering at length the current status of all litigation.[5]

B. The 41,000 AFY transfer is sufficiently certain and the Monterey Settlement Agreement does not preclude Respondents from relying on said transfer in its EIR pending DWR's preparation of its EIR.

As argued by Respondents, three provisions in the Monterey Settlement Agreement, read together, refute Petitioners' argument that the 41,000 AFY Transfer was excluded from Attachment E because it was a non-permanent transfer, which may not be used for planning purposes.

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serve as the EIR for that Transfer. (Tab 637.63 AR 43987-92 [CLWA Master Response to Comments].) These conclusions are consistent with Friends II, that the 41,000 AFY Transfer is *not* legally bound to the PCL litigation or to DWR's new EIR. (Tab 7, 5:1 AR 4195-4196.)

[4]Although DWR is in the process of certifying its own EIR pursuant to PCL and the Monterey Settlement Agreement, DWR approved CLWA's preparation of its EIR in a comment letter on the Draft EIR, and noted that CLWA's Draft EIR "adequately and thoroughly discusses the proposed project and its impacts," and "adequately discusses the reliability of the SWP, pre- and post-Monterey Amendment conditions, future conditions and SWP operations." (Tab 637, 63 AR 43482-83.)

[5]Respondents' Riverpark EIR discusses the prior litigation and devotes 8 pages to discussion of the litigation surrounding CLWA's EIR on the 41,000 AFY Transfer in its response to comments alone. (Tab 8, 6 AR 6551-6559.)

Section III(C)(4) requires DWR to conduct an "[a]nalysis of the potential environmental impacts relating to" all eight of the completed water transfers, not just of the 41,000 AFY Transfer (Tab 7. 5:1 AR 4368-69) and to analyze all of the transfers in the same manner, even though seven of them, defined in the Agreement as the "Attachment E Transfers," were beyond challenge. (Id. [Section III(C)(4)j; Tab 7, 5:1 AR 4370 [Sections III(D), III(E)].) Section III(D) precludes challenges to the Attachment E Transfers, which had been litigated in other forums or had become final without challenge by the expiration of limitation periods. (Tab 7. 5:1 AR 4370.) Section III(E) acknowledges the jurisdiction of Los Angeles Superior Court over the then-ongoing Friends litigation challenging CLWA's EIR on the 41,000 AFY Transfer (Tab 7, 6 5:1 AR 4370) pending completion of CLWA's new EIR, but does not distinguish the 41,000 AFY Transfer from the Attachment E transfers otherwise.

The Monterey Settlement Agreement does not prohibit reliance on the 41,000 AFY Transfer. All of the water transfers were effected as permanent transfers under the Agreement and are to be analyzed in the same way in DWR's new EIR, as required by Section III(C)(4).

Petitioner contends that the continued availability of the 41,000 AFY transfer is uncertain until DWR has concluded its EIR and that under California Oak, the City may not presume that the outcome of DWR's environmental review will be the continued availability of the 41,000 AFY.

DWR, however, has recognized the 41,000 AFY Transfer as a permanent transfer under the Monterey Agreement by entering into Amendment No. 18 to CLWA's agreement, which increases its Table A Amount by 41,000 AFY (Tab 10, 8:1 AR 9212-14), and has since consistently allocated water

supplies to CLWA based on that entitlement (Tab 4, 2:2 AR 1015-17 [DEIR]). Furthermore, as noted supra, DWR also submitted positive comments on CLWA's Draft EIR. (Tab 637, 63 AR 43482-83).

DWR's analysis of the 41,000 AFY Transfer in its new EIR will be part of a broader analysis of past and future permanent transfers of Table A Amounts, and will not constitute the EIR for the 41,000 AFY transfer. (5:1 AR, Tab 7, 4369.) As noted supra, PCL, Friends and the Monterey Settlement Agreement do not prohibit CLWA's preparation of its new EIR addressing the impacts of the 41,000 AFY transfer. (Tab 637, 63 AR 43987-92 [CLWA Master Response to Comments].)

California Oak, being most recent, deserves further discussion. In California Oak, the Court struck down the City's certification of an earlier EIR for an industrial project because it did not address the legal uncertainties surrounding the 41,000 AFY Transfer. California Oak did not bar the use of water from the 41,000 AFY transfer for all planning purposes. It criticized the City's failure to explain its reasoning for relying on the 41,000 AFY transfer, but held that it was up to the City to determine whether or not to rely on the 41,000 AFY transfer in its planning. The Court stated: "*[T]he question is whether the entitlement should be used for purposes of planning future development*, since its prospective availability is legally uncertain. *Although this decision must be made by the City*, the EIR is intended to serve as an informative document to make government action transparent. Transparency is impossible without a clear and complete explanation of the circumstances surrounding the reliability of the water supply." (Id. at 1237-38; emphasis supplied.) Before relying on water from the 41,000 AFY transfer for planning purposes, the City must "present a reasoned analysis of the significance . . . [or insignificance] of the

decertification of the EIR for the Castaic purchase; how demand for water would be met without the 41,000 AFY entitlement; or why it is appropriate to rely on the 41,000 AFY transfer in any event." (Id. at 1244.)

The Court in California Oak ruled that the EIR contained an inadequate discussion, in fact no discussion at all, of the uncertainty regarding the 41,000 AFY transfer in the EIR itself, but only references to it in the appendices, and responses to comments. The text of the EIR did not mention the decertification of the CLWA EIR, or that "entitlements are not really entitlements, but only 'paper' water." (California Oak, supra, 133 Cal.App.4th at 1236.) From the EIR, the Court could only assume that City concluded the 41,000 AFY would continue to be available, but found that the lack of a forthright discussion of a significant factor that could affect water supplies was antithetical to the purpose of an EIR to reveal to the public the basis on which officials approve or reject environmental action. (Id. at 1237-38). Thus, the Court held that the EIR failed to inform the public of the litigation uncertainties surrounding the 41,000 AFY transfer, and substantial evidence did not support the City's decision to rely on water from that transfer for planning purposes.

Here, by contrast, the City discussed the 41,000 AFY transfer and its uncertainties at considerable length, both in the EIR and throughout the review process. (See infra, pp. 12-16.) The PCL, Friends, Friends II, and California Oak decisions were all discussed. The City concluded that it was likely that the 41,000 AFY would be available for the project. By the time the City Council held it first Riverpark hearing on 1/25/05, the City also had before it CLWA's certified new EIR for the 41,000 AFY transfer, which was not the case in California Oak.

The Riverpark EIR adequately discloses the uncertainties regarding the 41,000 AFY transfer and discusses them forthrightly.

C. Substantial evidence supports reliance on 41,000 AFY water transfer and the EIR's analysis of the transfer is not flawed

Petitioners contend that substantial evidence does not support the City's decision to rely on water from the 41,000 AFY Transfer.

As noted, California Oak held that, as long as the city has analyzed the uncertainties surrounding this water supply, it is within the City's province to decide whether to rely on the 41,000 AFY Transfer for planning purposes.

The EIR and the Administrative Record contain substantial evidence supporting the City's decision that water from the 41,000 AFY Transfer can be relied on as part of CLWA's supplies.

CLWA, the SWP and the reliability of its water supplies, the Monterey Agreement, the PCL litigation, the Monterey Settlement Agreement, CLWA's Table A Amounts, and the Friends litigation are all extensively discussed in the EIR. The City specifically discloses that a future adverse judgment invalidating the Monterey Agreement could affect CLWA's ability to use water from the 41,000 AFY transfer and adversely affect CLWA's water supplies over the long term, but that, based on the information discussed, CLWA (the experts concerning water supply) believed that such a result "is unlikely to >unwind' executed and completed agreements with respect to the permanent transfer of SWP Water Amounts." (Tab 4,2:2 AR 1014-15; see also, Tab 8,6:2 AR 6551-59 [TR-3].) Further, the EIR notes the 41,000 AFY Transfer was completed in 1999, CLWA has paid approximately $47 million for the additional Table A Amount, the monies have been delivered, the sales price has been financed through CLWA by tax-exempt bonds, and DWR has increased CLWA's

SWP maximum Table A Amount and delivered or made available to CLWA the 95,200 AFY because it was a permanent transfer/reallocation of SWP Table A entitlement between SWP contractors." (Tab 4, 2:2 AR 1013.) Included in the EIR's Appendices and referenced in the EIR, are the 19 documents supporting the EIR's analyses, including the PCL decision, the Monterey Settlement Agreement, the Sacramento County Superior Court's "Order Pursuant to Public Resources Code Section 21168.9," the Friends decision, the Los Angeles County Superior Court's Judgment on remand in the Friends litigation, CLWA's final EIR for the 41,000 AFY Transfer, and CLWA's Resolution certifying that EIR.

The City responded to numerous comments challenging the EIR's conclusion that CLWA could rely on the 41,000 AFY Transfer for planning purposes. Due to the number of comments, and the amount of information required to respond, the City prepared a "master" response on this subject, TR-3 (Tab 8, 6:2 AR 6551-59). TR-3 reviews the information disclosed in the EIR's Water Services section regarding the 41,000 AFY Transfer and the Friends litigation, then responds to comments asserting that: (i) the PCL litigation and Monterey Settlement Agreement preclude CLWA from using or relying on that water transfer, and (ii) because the Monterey Settlement Agreement requires DWR to prepare a new EIR on the Monterey Agreement, CLWA cannot rely on the water transfer until that new EIR is completed. The City also prepared responses to individual comment letters on the 41,000 AFY Transfer[6] All of these comments and

[6]See, for example, responses to comments from the Santa Clarita Organization for Planning and the Environment (Tab 8, 6 AR 5962-66, 6689-6717), Petitioners Sierra Club (Tab 8, 6 AR 6194-6201, 6370, 6737-66, 6829-30), California Water Impact Network (Tab 8, 6 AR 6273-74, 6767-75), Friends (Tab 8, 6 AR 6387, 6835-36), and from a law firm involved in the PCL litigation (Tab 8, 6 AR 6275-78, 6776-83).

responses are included in the Riverpark Final EIR.

The City's Planning Commission also held a study session on the subject of the reliability of available water supplies. (Tab 9, 7 AR 7480-92.)

Ultimately, the City reviewed all of this information, and the views expressed in the EIR, by CLWA, and by commentators opposed to the City considering the 41,000 AFY Transfer, and determined it was appropriate for the City to rely on those SWP supplies. (Tab 2, 1 AR 9-114 [App. Reso]; Tab 3. 1 AR 174-220 [CEQA Findings].) The City explained that its determination to allow Riverpark to rely on the 41,000 AFY Transfer was supported by the information in the EIR for four main reasons: (i) nothing in the Monterey Settlement Agreement or in any court decision precludes that reliance; (ii) nothing in the Monterey Settlement Agreement precludes CLWA from preparing and certifying its revised EIR for that transfer as instructed by the Court of Appeal in the Friends decision and, in fact, the Settlement Agreement was carefully crafted to leave that EIR and any required remedies to the Los Angeles County Superior Court; (iii) the fact that DWR is preparing an EIR that will analyze all of the water transfers under the Monterey Agreement does not preclude CLWA from preparing and certifying its revised EIR, as instructed by Friends; and (iv) CLWA's Final EIR re-approving the transfer had been certified without tiering from the Monterey Agreement EIR. (Tab 8, 6:2 AR 6558-59 [TR-3]; Tab 10, 8:2 AR 10441-10480; Tab 12, 10 AR 11750.)

As directed by California Oak, the City here has analyzed in considerable detail the uncertainties surrounding the AFY water transfer and explained the basis for its reliance on that transfer. The City's

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determinations are not an abuse of discretion, but supported by substantial evidence.

Petitioners' contention that the City makes false statements about the transfer (OB 7-9) is not borne out by the record.

The City's statement reads: "Because the 41,000 AF was a permanent water transfer, because DWR includes the 41,000 AF in calculating CLWA's share of SWP Table A Amount, and because the courts have not prohibited CLWA from using or relying on those additional SWP supplies, the City has determined that it remains appropriate for the Riverpark project to include those water supplies in its water supply and demand analysis, while acknowledging and disclosing uncertainty created by litigation." (Tab 8, 6:2 AR 6768-69.)

This statement is qualified and explained by the City's extensive discussion of the legal uncertainties arising from litigation, supra, and is not misleading. The statement cannot be taken out of context and must be read in light of other statements and evidence in the record. As regards "reliance on the fact that DWR counts the 41,000 AFY in Table A amounts, DWR has acknowledged the 41,000 AFY Transfer by continuously delivering SWP water, including water from the Transfer, to CLWA for many years. The Monterey Settlement Agreement treats the 41,000 AFY Transfer identically to the Appendix E Transfers. The City's discussion of the reliability of SWP water supplies, including the 41,000 AFY Transfer water, is a discussion relating to the ability of the SWP to deliver only such supplies as are available on a year-to-year basis. (See, e.g., Tab 4, 2:2 AR 1022-30.) The City discussed the reliability of available SWP supplies under average, dry and critical dry years, and that there would be sufficient supplies to meet Riverpark's demand and cumulative demand. (Id. at 1051-70.)

Unlike California Oak, the record shows that the City considered the 41,000 AFY transfer in the EIR, including the legal uncertainties, the reliability of available supplies of SWP water in general, and concluded, based on substantial evidence, that it was appropriate to rely on those supplies for planning purposes. The City also considered and responded to numerous comments. After 12 hearings before the Planning Commission and City Council, the City certified the EIR and approved Riverpark, knowing that water supplies from the 41,000 AFY Transfer were to some degree uncertain, but explaining the reasoning for its determinations and the evidence that supported it. That is all that CEQA and California Oak require.

II. Impacts on Biological Resources were Appropriately Evaluated

Petitioner contends that the project's impact on three special-status species, the western spadefoot toad ("Toad"), the San Diego back-tailed jackrabbit ("Jackrabbit") and the holly-leaf cherry woodlands ("Holly-Leaf") must be considered significant because they are "rare" within the meaning of CEQA, the EIR's responses to comments by Department of Fish and Game ("DFG") were inadequate, as were mitigation measures for the Toad and Jackrabbit.

CEQA Guidelines section 15065(a) provides: "A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that . . . : (1) The project has the potential to . . . substantially reduce the number or restrict the range of an endangered, rare or threatened species . . . ." (Guidelines, § 15065(a); 51 AR 33996.)

Here, an EIR was prepared and the impacts on the Toad, Jackrabbit, and Holly-Leaf considered. Petitioner contends that, to assess the

significance of the project impacts on the Toad, Holly-Leaf, and Jackrabbit, the EIR was required to determine whether the species are "rare" under Guidelines section 15380(b)(2)(A), which defines "rare" as "[a]lthough not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens."

The EIR's conclusions with regard to these species are supported by substantial evidence.

Toad

The EIR concluded that impacts on the Toad would be significant and unavoidable (Tab 7, 5:2 AR 5774, 5827).

The EIR describes the Toad as a special-status species (Tab 7, 5:2 AR 5720-5730, 5737, 5831-36; see also Tab 9, 7:2 AR 8572 [Revised Draft EIR ("RDEIR")]), and defines "special-status wildlife" to include rare species, that is, State Species of Special Concern and Federal Species of Concern. (Tab 7, 5:2 AR 5728.) The EIR notes that Toads were found in three seasonal rainpools created by human disturbances in the middle of areas planned for development: in the right-of-way for the extension of Newhall Ranch Road, in the middle of Planning Area A-1, and in the middle of Planning Area B (Tab 7, 5:2 AR 5832-34). The potential impacts on the Toad were analyzed in accordance with CEQA and City thresholds and found to be significant (id. at 5750-53, 5774). Mitigation was recommended in the form of pre-construction surveys, preparation of a Resource Management and Monitoring Plan ("RMMP"), design and construction of new enhanced Toad habitat and implementation of a capture and relocation and monitoring program. Ultimately the EIR concluded that the impacts would remain significant and unavoidable, because such measures have not yet been proven to he highly effective,

and because of the possibility that not all of the individual Toads could be successfully captured and relocated (id. at 5811).

The City's responses to comments and its actions addressed DFG's concerns (Tab 8, 6:1 AR 5880-86 [DFG letter], Tab 8, 6:2 AR 6621-30 [response]), and those of other commentators (see, e.g., Tab 8, 6:1 AR 5876-77 [Santa Monica Mountains Conservancy letter], Tab 8, 6:2 AR 6610-14 [response]). The City followed DFG's recommendations, the City's "Western Spadefoot Toad Habitat Enhancement and Mitigation Plan" ("Toad Plan") was created by the City's expert biologist in consultation with DFG and was ultimately approved by DFG.

Substantial evidence in the record supports the City's decision to mitigate the impacts on the Toad rather than reconfigure the Project. Such evidence included opinion of City's expert biologist that the Toad Plan was likely to succeed, and DFG's approval of that Plan. It properly exercised its discretion to consider the remaining impacts on the Toad to be significant and unavoidable, and adopted a Statement of Overriding Considerations for the Toad. (Tab 3, 1 AR 145-150, 155-163, esp. 159 [SOC].) Arguments similar to Petitioners' arguments here were rejected in Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1276-77.

Jackrabbit

For the Jackrabbit, the Revised DEIR determined that "[b]ecause this species is not state or federally listed as Endangered or Threatened, because it is considered relatively abundant in suitable habitat areas within its range, and because the direct loss of individual jackrabbits is expected to be low, it is expected that the regional population would not drop below a self-sustaining level with the implementation of this project," the loss of any individual

jackrabbits would not be considered a significant impact. (Tab 7, 5:2 AR 5775.)

The EIR identifies the Jackrabbit as a State and federal special-status species, and determined the significance of impacts on that species based on CEQA and City thresholds that recognize substantial adverse effects on special-status species and substantial reduction of habitat as being significant impacts (Tab 7. 5:2 AR 5750-53). Based on field surveys (see, e.g., Tab 7, 5:2 AR 5707-08 [RDEIR, § 4.6; Tab 6, 4 AR 4153-54), the EIR reported that Jackrabbits. which occur in a variety of habitats, had been sighted on-site in the riverbed, open terraces and disked fields, but that because those areas are disturbed, the overall quality of the habitat on site suitable for Jackrabbits was only moderate. (Tab 7, 5:2 AR 5735, 5739, 5775; Tab 9, 7:2 AR 8572 [RDEIR].) The EIR noted that the Project had been designed to include all NRMP applicable mitigation measures for the areas in and adjacent to the Santa Clara River (Tab 7. 5:2 AR 5754-61, and 5789-5800 [RDEIR, § 4.61; Tab 9, 7:2 AR 8576 [RDEIR]), including preconstruction surveys, capture and relocation, and riparian habitat creation enhancement. (Id. at 5757-5759, and 5793-95 [RDEIR, § 4.6]; see also, Tab 9, 7:2 AR 8541-42 [RDEIR]).

The EIR concluded that project-level impacts would be less than significant, not just because Jackrabbit is not a listed species and does not require heightened protection, but also because the species is abundant where it occurs, and, since it is mobile and would likely disperse to nearby better habitat rather than be killed as the site is developed, few individuals would be lost due to development of the site. (Tab 7, 5:2 AR 5775.) Nevertheless mitigation including preparation of an RMMP and preconstruction surveys of areas outside the NRMP areas for

the potential capture and relocation of special-status species was recommended. (Tab 7, 5:2 AR 5800-01, 5809-10; Tab 9,7:2 AR 8543-45, 8584-85 [RDEIR pages].) The EIR also concluded that the project-level and cumulative impacts on an aggregate of 280 acres of habitat, in general, necessarily including that for Jackrabbits, would be significant and unavoidable even after mitigation (Tab 7, 5:2 AR 5761-62, 5811, 5825-26, 5827). A Statement of Overriding Considerations was adopted for these impacts. (Tab 3, 1 AR 145-163.)

The City did not ignore DFG's comments, but in response to DFG, stated that it had considered the NRMP and its EIS/EIR, which had earlier analyzed impacts on the Jackrabbit within the NRMP area (in and adjacent to the Santa Clara River), and found those impacts to be significant and imposed mitigation to reduce them to a less than significant level. (Tab 8, 6:2 AR 6622-23.) Those mitigation measures, the City explained, had been incorporated into the Project as design features, and that Riverpark scaled back the activities permitted by the NRMP, so that the activities within the NRMP area would have even less of an impact on the Jackrabbit than the NRMP EIS/EIR had determined. (Tab 8, 6:2 AR 6622-24.)

Development was moved further back from the Santa Clara River to protect riparian resources, including Jackrabbit habitat (including bank stabilization in a portion of the site). A public trail that had been proposed in the riverbed was moved out to join the pedestrian/bike bridge over the Aqueduct. (Tab 8, AR 6623-24; see also Tab 2, Tab 4, Tab 12 [FEIR, Final Project Revisions]; Tab 11) The City also explained that the mitigation requiring preconstruction surveys and capture and relocation was more definitive than DFG described B more than simply forcing individuals to disperse. As to cumulative impacts, the City

noted that because the NRMP's mitigation measures had been imposed on all of the land between the eastern border of Riverpark vest to Castaic Creek, and because Riverpark had been revised to preserve even more upland, the EIR had concluded that cumulative impacts on the species would be less than significant. (Tab 8, AR 6624.)

DFG disputed the EIR's conclusions without challenging the City's survey methodology. (Tab 8, AR 5882.) As the City's response to DFG's comment letter shows, the City considered DFG's comments, but disagreed with them. The City's response did not assert that the EIR relied solely upon the NRMP EIS/EIR's analysis of impacts on the Jackrabbit. (Tab 8, AR 6622-24.) Rather, the EIR conducted its own independent analysis. (Tab 7 [RDEIR, § 4.6]; Tab 6 [survey report]; Tab 9 [RDEIR].) The City's responses to DFG contained a reasoned explanation based on scientific information. (See CEQA Guideline ' 15088.) The City was not required to accept DFG's opinions over those of its own expert. (Assn. of Irritated Residents, supra, at 1394-97; Laurel Heights I, supra, 47 Cal.3d at 393-93.)

Substantial evidence supports the EIR's conclusions on the Jackrabbit. The evidence shows the EIR conducted its own analysis of the impacts on the Jackrabbit, and did not rely solely upon the NRMP EIS/EIR for that analysis.

Holly-Leaf Cherry Scrub

The surveys conducted by the Project's expert botanist concluded that the plant community identified was not "holly-leaf cherry woodlands," but "holly-leaf cherry scrub" ("HLCS"), which is different and one not specified in DFG's List of California Terrestrial Natural Communities recognized by the California Natural Diversity Data Base (i.e. without any State or federal protection). (Tab 7, AR 5716-17; Tab

416, 53 AR 37223, 37247 and Tab 6, 4 AR 3363, 3387 [DEIR appendices, 2003 and 2002 rare plant surveys Tab 8, 6:2 AR 6627 [response to DFG comments].)

Based on the evidence, including the rare plant surveys conducted in 2002 and 2003, and supporting evidence (Tab 6, AR 3359-82, 3383-95), the EIR reported the expert botanist's identification of the plant community on-site as HLCS (Tab 7, 5:2 AR 57 16-17). The EIR properly defined the class of plants that were considered to be "special status plants" (Tab 7, 5.2 AR 5722), and did not include HLCS within that class based on the botanist's expert opinion. Based on CEQA and City thresholds, the EIR concluded that the permanent disturbance of 3.6 acres of HLCS, which did not support special-status plant or wildlife species and is not considered to be sensitive by the resource agencies, was not significant (Tab 7. 5.2 AR 5767). As noted before, the EIR concluded that the project-level and cumulative impacts from disturbing an aggregate of 280 acres of habitat, in general, necessarily including HLCS, would be a significant impact, and unavoidable even after mitigation, and, a Statement of Overriding Considerations was adopted as to this impact (Tab 3, AR 145-163).

The City's response to DFG's comments on the HLCS was not "dismissive." The City responded that based on scientific and other information the identified plant community was not "holly-leafed cherry woodland," but HLCS, because the canopy did not amount to a woodland canopy, and that DFG does not include HLCS within its list of special status plant communities. Also because only 3.6 acres of habitat would be permanently impacted by the Project, and HLCS "stand of trees" was not considered a sensitive plant community as identified by the DFG, the

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loss of the 3.6 acres would be less than significant under CEQA. (Tab 8, AR 6627.)

Substantial evidence supports the conclusions that the HLCS on site was not a special status species, and that impacts to it alone would not be significant.

III. Description of the Project and Mitigation Measures

Petitioners contend that the EIR fails as an informational document to adequately describe the project or the mitigation measures, misstates the public and agency concerns raised in comment letters, and fails to meaningfully respond to them.

The EIR adequately describes impact on the Santa Clara River and is not misleading

Petitioners contend the project will damage the river and the EIR and the City's staff reports mislead by "perpetuat[ing] the myth that the project will improve the condition of the river," (OB 16-17) and by the statement in Final EIR that the project "has been designed to preserve the Santa Clara River corridor." (AR 28.)

A review of the record discloses extensive discussion in the EIR and staff reports concerning the encroachment into the Santa Clara River and the impacts to it. Among other things, the EIR discloses that the Project would install buried bank stabilization in the western portion of the site, but not the eastern portion where the river corridor would remain substantially undisturbed up to the eastern boundary where the Newhall Ranch Road Golden Valley Road Bridge would be built. (See Tabs 4, 5, 7, 11, 12.) There is evidence that buried bank stabilization is less harmful to the river and its resources than traditional cement stabilization, yet protects adjacent development adequately (Tab 11, 9 AR 10739-47 [FEIR, App. C. Functional AssessmentC Summary], 10877-90

[id., Hybrid Functional Assessment/Riverpark], 11180-97 [FEIR, App. G, Additional Hydrology and Water Quality Analyses], 11202-19 [id., Addendum No. 1], 11405-17 [id., App. J, Additional Flood and Floodplain Modifications data]). Furthermore, revisions to the Project would lessen intrusion into the SEA and protect mature riparian resources that serve as habitat (id., esp. Tab 11, 9 AR 11419-22, 11516 [FEIR App. K. Project Revisions and Additional Information]; Tab 12, 10 AR 11741-61 [FEIR Final Project Revisions]; Tab 11, 9 AR 11224-35 [FEIR App. 1. 7/20/04 Staff Report]). Other evidence shows that the overall (temporary and permanent) intrusion into the SEA was reduced from the original 37 acres to 32.1 acres, and the permanent intrusion from 24 to 16.9 acres. (Tabs 11, 12.) The Project was also revised to dedicate approximately 318 off-site acres, including the approximately 141-acre "Round Mountain" site containing 37 acres of Santa Clara River SEA, which will in part further offset the Project's impacts on biological resources and the floodplain (Tab 12). The City nevertheless still considered the Project's intrusion into the Santa Clara River SEA to be a significant and unavoidable impact, and included it in the Statement of Overriding Considerations (Tab 7.)

Thus, the City did not "ignore Riverpark's encroachment into the river." It considered at great length the Project's impacts on the river and adjacent areas and required changes in the Project to reduce those impacts.

The EIR adequately describes the project setting and is not misleading

The City found that "the proposed project is appropriate for the subject property," "proposes considerably lower densities than existing nearby developments," and that "[b]y proposing a maximum of 1,089

residential units and approximately 16,000 square feet of commercial space, the project proposes development that would be substantially less dense and less intense than those that both the current and the proposed land use classifications would allow." (1 AR 30.)

Petitioners contend the finding is incorrect, because the City "never actually calculated the number of residential units that can actually be built on the site," and the site's physical characteristics, such as topography, constrain the number of units that can be built on any given parcel.

The findings relating to the project setting are adequate under CEQA and not misleading. Prior to the approval of the General Plan Amendment and Zone Change proposed by the Project, the City's General Plan designations for the site permitted development more dense and intense than the now-approved designations. (See, e.g., Tab 4, 2:1 AR 346-48 [DEIR, § 1.0, Project Description], 830-837 [Id., § 4.7, Land Use]; Tab 4, 18 2:2 AR 947-52.)

There is no requirement the City must calculate exact number of units which actually can be built.

The EIR adequately describes on-site and off-site dedications to the City

Petitioners contend the EIR does not "adequately describe both the on-and off-site [land] dedications, which the City considers a significant benefit, and has identified as one main bases [sic] for over-riding the project's significant adverse impacts," and City staff and the EIR do not discuss in an Agenda Report to the City Council a Planning Commissioner's comments during a debate on whether the Commission would consider the Project's proposed dedication of portions of the South Fork of the Santa Clara River to be a benefit under the

City's Ridgeline Preservation and Hillside Development Ordinance (OB 24-28.)

Preliminarily, these issues were not raised during the administrative process and, consequently, are now barred. (CEQA, § 21177(a); see Park Area Neighbors v. Town of Fairfax (1994) 29 Cal.App.4th 1442, 1447-48.) Moreover, the dedications were not offered as mitigation measures, but as benefits in connection with the City's issuance of a Statement of Overriding Considerations and the Hillside Development Application. (Tab 3. 1 AR 147-1 50.)

In any case, CEQA requires that an EIR analyze a project's adverse environmental impacts, not its benefits. (See, e.g., CEQA, § 21002.1(a).) Dedication of on-site and off-site open space to the City to be preserved in perpetuity does not create adverse environmental impacts. Even so, the EIR does discuss the attributes of these land dedications. The on-site land to be dedicated was discussed extensively in the Draft EIR (see. e.g., Tab 4, AR 367 [DEIR, § 1.0, Project Description]; Tab 4, 2:2 AR 1214-44 [id., § 4.12, Parks and Recreation]; Tab 7, 5:2 AR 5689-5827 [RDEIR, § 4.6, Biological Resources]), as well as in City staff reports (Tab 604,61 AR 42947-42953; Tab 652, 73 AR 51639-51650; Tab 652, 73 AR 51651-51811; Tab 666, 74 AR 51913-51925; Tab 674, 74 AR 52073-52085; Tab 2-3, 1 AR 9-227) and in Planning Commission hearings (Tab 3, 1 AR 147-150). The attributes and benefits of the off-site land dedications are discussed in the Final EIR (see, e.g., Tab 12. 10 AR 11742-61 [FEIR. Final Project Revisions]; Tab 11, 9 AR 11419-22, 11516 [FEIR. App. K, map, land use table, new SEA chart]).

Failure to discuss comments in the agenda report is not fatal here. The Planning Commission debated which Project attributes should be considered as benefits in connection with their decision whether to

recommend approval of the Hillside Development Application, for which Newhall had submitted its Innovative Application Compliance Report. The EIR analyzed the land being dedicated to the extent necessary to inform the City and the public, and based on that information, the Planning Commission ultimately voted on which Project benefits it viewed as supporting the Hillside Development Application, including, without limitation, the on- and off-site land dedications (Tab 9,7:2 AR 8079-81 [12/21/04 HT]; Tab 652, 73 AR 51639-45, esp. 51643 [12/21/04 Staff Report]; Tab 2, 1 AR 15-18 [App. Reso.]). All of this information was before the City Council.

The EIR adequately describes on and off-site dedications and does not fail as an informational document in other respects.

IV. Alternatives Were Considered as Required by CEQA

An EIR's alternatives analysis must include a reasonable range of alternatives to the project that would feasibly obtain the basic objectives of the project and evaluate the comparative merits of the alternatives. (Guidelines, § 15126.6(a).)

Petitioners contend that the City's rejection of Alternative 2, the Santa Clara River Reduced Bank Stabilization Alternative, in the EIR and in its Findings was "disingenuous and pretextual, and therefore contrary to the mandates of CEQA" and not supported by substantial evidence.

Substantial evidence supports the determinations made by the City in rejecting Alternative 2 and finding that, due to the revisions to the Project, that alternative was no longer environmentally superior.

The City rejected Alternative 2 for multiple reasons.

After analyzing Alternative 2's impacts as compared to those of the Project as originally proposed, the EIR concluded that, while this alternative would reduce impacts in certain environmental areas

(including biological resources) and create similar impacts in other areas, it would create greater impacts on population/housing/employment and parks and recreation, and would not meet five of the project objectives. (Tab 4, 2:2 AR 1490-1500.) The EIR noted that the project objectives of (1) providing a substantial number of new housing units adjacent to existing and planned infrastructure, service, transit and transportation corridors and employment areas to accommodate projected growth, and (2) developing a range of housing types accommodating a range of incomes and commercial opportunities, would not be met due to the reduction in residential units (all of which were single-family units). (Tab 4, AR 1499.) The objective of providing adequate flood protection, including bank stabilization where necessary, would not he met because the alternative does not provide for bank stabilization. The objectives of providing sufficient parks to satisfy park dedication requirements and meet regional needs, and of providing a range of active/passive recreational opportunities, would not be met due to the reduction in the size of the flatter, active portion of the proposed 29-acre park. (Id.; see also 1497.)

As noted above, the original Project was substantially revised over the course of the 24 public hearings. The Project as revised and approved: (1) Moved all development back to the resource line established by the Planning Commission, which reduced the Project's intrusion into the SEA and protected mature riparian resources that serve as habitat (Id.. esp. Tab 11, 9 AR 11419-22, 11516 [FEIR App. K, Project Revisions and Additional Information]; Tab 12, 10 AR 11741-61 [FEIR, Final Project Revisions]; Tab 11,9 AR 11224-35 IFEIR App. 1,7/20/04 Staff Report]), (2) Moved the equestrian trail out of the river (Id. esp. Tab 12, 10 AR 11741-61 [FEIR, Final Project Revisions]),

(3) Reduced the Project's overall (temporary and permanent) intrusion into the SEA from the original 37 acres to 32.1 acres, and its permanent intrusion from 24 to 16.9 acres, 7.5 of which are attributable to the construction of Newhall Ranch Road and one of which is attributable to the Santa Clara River Trail (Id. esp. Tab 11, 9 AR 11516 [FEIR App. K, new SEA chart]; Tab 12, 10 AR 11741-61 [FEIR. Final Project Revisions]), (4) Was conditioned on an absolute prohibition of construction of any lots within the new FEMA floodplain boundaries (Tab 11, 9 AR 11406-09 [CLOMR]: Tab 12, 10 AR 11756, 11757-58 [FEIR, Final Project Revisions].) (5) Relocated the Newhall Ranch Road/Golden Valley Road Bridge abutments farther out of the active channel of the river, resulting in reduced impacts to biological resources in those riparian areas (Tab 11, 9 AR 11410-17 [FEIR App. J, Technical Memorandum Hydraulic Design and Analysis]; Tab 12, 10 AR 11758 [FEIR, Final Project Revisions]) and (6) Dedicated approximately 318 off-site acres, including, inter alia, the ARound Mountain" site containing 37 acres of Santa Clara River SEA, which further offset the Project's impacts on biota and the floodplain (Tab 12, 10 AR 11741-58 [FEIR, Final Project Revisions]).

Based on the evidence as regards the revised project, the City Council found that, as compared with the Project as approved, Alternative 2 was no longer environmentally superior because the new Project design reduced development, and thus impacts, in areas not affected by the revisions contemplated by Alternative 2, that although the approved Project would afford the City 94 fewer residential units, it still preserved a greater mix of housing opportunities than did Alternative 2, which reduced the number of single-family lots, and that

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the approved Project would donate substantial off-site acreage. (Tab 3, AR 139-140 [Alternatives Findings]; see also 156 & 3,156-159.)

The findings as to Alternative 2 are supported by substantial evidence and the record shows that the City Council considered and balanced all of the competing factors, and chose to approve the Project with those factors in mind.

V. City Properly Found that the Project is Consistent with General Plan Goals and Policies of Protecting Significant Natural Resources

Government Code section 66473.5 provides that "[n]o local agency shall approve a tentative tract map . . . unless . . . [it] is consistent with the general plan."

It is within the City's province, to balance the competing interests reflected in its General Plan policies, and the City has broad discretion to construe those policies in light of the plan's purposes. (San Franciscans Upholding the Downtown Plan, supra, at 678.) A reviewing court, therefore, may only ascertain whether the lead agency "considered the applicable policies and the extent to which the proposed project conforms with those policies" (id.) by considering whether, as a whole, the "'project is compatible with, and does not frustrate, the general plan's goals and policies" (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 355.) A project must be in agreement or in harmony with the applicable General Plan, "not in rigid conformity with every detail thereof." (San Franciscans Upholding the Downtown Plan, supra.)

A lead agency's determination that a project is consistent with its general plan "can be reversed only if based on evidence from which no reasonable person could have reached the same conclusion." (A Local and Regional Monitor v. City of Los Angeles (1993)16 Cal.App.4th 630, 648;

see also San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656, 6771.) In approving the Project, the City considered its General Plan policies and the Project conformance to them.

Petitioners contend that the Project is inconsistent with the City's General Plan goals and policies to protect significant natural resources because its intrusions into the SEA and the floodplain are inconsistent with the General Plan requiring the developer to "enhance and preserve the SEA," and the EIR's conclusion that the project is consistent with Land Use Policy Element 5.3 by "not proposing development within the river" (2 AR 891) is not supported by the evidence in the record.

The EIR analyzes the original Project's consistency with the City's General Plan and concludes that the Project as originally proposed was consistent with Policy 1.1 of Goal I of the City's Open Space and Conservation Element because the Project preserves the Santa Clara River and much of its significant vegetation as open space (Tab 4, 2:2 AR 859-60) as shown by evidence noted above as to other issues. Furthermore, as discussed supra, the Project was later revised, further reducing the Project's overall intrusion into the SEA from 37 to 32.1 acres, and dedicating 37 undeveloped acres of SEA in the Round Mountain property.

The EIR also concludes that the Project as originally proposed was consistent with Policies 3.3 and 3.7 of Goal 3 of the City's Open Space and Conservation Element, because the EIR identifies areas of significant ecological value and natural riparian habitat and mitigates impacts to the extent possible (Tab 4, 2:2 AR 861-62: see also Tab 7. 5:2 AR 5689-5827 [RDEIR, § 4.6, Biological Resources]). Also, as

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discussed supra, the Project as approved further reduces impacts to the SEA and other sensitive resources.

The original Project was also found to be consistent with Policy 5.3 of Goal 5 to require new development to be sensitive to SEAs through creative planning techniques that avoid and minimize disturbance in these areas for these same reasons (Tab 4, 2:2 AR 890-91), a conclusion supported by the same substantial evidence that supports consistency with Goal 1, Policy 1.1 of the Open Space and Conservation Element.

Petitioners' arguments that the Project impermissibly intrudes into the SEA restate their CEQA arguments. The same evidence in the record supports the consistency findings. The Project was revised to limit intrusion into the SEA. The City's decision after circulation of the Draft EIR to protect the riparian resources and habitat by setting the resource line in the western portion of the site and moving the equestrian trail out of the river bed further ensured that the Project as approved was consistent with the General Plan policies. The Project always proposed placing 15 lots within the already disturbed SEA area next to Planning Area A-2. (See, e.g., Tab 7, 5:2 AR 5785.) Also, as revised Section 4.6 explains, even the permanent loss of 24 acres of habitat, now reduced to 16.9, is not expected to detract from the overall integrity and value of the SEA, and the Project will preserve and enhance various amounts of upland habitat in Planning Area B to serve as a buffer between the riparian habitat and development and to mitigate adverse impacts to riparian plant communities within the SEA. (Id.) The benefits of the Project's enhancements to the banks of the Santa Clara River and to its main drainage in the 29-acre park are confirmed by the Final EIR's Hybrid Functional Assessment for Riverpark (Tab 11, 9 AR 10877-90).

Substantial evidence supports the finding of consistency with the City's General Plan.

The Petition for Writ of Mandate is denied.

Counsel for Respondent is ordered to prepare, serve and lodge in Department 85 a proposed Judgment Denying the Petition for Writ of Mandate on or before August 21, 2006.

DATED: August 14, 2006

DZINTRA I. JANAVS

Dzintra I. Janavs
Judge of the Superior Court

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
www.scope.org

3-6-20

Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: - Board of Supervisors Agenda TUESDAY, MARCH 10, 2020 VI. PUBLIC HEARINGS 39 - 40 39. Hearing to Vacate a Portion of Valley Canyon Road, Set Aside a Portion of Soledad Canyon Road and Accept the Offer of Dedication on a Portion of Yellowstone Lane in the Unincorporated Community of Agua Dulce

Honorable Supervisors:

While this agenda item only refers to a tract number and states that the changes will comply with a 2003 EIR, it is important that you know that the most recent mitigation measures approved for this project, "Spring Canyon" were unanimously approved on March 26th, 2019 (and final approval on June 25th 2019). At the time, the changes were lauded by Supervisor Barger and Supervisor Hahn's office for enhancing the sustainability of the project (see news article attached).

Some of those changes included an enhanced wildlife corridor in the area of this agenda item's proposed changes to Valley Canyon Rd which is the ONLY underpass under the Highway 14 that animals can currently use to reach the river.

There is no indication that this proposal complies with the most recent conditions and mitigation measures approved last year, since in fact that approval is nowhere mentioned in the staff report. There is no indication that Parks and Recreation was contacted concerning this matter or that the County biologist reviewed the changes to ensure the wildlife corridor would remain viable.

Further, as you may recall, your approval last year allowed the developer to delay the building of the elementary school for the project until after about the 200 hundredth unit was built. You should know that according to our information, the school district has rejected the proposed site for the school, so the change you allowed last June may leave these first homes without ever having a local school. This scenario is similar to what occurred two decades ago with the Davidon project in Saugus where the developer never

built the other half of the project that would have required the school. We ask that you look into this matter before approving additional changes for this project.

Last, since the school district refused the site, they also refused to form a Mello-Roos facilities district for the developer. The developer then went to the Santa Clarita Valley Water Agency to request they form a Mello-Roos district. While the Board did vote at its last meeting to approve a policy allowing such facility districts, no district for this project was approved. You should know that the vote was contentious, divided and close.

In closing, please be aware that the Tick Fire (October 2019) burned through this area last year, pushed by 40 mile per hour winds, and requiring 40,000 residents to evacuate. Had the houses in this tract been built then, we might have seen far more residential loses than the 22 houses and 27 structures damaged in this fire.

We ask that you take these issues into consideration, especially the viability of the wildlife corridor and the fire danger as you evaluate this agenda item.

Thank you for your time.

Sincerely,

President

Attachment
1. News article lauding changes to the Spring Canyon Project "**Housing project approved as 'super sustainable' community"** SCV Signal March 27th, 2019
2. June 25th final approval of changes with new conditions and additional mitigation measures.

Re: FW: Agenda Item 73 Spring Canyon - Jurisdictional Statement

SCOPE <exec-scope@earthlink.net>

Reply all

Today, 11:56 AM

Anthony Nyivih <ANYIVIH@dpw.lacounty.gov>;
PublicHearing;
First District;
Supervisor Janice Hahn (Fourth District);
Barger, Kathryn;
Sheila;
SecondDistrict

Inbox

Thank you for your response. It is too bad that the DPW could not accommodate our very simple request. It would have been merely a minor change to include the wildlife corridor location so that there would be no chance of the sewer lift station or any other structures being mistakenly located where it would interfere with the wildlife corridor.

Your email seems to indicate that this matter has been pre- determined by the Board of Supervisors. We object to that, and do not concur with you on the Brown Act matter, which, in any case, it is not up to DPW to determine.

Lynne Plambeck
President
Santa Clarita Organization for Planning and the Environment

-----Original Message-----
From: Anthony Nyivih
Sent: Mar 27, 2020 2:26 PM
To: SCOPE
Cc: Anish Saraiya , ExecutiveOffice , Julia Weissman , Shari Afshari , Rossana D'Antonio , Jim Sparks
Subject: FW: Agenda Item 73 Spring Canyon - Jurisdictional Statement

In response to your statement that the public is not allowed to testify, this is not the case. The public is being provided with the opportunity to provide written testimony via mail or email in advance of the hearing. The Supervisors will review and consider all testimony received prior to making a decision on the matter and the written testimony will become a part of the record. Written testimony is appropriate given the current circumstances related to COVID-19 and is in line with the Governor's Executive order, N-29-20, signed March 17, 2020.
Regarding the issue of the wildlife corridor, PW has conferred with Counsel and has determined that the recommendations in the letter are very specific and the maps and legal descriptions subject to the Board's actions are also specific. The wildlife corridor is part of the tract but it is not directly related to the requested actions and the Department has determined that it would be inappropriate to modify these specific maps to show the wildlife corridor.

From: SCOPE <exec-scope@earthlink.net>
Sent: Thursday, March 26, 2020 4:14 PM
To: Patrick Parker <pparker@raintree.us.com>
Cc: Saraiya, Anish <ASaraiya@bos.lacounty.gov>; ExecutiveOffice <ExecutiveOffice@bos.lacounty.gov>; PublicHearing <PublicHearing@bos.lacounty.gov>
Subject: Agenda Item 73 Spring Canyon - Jurisdictional Statement

Thanks Patrick - I did see it on the agenda and have already contacted an attorney about the legality of holding a public hearing where the public is not allowed to testify. The Governor did not waive this part of the Brown Act, only the part that covers off site meetings. Other agencies throughout the state have set up teleconferencing capabilities that allow public participation and public comments. The County can and must do that too.

Perhaps it is posted now, but I didn't see this in the Board letter or on the map and don't know what legality this would hold when it is not in any of the vacation documents. Can you ask them to post it prior to the hearing? If they did it today, it would still meet the 72 hour posting requirement. I do not feel confident about this when there is no way to say anything at the hearing. Why can't they put the wildlife corridor on the map?

Sorry to be such a pain the @#$, but we have seen too many conditions that were promised then not enforced "by mistake". I sincerely appreciate your efforts to rectify the problem, but don't know why this wasn't included in the Board letter and why the wildlife corridor isn't on the map. Wildlife corridors are a focused goal for SCOPE this year voted by our membership in January. So this is really important.

Lynne Plambeck
Prresident
Santa Clarita Organization for Planning and the Environment

-----Original Message-----
>From: Patrick Parker
>Sent: Mar 26, 2020 12:08 PM
>To: Scope
>Subject: Spring Canyon - Jurisdictional Statement
>
>
>
>Lynn,
>
>The County is trying to get things in motion. I was just told by Public Works there is a virtual County Board Meeting on March 31. The vacation item for the road next to Spring Canyon will be heard.
>
>With your e-mail to the County, we got Public Works to agree to new language including the clarification of the use is for a "wildlife corridor" and the Spring Canyon development is subject to "conditions imposed by the Board of Supervisors at the June 25, 2019 Public Hearing. Please see the attached document that will be read into the public record immediately at the opening of the item.
>
>I am available to discuss.
>
>Thanks,
>
>Pat
>
>

From: Lynne Plambeck
To: ExecutiveOffice; PublicHearing
Subject: I would like to speak on item 73 on behalf of SCOPE
Date: Tuesday, March 31, 2020 10:45:52 AM

Lynne Plambeck