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11 SCOPE

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES

14 FRIENDS OF THE SANTA CLARA RIVER,
15 SCOPE (SANTA CLARITA ORGANIZATION
16 FOR PLANNING AND THE ENVIRONMENT),
17 PETITIONERS,

18 v.

19 COUNTY OF LOS ANGELES,
20 LOS ANGELES COUNTY BOARD OF
21 SUPERVISORS, DOES 1 TO 10,
22 RESPONDENTS,

23 AND

24 NEWHALL LAND AND FARMING COMPANY,
25 INC., DOES 11 TO 20,
26 REAL PARTIES IN INTEREST.
27

CASE NO. BS170568

Assigned for all purposes to Hon.
Richard Fruin, Dept. 15.

FIRST AMENDED VERIFIED PETITION
FOR WRIT OF MANDATE

California Environmental Quality Act
(CEQA), Public Resources Code
§§ 21000-21189.3;
Water Code §§ 10910-10915 (SB 610)

Case filed: August 17, 2017

28
29
30 Petitioners allege the following:

By Fax

31
32 **Introduction**

- 33 1. This action challenges the July 18, 2017 decision of the County of Los Angeles (**County**)
34 and of the Los Angeles County Board of Supervisors (**Board**) to approve the development
35 of, and to certify environmental documentation for, the Landmark Village project (the

FILED
Superior Court of California
County of Los Angeles

APR 16 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By Judi Lara, Deputy
Judi Lara

1 **Landmark Project**) and the Mission Village project (the **Mission Project**, collectively the
2 **Projects**) in an unincorporated area of Los Angeles County near the City of Santa Clarita.

- 3
- 4 2. The Projects are the first and second phases of the Newhall Ranch development, one of
5 the largest residential developments ever proposed in California. The Newhall Ranch
6 development would create a new urban center of about 20,000 residences and more than
7 60,000 residents on the approximately 12,000-acre Newhall Ranch site.
- 8 3. The Projects are located adjacent to, and partially within the current floodplain of, the
9 Santa Clara River (the **River**), the last river in Southern California that is still in a mostly
10 natural state.
- 11 4. The Projects, as currently proposed, would harm the River in very significant ways, and
12 would have substantial negative environmental impacts on water quality, on aquatic and
13 riparian habitat, on wildlife movements, on greenhouse gas emissions, and on Native
14 American cultural resources, among other impacts.
- 15
- 16 5. The Board and County abused their discretion in approving the Projects and related
17 environmental documentation, as described below.
- 18

19 **Parties**

- 20
- 21 6. Petitioner Friends of the Santa Clara River (**Friends**) is an environmental group
22 organized as a nonprofit corporation in accordance with the laws of California in 1993,
23 and with its principal place of business in Newbury Park, California. Friends brings this
24 action on behalf of its members who have been, and will continue to be, harmed by the
25 County's approval of the Projects, which, in combination with other projects permitted
26 along the River, will result in loss of wetlands, destruction of vegetation in the riverbed,
27 which serves as cover for wildlife using the riverbed, development overlooking and
28 adjacent to the riverbed that will interfere with and discourage wildlife's use of the
29 riverbed as habitat and as a movement corridor, diminished aesthetic enjoyment, loss of
30 peace and tranquility, increased traffic, increased flooding, loss of open space and habitat
31 for the River's wildlife, including wading birds and federally protected species, degraded
32 water quality, damage to cultural resources, and diminished quality of life. Friends has
33 active members throughout Los Angeles, Ventura, and Santa Barbara counties who
34 canoe, fish, swim, hike, travel, recreate, and observe wildlife throughout the Santa Clara
35 River watershed and intend to continue these activities. The ability of Friends' members

1 to engage in such activities is harmed by the County through its approval of the Projects
2 because the grading activity from the Projects degrades many of the areas and water
3 bodies Friends' members enjoy. Further, the effects of the Projects, combined with the
4 effects of numerous other activities authorized by the County and other public agencies
5 along the Santa Clara River, are devastating to the River's watershed and to Friends'
6 members' ability to use and enjoy the River. Friends submitted timely comments on the
7 Projects and the EIR. Friends and its members are directly, adversely, and irreparably
8 affected, and will continue to be affected by the Projects and their components until and
9 unless this Court grants the relief prayed for in this petition.

10 7. Petitioner SCOPE (**Santa Clarita Organization for Planning and the Environment**) is a
11 California nonprofit membership organization that is concerned with protection of the
12 environment. Some members of SCOPE reside in Santa Clarita, in the vicinity of the
13 Projects. SCOPE brings this action on its own behalf, for its members, and in the public
14 interest. SCOPE was formed in 1987 to promote, protect, and preserve the environment,
15 ecology, and quality of life in the Santa Clarita Valley. SCOPE's mission is to (1) promote,
16 protect, and preserve the environment of the Santa Clarita Valley; (2) work to provide a
17 high quality of life for residents of the Santa Clarita Valley; (3) monitor, review, and take
18 action on proposals which would affect the environment, ecology, or quality of life in the
19 Santa Clarita Valley; (4) provide a forum for the people of the Santa Clarita Valley in
20 which issues involving the environment, ecology, or quality of life can be heard and
21 discussed; (5) foster the education of the members and the people of the Santa Clarita
22 Valley on matters involving environment, ecology, and quality of life; and (6) promote
23 community planning and design which exhibits superior attention to quality, aesthetics,
24 sensitivity to the environment, and consideration of community goals and needs. SCOPE
25 submitted timely comments on the Projects and the EIRs. SCOPE and its members are
26 directly, adversely, and irreparably affected, and will continue to be prejudiced by the
27 Projects and their components until and unless this Court grants the relief prayed for in
28 this petition.
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30 8. Respondent County of Los Angeles (**County**), a political subdivision of the State of
31 California, is responsible for regulating and controlling land use in the unincorporated
32 territory of the County, including but not limited to implementing and complying with
33 the provisions of the California Environmental Quality Act, Public Resources Code
34 §§ 21000-21189.3 (**CEQA**); the **CEQA Guidelines**, 14 Cal. Code. Regs. §§ 15000-15387
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1 plus appendices, the State Planning and Zoning Law, the Subdivision Map Act, and its
2 own General Plan. Respondent County is the lead agency for purposes of Public
3 Resources Code section 21067, with principal responsibility for conducting
4 environmental review of and approving the Projects.

- 5 9. Respondent Los Angeles County Board of Supervisors (**Board**) is the duly elected
6 legislative body for Los Angeles County responsible for compliance with CEQA, the
7 CEQA Guidelines, the State Planning and Zoning Law, the Subdivision Map Act, and the
8 Los Angeles County General Plan.
- 10 10. Real Party in Interest Newhall Land and Farming Company, Inc. (**Newhall**) is the sole
11 applicant identified for the Projects, and a recipient of Project approvals.
- 12 11. Petitioners are currently unaware of the true names and capacities of respondents and
13 defendants Does 1 through 10, and therefore sue those parties by such fictitious names.
14 Does 1 through 10 are agents of the County or of state or federal government who are
15 responsible in some manner for the conduct described in this petition, or other persons
16 or entities who claim some legal or equitable interest in one or both of the Projects that
17 are the subject of this action. Petitioners will amend this petition to show the true names
18 and capacities of Does 1 through 10 when such names and capacities become known.
- 20 12. Petitioners are currently unaware of the true names and capacities of Real Parties in
21 Interest Does 11 through 20. Does 11 through 20 are persons or entities currently
22 unknown to Petitioners, who claim some legal or equitable interest in one or both of the
23 Projects. Petitioners will amend this petition to show the true names and capacities of
24 Does 11 through 20 when such names and capacities become known.

25 26 **Jurisdiction and Venue**

- 27 13. This Court has jurisdiction over the matters alleged in this petition under Code of Civil
28 Procedure sections 1085 and 1094.5, and Public Resources Code sections 21168, 21168.5,
29 and 21168.9.
- 30 14. Venue is proper in this Court because the causes of action alleged in this petition arose in
31 Los Angeles County, and the Landmark and Mission Project Sites are located in Los
32 Angeles County.
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- 1 15. Petitioners have complied with the requirements of Public Resources Code section
2 21167.5 by serving a written notice of Petitioners' intention to commence this action on
3 the County on August 16, 2017.
- 4 16. Petitioners have performed all conditions precedent to filing this action and have
5 exhausted all available administrative remedies to the extent required by law.
- 6
7 17. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law
8 unless this Court grants the requested writ of mandate to require the County to set aside
9 its approval of the Projects. In the absence of such remedies, the County's approval will
10 remain in effect in violation of State law.
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13 **General Allegations**

14 ***The Landmark Village Site***

- 15 18. The Landmark Village Project Site (**Landmark Site**) consists of two parts: (1) the 292.6-
16 acre Landmark Village tract map site (**Landmark Tract Site**), and (2) several sites
17 comprising 770.8 acres outside the tract-map boundaries (**Landmark External Sites**),
18 which will be used for, among other things, borrow sites from which to import fill,
19 roadway-improvement grading sites, a utility corridor parallel to the SR-126 highway,
20 and four large debris basins. The entire Landmark Village Site comprises 1,063.4 acres.
- 21
22 19. The Landmark Site is currently zoned as Low-Medium (LM) and Medium (M)
23 residential, Mixed-Use (MU), Commercial (C), and River Corridor SMA (RC—the
24 County General Plan SEA 23 designation is retained for the river corridor).
- 25 20. The Landmark Site provides habitat for an exceptionally diverse range of wildlife, fish,
26 and plants, including several critically endangered species. California condors visit and
27 forage on the Site, and three other birds protected under federal and/or state law, the
28 southwestern willow flycatcher, the least Bell's vireo, and the yellow-billed cuckoo, nest in
29 riparian vegetation on the Landmark Site. A rare fish fully protected under state law, the
30 unarmored threespine stickleback, is also found on the Landmark Site.
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32 21. Other rare fish and wildlife found on the Landmark Site or in downstream reaches of the
33 Santa Clara River include the California red-legged frog, the golden eagle, the white-tailed
34 kite, and the southern steelhead.
- 35

- 1 22. Landmark Village, along with neighboring portions of the Newhall Ranch site, contains
2 one of only two known populations of the San Fernando Valley spineflower, a plant that
3 had been believed extinct for decades until it was rediscovered in 1999. The San Fernando
4 Valley spineflower is listed as an endangered species under the California Endangered
5 Species Act (CESA) meaning that the California Department of Fish and Wildlife has
6 determined that the species warrants legal protection. The existence of only two areas of
7 occurrence, and a relatively small range, makes the variety highly susceptible to extinction
8 or extirpation from a significant portion of its range due to random events such as fire,
9 drought, erosion, or other occurrences.
- 10 23. The Landmark Project area, including the lands now occupied by the Landmark Site,
11 contains the ancestral homes of the Chumash and Tataviam Native Americans.
12 Accordingly, the Landmark Project area is rich with these tribes' historical and cultural
13 resources. To the Tataviam and Chumash, any area with historic value such as their
14 burial sites, village sites, or sacred sites has deep religious, spiritual, and cultural
15 significance. The Tataviam and Chumash thus retain strong cultural and religious
16 attachment to the lands and cultural resources within the Landmark Project area.
- 17 24. The Tataviam village center of Tacuyam, home to a mixed population of Chumash and
18 Tataviam, lies in the center of the Landmark Project area, and the village center of
19 Camulus lies just downstream of the Project area around the Santa Clara River. The
20 Project area's development envelope—including the area that will be directly affected by
21 excavation, earthmoving, and other disturbance authorized by the Landmark Project—
22 thus contains numerous Tataviam and Chumash burial sites, sacred grounds, village sites,
23 and unearthened cultural artifacts such as beads, art, tools, musical instruments, and
24 jewelry. The Landmark Project's development envelope also contains Tataviam and
25 Chumash natural cultural resources such as the California condor; gathering sites for
26 cultural resources such as willow, white sage, soap stones, river rock, and California
27 condor feathers; and cultural landscapes which include undeveloped hillsides, tributaries,
28 canyons, and floodplains that bring sacredness to sacred sites.
- 29 25. For the region's Native Americans, the condor holds a very special place in the universe,
30 possessing great cultural and religious significance. It is one of the most important and
31 irreplaceable historical and cultural resources in the Landmark Project area for the
32 Tataviam and Chumash Peoples. The condor's visible and unseen presence in the Project
33 area, whether flying overhead, foraging for food, roosting in a tree, or cleaning itself near
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the river, are integral components of the sacredness of Chumash sacred grounds, cultural sites, burial sites, prayers, and ceremonies. The Chumash also historically have collected, and wish to continue collecting, condor feathers in the Project area for ceremonial offerings and to use in ceremonial regalia when the feathers fall to the ground after the condors forage, clean themselves, and roost.

26. The Landmark Site abuts and intrudes upon approximately three miles of the Santa Clara River. A substantial portion of the Landmark Tract Site is located within the FEMA-designated 100-year floodplain of the Santa Clara River (the **River**). The remainder of the Tract Site is adjacent to the River.

The Mission Village Site

27. The Mission Village Project Site (**Mission Site**) consists of two parts: (1) the 1,261.8-acre Mission Village tract map site (**Mission Tract Site**), and (2) several sites comprising 592.8 acres outside the tract-map boundaries (the **Mission External Sites**), which will be used to provide off-site project-related improvements.
28. The Mission Site is located south of the Santa Clara River and State Route 126, east of the Ventura County boundary, and west of Interstate 5, within the northeast corner of the Newhall Ranch Specific Plan.
29. The Mission Site provides habitat for an exceptionally diverse range of wildlife, fish, and plants, including several critically endangered species. California condors visit and forage on the Site, and three other birds protected under federal and/or state law, the southwestern willow flycatcher, the least Bell's vireo, and the yellow-billed cuckoo, nest in riparian vegetation on the Mission Site.
30. Other rare fish and wildlife found on the Mission Site or in downstream reaches of the Santa Clara River include the California red-legged frog, the golden eagle, the white-tailed kite, the unarmored threespine stickleback, members of the terrestrial snail genus *Helminthoglypta*, and the Southern California steelhead.
31. The Mission Site, along with neighboring portions of the Newhall Ranch site, contains one of only two known populations of the San Fernando Valley spineflower, a plant that had been believed extinct for decades until it was rediscovered in 1999. The San Fernando Valley spineflower is listed as an endangered species under the California Endangered

Species Act (CESA) meaning that the California Department of Fish and Wildlife has determined that the species warrants legal protection. The existence of only two areas of occurrence, and a relatively small range, makes the variety highly susceptible to extinction or extirpation from a significant portion of its range due to random events such as fire, drought, erosion, or other occurrences. The Mission Site also includes other rare plants, including slender mariposa lily and an endemic sunflower.

The Santa Clara River

32. The Santa Clara River is in a relatively natural state. In contrast to other major southern California rivers such as the Los Angeles or San Gabriel, the Santa Clara is not confined by extensive levees, impounded by dams, or lined with concrete.
33. Like other southern California rivers, the Santa Clara tends to have highly variable flows. Most of the River's flow occurs during the wet season, with major storms causing most of the flows, and sometimes flash floods. A peak discharge of 68,800 cubic feet per second was recorded in 1969. During dry periods, flows can be very low, and in some reaches, such as the reach including the Landmark and Mission Sites, subterranean during the dry season.
34. In 1981 Los Angeles County designated portions of the Santa Clara River corridor, including the area within the Project Sites, a Significant Ecological Area, SEA 23, partly because it provides habitat for state-protected and federally protected species of fish and flora such as the unarmored threespine stickleback. According to Los Angeles County's 1976 SEA study, the stickleback requires a natural stream course, including "clean, free-flowing perennial streams and ponds surrounded by native vegetation." The Mission Village Project nonetheless includes development within SEA 23 even though it will destroy an important portion of the stickleback's essential habitat.
35. The Santa Clara River is considered an impaired water body due to high levels of chlorides and other pollutants. The high level of chlorides is the result of wastewater discharges and other municipal sources, and is caused in part by the importation of water with a high chloride content from outside the watershed. High chloride levels in the Santa Clara River harm fish and wildlife, downstream agricultural uses, and downstream water supplies. The Los Angeles Regional Water Quality Control Board has adopted a Total Maximum Daily Load (TMDL) for chlorides in the Santa Clara River, which establishes

numeric targets for chloride concentrations and measures to meet these targets. The Regional Water Quality Control Board also recently adopted a TMDL for bacteria for parts of the Santa Clara River.

36. The Valencia Water Reclamation Plant (**WRP**), which will serve the Projects until Newhall eventually builds a new WRP for the Newhall Ranch development, discharges water in excess of the chloride TMDL into the Santa Clara River. Since the wastewater discharged to that plant by the Projects is likely to contain excess chlorides, the Projects are likely to result in further impairment of the Santa Clara River water quality by further increasing its chloride levels.
37. Based on development threats, the nonprofit organization American Rivers named the Santa Clara River as one of the nation's most endangered rivers in 2005.

The Landmark Village Project and Its Environmental Effects

38. Newhall proposes to build, within the Landmark Tract Site, 1,444 residential dwelling units consisting of 207 single-family units and 1,136 multi-family units, up to 1,033,000 square feet of mixed-use commercial uses, a 9-acre elementary school, a 16-acre community park, a fire station, public and private recreational facilities, trails, trailhead, park and ride, and road improvements.
39. Within the Landmark External Sites, Newhall proposes "improvements" on an additional 770.8 acres of land, including:
- a. A cut and fill grading operation, to import fill to the Tract Site from two borrow sites, the 181-acre Adobe Canyon borrow site, and another borrow site in nearby Chiquito Canyon.
 - b. Grading for haul roads for the borrow site, roadway improvements to State Route 126 (SR-126), grading on the 227-acre utility corridor parallel to SR-126, four debris basins on approximately 120 acres of land;
 - c. Water tanks; and
 - d. Construction of the Long Canyon Road Bridge.

- 1 40. The Landmark Project will require the import of up to 7 million cubic yards of fill
2 material to the Tract Site, and the relocation of 4.2 million yards of fill material within the
3 Tract Site.
- 4 41. As part of the Landmark Project, Newhall also proposes to “stabilize” i.e.
5 channelize—18,600 linear feet of the banks of the channel of the Santa Clara
6 River. 11,000 feet—a little over 2 miles—of the north bank and 6,400 feet—1.2
7 miles—of the south bank would be stabilized.
- 8
- 9 42. The Landmark Project will meet its potable water needs by pumping groundwater from
10 the alluvial aquifer, further depleting an already-overtaxed resource.
- 11 43. The Landmark Project also includes a bridge crossing the Santa Clara River. The
12 riverbank armoring and hardening associated with the bridge, a series of water retention
13 basins intended to capture polluted runoff from the Site, and hundreds of concrete “drop
14 structures” in the tributaries (essentially dams) will obstruct wildlife movement.
- 15
- 16 44. The impervious surfaces created by and enabled by the Landmark Project will further
17 deprive the flow-impaired Santa Clara River of a source of much-needed sustainable
18 summer base flows from precipitation that would otherwise percolate into the ground
19 underlying the Landmark Project area and steadily make its way to the River as surface
20 flows. The precipitation that no longer percolates into the soils underlying the Landmark
21 Project, but instead falls on the Landmark Project’s impervious surfaces, not only will
22 wash urban toxins into the Santa Clara River and deprive the River of sustainable base
23 flows, but its flashy addition to the River in larger volumes over a short time span will
24 create downstream hydromodification impacts to the Santa Clara River that destroy
25 riparian habitat, increase flow velocity in a manner harmful to the unarmored threespine
26 stickleback and other aquatic species, and increase the downstream flood damage to
27 urban and agricultural areas.
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- 29 45. While the Landmark Project’s stormwater runoff will increase the concentration and
30 loading of pollutants into the Santa Clara River, into the Santa Clara River estuary, and
31 into coastal marine waters, discharges of the Landmark Project’s treated wastewater will
32 also increase the concentrations and loading of pollutants into these waters. Human
33 health impacts will result from the Landmark Project’s direct, indirect, and cumulative
34 contribution to bacteria loading. The acute, sub-lethal, and chronic toxicity impacts on
35 the aquatic life residing in and migrating through the Santa Clara River, its estuary, and

1 coastal marine waters from individual contaminants and the mix of contaminants
2 discharged from the Landmark Project during wet and dry weather events, and from the
3 Landmark Project's treated wastewater, will cause irreversible impacts to the southern
4 California steelhead, the unarmored threespine stickleback, the Santa Clara River's
5 macroinvertebrate communities, and the entire Santa Clara River ecosystem.

6 46. Among the Landmark Project's most devastating and irreversible impacts to Native
7 American historical, cultural, and religious resources are its impacts to Tataviam and
8 Chumash burials and buried cultural artifacts. The earth-moving excavation conducted
9 pursuant to the Landmark Project will destroy Tataviam and Chumash burial sites and
10 artifacts, and along with them, the ancestors, the spirits, the culture, and the history of
11 those Peoples. Adequate protection of these sites is thus imperative to the culture and way
12 of life of the Chumash and Tataviam. Many of the Tribes' burial sites and buried cultural
13 resources are not identified in the limited archeological survey cited to in the EIR, and
14 thus the EIR did not set forth mitigation measures that would preserve these Native
15 American historical and cultural resources in place during Landmark Project
16 construction. Even the limited archeological surveys that do identify the location of the
17 Tribes' burial sites fail to analyze whether the mitigation measures set forth achieve
18 preservation in place or which of the proposed mitigation measures will achieve a greater
19 degree of preservation in place.
20

21 47. The absence of the condor from the Chumash and Tataviam cultural landscape in the
22 Landmark Project area due to the Landmark Project's impacts will diminish the Chumash
23 People's connection with their ancestors and their culture, and will take away from their
24 ceremonial and religious practices in and around the Landmark Project area. The
25 Landmark Project's negative impacts on condor populations within the Landmark Project
26 area will also deprive Chumash People of a place to find the condor feathers that are
27 necessary to conduct specific religious and cultural ceremonies. Despite a letter from
28 Chumash ceremonial elder Mati Waiya alerting the County about the Landmark Project's
29 impacts to Native American historical resources, cultural resources, and religious
30 practices from the Landmark Project's impacts to the condor, the EIR does not identify,
31 analyze, or mitigate the impacts to local Native American historical resources, cultural
32 practices, and religious practices.
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1 48. As a result of the County's approval of the Mission Project and certification of the EIR,
2 Petitioners will suffer great and irreparable environmental harm, as described in this
3 petition. Petitioners have no adequate remedy at law for this irreparable harm.
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5 ***The Mission Village Project and Its Environmental Effects***
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7 49. Newhall proposes to build, within the Mission Tract Site, 4,055 residential units (351
8 single-family units and 3,704 multi-family units), 1,555,100 square feet of commercial
9 space, a 9.5-acre elementary school, a 3.3-acre library, a 1.5-acre fire station, and a 1.2-
10 acre bus transfer station site, and to retain approximately 693 acres of open space.

11 50. Within the Mission External Sites, Newhall proposes "improvements" including:
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- 13 a. A 227-acre utility corridor generally running along State Route 126 and Interstate 5;
- 14 b. A demineralization facility and related brine disposal well adjacent to and within the
15 utility corridor;
- 16 c. The extension of Magic Mountain Parkway and related improvements westerly into
17 the Mission Site;
- 18 d. A water quality basin;
- 19 e. Three water tanks;
- 20 f. A Southern California Edison electrical substation; and
- 21 g. Two debris basins.

22 51. The Mission Project will require the excavation and subsequent placement elsewhere on-
23 site of approximately 29.9 million cubic yards of earth material.
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25 52. As part of the Mission Project, Newhall also proposes to "stabilize"—i.e. channelize into a
26 large concrete storm drain—2,150 linear feet of the banks of the channel of the Santa
27 Clara River.
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29 53. As part of the Mission Project, Newhall will convert 23,543 linear feet—about 4½ miles—
30 of Santa Clara River tributaries to buried storm drains, and will permanently fill 14.39
31 acres of streams and rivers designated as "waters of the United States." This will cause
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1 great harm to the natural riparian ecology of the River basin, and will greatly reduce
2 groundwater recharge from flows within these tributaries.

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4 54. The Mission Project will meet its potable-water needs by pumping groundwater from the
5 alluvial aquifer, further depleting an already-overtaxed resource.

6 55. The Mission Project also requires a bridge crossing the Santa Clara River. The riverbank
7 armoring and hardening associated with the bridge, a series of water retention basins
8 intended to capture polluted runoff from the Site, and hundreds of concrete "drop
9 structures" in the tributaries (essentially dams) will obstruct wildlife movement.

10 56. The impervious surfaces created by and enabled by the Mission Project will further
11 deprive the flow-impaired Santa Clara River of a source of much-needed sustainable
12 summer base flows from precipitation that would otherwise percolate into the ground
13 underlying the Mission Project area and steadily make its way to the River as surface
14 flows. The precipitation that no longer percolates into the soils underlying the Mission
15 Project, but instead falls on the Mission Project's impervious surfaces, not only will wash
16 urban toxins into the Santa Clara River and deprive the River of sustainable base flows,
17 but its flashy addition to the River in larger volumes over a short time span will create
18 downstream hydromodification impacts to the Santa Clara River that destroy riparian
19 habitat, boost flow velocity in a manner harmful to the unarmored threespine stickleback
20 and other aquatic species, and increase the downstream flood damage to urban and
21 agricultural areas. These hydromodification impacts will in turn increase the need and
22 likelihood of further ecologically destructive bank armoring and channelization in
23 downstream stretches of the Santa Clara River to protect communities from increased
24 flood risks.

25
26 57. While the Mission Project's stormwater runoff will increase the concentration and
27 loading of pollutants into the Santa Clara River, into the Santa Clara River estuary, and
28 into coastal marine waters, discharges of the Mission Project's treated wastewater will also
29 increase the concentrations and loading of pollutants into these waters. Human health
30 impacts will result from the Mission Project's direct, indirect, and cumulative
31 contribution to bacteria loading. The acute, sub-lethal, and chronic toxicity impacts on
32 the aquatic life residing in and migrating through the Santa Clara River, its estuary, and
33 coastal marine waters from individual contaminants and the mix of contaminants
34 discharged from the Mission Project during wet and dry weather events, and from the
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Mission Project's treated wastewater, will cause irreversible impacts to the southern California steelhead, the unarmored threespine stickleback, the Santa Clara River's macroinvertebrate communities, the entire Santa Clara River ecosystem, and Ventura County's coastal waters.

58. Among the Mission Project's most devastating and irreversible impacts to Native American historical, cultural, and religious resources are its impacts to Tataviam and Chumash burials, village sites, and sacred places. The earth-moving excavation for the Mission Project will destroy Tataviam and Chumash burial sites and artifacts, and along with them, the ancestors, the spirits, the culture, and the history of those Peoples. Adequate protection of these sites is thus imperative to the culture and way of life of the Chumash and Tataviam. Many of the Tribes' burial sites and buried cultural resources are not identified in the limited archeological survey cited to in the EIR, and thus the EIR did not set forth mitigation measures that would preserve these Native American historical and cultural resources in place during Mission Project construction. Even the limited archeological surveys that do identify the location of the Tribes' burial sites fail to analyze whether the proposed mitigation measures achieve preservation in place as recognized by the Tribes, or which of the proposed mitigation measures will achieve a greater degree of preservation in place.

59. The absence of the condor from the Chumash and Tataviam cultural landscape in the Mission Project area due to the Mission Project's impacts will diminish the Chumash People's connection with their ancestors and their culture, and will take away from their ceremonial and religious practices in and around the Mission Project area. The Mission Project's negative impacts on condor populations within the Mission Project area will also deprive the Chumash People of a place to find the condor feathers that are necessary to conduct specific religious and cultural ceremonies. Despite a letter from Chumash ceremonial elder Mati Waiya alerting the County about the Mission Project's impacts to Native American historical resources, cultural resources, and religious practices from the Mission Project's impacts to the condor, the EIR does not identify, analyze, or mitigate the impacts to Chumash Native American historical resources, cultural practices, and religious practices.

60. As a result of the County's approval of the Mission Project and certification of the EIR, Petitioners will suffer great and irreparable environmental harm, as described in this petition. Petitioners have no adequate remedy at law for this irreparable harm.

1 **Newhall Ranch Specific Plan**

- 2 61. On May 27, 2003, the Board approved the Newhall Ranch Specific Plan, designating land
3 uses for the 11,999-acre area covered by the Specific Plan (**Specific Plan Area**).
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5 62. On June 26, 2003, the Board adopted Ordinance No. 2003-0031Z, changing the zoning of
6 the Specific Plan Area to "Specific Plan."
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8 63. In 2003 the Board certified the Final Environmental Impact Report for the Newhall
9 Ranch Specific Plan and Water Reclamation Plant (**SPEIR**).
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11 64. The SPEIR serves as a program EIR, as defined in Pub. Resources Code section
12 21157(a)(1), for the Mission Village and Landmark Village EIRs.

13 **Landmark Village Environmental Review and Project Approval**

- 14 65. In November 2006 the County circulated a Draft Environmental Impact Report
15 (**Landmark DEIR**) for the Landmark Village Project.
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17 66. The County prepared a Final Environmental Impact Report (**Landmark FEIR**) and made
18 it available to the public in November 2007.
19
20 67. The Project was delayed due to the bankruptcy of the company owning the original
21 applicant, LandSource Communities Development, LLC.
22
23 68. After the original applicant emerged from bankruptcy, it made changes to the project,
24 and the County prepared and released a Revised Draft EIR (**Landmark RDEIR**). The
25 public comment period for the RDEIR began on February 1, 2010.
26
27 69. Petitioners commented extensively in writing on the RDEIR.
28
29 70. The County prepared a Revised Final EIR (**Landmark RFEIR**) and made it available to
30 the public in late September 2011, shortly before the Board of Supervisors considered
31 approval of the Landmark Project.
32
33 71. On October 4, 2011, the Board held a hearing on the entitlements for the Project.
34 Petitioners commented on the project and the RFEIR at the meeting.
35
72. On February 21, 2012, the Board voted 3-0, with two supervisors abstaining, to approve
the project. The approved entitlements were:

1 a. Vesting Tentative Tract Map No. 53108

2 b. General Plan Amendment No. 00-196

3 c. Specific Plan Amendment No. 00-196

4 d. Local Plan Amendment No. 00-106

5 e. Conditional Use Permit No. 00-196

6 f. Conditional Use Permit No. 2005-00112

7 g. Oak Tree Permit No. 00-196

8 (collectively, the **Landmark Village Entitlements**)

9
10
11
12
13 73. At their February 21, 2012 meeting, the Board also certified the EIR for the Landmark
14 Village Project and adopted related findings.

15 74. On March 22, 2012, Petitioners SCOPE and Friends, along with other environmental
16 organizations, filed a lawsuit captioned *Friends of the Santa Clara River v. County of Los*
17 *Angeles*, Los Angeles Superior Court case number BS136549, alleging the County violated
18 CEQA, the California Planning and Zoning Law, and the California Subdivision Map Act
19 by approving the Landmark Village Project and its CEQA documentation (the **Landmark**
20 **Village Litigation**).
21

22 75. In the Landmark Village Litigation the trial court denied the Petition for Writ of
23 Mandate. Petitioners appealed and prevailed on appeal in *Friends of the Santa Clara River*
24 *v. County of L.A.* (2016) 2016 Cal.App.Unpub LEXIS 7971, Court of Appeal case number
25 B256125.
26

27 76. On remand, on March 13, 2017, the trial court issued a peremptory writ of mandate
28 ordering the County to void certification of the portion of the Landmark Village EIR that
29 addresses the EIR's finding that the Project's greenhouse gas emissions will have no
30 significant impact, and to suspend Project activity, including construction, that could
31 result in an adverse change or alteration to the physical environment until the County
32 takes corrective action to address the EIR deficiency.
33
34
35

- 1 77. SCOPE and Friends, and other Petitioners in the Landmark Village Litigation, appealed
2 the March 13, 2017 writ and judgment on the grounds that the remedy is narrower than
3 required by law. That appeal is pending in the Court of Appeal, case number B282421.
4
5 78. In response to the Landmark Village Litigation writ, the County, in November 2016,
6 issued the 2017 Draft Recirculated Analysis, which reevaluates the Landmark Village
7 Project's GHG emissions and the bridge design that was modified in response to other
8 litigation. The County circulated the 2017 Draft Recirculated Analysis for public
9 comment.
10
11 79. Following the end of the public-comment period, the County prepared a Final
12 Recirculated Analysis in June 2017.
13
14 80. On July 18, 2017, the Board re-approved the Landmark Village Project and re-certified
15 the Landmark Village EIR, which now consists of the 2011 EIR as modified by the
16 Landmark Village Recirculated Analysis, which consists of the Draft Recirculated
17 Analysis and the Final Recirculated Analysis. The Board also approved a 2017 Errata to
18 the 2011 Mitigation Monitoring and Reporting Program (the **2017 MMRP Errata**).
19

20 ***Mission Village Environmental Review and Project Approval***

- 21 81. The Mission Village Tract Site is mostly within the boundaries of the Specific Plan Area,
22 and most, but not all, of the External Sites are within the Specific Plan Area boundaries.
23
24 82. In May 2005 the County prepared an Initial Study for the Mission Village Project, which
25 concluded that there was substantial evidence that the Project may have a significant
26 impact on the environment and, therefore, CEQA required the County to prepare a
27 project-level EIR for the Project.
28
29 83. In October 2010 the County circulated a Draft Environmental Impact Report (**Mission
DEIR**) for the Project.
30
31 84. The County prepared a Final Environmental Impact Report (**Mission FEIR**), and made it
32 available to the public in May 2011.
33
34 85. The Commission held a hearing on the Project and the FEIR on May 18, 2011. At that
35 hearing the Commission closed the public hearing, certified the FEIR, adopted CEQA

findings of fact and a statement of overriding considerations, and approved the following entitlements:

- a. Vesting Tentative Tract Map No. 61105
- b. Conditional Use Permit No. RCUP 2005-0080
- c. Conditional Use Permit No. RCUP 2005-0081
- d. Oak Tree Permit Number 2005-0032
- e. Oak Tree Permit Number 2005-0043
- f. Parking Permit No. 2005-00011
- g. Substantial Conformance Review Number 2010-00001

(collectively, the **Mission Village Entitlements**).

86. In response to comments on the project, and at the County's request, two additional environmental documents were prepared in October 2011 (**Oct. 2011 Additional Documents**), and subsequently adopted as part of the final EIR on the Project: (1) Additional Environmental Information for Mission Village (**Mission RFEIR**); and (2) a Revised Draft Environmental Impact Report (**Mission RDEIR**).
87. On October 25, 2011, the Board conducted its public hearing on the appeal and the Project, during which, after taking public testimony, it closed the public hearing, certified the Project EIR, adopted Environmental Findings of Fact and the Statement of Overriding Considerations for the Project. The Board also indicated its intent to deny the appeal and approve the Project.
88. On May 15, 2012, the Board held a hearing on the entitlements for the Project at which they approved the Mission Village Entitlements.
89. On June 13, 2012, Petitioners SCOPE and Friends, along with other environmental organizations, filed a lawsuit captioned *California Native Plant Society v. County of Los Angeles*, Los Angeles Superior Court case number BS138001, alleging the County violated CEQA, the California Planning and Zoning Law, and the California Subdivision Map Act by approving the Mission Village Entitlements and related CEQA documentation (the **Mission Village Litigation**).

- 1 90. In the Mission Village Litigation the trial court denied the Petition for Writ of Mandate.
2 Petitioners appealed and prevailed on appeal in *Cal. Native Plant Soc'y v. County of L.A.*
3 (2016) 2016 Cal.App.Unpub LEXIS 8719, Court of Appeal case number B258090.
4
5 91. On remand, on March 13, 2017, the trial court issued a peremptory writ of mandate
6 ordering the County to void certification of the portion of the Mission Village EIR that
7 addresses the EIR's finding that the Project's greenhouse gas emissions will have no
8 significant impact, and to suspend Project activity, including construction, that could
9 result in an adverse change or alteration to the physical environment until the County
10 takes corrective action to address the EIR deficiency.
11
12 92. SCOPE and Friends, and other Petitioners in the Mission Village Litigation, appealed the
13 March 13, 2017 writ and judgment on the grounds that the remedy is narrower than
14 required by law. That appeal is pending in the Court of Appeal, case number B282427.
15
16 93. In response to the Mission Village Litigation writ, the County, in November 2016, issued
17 the 2017 Draft Recirculated Analysis, which reevaluates the Mission Village Project's
18 GHG emissions and the bridge design that was modified in response to other litigation.
19 The County circulated the 2017 Draft Recirculated Analysis for public comment.
20
21 94. Following the end of the public-comment period, the County prepared a Final
22 Recirculated Analysis in June 2017.
23
24 95. On July 18, 2017, the Board re-approved the Mission Village Project and re-certified the
25 Mission Village EIR, which now consists of the 2011 Final EIR as modified by the Mission
26 Village Recirculated Analysis, which consists of the Draft Recirculated Analysis and the
27 Final Recirculated Analysis. The Board also approved a 2017 Errata to the 2011
28 Mitigation Monitoring and Reporting Program (the **2017 MMRP Errata**).
29

First Cause of Action

(Landmark Village Violations of CEQA, Against All Respondents)

- 30 96. Petitioners incorporate paragraphs 1 through 95 above, as though set forth here.
31
32 97. As used below in this petition, the term "**Landmark EIR**" refers collectively to the
33 following documents, as identified above: (1) the 2006 Landmark DEIR; (2) the 2007
34 Landmark FEIR; (3) the Landmark RDEIR; (4) the Landmark RFEIR. The term
35

1 “**Landmark Recirculated Analysis**” refers to the Landmark 2017 Draft Recirculated
2 Analysis and the Landmark 2017 Final Recirculated Analysis.

3 ***Failure to Evaluate Changed Circumstances and New Information***

4 98. The Landmark Recirculated Analysis’s analysis is limited to greenhouse gases and the
5 unarmored threespine stickleback. This limitation is improper because circumstances
6 have changed substantially, and substantial new information has come to light since the
7 Landmark EIR was certified. In light of these developments, Pub. Resources Code § 21166
8 requires the County to prepare a subsequent EIR. The new information and changed
9 circumstances requiring a subsequent EIR include without limitation the new
10 information and changed circumstances described in the following paragraphs.

11
12 99. The water-supply situation in the Santa Clarita Valley is very different from the situation
13 at the time the Notice of Preparation was published in January 2004, in several important
14 respects, including the following:

- 15 a. Due to the recent drought and overuse, the water table in the Santa Clarita area
16 dropped approximately 90 feet between 2005 and the present time, because the
17 aquifer basin surrounding the Project Site is being overdrafted. This drop is a strong
18 indication that the local water supplies are not sufficient for the homes and businesses
19 already built in the area, even if there is no more development in the area.
- 20
21 b. In December 2012 Newhall sold Valencia Water Company (**Valencia**), the water
22 purveyor serving the Project, to the Castaic Lake Water Agency. As part of the sale
23 transaction, Newhall and Valencia signed an agreement titled “Agreement
24 Establishing Process for Determining Water Demands” (**Water Demand Agreement**)
25 in which Valencia agrees that Newhall may continue pumping groundwater from the
26 aquifers below the Newhall Specific Plan area to supply the Newhall Ranch
27 developments, including the Landmark Project. The Water Demand Agreement also
28 requires Valencia to use particular methodologies in calculating water supply and
29 demand for Newhall’s properties. The Water Demand Agreement states that previous
30 Water Supply Assessments that Valencia provided to the County for Newhall’s
31 projects were based on a “GSI Memorandum” which was not disclosed to the County
32 during the Landmark EIR process. The Water Demand Agreement also purports to
33 “memorialize the agreements previously reached by Newhall and Valencia with
34 respect to the subject groundwater and facilities.” This suggests that the Water Supply

1 Assessment included in the Landmark EIR is not the arms-length impartial
2 assessment required under Water Code §§ 10910 et seq., but the result of a sweetheart
3 contract between Newhall and its water purveyor, guaranteeing more than its fair
4 share of water to Newhall. The Water Demand Agreement heavily constrains
5 Valencia, Newhall's water purveyor, and may result in existing users and future
6 developments being denied water in favor of Newhall's projects, including the
7 Landmark Project. The Water Demand Agreement is therefore new information and
8 changed circumstances that may have a significant adverse effect on the
9 environment—on the water supply in the Santa Clarita Valley.

- 10 c. Recent testing shows serious water-quality issues—ammonium perchlorate, PCE,
11 TCE, hexavalent chromium, arsenic, and TDS contamination—in some of the wells
12 near the Project. And test results confirm that contamination plumes are spreading
13 through the aquifers upstream of the Project. These facts constitute new information
14 and changed circumstances that must be analyzed in a Subsequent or Supplemental
15 EIR.
16
17 d. The drop in water level in the aquifer basin surrounding the Project Site is causing
18 effects on rare plants, including the *Helianthus inexpectatus*, a special-status species.
19 These effects, new since the 2011 Landmark EIR was prepared, will be exacerbated by
20 the Project.

21 100. The June 27, 2017 extension of the permit for the Chiquita Canyon Landfill, which was
22 slated to close in 2019, means that Landmark Village's solid waste will be processed for
23 the foreseeable future at Chiquita Canyon instead of the alternative site envisioned in the
24 Landmark EIR. The Project will therefore have indirect effects on the environment in the
25 areas of traffic, air quality, and GHG emissions through the increased operations at the
26 Chiquita Canyon Landfill, in addition to the Project's direct and cumulative solid-waste
27 effects. The Landmark Recirculated Analysis should have considered these changed
28 circumstances, and its failure to do so is an abuse of discretion on the part of the County,
29 since the Chiquita Canyon Landfill permit extension constitutes new information and
30 changed circumstances that should have been evaluated in a Subsequent or Supplemental
31 EIR.
32

33 101. The continued operation of the Chiquita Canyon Landfill casts substantial doubt on
34 Newhall's plan to build a school within 100 to 500 feet of the landfill site, due to the
35

serious air pollution emanating from the landfill. The Landmark Recirculated Analysis should have considered whether the school will need to be moved, and what effects that will have on the overall Project and its environmental impacts.

102. New information concerning the unarmored threespine stickleback, a fully protected species, has come to light since the 2011 Landmark EIR was prepared. This new information shows the population in Bouquet Canyon has been lost, the reach of the Santa Clara River around Stickleback Movie Ranch was devastated by the Sand Fire in July 2016, and surveys conducted after the EIR was prepared show declines in stickleback populations on the Upper Santa Clara River. The Landmark Recirculated Analysis should have considered whether additional measures should be required to protect the stickleback, given its increasingly imperiled state.

103. Traffic has substantially increased in ways that were not envisioned in the original Landmark EIR. The increases, which are changed circumstances requiring further analysis, should have been analyzed in the Landmark Recirculated Analysis but were not. That document failed to properly respond to comments requesting such analysis, and its conclusion that traffic volumes since 2011 are comparable to the growth accounted for in the 2011 FEIR traffic analysis is not supported by substantial evidence.

104. There have been several other important changes in the Santa Clarita Valley since the original Landmark DEIR was prepared in 2006. A number of other large and small developments that were not anticipated in the Landmark EIR have been approved, adding significantly to cumulative impacts on traffic, water supply, solid waste, and water supply. These changes are changed circumstances that require analysis in a Subsequent or Supplemental EIR.

Failure to Mitigate Project's GHG Effects

105. The Landmark Recirculated Analysis acknowledges that the Landmark Project may have significant greenhouse-gas effects unless those effects are mitigated. The Landmark Recirculated Analysis recommends mitigation measures LV 4.23-1/2-1 through 4.23-13/2-13 (the **Landmark GHG Mitigation Measures**) and claims those mitigation measures will reduce the Project's GHG emissions to zero.

106. The County has adopted zero as its threshold of significance for evaluating the Landmark Village Project's GHG impacts.

1 107. There is no substantial evidence in the record to support the County's finding that the
2 Landmark GHG Mitigation Measures will reduce the Project's GHG impacts to zero. The
3 evidence in the record shows only a range of probabilities, reflecting an overall likelihood
4 that those mitigation measures will reduce the Project's GHG emissions substantially, but
5 not to zero. The evidence in the record supports the conclusion that there is a possibility,
6 but not a probability, that the Landmark GHG Mitigation Measures will reduce the
7 Project's GHG impacts to zero.

8
9 108. CEQA requires that, when a Project's environmental impact must be mitigated, as here,
10 all feasible mitigation measures be adopted. There are feasible GHG mitigation measures
11 proposed by Petitioners and others, which would further reduce the Project's net GHG
12 emissions. The County violated CEQA by failing to adopt these feasible GHG mitigation
13 measures.

14 ***Inadequate Response to Comments***

15 109. The County failed to respond adequately to comments submitted by Petitioners, experts,
16 other members of the public, and other agencies. Instead, the responses given to
17 numerous comments regarding the Project's impacts, mitigation measures, and
18 alternatives are conclusory, evasive, confusing, or otherwise non-responsive, contrary to
19 the requirements of CEQA.

20 ***Findings Not Supported by Substantial Evidence***

21
22 110. The Board's finding that the Project will not adversely affect the health, peace, comfort, or
23 welfare of persons residing or working in the surrounding area, and will not be materially
24 detrimental to the use, enjoyment, or valuation of property located in the vicinity of the
25 site, and will not jeopardize, endanger, or otherwise constitute a menace to the public
26 health, safety, or general welfare, is not supported by substantial evidence in the record.

27 111. No substantial evidence supports the County's findings in support of the Statement of
28 Overriding Considerations that the Project's purported benefits outweigh its unavoidable
29 significant adverse environmental impacts.

30
31 112. No substantial evidence supports the County's findings that no feasible alternatives or
32 mitigation measures exist to eliminate or reduce the Project's unavoidable significant
33 adverse environmental impacts.
34
35

Second Cause of Action

(Mission Village Violations of CEQA, Against All Respondents)

113. Petitioners incorporate paragraphs 1 through 95 above, as though set forth here.
114. As used in this petition below, the term “**Mission EIR**” refers collectively to the following documents, as identified above: (1) the 2010 Mission DEIR; (2) the 2011 Mission FEIR; (3) the Mission RDEIR; (4) the Mission RFEIR. The term “**Mission Recirculated Analysis**” refers to the Mission 2017 Draft Recirculated Analysis and the Mission 2017 Final Recirculated Analysis.

Failure to Evaluate Changed Circumstances and New Information

115. The Mission Recirculated Analysis’s analysis is limited to greenhouse gases and the unarmored threespine stickleback. This limitation is improper because circumstances have changed substantially, and substantial new information has come to light since the Mission EIR was certified. In light of these developments, Pub. Resources Code § 21166 requires the County to prepare a subsequent EIR. The new information and changed circumstances requiring a subsequent EIR include without limitation the new information and changed circumstances described in the following paragraphs.
116. The water-supply situation in the Santa Clarita Valley is very different from the situation at the time the Notice of Preparation was published in January 2004, in several important respects, including the following:
- a. Due to the recent drought and overuse, the water table in the Santa Clarita area dropped approximately 90 feet between 2005 and the present time, because the aquifer basin underlying the Project is being overdrafted. This drop is a strong indication that the local water supplies are not sufficient for the homes and businesses already built in the area, even if there is no more development in the area.
 - b. In December 2012 Newhall sold Valencia Water Company, the water purveyor serving the Project, to the Castaic Lake Water Agency. As part of the sale transaction, Newhall and Valencia signed an agreement titled “Agreement Establishing Process for Determining Water Demands” (**Water Demand Agreement**) in which Valencia agrees that Newhall may continue pumping groundwater from the aquifers below the Newhall Specific Plan area to supply the Newhall Ranch developments, including the Mission Project. The Water Demand Agreement also requires Valencia to use particular methodologies in calculating water supply and demand for Newhall’s

1 properties. The Water Demand Agreement states that previous Water Supply
2 Assessments that Valencia provided to the County for Newhall's projects were based
3 on a "GSI Memorandum" which was not disclosed to the County during the Mission
4 EIR process. The Water Demand Agreement also purports to "memorialize the
5 agreements previously reached by Newhall and Valencia with respect to the subject
6 groundwater and facilities." This suggests that the Water Supply Assessment included
7 in the Mission EIR is not the arms-length impartial assessment required under Water
8 Code §§ 10910 et seq., but the result of a sweetheart contract between Newhall and its
9 water purveyor, guaranteeing more than its fair share of water to Newhall. The Water
10 Demand Agreement heavily constrains Valencia, Newhall's water purveyor, and may
11 result in existing users and future developments being denied water in favor of
12 Newhall's projects, including the Mission Project. The Water Demand Agreement is
13 therefore new information and changed circumstances that may have a significant
14 adverse effect on the environment—on the water supply in the Santa Clarita Valley.

- 15 c. Recent testing shows serious water-quality issues—ammonium perchlorate, PCE,
16 TCE, hexavalent chromium, arsenic, and TDS contamination—in some of the wells
17 near the Project. And test results confirm that contamination plumes are spreading
18 through the aquifers upstream of the Project. These facts constitute new information
19 and changed circumstances that must be analyzed in a Subsequent or Supplemental
20 EIR.
21
22 d. The drop in water level in the aquifer basin surrounding the Project Site is causing
23 effects on rare plants, including the *Helianthus inexpectatus*, a special-status species.
24 These effects, new since the 2011 Mission EIR was prepared, will be exacerbated by
25 the Project.

- 26 117. The June 27, 2017 extension of the permit for the Chiquita Canyon Landfill, which was
27 slated to close in 2019, means that Mission Village's solid waste will be processed for the
28 foreseeable future at Chiquita Canyon instead of the alternative site envisioned in the
29 Mission EIR. The Project will therefore have indirect effects on the environment in the
30 areas of traffic, air quality, and GHG emissions through the increased operations at the
31 Chiquita Canyon Landfill, in addition to the Project's direct and cumulative solid-waste
32 effects. The Mission Recirculated Analysis should have considered these changed
33 circumstances, and its failure to do so is an abuse of discretion on the part of the County,
34 since the Chiquita Canyon Landfill permit extension constitutes new information and
35

1 changed circumstances that should have been evaluated in a Subsequent or Supplemental
2 EIR.

3
4 118. New information concerning the unarmored threespine stickleback, a fully protected
5 species, has come to light since the 2011 Mission EIR was prepared. This new information
6 shows the population in Bouquet Canyon has been lost, the reach of the Santa Clara River
7 around Stickleback Movie Ranch was devastated by the Sand Fire in July 2016, and
8 surveys conducted after the EIR was prepared show declines in stickleback populations
9 on the Upper Santa Clara River. The Mission Recirculated Analysis should have
10 considered whether additional measures should be required to protect the stickleback,
11 given its increasingly imperiled state.

12 119. Traffic has substantially increased in ways that were not envisioned in the original
13 Mission EIR. The increases, which are changed circumstances requiring further analysis,
14 should have been analyzed in the Mission Recirculated Analysis but were not. That
15 document failed to properly respond to comments requesting such analysis, and its
16 conclusion that traffic volumes since 2011 are comparable to the growth accounted for in
17 the 2011 FEIR traffic analysis is not supported by substantial evidence.

18 120. There have been several other important changes in the Santa Clarita Valley since the
19 original Mission DEIR was prepared in 2010. A number of other large and small
20 developments that were not anticipated in the Mission EIR have been approved, adding
21 significantly to cumulative impacts on traffic, water supply, solid waste, and water supply.
22 These changes are changed circumstances that require analysis in a Subsequent or
23 Supplemental EIR.
24

25 ***Failure to Mitigate Project's GHG Effects***

26 121. The Mission Recirculated Analysis acknowledges that the Mission Project may have
27 significant greenhouse-gas effects unless those effects are mitigated. The Mission
28 Recirculated Analysis recommends mitigation measures MV 4.23-1/2-1 through 4.23-
29 13/2-13 (the **Mission GHG Mitigation Measures**) and claims those mitigation measures
30 will reduce the Project's GHG emissions to zero.

31
32 122. The County has adopted zero as its threshold of significance for evaluating the Mission
33 Village Project's GHG impacts.
34
35

1 123. There is no substantial evidence in the record to support the County's finding that the
2 Mission GHG Mitigation Measures will reduce the Project's GHG impacts to zero. The
3 evidence in the record shows only a range of probabilities, reflecting an overall likelihood
4 that those mitigation measures will reduce the Project's GHG emissions substantially, but
5 not to zero. The evidence in the record supports the conclusion that there is a possibility,
6 but not a probability, that the Mission GHG Mitigation Measures will reduce the Project's
7 GHG impacts to zero.

8
9 124. CEQA requires that, when a Project's environmental impact must be mitigated, as here,
10 all feasible mitigation measures be adopted. There are feasible GHG mitigation measures
11 proposed by Petitioners and others, which would further reduce the Project's net GHG
12 emissions. The County violated CEQA by failing to adopt these feasible GHG mitigation
13 measures.

14 ***Inadequate Response to Comments***

15 125. The County failed to respond adequately to comments submitted by Petitioners, experts,
16 other members of the public, and other agencies. Instead, the responses given to
17 numerous comments regarding the Project's impacts, mitigation measures, and
18 alternatives are conclusory, evasive, confusing, or otherwise non-responsive, contrary to
19 the requirements of CEQA.

20
21 ***Findings Not Supported by Substantial Evidence***

22 126. The Board's finding that the Project will not adversely affect the health, peace, comfort, or
23 welfare of persons residing or working in the surrounding area, and will not be materially
24 detrimental to the use, enjoyment, or valuation of property located in the vicinity of the
25 site, and will not jeopardize, endanger, or otherwise constitute a menace to the public
26 health, safety, or general welfare, is not supported by substantial evidence in the record.

27 127. No substantial evidence supports the County's findings in support of the Statement of
28 Overriding Considerations that the Project's purported benefits outweigh its unavoidable
29 significant adverse environmental impacts.

30
31 128. No substantial evidence supports the County's findings that no feasible alternatives or
32 mitigation measures exist to eliminate or reduce the Project's unavoidable significant
33 adverse environmental impacts.
34
35

Third Cause of Action

(Violations of "Show Me the Water" Laws, Against All Respondents)

129. Petitioners incorporate paragraphs 1 through 95 above, as though set forth here.
130. Water Code §§ 10910–10915 (SB 610) requires that, before approving a project that is subject to CEQA, a City or County obtain a Water Supply Assessment (WSA) from the water purveyor that will provide water for the Project. Water Code § 10910(h) would allow the WSAs previously prepared for the Landmark Project and the Mission Project to be used in connection with the respective Recirculated Analyses for those projects, except that there are changed circumstances substantially affecting the ability of the water system to provide a sufficient supply of water for the Projects, and significant new information has become available which was not known and could not have been known at the time when the assessment was prepared. Such changed circumstances and new information include, without limitation, the large drop in the water level in the alluvial aquifer underlying the Project Sites between 2005 and the present time, and the sweetheart water agreements entered into between Newhall and Valencia Water Company in December 2012, which substantially increased the likelihood that water supplied to the Landmark Project and Mission Project will result in water shortages for other projects and existing uses in the Santa Clarita Valley.

Prayer for Relief

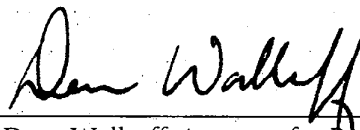
WHEREFORE, Petitioners and Plaintiffs pray for relief as follows:

1. For alternative and peremptory writs of mandate commanding the County:
 - a. to vacate and set aside its certification of the Landmark EIR and the Landmark Recirculated Analysis;
 - b. to vacate and set aside its certification of the Mission EIR and the Mission Recirculated Analysis;
 - c. to vacate and set aside approval of the Landmark Project, including Vesting Tentative Tract Map No. 53108-(5), Specific Plan Amendment No. 00-196-(5), Conditional Use Permit No. 00-196(5), Conditional Use Permit No. 2005-00112-(5), Oak Tree Permit No. 00-196(5);

- 1 d. to vacate and set aside approval of the Mission Project, including Vesting Tentative
2 Tract Map No. 61105-(5), Conditional Use Permit No. RCUP 2005-0080-(5),
3 Conditional Use Permit No. RCUP 2005-0081-(5), Oak Tree Permit Number 2005-
4 0032-(5), Oak Tree Permit Number 2005-0043-(5), Parking Permit No. 2005-00011-
5 (5), and Substantial Conformance Review Number 2010-00001-(5);
6
7 e. to prepare and certify legally adequate EIRs for the Landmark Project and the Mission
8 Project;
9
10 f. to suspend any and all activity pursuant to the County's approval of the Landmark
11 Project and the Mission Project that will prejudice the consideration or
12 implementation of particular mitigation measures or alternatives, until the County
13 has complied with all requirements of the California Environmental Quality Act, the
14 California Planning and Zoning Law, the Subdivision Map Act, and all other
15 applicable state and local laws, policies, ordinances, and regulations as are directed by
16 this Court pursuant to Public Resources Code section 21168.9;
17
18 2. For costs of suit;
19
20 3. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and other
21 provisions of law; and
22
23 4. For such other and further relief as the Court deems just and proper.

24 Dated: April 16, 2018

Respectfully Submitted,
ADVOCATES FOR THE ENVIRONMENT, INC.



By Dean Wallraff, Attorney for Petitioners and
Plaintiffs, Friends of the Santa Clara River, and
SCOPE (Santa Clarita Organization for Planning
and the Environment)