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CITY OF SANTA CLARITA

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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

2-5-07

Planning Commission
City of Santa Clarita
23920 Valencia Blvd.
Santa Clarita, CA 91355

RECEIVED AND MADE A
PART OF THE RECORD AT

7/10/07 MEETING

ITEM NO. 22

FROM: LYNNE KUTMBERG

Re: Henry Mayo Newhall Memorial Hospital Master Plan FEIR
Master Plan/Conditional Use Permit 04-022

Dear Planning Commissioners:

We wish to preface our comments, as we have in the past, by stating that we do not oppose the expansion of hospital facilities. Our concern is the enormous and unwarranted addition of office space in a low-density residential neighborhood, the height variance for these buildings and the additional traffic they will cause in a residential neighborhood. We also believe the medical offices should be sited in other parts of the Santa Clarita Valley such as Canyon Country that currently have a deficit of such facilities.

General Comments

We do not support an entitlement period of 25 years due to the many changes that will occur during such a long period of time. A 25-year approval is unnecessary, reduces flexibility and precludes the next generation from being involved with the development of their own community. Several developers in the County area (specifically for the Newhall Ranch project) have attempted to get approval for a comparable time period. The County has never allowed it. The City shouldn't either.

One hundred and twenty pages of documents were made public on Friday. Although we realize you have technically complied with the Brown Act, obviously, it is not possible for the community to provide you with a comprehensive review of these issues in that

time period. We therefore request a 30-day delay to review the documents.

Further, the commission closed the public hearing on Nov.21, 2006. No CUP or conditions of approval were available at that meeting. We believe that the conditions for this very controversial project should be open to public discussion. We understand that certain design criteria have changed. We do not believe it is procedurally correct to change the project after closing the public hearing and then not to allow additional public comment on these changes.

Violation of the California Environmental Quality Act

Per the staff report, the Conditions of Approval contain a very unique Condition PL4. This condition states that the EIR for the Project does not address certain mitigations for the

Project as the anticipated timing of the Build-out Phase makes such mitigation too speculative at the time of the adoption of the Master Plan/CUP. Therefore, prior to the issuance by the City of the first building permit for a Project Building in the Build-out Phase of the Project, the following new studies will be performed for the Project Buildings in the Build-out Phase pursuant to CEQA requirements by consultant selected by the City and funded by the applicant. etc.

Further, the Master Plan Conditions state "Although the EIR prepared for the project analyzes all the buildout phase of the HMNM Hospital Master Plan project. Mitigation measures are not assigned to the build-out phase of project implementation for traffic impacts given that mitigation for traffic impacts at the build-out phase are too speculative at this time. Traffic impacts and appropriate mitigations at the build-out phase cannot be assigned as they are beyond the life of the current traffic model for the Santa Clarita Valley."

Elsewhere, this document also makes similar statements for impacts to sewer and storm drain facilities.

The conditions also state that if new information and significant effects are more severe than in the EIR then "the appropriate level of additional CEQA review shall be undertaken by the City and funded by the applicant." It then allows for contributions of fair share of costs in lieu of actually performing such building phase mitigation. How is giving the City money a mitigation for traffic impacts? This proposal not only does not comply with CEQA, but also is a disservice to the community.

For CEQA purposes, the City must assume that an approved project will be built out and fully address the impacts and the mitigation for those impacts in the environmental review. The below citation refers to water supply, but is equally applicable to traffic, sewer and storm drain facilities.

"Nor can the unanalyzed impacts of unknown water sources be mitigated by providing that if water proves unavailable, the project's future phases will not be built: "While it might be argued that not building a portion of the project is the ultimate mitigation, it must be borne in mind that the EIR must address the project and assumes the project will be built."

((*Stanislaus Natural Heritage*, at p. 206.)

In other CEQA cases the appellate court held the EIR inadequate for not disclosing possible alternative water sources and their impacts.

“the EIR “cannot simply label the possibility that they [water supplies] will not materialize as ‘speculative,’ and decline to address it. The County should be informed if other sources exist, and be informed, in at least general terms, of the environmental consequences of tapping such resources.” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th at p. 373.)

“Decision makers must, under the law, be presented with sufficient facts to “evaluate the pros and cons of supplying the amount of water that the [project] will need.” (*Santiago County Water Dist. v. County of Orange, supra*, 118 Cal.App.3d at p. 829.)

Again, although these cases refer to water supply, the concepts are equally applicable to traffic and other infrastructure needs. The City must disclose and provide possible alternatives for the impacts to traffic, and sewer and storm drain facilities. If mitigation is not feasible, the City must be informed of the consequences. Eminent domain proceedings against homeowners for road widening right of way appears to be one consequence not clearly identified. Another consequence would be severe pollution of the Santa Clara River from insufficient facilities resulting in impacts to water quality and potentially severe fines for pollution to the City. Not to disclose such impacts and possible alternatives is a violation of CEQA as well as a disservice to the decision-makers and the community.

Impacts to traffic, sewer and storm drain facilities are reasonably knowable based on data for project approvals in the City and available from the County of Los Angeles through its Development Monitoring System. Even if this project were tiered (which it is not), these impacts must be disclosed. A the recent Supreme Court Decision, *Vineyard Citizens v. County of Rancho Cordova* made abundantly clear that the City may not proceed with this proposed action. Mitigation for known impacts or impacts that are reasonably knowable cannot be deferred. This Supreme Court decision even cites extensively to a case involving a prior approval by the City of Santa Clarita as well as a case in the immediate vicinity approved by the County of Los Angeles.

Page 16 “While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA’s demand for meaningful information “is not satisfied by simply stating information will be provided in the future.” (*Santa Clarita, supra*, 106 Cal.App.4th at p. 723.) As the CEQA Guidelines explain: “Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental impacts of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.” (Cal. Code Regs., tit. 14, § 15152, subd. (b).) Tiering is properly

used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases. "

Pages 30-31 "To the extent the FEIR attempted, in effect, to tier from a *future* environmental document, we reject its approach as legally improper under CEQA..... CEQA's informational purpose "is not satisfied by simply stating information will be provided in the future." (*Santa Clarita, supra*, 106 Cal.App.4th at p. 723.)"

Therefore, the City's attempt to defer evaluation of knowable and predictable traffic impacts, sewer impacts and storm drain problems to a future document is not allowed under CEQA.

General Plan and Zoning Consistency Issues

Conditions of approval-Planning Division #15 Setbacks and heights would allow the following height increases:

Phase 1 Inpatient Building A Height 85' to parapet, 100' to top of windsock and elevator shaft.

Buildout inpatient building B height 85' to parapet, 100' to elevator shaft.

Buildout Administration Building height 85' to parapet, 100' to elevator shaft

Medical Office buildings heights 45.5' to top of parapet, 51.5' top of screen and roof access

We do not believe that these height increases are appropriate for Residential Low zoning

Conditions of Approval #5 state the project will comply with Title 16 and 17 of the UDC, the Commercial and Industrial Development Standards, those allowing these height increases. We oppose the City's approval of arbitrarily granting the hospital a commercial designation when the current zoning is Residential Low and question the legality of this condition.

Again, conditions of Approval #8 state that the building will conform to Commercial/Industrial standards. This condition is a de facto zone change. We don't believe that the City may legally change its zoning by adding a condition onto a project approval. The project must go through a zone change process that has thus far not occurred.

Resolution No. P07- 02 Section 2 Findings for Master Plan/Conditional use permit iv. states impacts from Phase 1 and Phase 2 traffic to two intersections McBean Parkway/Orchard Village Rd and Valencia Blvd./Magic Mountain Parkway can not be reduced to less than significant without, as stated in the EIR, the use of eminent domain. Impacts to these two intersections are significant and unavoidable. We therefore believe it is clear that this project is not consistent with the City's General Plan Circulation Element. A Statement of Overriding Consideration by the City is not appropriate or

warranted to avoid traffic impacts at these intersections. The City must be consistent with its General Plan.

Lastly, we do not support the findings for this project that would warrant a Statement of Overriding Consideration in the areas of air quality, solid waste, traffic and visual character. We believe the City has not sufficiently investigated alternatives, nor has it fully explored mitigation for these specific impacts by making an effort to reduce them to a less than significant level. The Planning commission may deny a project with significant unavoidable impacts. We therefore request that the City deny this project in its current form.

Sincerely,

Lynne Plambeck

Lynne Plambeck
President

✓ Cc: Fred Follstad