

Letter No. 17: Stowell, Zeilenga, Ruth, Vaugh & Treiger, LLP, Richard S. Zeilenga, Letter dated February 3, 2015

17-1: The commenter submitted a cover letter and enclosed a Verified Petition for Writ of Mandate and Complaint filed in the Superior Court of the State of California for the County of Los Angeles, June 2012. Petitioners included several plaintiffs including the Wishtoyo Foundation who filed against the County of Los Angeles regarding the Newhall Land Company's Mission Village project, located within the Santa Clara River floodplain.

The commenter is requesting that these materials become part of the administrative record and contends that they are relevant to the positions taken by the Wishtoyo Foundation in its comments on the East Area 1 Specific Plan Amendment, Supplemental EIR (see letters dated November 17, 2014 and January 21, 2015).

No response is necessary.



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February 3, 2015

Via U.S. Priority Mail

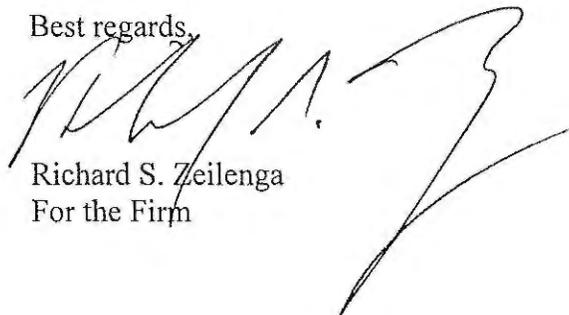
Ms. Janna Minsk
 Planning Director
 City of Santa Paula Planning Department
 Community Development Building
 200 S. Tenth Street
 Santa Paula, CA 93060

Re: Limoneira's East Area 1 Project and SEIR

Dear Ms. Minsk:

Please find enclosed a copy of the Verified Petition for Writ of Mandate and Complaint, filed by several plaintiffs, including the Wishtoyo Foundation, against the County of Los Angeles, with respect to the Newhall Land Company's Mission Village project, located within the Santa Clara River floodplain. We request that this document be made part of the Administrative Record for Limoneira's East Area 1 project, scheduled for public hearing on February 17, 2015. The allegations in the complaint, including but not limited to pages 25 to 28, are relevant to the positions taken by the Wishtoyo Foundation in its comments on the Supplemental EIR for Limoneira's East Area 1 project.

Best regards,



Richard S. Zeilenga
 For the Firm

RSZ:bsm
 Enclosure

17-1

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9 California Native Plant Society,
10 Friends of the Santa Clara River,
11 Santa Clarita Organization for Planning and the Environment,
12 Center for Biological Diversity,
13 Wishtoyo Foundation and its Ventura Coastkeeper Program

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF LOS ANGELES

16 CALIFORNIA NATIVE PLANT SOCIETY,
17 FRIENDS OF THE SANTA CLARA RIVER,
18 SANTA CLARITA ORGANIZATION FOR
19 PLANNING AND THE ENVIRONMENT,
20 CENTER FOR BIOLOGICAL DIVERSITY, AND
21 WISHTOYO FOUNDATION AND ITS VENTURA
22 COASTKEEPER PROGRAM,

23 PETITIONERS,

24 v.

25 COUNTY OF LOS ANGELES,
26 LOS ANGELES COUNTY BOARD OF
27 SUPERVISORS, DOES 1 TO 10,

28 RESPONDENTS,

29 AND
30 NEWHALL LAND AND FARMING COMPANY,
INC., DOES 11 TO 20,

REAL PARTIES IN INTEREST.

6/15/12
9/13/55

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUN 13 2012

John A. Chen, Executive Officer/Clerk
BY [Signature], Deputy
Shawna Wesley

Dept 1

CASE NO. BS138001

VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY RELIEF

[CCP § 1085 (§ 1094.5), California
Environmental Quality Act, California
Planning and Zoning Law, California
Subdivision Map Act]

CIT/CASE: BS138001 LEN/TEFH:
RECEIPT #: CCH46598021
DATE PAID: 06/13/12 10:42:34 AM
PAYMENT: \$395.00
RECEIVED: 0310
CHECK: 395.00
CASH:
CHANGE:
CARD:

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Introduction

1. This action challenges the decision of the County of Los Angeles ("County") and of the Los Angeles County Board of Supervisors ("Board") to approve the development of, and to certify an Environmental Impact Report ("EIR") for, the Mission Village project (the "Project") in an unincorporated area of Los Angeles County near the City of Santa Clarita.
2. The Project is the second-approved phase of the Newhall Ranch development, one of the largest single residential developments ever proposed in California. The Newhall Ranch development would create a new urban center of about 20,000 residences and more than 60,000 residents on the approximately 12,000-acre Newhall Ranch site.
3. The Project is part of an urban-planning disaster, urban sprawl built on environmentally sensitive land originally designated mostly for agriculture, oil production, and open space. These designation were changed not in response to any valid planning considerations, but at the behest of the politically-connected landowner now largely owned by New York-based hedge funds determined to squeeze the last drops of profit from their investment, no matter the harm to the local natural and built environment.
4. The Project is located adjacent to, and partially within the current floodplain of, the Santa Clara River (the "River"), the last river in Southern California that is still in a mostly natural state.
5. The Project, as currently proposed, would harm the River in very significant ways, and have substantial negative environmental impacts on water quality, on aquatic and riparian habitat, on wildlife movements, on greenhouse gas emissions; and on Native American cultural resources, among other impacts.
6. The EIR fails to adequately analyze many of these effects, fails to consider a reasonable range of alternatives, and fails in its role as a public-information document. The County failed to adopt feasible mitigation measures or mitigation measures that are enforceable.

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7. The proposed project would substantially contribute to the demise of the San Fernando Valley Spineflower, an endangered plant found only in a few locations, including the Project Site. The Project's proposed Spineflower preserves are too small, and too isolated to serve as viable permanent habitat for the Spineflower, and proposed mitigation is inadequate and infeasible. Furthermore, over 26% of the Project's spineflower areas will be permanently lost.
8. Much of the Project is proposed to be built on top of the Castaic Junction Oil Field, which operated until 2002, even though the California Department of Conservation, Division of Oil, Gas and Geothermal Resources recommended that Newhall avoid building over plugged and abandoned oil wells. Though Newhall proposes to "re-abandon" the wells it knows about, it is possible that the locations of some wells are unknown, due to faulty record-keeping by Exxon, the operator of the oil field. In addition, oil extraction operations may have contaminated the soil with arsenic, mercury, and other hazardous chemicals.
9. PCE was detected, albeit in low concentrations, in the soil vapor on the Project Site. PCE is toxic to humans, but was formerly used casually in many industrial settings to degrease tools and machinery. It is also sometimes used in hydraulic fracturing ("fracking"). Because of its common use in settings like oil fields, PCE may have been widely used on the Site, and contamination may have been much more serious and widespread than is currently known.
10. As detailed below, inadequacies in the EIR violate the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA"), and the CEQA Guidelines, California Code of Regulations, title 14, sections 15000 et seq. ("CEQA Guidelines").
11. The County developed a Revised Draft EIR ("RDEIR") just before the October 25, 2011 Board meeting at which the EIR was approved. The RDEIR included substantial new information concerning changes in the Project and newly-discovered PCE contamination of soil on the Project Site, but the County failed to recirculate the RDEIR for further public comment, as required by CEQA. The County did not even make the RDEIR

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1 available to the public in advance of the October 25, 2011 hearing. These failures deprived
2 the public of a meaningful opportunity to comment upon substantial adverse
3 environmental effects of the project and thus violate CEQA.

4 12. The County's approval of the Project also violates the California Planning and Zoning
5 Law and the California Subdivision Map Act since the Project is fatally inconsistent with
6 the General Plan in effect at the time of project approval.

7
8 13. Petitioners ask this Court for declaratory relief, and a writ of mandate under Code of
9 Civil Procedure sections 1085 and 1094.5 directing the County of Los Angeles to vacate
10 and set aside its approval of the Project and certification of the EIR for the Project, and an
11 injunction prohibiting Real Party Newhall Land and Farming Co. from proceeding with
12 the implementation of the project. These claims are based on the following allegations:

13
14 **Parties**

15 14. Petitioner and Plaintiff California Native Plant Society ("CNPS") is a California nonprofit
16 corporation whose principle place of business is in Sacramento, California. CNPS is a
17 statewide organization of nearly 10,000 members, including both professional botanists
18 and laypersons, dedicated to the preservation of California's rich botanical heritage. The
19 mission of CNPS is to increase the understanding and appreciation of California's native
20 plants and to preserve them in their natural habitat through scientific activities,
21 education, and conservation. CNPS members work closely with federal and state agency
22 personnel to manage and conserve botanical resources. CNPS is particularly concerned
23 with the conservation of California's rare and endemic plant species and threatened plant
24 communities. CNPS members are engaged in the study, protection, enhancement,
25 conservation, and preservation of rare and endangered plants in their natural habitat in
26 California, including in Los Angeles and Ventura counties. CNPS and its members have
27 been particularly active in efforts to conserve rare and endemic plant species found on
28 Newhall Ranch, including the San Fernando Valley Spineflower. CNPS and its members
29 have participated in efforts to obtain state and federal protection for the San Fernando
30 Valley Spineflower, and have commented extensively on the impacts of proposed Newhall

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1 Ranch development and on the measures proposed to mitigate these impacts, including
2 the submission of timely comments on the Mission Village EIR. CNPS members have
3 visited the Newhall Ranch site to view rare and endemic plants and for other scientific
4 and educational purposes, and intend to continue to visit as permitted. CNPS and its
5 members are directly, adversely and irreparably affected, and will continue to be
6 prejudiced by the Project and its components, as described herein, until and unless this
7 Court provides the relief prayed for in this petition.

- 8 15. Petitioner and Plaintiff Friends of the Santa Clara River ("Friends") is an environmental
9 group organized as a nonprofit corporation in accordance with the laws of California in
10 1993, and with its principal place of business in Newbury Park, California. Friends brings
11 this action on behalf of its members who have been, and will continue to be, harmed by
12 the County's approval of the Project, which, in combination with other projects permitted
13 along the River, will result in loss of wetlands, destruction of vegetation in the riverbed,
14 which serves as cover for wildlife using the riverbed, development overlooking and
15 adjacent to the riverbed that will interfere with and discourage wildlife's use of the
16 riverbed as habitat and as a movement corridor, diminished aesthetic enjoyment, loss of
17 peace and tranquility, increased traffic, increased flooding, loss of open space and habitat
18 for the River's wildlife, including wading birds and federally protected species, degraded
19 water quality, damage to cultural resources, and diminished quality of life. Friends has
20 active members throughout Los Angeles, Ventura and Santa Barbara counties who canoe,
21 fish, swim, hike, travel, recreate and observe wildlife throughout the Santa Clara River
22 watershed and intend to continue these activities. The ability of Friends' members to
23 engage in such activities is harmed by the County through their approval of the Project
24 because the grading activity from the Project degrades many of the areas and water bodies
25 Friends' members enjoy. Further, the effects of the Project, combined with the effects of
26 numerous other activities authorized by the County and other public agencies along the
27 Santa Clara River, are devastating to the River's watershed and to Friends' members'
28 ability to use and enjoy the River. Friends submitted timely comments on the Project and
29 the EIR. Friends and its members are directly, adversely and irreparably affected, and will
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1 continue to be affected by the Project and its components until and unless this Court
2 grants the relief prayed for in this petition.

3 16. Petitioner and Plaintiff Santa Clarita Organization for Planning and the Environment
4 ("SCOPE") is a California nonprofit membership organization that is concerned with
5 protection of the environment. Some members of SCOPE reside in Santa Clarita, in the
6 vicinity of the Project site. SCOPE brings this action on its own behalf, for its members,
7 and in the public interest. SCOPE was formed in 1987 to promote, protect and preserve
8 the environment, ecology and quality of life in the Santa Clarita Valley. SCOPE's mission
9 is to (1) promote, protect and preserve the environment of the Santa Clarita Valley; (2)
10 work to provide a high quality of life for residents of the Santa Clarita Valley; (3) monitor,
11 review and take action on proposals which would affect the environment, ecology and/or
12 quality of life in the Santa Clarita Valley; (4) provide a forum for the people of the Santa
13 Clarita Valley in which issues involving the environment, ecology or quality of life can be
14 heard and discussed; (5) foster the education of the members and the people of the Santa
15 Clarita Valley on matters involving environment, ecology and quality of life; and (6)
16 promote community planning and design which exhibits superior attention to quality,
17 aesthetics, sensitivity to the environment and consideration of community goals and
18 needs. SCOPE submitted timely comments on the Project and the EIRs. SCOPE and its
19 members are directly, adversely and irreparably affected, and will continue to be
20 prejudiced by the Project and its components until and unless this Court grants the relief
21 prayed for in this petition.

22
23 17. Petitioner and Plaintiff Center for Biological Diversity (the "Center") is a nonprofit,
24 public interest corporation, with approximately 37,000 members and offices in San
25 Francisco, Los Angeles, and Joshua Tree, California; Tucson and Flagstaff, Arizona; Pinos
26 Altos, New Mexico; Portland, Oregon; and Washington, D.C. The Center and its
27 members are dedicated to protecting the diverse native species and habitats of western
28 North America through science, policy, education, and environmental law. Center
29 members reside and own property in the vicinity of the Mission Village site, and use this
30 site and surrounding areas for recreational, wildlife viewing, scientific, and educational

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1 purposes, and intend to continue this use as permitted. The Center submitted timely
2 comments on the Project and the EIR. The Center and its members are directly, adversely
3 and irreparably affected, and will continue to be prejudiced by the Project and its
4 components, as described herein, until and unless this Court provides the relief prayed
5 for in this petition.

6 18. Petitioner and Plaintiff Wishtoyo Foundation is a California nonprofit public interest
7 organization in Ventura County with over 700 members composed of Chumash Native
8 Americans, Ventura County residents, and Los Angeles County residents. Wishtoyo
9 Foundation's mission is to preserve, protect, and restore Chumash culture, the culture of
10 all of Ventura County's diverse communities, and the environment. The Wishtoyo
11 Foundation shares traditional Chumash beliefs, cultural practices, songs, dances, stories,
12 and values with the public to instill environmental awareness and responsibility for
13 sustaining the health of our land, air, and water for the benefit of future generations. The
14 Chumash People, including members of Wishtoyo Foundation, have a long history of
15 interaction with the California Condor for a variety of purposes, including religious and
16 ceremonial ones. The Chumash People and members of the Wishtoyo Foundation also
17 share a sacred and cultural relationship with the California Condor that is depicted in
18 Chumash Peoples' ancient cave paintings and told in Chumash stories which have been
19 passed down from generation to generation for over 10,000 years. The Chumash People,
20 including ancestors of members of the Wishtoyo Foundation, and the People of the
21 Tataviam tribe, resided in villages, conducted ceremonies at sacred sites, and or buried
22 their dead in and around the Mission Village site and other areas of Ventura and Los
23 Angeles counties affected by the Project for thousands of years. The Chumash People and
24 members of the Wishtoyo Foundation have a strong cultural interest in the recovery of
25 the California Condor and the protection of the Santa Clara River's cultural and
26 environmental resources. Wishtoyo Foundation submitted timely comments on the
27 Project and the EIR. Wishtoyo Foundation and its members are directly, adversely and
28 irreparably affected, and will continue to be prejudiced by the Project and its
29 components, as described herein, until and unless this Court grants the relief prayed for
30 in this petition.

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1 19. Petitioner and Plaintiff Wishtoyo Foundation's Ventura Coastkeeper Program's
2 ("Ventura Coastkeeper") mission is to protect, preserve, and restore the ecological
3 integrity and water quality of Ventura County's inland waterbodies, coastal waters, and
4 watersheds. Ventura Coastkeeper strives to maintain clean and ecologically healthy
5 waters for all living beings in Ventura County's community through advocacy, education,
6 restoration projects, community mobilizing, and, where necessary, directly initiating legal
7 and enforcement actions on behalf of itself and its members. Members of Ventura
8 Coastkeeper use the Mission Village site, surrounding areas, and downstream reaches of
9 the Santa Clara River for recreational, wildlife viewing, scientific, environmental
10 monitoring, and educational purposes, and intend to continue this use as permitted.
11 Ventura Coastkeeper submitted timely comments on the Project and the EIR. Ventura
12 Coastkeeper and its members are directly, adversely and irreparably affected, and will
13 continue to be prejudiced by the Project and its components, as described herein, until
14 and unless this Court grants the relief prayed for in this petition.

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15 20. Respondent County of Los Angeles (the "County"), a political subdivision of the State of
16 California, is responsible for regulating and controlling land use in the unincorporated
17 territory of the County, including but not limited to implementing and complying with
18 the provisions of CEQA, the CEQA Guidelines, State Planning and Zoning Law, the
19 Subdivision Map Act, and its own General Plan. Respondent County is the lead agency
20 for purposes of Public Resources Code section 21067, with principal responsibility for
21 conducting environmental review of and approving the Project.
22

23 21. Respondent Los Angeles County Board of Supervisors (the "Board") is the duly elected
24 legislative body for Los Angeles County responsible for compliance with CEQA, the
25 CEQA Guidelines, State Planning and Zoning Law, the Subdivision Map Act, and the Los
26 Angeles County General Plan.

27 22. Real Party in Interest Newhall Land and Farming Company, Inc. ("Newhall") is a
28 Delaware corporation. Newhall is the sole applicant identified for the Project, and a
29 recipient of Project approvals.
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1 23. Petitioners are currently unaware of the true names and capacities of respondents and
2 defendants Does 1 through 10, and therefore sue those parties by such fictitious names.
3 Does 1 through 10 are agents of the County, or of state or federal government who are
4 responsible in some manner for the conduct described in this petition, or other persons
5 or entities who claim some legal or equitable interest in the Project that is the subject of
6 this action. Petitioners will amend this petition to show the true names and capacities of
7 Does 1 through 10 when such names and capacities become known.

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

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14 **Jurisdiction and Venue**

15 25. This Court has jurisdiction over the matters alleged in this petition under Code of Civil
16 Procedure sections 1085 and 1094.5, Public Resources Code sections 21168, 21168.5 and
17 21168.9, and Government Code section 66499.33.

18 26. Venue is proper in this Court because the causes of action alleged in this petition arose in
19 Los Angeles County, and the Project Site is located in Los Angeles County.

20 27. Petitioners have complied with the requirements of Public Resources Code section
21 21167.5 by serving a written notice of Petitioner's intention to commence this action on
22 the County on June 12, 2012. A copy of this written notice and proof of service is attached
23 as Exhibit 1 to this petition.

24 28. Petitioners have complied with the requirements of Public Resources Code section
25 21167.6 by concurrently filing a request concerning preparation of the record of
26 administrative proceedings relating to this action.
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1 29. Petitioners have sent a copy of this Petition to the California Attorney General on June
2 12, 2011 to comply with the requirements of Public Resources Code section 21167.7. A
3 copy of the letter transmitting this Petition is attached as Exhibit 2.

4 30. 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 31. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law unless
8 this Court grants the requested writ of mandate to require the County to set aside its
9 approval of the Project. In the absence of such remedies, the County's approval will
10 remain in effect in violation of State law.

11 **General Allegations**

12 ***The Project Site***

13 32. The Mission Village Project Site ("Site" or "Project Site") consists of two parts: (1) the
14 1,261.8-acre Mission Village tract map site (the "Tract Site"), and (2) several sites
15 comprising 592.8 acres outside the tract-map boundaries (the "External Sites"), which
16 will be used to provide off-site project-related improvements.

17
18 33. The project is located south of the Santa Clara River and State Route 126, east of the
19 Ventura County boundary, and west of Interstate 5, within the northeast corner of the
20 Newhall Ranch Specific Plan.

21 34. The Project Site provides habitat for an exceptionally diverse range of wildlife, fish, and
22 plants, including several critically endangered species. California Condors visit and forage
23 on the Site, and three other birds protected under federal and/or state law, the
24 Southwestern Willow Flycatcher, the Least Bell's Vireo, and the Yellow-Billed Cuckoo,
25 nest in riparian vegetation on the Project Site.

26
27 35. Other rare fish and wildlife found on the Mission Village Site or in downstream reaches
28 of the Santa Clara River include the California Red-Legged Frog, the Golden Eagle, the
29 White-Tailed Kite, the Unarmored Threespine Stickleback, members of the terrestrial
30 snail genus *Helminthoglypta*, and the Southern California Steelhead.

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1 36. Mission Village, along with neighboring portions of the Newhall Ranch site, contains one
2 of only two known populations of the San Fernando Spineflower, a plant that had been
3 believed extinct for decades until it was rediscovered in 1999. The San Fernando
4 Spineflower is listed as an endangered species under the California Endangered Species
5 Act (CESA), and is a candidate species for listing under the federal Endangered Species
6 Act, because the U.S. Fish and Wildlife Service has determined that the species warrants
7 legal protection. According to the Fish and Wildlife Service, "[t]he existence of only two
8 areas of occurrence, and a relatively small range, makes the variety highly susceptible to
9 extinction or extirpation from significant portion of its range due to random events such
10 as fire, drought, erosion, or other occurrences."

11 37. The Project area, including the lands now occupied by the Project Site contains the
12 ancestral homes of the Chumash and Tataviam Native Americans. Accordingly, the
13 Project area is rich with these tribes' historic and cultural resources. To the Tataviam and
14 Chumash, any area with historic value such as their burial sites, village sites, or sacred
15 sites has deep religious, spiritual, and cultural significance. The Tataviam and Chumash
16 thus retain strong cultural and religious attachment to the lands and cultural resources
17 within the Project area.

18
19 38. For the region's Native Americans, the condor holds a very special place in the universe,
20 possessing great cultural and religious significance. It is one of the most important and
21 irreplaceable historic and cultural resources in the Project area for the Tataviam and
22 Chumash People. The condor's visible and unseen presence in the Project area, whether
23 flying overhead, foraging for food, roosting in a tree, or cleaning itself near the river, are
24 integral components of the sacredness of Chumash sacred grounds, cultural sites, burial
25 sites, prayers, and ceremonies. The Chumash also have historically collected, and wish to
26 continue collecting, condor feathers in the Project area for ceremonial offerings and to
27 use in ceremonial regalia when the feathers fall to the ground after the condors forage,
28 clean themselves, and roost.

29 39. The Project Site abuts and intrudes upon more than two miles of the Santa Clara River. A
30 significant portion of the Tract Site is located within the FEMA-designated 100-year

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1 floodplain of the Santa Clara River (the "River"). The remainder of the Tract Site is
2 adjacent to the River.

3
4 ***The Santa Clara River***

5 40. The Santa Clara River is in a relatively natural state. In contrast to other major southern
6 California rivers such as the Los Angeles or San Gabriel, the Santa Clara is not confined
7 by extensive levees, impounded by dams, or lined with concrete.

8
9 41. Like other southern California rivers, the Santa Clara tends to have highly variable flows.
10 Most of the River's flow occurs during the wet season, with major storms causing most of
11 the flows, and sometimes flash floods. A peak discharge of 68,800 cubic feet per second
12 was recorded in 1969. During dry periods, flows can be very low, and in some reaches,
13 such as the reach including the Project Site, subterranean during the dry season.

14 42. In 1981 Los Angeles County designated portions of the Santa Clara River corridor,
15 including the area within the Project Site, a Significant Ecological Area ("SEA 23"), partly
16 because it provides habitat for state- and federally-protected species of fish and flora such
17 as the Unarmored Threespine Stickleback. According to Los Angeles County's 1976 SEA
18 study, the stickleback requires a natural stream course, including "clean, free-flowing
19 perennial streams and ponds surrounded by native vegetation." The Mission Village
20 Project nonetheless includes development within SEA 23 even though it will destroy an
21 important portion of the stickleback's essential habitat.

22 43. The Santa Clara River is considered an impaired water body due to high levels of
23 chlorides and other pollutants. The high level of chlorides is the result of wastewater
24 discharges and other municipal sources, and is caused in part by the importation of water
25 with a high chloride content from outside the watershed. High chloride levels in the Santa
26 Clara River harm fish and wildlife, downstream agricultural uses, and downstream water
27 supplies. The Los Angeles Regional Water Quality Control Board has adopted a Total
28 Maximum Daily Load ("TMDL") for chlorides in the Santa Clara River, which establishes
29 numeric targets for chloride concentrations and measures to meet these targets. The
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1 Regional Water Quality Control Board also recently adopted a TMDL for bacteria for
2 parts of the Santa Clara River.

3
4 44. The Valencia Water Reclamation Plant (WRP), which will serve the Project until the
5 Applicant eventually builds a new WRP for the Newhall Ranch development, discharges
6 water in excess of the chloride TMDL into the Santa Clara River. Since the wastewater
7 discharged to that plant by the Project is likely to contain excess chlorides, the Project is
8 likely to result in further impairment of the Santa Clara River water quality by further
9 increasing its chloride levels.

10 45. Based on development threats the nonprofit organization American Rivers named the
11 Santa Clara River as one of the nation's most endangered rivers in 2005.

12 ***Description of the Project and its Environmental Effects***

13 46. The Applicant proposes to build, within the Tract Site, 4,055 residential units (351 single-
14 family units and 3,704 multi-family units), 1,555,100 square feet of commercial space, a
15 9.5-acre elementary school, a 3.3-acre library, a 1.5-acre fire station, a 1.2-acre bus
16 transfer station site, and to retain approximately 693 acres of open space.

17
18 47. Within the External Sites, Applicant proposes "improvements" including:

- 19 a. A 227-acre utility corridor generally running along State Route 126 and Interstate 5;
20
21 b. A demineralization facility and related brine disposal well adjacent to and within the
22 utility corridor;
23
24 c. The extension of Magic Mountain Parkway and related improvements westerly into
25 the project site;
26
27 d. A water quality basin;
28
29 e. Three water tanks;
30
f. A Southern California Edison electrical substation; and
g. Two debris basins.

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- 1 48. The Project will require the excavation and subsequent placement elsewhere on-site of
2 approximately 29.9 million cubic yards of earth material
- 3 49. As part of the Project, Newhall also proposes to "stabilize" - i.e. channelize into a large
4 concrete storm drain - 2,150 linear feet of the banks of the channel of the Santa Clara
5 River.
- 6
- 7 50. As part of the Project, Newhall will convert 23,543 linear feet - about 4½ miles - of Santa
8 Clara River tributaries to buried storm drains, and will permanently fill 14.39 acres of
9 streams and rivers designated as "waters of the United States." This will cause great harm
10 to the natural riparian ecology of the River basin, and will greatly reduce groundwater
11 recharge from flows within these tributaries.
- 12 51. The Project will meet its potable-water needs by pumping groundwater from the Alluvial
13 aquifer, further depleting an already-overtaxed resource.
- 14
- 15 52. The Project also requires a bridge crossing the Santa Clara River. The riverbank armoring
16 and hardening associated with the bridge, a series of water retention basins intended to
17 capture polluted runoff from the Site, and hundreds of concrete "drop structures" in the
18 tributaries (essentially dams) will obstruct wildlife movement.
- 19 53. The impervious surfaces created by and enabled by the Project will further deprive the
20 flow-impaired Santa Clara River of a source of much-needed sustainable summer base
21 flows from precipitation that would otherwise percolate into the ground underlying the
22 Project area and steadily make its way to the River as surface flows. The precipitation that
23 no longer percolates into the soils underlying the Project, but instead falls on the Project's
24 impervious surfaces, will not only wash urban toxins into the Santa Clara River and
25 deprive the river of sustainable base flows, but its flashy addition to the river in larger
26 volumes over a short time span will create downstream hydromodification impacts to the
27 Santa Clara River that destroy riparian habitat, boost flow velocity in a manner harmful
28 to the Unarmored Threespine Stickleback and other aquatic species, and increase the
29 downstream flood damage to urban and agricultural areas. These hydromodification
30 impacts will in turn increase the need and likelihood of further ecologically destructive

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1 bank armoring and channelization in downstream stretches of the Santa Clara River to
2 protect communities from increased flood risks.

3 54. While the Project's stormwater runoff will increase the concentration and loading of
4 pollutants into the Santa Clara River, into the Santa Clara River estuary, and into coastal
5 marine waters, discharges of the Project's treated wastewater will also increase the
6 concentrations and loading of pollutants into these waters. The human health impacts
7 from the Project's direct, indirect, and cumulative contribution to bacteria loading, and
8 the acute, sub-lethal, and chronic toxicity impacts on the aquatic life residing in and
9 migrating through the Santa Clara River, its estuary, and coastal marine waters from
10 individual contaminants and the mix of contaminants discharged from the Project during
11 wet and dry weather events, and from the Project's treated wastewater, will impart
12 irreversible impacts to the Southern California Steelhead, the Unarmored Threespine
13 Stickleback, the Santa Clara River's macroinvertebrate communities, the entire Santa
14 Clara River ecosystem, and Ventura County's coastal waters.

15
16 55. Among the Project's most devastating and irreversible impacts to Native American
17 historic, cultural, and religious resources are its impacts to Tataviam and Chumash
18 burials, village sites, and sacred places. The earth-moving excavation for the Project will
19 destroy Tataviam and Chumash burial sites and artifacts, and along with them, the
20 ancestors, the spirits, the culture, and the history of their People. Adequate protection of
21 these sites is thus imperative to the culture and way of life of the Chumash and Tataviam.
22 Many of the Tribes' burial sites and buried cultural resources are not identified in the
23 limited archeological survey cited to in the EIR, and thus the EIR did not set forth
24 mitigation measures that would preserve these Native American historic and cultural
25 resources in place during Project construction. Even the limited archeological surveys
26 that do identify the location of their tribes burial sites, fail to analyze whether the
27 proposed mitigation measures achieve preservation in place as recognized by the tribes,
28 or which of the proposed mitigation measures will achieve a greater degree of
29 preservation in place.

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1 56. The absence of the condor from the Chumash and Tataviam cultural landscape in the
2 Project area due to the Project's impacts will diminish the Chumash Peoples' connection
3 with their ancestors and their culture, and will take away from their ceremonial and
4 religious practices in and around the Project area. The Project's negative impacts on
5 condor populations within the Project area will also deprive Chumash people of a place to
6 find the condor feathers that are necessary to conduct specific religious and cultural
7 ceremonies. Despite a letter from Chumash ceremonial elder Mati Waiya alerting the
8 County about the Project's impacts to Native American historic resources, cultural
9 resources, and religious practices from the Project's impacts to the condor, the EIR does
10 not identify, analyze, or mitigate the impacts to Chumash Native American historic
11 resources, cultural practices, and religious practices.

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

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15 ***Environmental Review and Project Approval***

16 58. On May 27, 2003 the Board approved the Newhall Ranch Specific Plan, designating land
17 uses for the 11,999-acre area covered by the Specific Plan ("Specific Plan Area").
18

19 59. On June 26, 2003 the Board adopted Ordinance No. 2003-0031Z changing the zoning of
20 the Specific Plan Area to "Specific Plan."
21

22 60. In 2003 the Board certified the Final Environmental Impact Report for the Newhall
23 Ranch Specific Plan and Water Reclamation Plant ("SPEIR").

24 61. The SPEIR serves as a program EIR, as defined in Pub. Res. Code section 21157(a)(1) for
25 the Mission Village EIR.

26 62. The Mission Village Tract Site is mostly within the boundaries of the Specific Plan Area,
27 and most, but not all, of the External Sites are within the Specific Plan Area boundaries.
28

29 63. In May, 2005 the County prepared an Initial Study for the Project, which concluded that
30 there was substantial evidence that the Project may have a significant impact on the

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1 environment and, therefore, CEQA required the County to prepare a project-level EIR for
2 the Project.

3 64. In October, 2010 the County circulated a Draft Environmental Impact Report for the
4 Project ("DEIR").
5

6 65. The County Regional Planning Commission ("Commission") held hearings on the
7 Project and the DEIR on November 10, 2010 and March 16, 2011.

8 66. Petitioners commented extensively on the DEIR in writing and at the public hearings.
9

10 67. On December 15, 2010 Newhall submitted a revised Vesting Tentative Tract Map to the
11 Dept. of Regional Planning. Newhall's revisions responded to a December 3, 2010
12 approval by the California Department of Fish and Game ("CDFG") of the Newhall
13 Ranch Resource Management and Development Plan/Spineflower Conservation Plan
14 ("RDMP/SCP").

15 68. The County prepared a Final Environmental Impact Report (FEIR), and made it available
16 to the public in May, 2011.

17 69. Petitioners commented extensively in writing on the FEIR.
18

19 70. The Commission held a hearing on the Project and the FEIR on May 18, 2011. At that
20 hearing the Commission closed the public hearing, certified the FEIR, adopted CEQA
21 findings of fact and a statement of overriding concern, and approved the following
22 entitlements:

- 23 a. Vesting Tentative Tract Map No. 61105-(5)
- 24 b. Conditional Use Permit No. RCUP 2005-0080-(5)
- 25 c. Conditional Use Permit No. RCUP 2005-0081-(5)
- 26 d. Oak Tree Permit Number 2005-0032-(5)
- 27 e. Oak Tree Permit Number 2005-0043-(5)
- 28
- 29
- 30

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1 f. Parking Permit No. 2005-00011-(5)

2 g. Substantial Conformance Review Number 2010-0001-(5)

3 (collectively, the "Entitlements").

4
5 71. On May 26, 2011 Petitioners SCOPE and Friends appealed the Commission's approval of
6 the Project to the Board.

7
8 72. In response to comments on the project, and at the County's request, two additional
9 environmental documents were prepared in October, 2011 ("Oct. 2011 Additional
10 Documents"), and subsequently adopted as part of the final EIR on the Project: (1)
11 Additional Environmental Information for Mission Village ("RFEIR"); and (2) a Revised
12 Draft Environmental Impact Report ("RDEIR").

13 73. The RFEIR contained a new set of revisions to the EIR, with revised and new topical
14 responses to comments, and revised DEIR/FEIR pages. The RDEIR was the DEIR
15 updated with the changes to the DEIR pages made in the FEIR and RFEIR.

16 74. Petitioners are informed and believe, and on that basis allege, that the Oct. 2011
17 Additional Documents were not made available to the public for review before the
18 October 25, 2011 Board hearing, and no notice of the existence or availability of the Oct.
19 2011 Additional Documents was provided to the public, or to responsible agencies.

20
21 75. The RDEIR was not recirculated for public comment.

22 76. Petitioners commented extensively to the Board on the Project and the EIRs in advance of
23 the Board hearing.

24
25 77. On October 25, 2011 the Board conducted its public hearing on the appeal and the
26 Project, during which, after taking public testimony, it closed the public hearing, certified
27 the Project EIR, adopted Environmental Findings of Fact and the Statement of
28 Overriding Considerations for the Project. The Board also indicated its intent to deny the
29 appeal and approve the Project.

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- 1 78. On May 15, 2012 the Board held a hearing on the entitlements for the Project at which
2 they approved the Entitlements.
3
4 79. The County filed its Notice of Determination regarding the Project with the Los Angeles
5 County Clerk that same day, May 15, 2012. A copy of the NOD is attached as Exhibit 3.
6

7 **First Cause of Action**
8 *(Violations of State Planning and Zoning Law,*
9 *Government Code Sections 65008 et seq., Against All Respondents)*

10 ***Approval of a Project that is Inconsistent with the Specific Plan, the Area Plan, and***
11 ***General Plan***

- 12 80. Petitioners incorporate all previous paragraphs as if fully set forth here.
13
14 81. Government Code section 65454 requires specific plans to be consistent with the general
15 plan. Government Code section 65455 requires projects to be consistent with the specific
16 plan in effect, when the projects are approved within specific plan areas. These two
17 sections in combination effectively require the Project to be consistent with the general
18 plan in effect when the project was adopted.
19 82. The general plan in effect when the Project was approved was the Los Angeles County
20 General Plan generally adopted in 1980, but extensively amended since then (the
21 "General Plan").
22 83. The specific plan in effect when the Project was approved was the Newhall Ranch Specific
23 Plan, adopted on May 27, 2003 (the "Specific Plan").
24
25 84. The area plan in effect when the Project was approved was the Santa Clarita Area Plan
26 approved by the Board in 2012, also known as the "One Valley One Vision" plan (the
27 "Area Plan").
28
29 85. Wastewater for the Project, as approved, will be treated at the existing Valencia Water
30 Reclamation Plant (WRP), but this is inconsistent with the Specific Plan, under which
wastewater was to be treated at a new Newhall WRP to be built as part of the Project.

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- 1 86. The Development Monitoring System (DMS), added to the General Plan by an
2 amendment adopted on April 21, 1987, and its associated Implementation Program,
3 require that a development project such as the Project not be approved unless the County
4 makes a determination, based on reports from the service providers, that acceptable
5 infrastructure will be available to service the project.
- 6 87. For Water Companies, the County's DMS determination must be based on (a) current
7 water consumption within the service area boundaries, (b) the current capacity of the
8 service provider, (c) the deficit or surplus within the service provider's area, (d) the
9 anticipated usage of water by new development, and (e) the programmed schedule of the
10 service provider to expand its capacity in the future.
- 11
12 88. The Project is inconsistent with the DMS portion of the General Plan because the
13 Project's EIRs and other approval documents contain no record of the County having
14 made the determination described in the previous two paragraphs, and no record that the
15 project's water service provider provided accurate values that were up to date as of the
16 date of project approval for the factors listed in the previous paragraph upon which the
17 County's determination must be based.
- 18 89. The Applicant failed to obtain proper updated DMS data from Valencia Water
19 Company even though that water company is a wholly-owned subsidiary of the
20 Applicant.
- 21
22 90. The Project is similarly inconsistent with the DMS portion of the General Plan as to sewer
23 capacity, traffic, schools, fire services, library services and school services.
- 24 91. The General Plan requires a Conditional Use Permit (CUP) for construction in the
25 Significant Ecological Area (SEA) that roughly corresponds to the Mission Village River
26 Corridor.
- 27
28 92. In order to issue a CUP to permit Project construction within the SEA, the Applicant is
29 required to prove that the development is designed to maintain water bodies,
30 watercourses, and their tributaries in a natural state, and that the development is designed

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1 so that wildlife movement corridors or migratory paths are left in an undisturbed and
2 natural state.

3 93. The Project is inconsistent with these criteria and therefore is inconsistent with the
4 General Plan.

5
6 94. The Project is inconsistent with the Area Plan.

7 95. The Board's findings in support of the Project approval are not supported by substantial
8 evidence in the record.

9
10 **Second Cause of Action**
11 **(Violations of Subdivision Map Act,**
12 **Government Code sections 66400 et seq., Against All Respondents)**

13 ***Approval of a Project that is Inconsistent with the General Plan***

14 96. Petitioners incorporate all previous allegations as if fully set forth here.

15
16 97. Under the Subdivision Map Act, the County must deny any tentative tract map that is
17 inconsistent with the County's General Plan. In addition, the County must deny any
18 tentative tract map if the design or improvement of the subdivision is inconsistent with
19 the County's General Plan.

20 98. As approved, the Project is inconsistent with the County's General Plan, as alleged in
21 paragraphs 81-92 above.

22 99. The Subdivision Map Act prohibits subdivision approvals if the subdivision design is
23 "likely to cause substantial environmental damage or substantially and avoidably injure
24 fish or wildlife or their habitat."
25

26 100. As approved, the Project is likely to cause substantial environmental damage and to
27 substantially and avoidably injure wildlife and wildlife habitat.

28 101. Under Government Code section 66473.7, the County is required to condition approval
29 of the Tract Map on the availability of a sufficient water supply to serve future
30 development of the tract. Government Code section 66473.7(a)(2) defines "sufficient

1 water supply” to mean that “the total water supplies available during normal, single-dry,
2 and multiple-dry years within a 20 year projection that will meet the projected demand
3 associated with the proposed subdivision, in addition to existing and planned future uses,
4 including, but not limited to, agricultural and industrial uses.”

5 102. In approving the Project, the County relied on a Water Supply Assessment Report from
6 Valencia Water Company, a corporate subsidiary of Newhall. The Water Supply
7 Assessment Report, however, does not provide substantial evidence of a sufficient water
8 supply to serve the Project.

9
10 103. The Board’s findings in support of the Project approval are not supported by substantial
11 evidence in the record.

12 **Third Cause of Action**
13 ***(Violations of CEQA, Against All Respondents)***

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14 104. Petitioners incorporate paragraphs 1 through 79 above, as though set forth here.

15
16 105. As used in this petition, the term “EIR” refers collectively to the following documents, as
17 identified above: (1) the DEIR; (2) the FEIR; (3) the RFEIR; (4) the RDEIR.

18 ***Failure to Proceed in the Manner Required by CEQA***
19 ***Failure to Recirculate the EIR, as Required***

20 106. New information was added to the EIR showing substantial environmental impacts,
21 including impacts resulting from changes made to the project, following the close of the
22 comment period for the DEIR. This information was added in the RFEIR and the RDEIR
23 documents. New substantial environmental impacts include the discovery of PCE
24 contamination on the Project Site, and the environmental effects of pumping wastewater
25 from the Project to the Valencia WRP instead of treating it at the Newhall WRP as
26 originally planned, resulting in substantially increased energy usage caused by pumping
27 large quantities of water significantly uphill.

28 107. Other new information added to the EIR showing substantial impacts following the close
29 of the comment period includes the environmental impacts of the revisions made to the
30 project in response to CDFG requirements, including the reduction of river open space

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1 by 4.4 acres, and the environmental impacts of the proposed interim chloride reduction
2 facilities for water treated at the Valencia WRP.

3 108. The new information added to the FEIR showing substantial environmental impacts
4 described in the previous paragraphs is "significant new information" under Pub. Res.
5 Code section 21092.1, which requires that the EIR be recirculated for further comment.
6 The County violated CEQA by failing to do this.

7
8 109. There is no substantial evidence in the record supporting the County's decision not to
9 recirculate the EIR.

10 110. After developing a "Revised Draft Environmental Impact Report" in October, 2011, the
11 County should have filed a notice of completion and made the RDEIR available for public
12 review, as required by Public Resources Code section 21161 and 14 C.C.R. sections 15085
13 and 15372. The County violated CEQA by failing to do this.

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14 **Improper Piecemealing of the Projects**

15
16 111. Independent environmental review is being done, or has been done, for a number of
17 projects that are intimately related to the Mission Village Project. They are intimately
18 connected either because they are essential components of the Project such as the
19 Commerce Center bridge and the Route-126 interchange, or because they will be caused
20 by the Project, such as the expansion of the Valencia Treatment Plant and of Chiquita
21 Canyon Landfill. To avoid improper piecemealing of the environmental analysis, the
22 effects of these closely-related projects should be analyzed together in a single EIR,
23 because they constitute a single project under CEQA.

24 ***Inadequacy of the EIR***

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

26 112. The EIR does not adequately describe the Project and its environmental impacts because
27 substantive revisions to the project are described only in topical responses to comments
28 contained in Volume 1 of the RFEIR. The reader of the other portions of the EIR would
29 have no way to know that the text there does not describe the project as approved.

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1 113. As a result of the deficiencies described in the previous paragraph, the EIR fails to comply
2 with Pub. Res. Code § 21003(b), which requires EIRs to be “organized and written in a
3 manner that will be meaningful and useful to decision makers and to the public.”

4 **Inadequate Analysis of Potential Environmental Impacts, Missing, Vague, Inadequate,
5 Unenforceable, and Improperly Deferred Mitigation Measures**

6 ***General Methodology***

7 114. The EIR improperly uses regulatory standards as thresholds of significance. In many
8 cases, federal, state, and local authorities regulate to protect public health and safety, but
9 the levels of concentration of pollutants or of other environmental impacts that trigger
10 regulatory involvement do not necessarily correspond to CEQA levels of significance. In
11 many places the EIR wrongly assumes that, if an environmental effect is below the
12 regulatory trigger level, it is therefore insignificant under CEQA.

13
14 115. The EIR fails to adequately respond to evidence submitted in comment letters showing
15 that some environmental impacts of the Project are significant even though EIR deems
16 them insignificant because they are expected to be lower in magnitude than the regulatory
17 trigger levels.

18 ***General Plan and Specific Plan Consistency***

19 116. The inconsistencies of the Project with the General Plan – its failure to comply with the
20 DMS in particular – were not properly analyzed in the EIR.

21
22 117. The inconsistencies of the Project with the Area plan were not properly analyzed in the
23 EIR.

24 118. The inconsistencies of the Project with the Specific Plan – including the processing of
25 Project wastewater through the Valencia WRP instead of at the Newhall WRP – were not
26 properly analyzed in the EIR.

27 ***Water Supply***

28
29 119. The EIR fails to properly analyze the Project’s effect on water supply in light of the
30 spreading plumes of perchlorate and PCE groundwater pollution near the Project Site.

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1 Heavy-volume pumping of groundwater for the Project's residents will draw the
2 pollution through the aquifer, forcing the closure of drinking-water wells that currently
3 provide water to area residents.

4 *Water Quality*

- 5 120. The EIR fails to properly analyze the effects of processing wastewater through the
6 Valencia WRP instead of the postponed future Newhall WRP. Among the unanalyzed
7 effects are the following:
8
9 a. the substantial additional energy to be used for pumping effluent from the Project
10 significantly uphill to be treated at the Valencia WRP;
11
12 b. the effects on the overall/average chloride levels of the treated effluent discharged to
13 the River;
14
15 c. the different conditions under which, in wet weather, untreated wastewater will be
16 discharged to the River.
- 17 121. The EIR fails to properly analyze the environmental impacts of the proposed chloride
18 reduction facilities to be constructed near the Valencia WRP. Potential environmental
19 impacts include the additional energy required to remove chlorides from the treated
20 wastewater via reverse osmosis, and to pump the resulting brine into injection wells, and
21 the potential for contaminating the overlying aquifers from leaks in the injection well.
- 22 122. The EIR fails to demonstrate that the Project's direct, indirect, and cumulative
23 contribution to chloride loading in the Santa Clara River will not result in a significant
24 impact due to exceedance of the chloride TMDL. The EIR further fails to propose
25 adequate mitigation for the Project's contribution to chloride loading in the Santa Clara
26 River.
- 27 123. The EIR claims that the Project's approval will be conditioned on a requirement to
28 prohibit the use of self-regenerating water softeners. There is no such condition in the
29 final approvals. The prohibition on self-regenerating water softeners should have been
30

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1 adopted as a mitigation measure, since it is feasible, and some enforcement mechanism
2 should have been provided.

3 124. The EIR analyzes the Project's effects on chlorides in the River only in terms of chloride
4 concentrations in discharge from the Project and in River water; the EIR fails to properly
5 analyze the environmental effects of the net increase in the total amount by weight of
6 chlorides discharged into the River from the Project.

7
8 125. The EIR fails to analyze and adequately mitigate the Project's significant water quality
9 impacts below the dry gap in the Santa Clara River and in Ventura's coastal marine
10 waters, and it fails to adopt feasible measures to mitigate those impacts to a less-than-
11 significant level.

12 126. The EIR fails to adequately evaluate the concentrations and loading of bacteria that will
13 be discharged from the Project's urban runoff and its significant effect on water quality.

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14 127. The EIR fails to analyze and identify the Project's impacts to human health, water quality,
15 and the environment from the Project's discharges of stormwater containing bacteria.

16 128. The EIR methodology to determine the significance of water quality impacts is flawed
17 because it uses an inadequate environmental baseline to determine the Project's effect on
18 water quality.

19 129. The EIR's projections of the Project's discharge of water pollutants are inaccurate
20 representations of concentrations of pollutants commonly found in urban runoff, and
21 thus the EIR's assessment of impacts on water quality are inaccurate.

22 130. The EIR fails to analyze the effect of both total and dissolved metals and pollutants as to
23 bioaccumulation and biomagnification in the aquatic life and benthic macroinvertebrates
24 in the Santa Clara River, the Santa Clara River Estuary, and the Pacific Ocean from the
25 Project's direct and indirect stormwater, wastewater, and dry weather urban discharges.

26 131. The EIR fails to adequately analyze the impacts to water quality and aquatic life in the
27 Santa Clara River, its estuary, and the Pacific Ocean from the increases in pollutant
28 loading into the Santa Clara River from the Project.
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- 132. The EIR fails to analyze whether the synergistic effect of the mixing pot of metals contained in the Project's stormwater, dry weather, and treated and untreated wastewater discharges into the Santa Clara River has sub-lethal or other toxicity effects on all of the threatened and endangered species that utilize the Santa Clara River and its estuary as habitat.
- 133. The EIR fails to analyze the effect of the Project on the pH of the river downstream, or to adopt feasible mitigation measures to reduce the effects of the elevated pH that the project will cause.
- 134. The EIR fails to analyze the Project's impacts on the macroinvertebrate populations of the Santa Clara River running through and downstream of the Project, and to provide for mitigation measures to mitigate the Project's impacts to macroinvertebrate populations to a less than significant effect.
- 135. The EIR fails to adequately analyze the impacts of the Project's wet and dry weather stormwater runoff, either in combination with the Valencia water reclamation plant or alone, on eutrophic conditions, nutrient loading, and nutrient concentrations in the Santa Clara River downstream of the project.
- 136. The EIR fails to identify the Project's significant water quality impacts, including sub-lethal water-quality impacts, to Southern California Steelhead smolt residing in the Santa Clara River estuary, migrating adult steelhead in the Santa Clara River, or migrating steelhead smolt in the Santa Clara River, nor does it provide measures to mitigate those impacts to a less than significant effect.
- 137. The EIR fails to analyze the environmental impacts and water supply impacts of discharging, instead of recycling, the wet weather discharge from the Valencia water reclamation plant that originates in the Project.
- 138. The EIR fails to analyze the sublethal, chronic, and acute toxicity impacts of the Project's wet and dry weather urban runoff, either in combination with the Valencia water

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reclamation plant or alone, on aquatic life in the Santa Clara River and in the Pacific Ocean.

139. The EIR fails to analyze the impacts of the Project's direct and indirect trash discharges into the Santa Clara River on the water quality and wildlife of the Santa Clara River and Pacific Ocean, and fails to mitigate these impacts to a less than significant effect.

140. The EIR fails to provide substantial evidence that the Project's mitigation measures set forth to protect water quality, aquatic life, and ecological resources of the Santa Clara River from the Project's stormwater discharges will be effective in mitigating or avoiding impacts to these resources. On the contrary, substantial evidence set forth by Petitioners and others demonstrates that the Project's stormwater discharge mitigation measures are outdated, ineffective, and unenforceable.

141. The EIR fails to analyze the impacts of aqueous pollutants capable of permeating through the Project's water quality treatment basins on the water quality of the Santa Clara River.

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142. The EIR fails to adopt feasible stormwater mitigation measures that would result in the capture and infiltration of all or most of the runoff created or enabled by the Project, and that would mitigate the Project's impacts from its stormwater discharges on the water quality, aquatic life, and ecological resources of the Santa Clara River to a less than significant impact.

143. The EIR does not provided for adequate mitigation measures that ensure sediment and pollutants from Project construction do not have a significant effect on the water quality and aquatic life of the Santa Clara River and Pacific Ocean.

144. The EIR fails to adopt the Low Impact Development ("LID") mitigation measures required by the Ventura County MS4 Permit, even though the Project will discharge urban runoff into the portion of the Santa Clara River just east of the Los Angeles County-Ventura County Boundary, and thus fails to mitigate the Project's water quality impacts to less than significant levels. These feasible measures would result in the capture of all or most Project runoff.

1 **Hydromodification**

2 145. The EIR fails to adequately identify significant direct, indirect, and cumulative
3 hydromodification impacts to the Santa Clara River aquatic ecosystem and riparian
4 ecosystems downstream of the Project that will be caused by the Project's discharge of
5 urban stormwater runoff during precipitation events.

6 146. The EIR fails to adequately analyze the effects of the Project's large quantity of
7 impervious surfaces on the magnitude and timing of the storm flows in the River, and
8 fails to adopt feasible mitigation measures that are adequate to reduce peak flows to levels
9 at which discharges from the Project will not harm the River.

10
11 147. The EIR fails to adequately analyze the cumulative impacts of the Santa Clarita
12 development projects upon the Santa Clara River corridor. The EIR improperly discounts
13 cumulative impacts by comparing the project's contribution to impacts throughout the
14 watershed.

15 148. The EIR fails to adequately analyze the effects of the Project on the downstream
16 hydrodynamics of the River because it uses an incorrect magnitude for the 100-year
17 flood. The County uses an outdated 1994 flow data set to calculate the effects of a 100-
18 year flood instead of a 2006 Ventura County data set that projects 11% higher flows than
19 the 1994 dataset.

20
21 149. The EIR fails to adequately analyze the effects of the Project on the River's downstream
22 riparian habitat, Ventura County beaches, and the Pacific Ocean from the reduction in
23 sediment replenishment caused by the Project because the EIR's sediment-yield analysis
24 contains a significant flaw. The EIR uses a baseline Project Area sediment yield rate of 410
25 tons per square kilometer per year, derived from the Stillwater Sciences 2007 study. But a
26 proper reading of the Stillwater Study shows that the correct sediment yield rate for the
27 Project is much higher.

28 **Oil Wells and Other Environmental Hazards**

29 150. The EIR inadequately analyzes the potential environmental impacts of building the
30 Project on an abandoned oil field, including the possible effects on human receptors of

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1 soil contaminated with arsenic, hydrogen sulfide, mercury, PAHs, and unknown
2 chemicals potentially used for hydraulic fracturing ("fracking") in the oil wells on the site.

3 151. The EIR provided no reasoned response to the proposal by the Department of
4 Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") that a diligent
5 effort be made to avoid building over any plugged and abandoned oil well, a feasible
6 mitigation measure
7

8 152. Perchloroethylene (PCE, also known as tetrachloroethylene or Perc), which is toxic to
9 humans and a probable carcinogen, was detected on the Project Site in a limited soil-
10 vapor survey performed in April, 2011. Though detected only at low levels, the presence
11 of PCE on the Project Site, which was formerly routinely used to degrease tools and
12 machinery in industrial operations such as oil production, indicates the possible presence
13 of PCE in other locations that were not sampled in the survey. The discussion of PCE
14 contamination and PCE test results were added to the RFEIR and RDEIR at the last
15 minute before the October 25, 2011 Board meeting at which the EIR was certified,
16 depriving the public and responsible agencies of any opportunity to comment upon this
17 significant new environmental information concerning the Project.

18 153. Following the discovery of PCE soil contamination on the former oil field, a much more
19 extensive program of soil testing for PCE and other contaminants associated with PCE
20 use, such as other chemicals used in hydraulic fracturing, should have been undertaken in
21 order to properly evaluate the scope of soil contamination. Failure to undertake this
22 testing was a failure to undertake an adequate investigation of the environmental
23 conditions on the Project Site and the environmental effects of the Project. As a result,
24 there is insufficient information to determine what, if any, mitigations measure might
25 reduce the potentially significant soil contamination to a less than significant level.
26

27 154. Mitigation measures proposed in the EIR for the PCE soil contamination are inadequate
28 since they require merely that "potentially contaminated" soil be tested, should it be
29 encountered, but provide no systematic methodology to ensure that PCE contamination
30 of soil is detected.

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1 *Cultural and Historical Resources*

- 2 155. The EIR fails to identify the historic presence of Chumash and Tataviam Native
3 Americans on the Project Site and fails to disclose and analyze impacts to Chumash and
4 Tataviam Native-American historic, religious, and cultural resources and sites
5 documented in extensive studies and research.
- 6 156. The County failed to adequately survey the site for Native American sites and remains
7 using forensic dogs alone or in combination with ground-penetrating radar. By failing to
8 use available, tried-and-tested, and feasible techniques likely to uncover cultural and
9 historical resources, the County has failed to meet CEQA's good-faith investigatory and
10 disclosure requirements.
- 11
12 157. The County failed to properly consider and meaningfully analyze ethnographic studies
13 and information provided by Tataviam and Chumash Tribal members in surveying the
14 Project Site for sites of cultural and historical significance.
- 15 158. The County's on-the-ground archeological survey for Native American burials and other
16 Native American historic cultural resources was incomplete and not sufficiently
17 comprehensive.
- 18
19 159. The EIR's failure to adequately identify and analyze the Project's impacts to Chumash
20 and Tataviam historic, cultural, and religious resources and sites necessarily means that
21 the EIR fails to provide adequate assessment of mitigation measures for these sites and
22 resources.
- 23 160. The EIR fails to identify and adequately analyze the Project's direct, indirect, and
24 cumulative impacts to Native American cultural and historical resources including Native
25 American village sites, cultural sites, ceremonial sites, burial sites, cultural landscapes,
26 and the condor that were brought to its attention by Petitioner Wishtoyo Foundation's
27 and Mati Waiya's extensive EIR comments.
- 28
29 161. The EIR fails to identify and analyze impacts to significant Native American historic
30 sacred sites that depend on the California Condor's presence.

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- 1 162. The EIR fails to identify and analyze the impact to Chumash and Tataviam religious
2 practices, culture, and spiritual practices due to the Project's localized impacts on the
3 California Condor.
- 4 163. The EIR fails to adequately analyze proposed mitigation measures for the Project's
5 significant impacts on Native American cultural sites and resources.
- 6
7 164. The EIR fails to adequately analyze the Project's impacts on cultural and historical
8 resources, particularly with respect to Native American archaeological sites.
- 9 165. The EIR does not provide an adequate description of, or sufficient information regarding,
10 the Native American historical cultural sites and cultural resources it identifies that would
11 allow for proper evaluation of the Project's impacts on these sites.
- 12
13 166. Among the defects in the analysis of cultural and historical effects is that, after stating that
14 there were prehistoric archaeological sites, the EIR provides no further analysis of the
15 project's impacts to those sites that are located along the Santa Clara River. It is unclear
16 whether it was assumed that the Project would have no effect on sites located along the
17 river within the Project Site.
- 18 167. CEQA Guidelines require that, when there is a likelihood of Native American human
19 remains within the project, as there is here, the lead agency work with the appropriate
20 Native Americans from the time the likelihood of human remains was discovered
21 throughout the drafting of all stages of the EIR and the selection and analysis of adequate
22 mitigation measures. This was not done, and the EIR provides no documentation as to
23 the extent to which the County worked with appropriate Native American stakeholders
24 from both the Chumash and Tataviam tribes throughout the CEQA process.
- 25
26 168. The EIR fails to adequately evaluate whether Native American monitors that adequately
27 represent the presence of all local Native American tribes in the Project area will be
28 present during Project implementation to identify their tribes' burials, villages, and sacred
29 sites.
- 30

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- 1 169. The adopted mitigation measures and conditions of approval fail to require Newhall to
2 adhere to CEQA's procedure for the unanticipated discovery of human remains.
- 3 170. The analysis of proposed mitigation for significant impacts to cultural and historical
4 resources is inadequate.
- 5
- 6 171. The EIR fails to perform an analysis of preservation-in-place mitigation measures for
7 impacts to Native American historical cultural resources as required by CEQA, and fails
8 to select feasible mitigation measures that achieve preservation in place for impacts to
9 Native American historic cultural resources.
- 10 172. The EIR fails to analyze and incorporate sufficient mitigation measures to minimize the
11 Project's significant impacts to Native American cultural and historic resources identified
12 in the EIR. For example, the use of textile matting and fill overlaying Native American
13 sacred, historical, cultural, and religious sites as a mitigation measure is inadequate and
14 improper.
- 15
- 16 173. The mitigation measures proposed do not mitigate the impacts of the project upon
17 cultural and historical resources into insignificance, and there are feasible alternative
18 mitigation measures that were not considered that would do so.

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19 ***Greenhouse Gases and Global Warming***

- 20 174. The EIR fails to adequately analyze the environmental effects of the Project's Greenhouse
21 Gas (GHG) emissions. The EIR improperly uses "compliance with AB 32" as its GHG
22 significance threshold.
- 23
- 24 175. The EIR effectively uses the future business-as-usual scenario as a baseline, when the
25 proper baseline is the existing physical condition of the Site, i.e. zero GHG emissions.
- 26 176. The EIR fails to adequately analyze how the effects of climate change will exacerbate
27 Project impacts.
- 28
- 29 177. The EIR fails to adequately analyze how the effects of climate change will affect the
30 Project, including the effects on the Project of increased flows during high-intensity
storms.

- 1 178. The EIR fails to analyze how global-warming effects will influence peak flood levels.
2
3 179. Mitigation measures for the Project's greenhouse gas emission are vague and deferred.
4 The EIR also fails to consider and adopt additional feasible mitigation measures and
5 alternatives that would further reduce those emissions.

6 **Biological Resources**

- 7 180. The Spineflower Preserve east of Commerce Center Drive would be biologically isolated
8 and therefore unsustainable in the long term. The County failed to adopt feasible
9 measures to mitigate this impact.
10
11 181. The Spineflower Preserves are insufficient in size to preserve the San Fernando Valley
12 Spineflower. The County violated CEQA by not requiring feasible mitigation measures
13 for this significant environmental impact, including larger Spineflower preserves.
14
15 182. The EIR's analysis of the Project's impacts to the San Fernando Valley Spineflower is
16 based on an understanding of the Spineflower's population dynamics that is erroneous
17 and contrary to the available scientific evidence. As a result, the EIR underestimates the
18 Project's impacts to the San Fernando Valley Spineflower.
19
20 183. The Project's impacts on the San Fernando Valley Spineflower are not adequately
21 mitigated, in part because mitigation is based on an incomplete and inadequate
22 understanding of Spineflower ecology.
23
24 184. The EIR fails to analyze the sub-lethal impacts of the Project's discharges of dissolved
25 copper on juvenile Southern California Steelhead, and fails to adopt feasible measures to
26 mitigate these impacts.
27
28 185. The EIR fails to analyze Project-related impacts to rare species of *Helminthoglypta*
29 (shoulderband snails) found onsite, and fails to adopt feasible measures to mitigate those
30 impacts.
31
32 186. The EIR fails to adequately analyze the effects of trace concentrations of metals
33 contributed to the River flow by Project-related urban runoff on sensitive biological
34 receptors, and fails to adopt feasible measures to mitigate these effects.

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1 187. The EIR relies on unproven and ineffective measures to mitigate the Project's permanent
2 and temporary impacts to natural vegetation and plant communities including, among
3 other things, re-vegetation of filled portions of the Santa Clara River floodplain and the
4 buried bank stabilization structures.

5 188. The EIR fails to provide adequate and effective compensatory mitigation for the Project's
6 impacts to the Santa Clara River and its tributary streams. On the contrary, the Project
7 will result in the permanent, unmitigated loss of ecological functions due to fill and other
8 modifications of the Santa Clara River and its tributary streams.

9
10 189. The EIR's conclusion that the Project will have a less than significant effect on wildlife
11 movement is not supported by substantial evidence. On the contrary, the Project will
12 result in a significant, unmitigated impact on wildlife movement due to, among other
13 things, the conversion of miles of tributary streams to buried storm drains, the
14 constriction of the Santa Clara River channel and floodplain, the elimination of natural
15 vegetation and plant communities, the construction of the Project.

16 190. The EIR fails to disclose and evaluate the Project's direct, indirect, and cumulative
17 impacts to the California Condor. On the contrary, when Petitioners submitted evidence
18 that the Project area and Newhall Ranch site showed far more use by California Condors
19 than disclosed in the Draft EIR, the EIR failed to alter its analysis of the Project's effects
20 on condors.

21
22 191. The EIR fails to adequately consider Project impacts on a large number of special-status
23 plants and wildlife, and fails to provide adequate and feasible mitigation to reduce those
24 impacts to less-than-significant levels.

25 ***Cumulative Impacts***

26 192. The EIR does not provide a complete and accurate analysis of the Project's cumulative
27 impacts, including cumulative impacts associated with other projects approved in the
28 Santa Clara River watershed. In particular, the EIR fails to account for the impacts of the
29 Natural River Management Plan ("NRMP"), the long-term failure of many of the
30

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1 NRMP's mitigation measures, violations of the NRMP's terms and conditions, and the
2 lack of enforcement of these terms and conditions by state, federal, and local agencies.

3 **Land Use**

4 193. The mitigation measures as approved do not include the dedication of one third of the
5 Newhall High Country to an appropriate joint powers authority, as required, since the
6 Project includes over 2,000 dwelling units.

7
8 194. The EIR fails to properly analyze environmental effects relating to the proposed utility
9 corridor, and fails to provide a sufficient description of the current state of the utility
10 corridor and the physical changes that would be made in this large area of land as a result
11 of the Project.

12 **Failure to Consider a Reasonable Range of Alternatives**

13 195. The EIR uses an impermissibly narrow set of Project objectives to evaluate alternatives,
14 resulting in the rejection of otherwise feasible alternatives. Under this methodology, only
15 the Project proposed by the Applicant and minor variations thereon, are capable of
16 meeting the stated objective. The EIR fails to analyze and consider reasonable alternatives
17 proposed in submitted comments.

18
19 196. The EIR fails to analyze and consider feasible alternative mitigation measures proposed in
20 comments.

21 **Inadequate Response to Comments**

22 197. The County failed to respond adequately to comments submitted by Petitioners, experts,
23 other members of the public, and other agencies. Instead, the responses given to
24 numerous comments regarding the Project's impacts on water supply, water quality,
25 hydromodification, climate change, air quality, biological resources, cultural resources,
26 traffic, and public safety, mitigation measures, and alternatives are conclusory, evasive,
27 confusing, or otherwise non-responsive, contrary to the requirements of CEQA. In
28 addition, the County failed to provide an adequate rationale for rejecting alternatives to
29 the Project proposed by Petitioners. By failing to provide adequate responses to public
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comments and proposed alternatives, the County failed to proceed in the manner required by law.

Failure to Summarize Documents Incorporated by Reference

198. The EIR incorporates numerous documents by reference, e.g. on page 4.2-3, but does not summarize or describe them, and does not describe the relationship between the incorporated part of the referenced document and the EIR, as required by CEQA.

Findings Not Supported by Substantial Evidence

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

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The EIR Must be Set Aside

200. As a result of the foregoing defects, the County prejudicially abused its discretion by certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon. Accordingly, the County certification of the EIR and approval of the Project must be set aside.

1 **Prayer for Relief**

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

- 3 1. For alternative and peremptory writs of mandate commanding the County:
- 4 a. to vacate and set aside its' certification of the final EIR for the Project, State
- 5 Clearinghouse No. 2005051143.
- 6
- 7 b. to vacate and set aside approval of the Project, including Vesting Tentative Tract
- 8 Map No. 61105-(5), Conditional Use Permit No. RCUP 2005-0080-(5), Conditional
- 9 Use Permit No. RCUP 2005-0081-(5), Oak Tree Permit Number 2005-0032-(5), Oak
- 10 Tree Permit Number 2005-0043-(5), Parking Permit No. 2005-00011-(5), and
- 11 Substantial Conformance Review Number 2010-0001-(5);
- 12
- 13 c. to prepare and certify a legally adequate EIR for the Project;
- 14
- 15 d. to suspend any and all activity pursuant to the County's approval of the Project, that
- 16 will prejudice the consideration or implementation of particular mitigation measures
- 17 or alternatives, until the County has complied with all requirements of the California
- 18 Environmental Quality Act, the California Planning and Zoning Law, the Subdivision
- 19 Map Act, and all other applicable state and local laws, policies, ordinances, and
- 20 regulations as are directed by this Court pursuant to Public Resources Code section
- 21 21168.9;
- 22 2. For a declaration that the County's actions in approving the Project violated CEQA, and
- 23 the California Planning and Zoning Law, and the Subdivision Map Act, as set forth above;
- 24 3. For a temporary restraining order, preliminary injunction, and permanent injunction
- 25 prohibiting Newhall, its agents, employees, officers, and representatives, from taking any
- 26 action to implement the Project pending the County's full compliance with all
- 27 requirements of the California Environmental Quality Act, the California Planning and
- 28 Zoning Law, the Subdivision Map Act, and all other applicable state and local laws,
- 29 policies, ordinances, and regulations;
- 30 4. For costs of suit;

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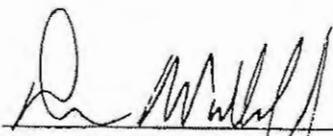
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- 5. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and other provisions of law; and
- 6. For such other and further relief as the Court deems just and proper.

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Dated: June 12, 2012

Respectfully Submitted,
by Advocates for the Environment, Inc.



Dean Wallraff, Attorney for Petitioners and Plaintiffs, California Native Plant Society, Friends of the Santa Clara River, Santa Clarita Organization for Planning and the Environment, Center for Biological Diversity, Wishtoyo Foundation and its Ventura Coastkeeper Program

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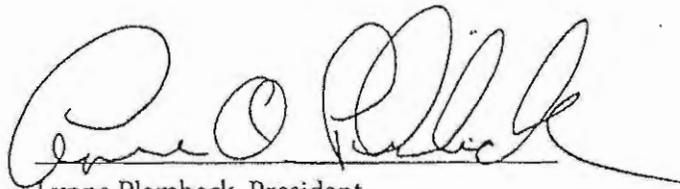
Verification

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

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

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

Executed on June 12, 2012 at Los Angeles, California.



Lynne Plambeck, President
Santa Clarita Organization for Planning and the
Environment

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June 12, 2012

Advocates for the Environment

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



Executive Officer, Board of Supervisors
Los Angeles County
Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012

via U.S. Mail

To the County of Los Angeles and the Los Angeles County Board of Supervisors:

This firm represents California Native Plant Society, Friends of the Santa Clara River, Santa Clarita Organization for Planning and the Environment ("SCOPE"), the Center for Biological Diversity, and the Wishtoyo Foundation and its Ventura Coastkeeper Program ("Petitioners").

This letter constitutes notice, under California Public Resources Code section 21167.5, that Petitioners intend to file a petition under the provisions of the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA"), against respondents County of Los Angeles and the Los Angeles County Board of Supervisors, challenging their approvals of entitlements related to the Mission Village Project (the "Project") and their certification of the EIR for the Project.

This action is based on respondents' failure to comply with CEQA, and failure to comply with the State Planning and Zoning Law and the Subdivision Map Act, in approving the Project and certifying the associated EIR.

Advocates for the Environment

A handwritten signature in black ink that reads "Dean Wallraff". The signature is fluid and cursive.

By: Dean Wallraff
Attorney for Petitioners

17-1

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P.O. Box 4242, Sunland, CA 91041

(818) 679-3141

info@aenv.org

Proof of Service

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

On June 12, 2012 I served a true and correct copy of a

Notice of Commencement of CEQA Action

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

Executive Officer, Board of Supervisors
Los Angeles County
Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012

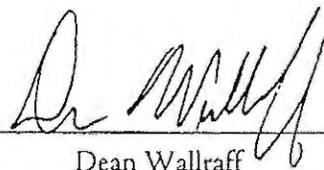
By REGULAR US POSTAL SERVICE MAIL to the offices of the addressees. In accordance with Code of Civil Procedure section 1013(c) as follows: I am readily familiar with this firm's practice of collection and processing correspondence for mailing via U.S. Mail. Under that practice the correspondence will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

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

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

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

Date: June 12, 2012



Dean Wallraff

June 12, 2012

Advocates for the Environment

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



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

To the Attorney General of the State of California:

This firm represents California Native Plant Society, Friends of the Santa Clara River, Santa Clarita Organization for Planning and the Environment ("SCOPE"), the Center for Biological Diversity, and the Wishtoyo Foundation and its Ventura Coastkeeper Program ("Petitioners").

PLEASE TAKE NOTICE, under Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that on June 13, 2012 Petitioners will file a petition for writ of mandate against the County of Los Angeles and the Los Angeles County Board of Supervisors in Los Angeles County Superior Court.

The petition alleges that the County of Los Angeles and the Los Angeles County Board of Supervisors violated the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") by approving an inadequate EIR for the Mission Village project, and by approving the EIR in a manner inconsistent with the provisions of CEQA.

A copy of the petition is included with this notice.

Advocates for the Environment

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

By: Dean Wallraff
Attorney for Petitioners

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Notice of Determination

Appendix D

To:
Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

From:
Public Agency: LA County Regional Planning
Address: 320 W Temple St, 13th Floor Los Angeles, CA 90012
Contact: Samuel Dea
Phone: (213) 974-4808

County Clerk
County of: Los Angeles Environmental Findings
Address: 12400 E. Imperial Hwy., #1101 Norwalk, CA 90650

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2005051143

17-1

Project Title: Mission Village Project No. 04-181-(5); (For complete title see attached page)

Project Applicant: Newhall Land and Farming Co.

Project Location (include county): Unincorporated Los Angeles County (see attached page)

Project Description:

Please see attached page

ORIGINAL FILED

MAY 15 2012

LOS ANGELES, COUNTY CLERK

- 1. The project [X] will [] will not have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [X] was [] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

320 W. Temple Street, Room 1362, Los Angeles, CA 90012

Signature (Public Agency): [Signature] Title: Supervising Regional Planner

Date: May 15, 2012 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

3

Revised 2011

06/13/12

Mission Village

Project Title: Mission Village Project No. 04-181-(5), Vesting Tentative Tract Map No. 061105, Conditional Use Permit No. 200500080, Conditional Use Permit No. 200500081, Parking Permit No. 200500011, Oak Tree Permit No. 200500032, Oak Tree Permit No. 200500043, Substantial Conformance Review No. 201000001, and Environmental No. 04-181.

Project Location: The Mission Village tract map site is located in Los Angeles County, south of the Santa Clara River and State Route 126 (SR-126), and west of Interstate 5 (I-5).

Project Description: The proposed Mission Village project is the first development phase within The Mesas portion of the Newhall Ranch Specific Plan. The Mission Village tract map site is on 1,261 acres. An additional 592.8 acres outside of the tract boundary and will be developed to provide several project-related improvements. The project consists of 4,055 residences (351 single-family homes, and 3,704 multi-family units), 1,555,100 square feet of commercial/mixed-uses, an elementary school, fire station, public library, bus transfer station, parks, public and private recreational facilities, trails, and road improvements would be permitted. Other land uses include spineflower preserves in the northeastern portion of the site, roads (including the Commerce Center Drive Bridge and southerly abutment), trails, drainage improvements, flood protection (including buried bank stabilization within and adjacent to the Santa Clara River), potable and reclaimed water systems, a sanitary sewer system, and dry utility systems.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address):
Dean Wallraff (SBN 275908)
Advocates for the Environment
10211 Sunland Blvd.
Shadow Hills, CA 91040-1739
TELEPHONE NO.: (818) 353-4268 FAX NO.: (888) 845-1153
ATTORNEY FOR (Name): California Native Plant Society et al.

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUN 13 2012

John A. Chute, Executive Officer/Clerk
BY [Signature] Deputy
Shounya Wesley

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 N.Hill St.
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
California Native Plant Society v. County of Los Angeles

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)
Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
BS138001
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|--|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input checked="" type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|--|

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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
 4. Number of causes of action (specify): 2
 5. This case is is not a class action suit.
 6. If there are any known related cases, file and serve a notice of related case (You may use form CM-015.)

Date: June 12, 2012
Dean Wallraff
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE:

California Native Plant Society v. County of Los Angeles

CASE NUMBER

BS188001

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 1 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration:

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

California Native Plant Society v. County of Los Angeles

CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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California Native Plant Society v. County of Los Angeles

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8.	
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

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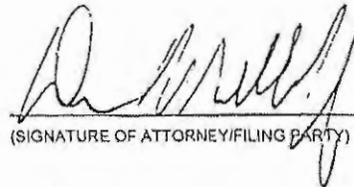
CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input checked="" type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 23823 Valencia Blvd., Valencia, CA 91355
CITY: Valencia	STATE: CA	ZIP CODE: 91355

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: June 12, 2012


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

06/13/12