

**Draft Responses to Comment Letter BB**

**The Endangered Habitats League**

**Dan Silver, MD**

**March 18, 2013**

	<b>Comment</b>	<b>Response to Comment</b>
<b>BB -1</b>	<p>The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) that was prepared for the County proposed General Plan Amendment on about 75,000 acres of backcountry land previously zoned under the Forest Conservation Initiative (FCI). For your reference, EHL is Southern California’s only regional conservation group. For over a dozen years, EHL worked collaboratively with the County and other stakeholders to develop a truly sustainable General Plan that accommodates growth while reducing public infrastructure costs and increasing conservation of San Diego’s world-class biodiversity and scenic landscapes.</p>	<p>This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.</p>
<b>BB -2</b>	<p>EHL submits that the proposed Project would create numerous significant adverse impacts that could be substantially lessened or avoided by adoption of the environmentally superior, Modified Project alternative. As is explained in detail below, the California Environmental Quality Act (CEQA) contains a substantive mandate precluding adoption of a Project where feasible alternatives that achieve most project purposes and which avoid or substantially lessen significant environmental impacts exist. Because the environmentally superior Modified Project meets these tests, the County has no substantial evidence that no such alternative exists. It therefore cannot make the necessary findings that are a predicate to approve a Project</p>	<p>The County agrees that the proposed Project would potentially result in numerous significant environmental impacts; and that the Modified Project Alternative would lessen potential impacts. As described in the introduction to these responses to comments (Pages ii-iii), a Staff Recommendation alternative has been prepared in response to these and many other comments received during public review of the Draft SEIR. The Staff Recommendation, which will be presented to the decision makers for consideration, would reduce potential impacts compared to the Proposed Project. Ultimately, the County Board of Supervisors will determine which project alternative will best meet the objectives of the project.</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	with significant impacts via a finding of overriding considerations.	
<b>BB -3</b>	Indeed, the SEIR acknowledges that the Modified Project’s reduced development intensity results in less modification of the landscape, “thus decreasing environmental impacts in <i>all</i> issue areas evaluated.” (SEIR at p. S-7, emphasis added.) Moreover, because this alternative <i>fully</i> meets all Project objectives and in most cases <i>better</i> than the proposed Project –and no substantial evidence exists to support a contrary conclusion –CEQA <i>requires</i> its adoption in lieu of the proposed Project.	The County agrees that the Modified Project Alternative reduces potential impacts when compared to the Proposed Project. While all of the project alternatives meet most of the basic objectives of the project, a determination has not yet been made regarding which alternative best meets the objectives. The decision makers for the project (Planning Commission and Board of Supervisors) will determine which project alternative best meets the project objectives.
<b>BB -4</b>	In the discussion below, we briefly summarize the stated Project objectives, the Project and environmentally superior Modified Project, the comparative impacts, and finally an evaluation of the uncontroverted evidence showing the Modified Project’s superior ability to meet the Project objectives as compared with the Proposed Project.	The County appreciates the detailed analysis outlined in this comment and has provided specific responses below.
<b>BB -5</b>	<b>Project Objectives</b>  The Project objectives are the same as those of the County of San Diego General Plan: <ul style="list-style-type: none"> <li>• Support a reasonable share of projected regional population growth;</li> <li>• Promote sustainability by locating new development near existing infrastructure, services, and jobs;</li> <li>• Reinforce the vitality, local economy, and individual character of existing communities while balancing housing, employment, and recreational opportunities;</li> <li>• Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance;</li> <li>• Ensure that development accounts for physical</li> </ul>	The County agrees that objectives listed in this comment are the objectives of the proposed FCI Lands GPA.

## Draft Responses to Comments

	Comment	Response to Comment
	<p>constraints and the natural hazards of the land;</p> <ul style="list-style-type: none"> <li>• Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns;</li> <li>• Maintain environmentally sustainable communities and reduce greenhouse gas (GHG) emissions that contribute to climate change;</li> <li>• Preserve agriculture as an integral component of the region's economy, character, and open space network;</li> <li>• Minimize public costs of infrastructure and services and correlate their timing with new development; and</li> <li>• Recognize community and stakeholder interests while striving for consensus.</li> </ul>	
<b>BB -6</b>	<p>As is explained in detail below, every single one of these objectives is better or equally met by the Modified Project Alternative.</p>	<p>The County appreciates and acknowledges this comment. At this time, the County has not made a determination regarding which project alternative best meets project objectives. See also responses to comments BB-2 and BB-3 above.</p>
<b>BB -7</b>	<p>Nearly 1,110 additional dwelling units over the development quantity assumed in the 2011 General Plan Update would be added by the Project. Virtually all of these units would be spread out over the landscape in remote locations including the Alpine, Central Mountain, Jamul/Dulzura, North Mountain, and Mountain Empire subregions. All of the affected 75,000 acres are located east of the County Water Authority line, and distant from infrastructure, services, public safety resources, and jobs. Indeed, a good portion of the FCI lands are in the most rugged, inaccessible areas in the County.</p>	<p>The County generally agrees with the commenter's assessment of the FCI lands (i.e., they are primarily located in remote areas, outside of the County Water Authority boundary, distant from infrastructure and services). The information in this comment is not inconsistent with the existing content in the Draft SEIR.</p>
<b>BB -8</b>	<p>According to the SEIR, the Project would produce numerous significant unavoidable impacts. These include on Visual Character or Quality, Light or Glare, Direct Conversion of Agricultural Resources, Indirect Conversion of Agricultural</p>	<p>The County agrees with the statements in this comment, which are not inconsistent with the analysis in the SEIR.</p>

**Draft Reponses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	Resources, Direct and Indirect Loss or Conversion of Forestry Resources, Air Quality Violations, Non-Attainment Criteria Pollutants, Sensitive Receptors, Special Status Species, Riparian Habitat and Other Sensitive Natural Communities, Wildlife Movement Corridors and Nursery Sites, Wildland Fires, Water Quality Standards and Requirements, Groundwater Supplies and Recharge, Mineral Resources Recovery Sites, Permanent Increase in Ambient Noise Level, Public Services, Schools and Libraries, Traffic and LOS Standards, Rural Road Safety, and Sufficient Landfill Capacity.	
<b>BB-9</b>	Only if no feasible alternatives meeting most Project objectives exist may the Project be approved consistent with CEQA.	The County generally agrees with this comment. In addition it should be noted that the County, as lead agency, may determine alternatives to be infeasible when they fail to satisfy basic project objectives and/or policy objectives. <i>California Native Plant Society v. City of Santa Cruz</i> (2009) 177 Cal.App.4th 957.
<b>BB -10</b>	Notable among the changes in the Alpine sub-region is an expansion of the village at urban densities around the Viejas reservation. This change is profound because it will involve the expansion of urban infrastructure further into the backcountry.	The County agrees with this comment and acknowledges that urban densities are proposed to the east of the Viejas casino, outlet mall and hotel. The densities being proposed will require an expansion of water and sewer infrastructure services.
<b>BB -11</b>	The draft amended Community Plan for Alpine states: “Expansions of imported water and sanitary sewer services are necessary to accommodate the increased land use intensities identified on the Alpine General Plan land use map. More specifically, both imported water and sewer services are necessary to fully realize the land use intensities allowed by the Village Core Mixed Use designated areas along Willows Road east of Viejas and imported water are necessary to realize the increased densities south of Alpine Boulevard between the West and East Willows Road	The County agrees with the statements in this comment, which are not inconsistent with the analysis in the SEIR.

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
<b>BB-12</b>	<p>interchanges with Interstate 8.” (FCI Appendix A at p. 9.)</p> <p>It is noteworthy that the growth inducing service expansions in Alpine in the proposed Project have not been analyzed in the SEIR in violation of CEQA. (See CEQA Guidelines Section 15126.2[d].) Rather, the SEIR states that “potential growth inducing effects for development on these [FCI] lands were previously evaluated in the General Plan Update Program EIR. The findings of the growth induction analysis in the General Plan Update remain applicable to the proposed Project.” (SEIR at p. 3-2.) The SEIR overlooks the fact that the new village and associated water and sewer infrastructure extensions were not a part of the Project in the Update PEIR, and therefore were not analyzed in that document.</p>	<p>The County disagrees that the analysis of growth inducement in the draft SEIR is in violation of CEQA. On Pages 3-1 to 3-2, the draft SEIR also states:</p> <p>“While the proposed Project would not result in unplanned growth, it would be considered growth inducing, similar to buildout of the General Plan, because it would accommodate an increase in population growth within the unincorporated County, as compared to existing conditions. The Project proposes land use designations that would allow for construction of new housing and other uses that would result in future growth in areas that may be constrained by a lack of infrastructure. The CEQA Guidelines state that the environmental effects of induced growth are considered indirect impacts of a project and may be considered significant, adverse environmental impacts.”</p> <p>Although the above statements make clear that the FCI Lands GPA project would result in growth-inducing impacts, the County agrees that the subsequent statements of the draft SEIR were misleading. As noted in the comment, the language in the draft SEIR suggests that proposed Project impacts were covered by the General Plan Update Program EIR. It was the County’s intent to simply refer the reader back to the detailed discussions regarding growth-inducing impacts described in the General Plan Update PEIR such as direct population growth, employment growth, and removing obstacles to growth.</p> <p>Based on this comment, Section 3.1 (Page3-2) of draft SEIR has been revised as follows:</p>

**Draft Responses to Comments**

	Comment	Response to Comment
		<p>“The Project proposes land use designations that would allow for construction of new housing and other uses that would result in future growth in areas that may be constrained by a lack of infrastructure. <u>For example, buildout of the Village Core Mixed Use and Rural Commercial designations proposed in the Alpine CPA would eventually require extension of water and sewer services from the west and has the potential to indirectly induce growth where development was previously constrained by reliance on groundwater and septic systems.</u> The CEQA Guidelines state that the environmental effects of induced growth are considered indirect impacts of a project and may be considered significant, adverse environmental impacts.</p> <p><del>Although the proposed Project would result in revisions to the existing General Plan land use designations on the former FCI lands, potential growth inducing effects for development on these lands were previously evaluated in the General Plan Update Program EIR. The findings and discussion of the growth induction analysis in the General Plan Update Program EIR remain applicable to the proposed Project. The information as provided in the General Plan Update Program EIR applies equally to the proposed Project, and is therefore not repeated here. Potential environmental impacts of growth are discussed in Sections 3.1.1 Direct Population Growth; 3.1.2, Employment Growth; Removing Obstacles to</del></p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		Growth; and, Environmental Impacts of Population Growth, of the General Plan Update Program EIR.”
<b>BB-13</b>	The County therefore cannot rely on its analysis of growth-inducing impact. (see <i>City of Antioch v. City Council</i> (1986) 187 Cal.App.3d 1325, 1337-1338 [construction of sewer generates indirect impacts by providing a catalyst for further development in the immediate area that must be analyzed in an EIR].)	<p>The County agrees that construction of sewer generates indirect impacts by providing a catalyst for further development in the immediate area that must be analyzed in an EIR. However, the County does not agree that the findings of the cited case apply to this situation. In <i>City of Antioch v. City Council</i> (1986), the lead agency had adopted a negative declaration and had deferred analysis of growth-inducing impacts that may result from a road that was yet to be defined in location and length. The Plaintiff and Appellant had “fairly argued” that an EIR needed to be prepared.</p> <p>For the FCI Lands GPA, the County has prepared an EIR and has acknowledged within the document that growth-inducing impacts will potentially result (see also response to comment BB-12 above).</p>
<b>BB-14</b>	In addition, much of the rugged former FCI lands would go from lower to higher density rural and various semi-rural densities. There are some locations where the semi-rural designations make sense due to existing parcelization. In other areas, however, intact parcels of 40 and 80 acres and larger are being designated at higher rural and semi-rural densities (for example in Alpine). In comments on the NOP for the Project, EHL articulated several examples of such density increases:	From this comment, it is not clear what the baseline is for the statements asserting that FCI lands would go from lower to higher densities. As described in the No Project Alternative in draft SEIR Chapter 4, these lands reverted back to pre-FCI General Plan designations on December 31, 2010. As such, current densities on these lands are generally higher than proposed densities; and they are higher than the densities that were in effect during the life of the Forest Conservation Initiative. The analysis in the draft SEIR did not use either the current densities or the densities of the Initiative as a baseline. Rather, the SEIR analyzed the impacts of the Proposed Project in comparison to existing physical conditions (i.e., what is on the ground today).

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		<p>County staff evaluated all Notice of Preparation (NOP) comments and attended community group meetings to gather input on the FCI Lands GPA. Through this process, a Draft Plan was prepared as the Proposed Project in the SEIR, and a reasonable range of reduced alternatives was prepared for comparisons in Chapter 4 of the SEIR.</p> <p>Based on comments received during public review of the SEIR, a Staff Recommendation Alternative has been prepared that reduces impacts compared to the Proposed Project while still meeting most of the basic project objectives. In some areas, primarily in Alpine, the Staff Recommendation still proposes increased densities compared to existing land use designations. The Staff Recommendation will be presented to the decision makers for consideration.</p>
<b>BB-15</b>	<p><b>Alpine:</b> The area of 1:10 south of Abrams Ridge should change to 1:20.</p>	<p>This comment is referring to 17 parcels designated Semi-Rural 10 in the Draft Plan, located south of the Rancho Palos Verde area of Alpine along Japatul Road. For reference, this Area of Consideration has been named “AL-10” in the staff report for the Staff Recommendation and has been highlighted as an area for discussion during the upcoming public hearing process.</p> <p>These 17 parcels range in size from 1.9 to 30 acres for a total of 251.6 acres. Due to the existing parcel sizes, the proposed SR-10 designation makes sense for this area. However, the County staff working group that formulated the Staff Recommendation for AL-10 found that the RL-40 designation should be applied since National Forest Lands surround most of the area.</p> <p>While County staff will be recommending the lower density</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		of one dwelling unit per 40 acres for AL-10, the final determination will ultimately be made by the County Planning Commission and County Board of Supervisors.
<b>BB-16</b>	South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80 rather than 1:10. Note: This last area may be in Descanso. Note: There are two “Old Ranch” roads in different parts of the map.	<p>This comment is referring to six 40- or 80-acre parcels designated as Semi-Rural 10 in the Draft Plan/Proposed Project, south of the Viejas Reservation in the Alpine Community Planning Area. For reference, this Area of Consideration has been named “AL-7” in the staff report for the Staff Recommendation and has been highlighted as an area for discussion during the upcoming public hearing process.</p> <p>The SR-10 designation makes sense for these properties because they are adjacent to SR-4 designations to the north. This would be in keeping the Community Development Model of the General Plan. However, the County staff working group that formulated the Staff Recommendation for AL-7 found that the RL-40 designation should be applied based on the environmental constraints of the area.</p> <p>While County staff will be recommending the lower density of one dwelling unit per 40 acres for AL-7, the final determination will ultimately be made by the County Planning Commission and County Board of Supervisors.</p>
<b>BB-17</b>	<b>Lake Morena/Campo:</b> The “square” immediately south of the town center, labeled SR-10, should be RL-20.	This comment is referring to parcels totaling 85 acres located approximately 1,100 feet from the Lake Morena Village. Under the proposed project these parcels are designated Semi-Rural 10. For reference, this Area of Consideration has been named “LM-1” in the staff report for the Staff Recommendation and has been highlighted as an area for discussion during the upcoming public hearing process.

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		<p>The SR-10 designation makes sense for these properties because they have minimal constraints and are located near the Lake Morena Village. This would be in keeping the Community Development Model of the General Plan.</p> <p>However, the County staff working group that formulated the Staff Recommendation for LM-1 found that the very large parcels located adjacent to National Forest Lands and away from the access road should be RL-20 as requested in this comment.</p> <p>While County staff will be recommending the lower density of one dwelling unit per 20 acres for part of LM-1, the final determination will ultimately be made by the County Planning Commission and County Board of Supervisors.</p>
<b>BB-18</b>	<p><b>Descanso:</b> The area around Verna Road should be 1:20 rather than 1:10.</p>	<p>This comment is referring to 16 parcels ranging in size from five to 25 acres and proposed to be Semi-Rural 10 under the Proposed Project. For reference, this Area of Consideration has been named “DE-3” in the staff report for the Staff Recommendation and has been highlighted as an area for discussion during the upcoming public hearing process.</p> <p>Since Semi-Rural 10 is a slope-dependent category. As such, the subject parcels would not be further subdivided under the Semi-Rural 10 designation. Since a lower density would not reduce environmental impacts, the County staff working group that formulated the Staff Recommendation for DE-3 has retained the SR-10 designation in the Staff Recommendation alternative. The SR-10 designation is consistent with the Descanso CPG request for this area. The Planning Commission and Board of Supervisors will consider this information and will ultimately make the final decision</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		regarding which land use designation to apply.
<b>BB-19</b>	The area around Old Ranch, South Forty, Campbell Ranch, and Granite Vista should be 1:20 rather than 1:10.	<p>This comment is referring to 37 parcels ranging in size from approximately one to 49 acres located in the southeastern portion of the Descanso Planning Area adjacent to the Interstate 8 on-ramp at Japatul Valley Road. For reference, this Area of Consideration has been named “DE-2” in the staff report for the Staff Recommendation and has been highlighted as an area for discussion during the upcoming public hearing process.</p> <p>Under the Semi-Rural 10 designation, only three of these parcels would have further subdivision potential. And under the Rural Lands 20 designation, only the 49-acre parcel would be able to subdivide.</p> <p>Based on County staff’s analysis, the RL-20 designation would not substantially reduce potential impacts. As such, the County does not agree with the commenter’s request for RL-20. The Descanso Planning Group’s request for SR-10 on these properties will be retained in the Staff Recommendation alternative. The Planning Commission and Board of Supervisors will consider this information and will ultimately make the final decision regarding which land use designation to apply.</p>
<b>BB-20</b>	South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80. (Note: This last area may be in Alpine.)	This comment appears to be referring to the same area as comment BB-16, which is located in the Alpine Community Planning Area and is identified as “AL-7” in the staff report for the Staff Recommendation.
<b>BB-21</b>	North Mountain: On the inset map, lands northeast of the village should be RL-20 or RL-40 rather than SR-10.	This comment is referring to an approximate one-square mile area northeast of the primary village on Palomar Mountain. For reference, this Area of Consideration has been named “NM-2” in the staff report for the Staff Recommendation and

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		<p>has been highlighted as an area for discussion during the upcoming public hearing process.</p> <p>The SR-10 designation is appropriate for this area due to the existing parcelization. Most of the parcels in NM-2 could not further subdivide under the Semi-Rural 10 designation; however, approximately seven parcels are large enough to subdivide under SR-10 even with the slope-dependent density requirements.</p> <p>Since a reduction in density may reduce potential impacts for a portion of the site, the County partially agrees with this comment. As such, the County staff working group that formulated the Staff Recommendation for NM-2 has retained the SR-10 designation for all but six parcels located in the southwest portion of the area. Those six parcels are recommended for RL-40, which is consistent with adjacent lands to the south and west.</p> <p>While County staff will be recommending the lower density of one dwelling unit per 20 acres for part of NM-2, the final determination will ultimately be made by the County Planning Commission and County Board of Supervisors.</p>
<p><b>BB-22</b></p>	<p>Notably, neither the SEIR nor draft FCI Plan (Appendix A) articulates any planning rationale or rationale based on the Guiding Principles for these shifts to semi-rural in the backcountry.</p>	<p>The County agrees that planning rationale in support of the Proposed Project was not explicitly provided in the SEIR or Appendix A. Such rationale is not required as part of the SEIR. However, extensive planning work and public outreach was conducted in the development of the Proposed Project.</p> <p>The County does not agree with the commenter’s characterization of the project (or components of the project)</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		<p>as a “shift to semi-rural.” These lands were planned as semi-rural lands under the former General Plan, then restricted to 40-acre lot size minimums under the Forest Conservation Initiative in 1993, and then returned back to semi-rural densities again in 2010. County staff worked with stakeholders throughout the project area to ascertain what designations would be appropriate to propose in this GPA. In some cases, semi-rural categories are appropriate based on existing uses, existing parcel sizes, proximity to infrastructure and utilities, and based on the planning principles in the County’s General Plan. However, the County continues to work with all stakeholders to develop the best and most consistent land use recommendations for this project.</p> <p>For areas of consideration where there is much disagreement about what land use designations are best, staff has prepared recommendations with supporting rationale. These detailed analyses will be presented to decision makers as the Staff Recommendation alternative for their consideration.</p> <p>In addition, rationale is provided in these responses to comments when the Staff Recommendation differs from the recommendations expressed in the comments. These responses to comments will be in the Final SEIR for review and consideration by the decision makers.</p>
<b>BB-23</b>	Nor is there any response in the SEIR to the compelling planning rationales EHL articulated in its comments on the NOP for maintaining low rural densities in these remote, rugged areas. For this reason, EHL repeats it here:	The County did consider the NOP comments submitted by EHL during the preparation of the SEIR and the Draft Plan. The Draft Plan/Proposed Project and the reasonable range of alternatives were all developed based on the project

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
		objectives and public input. As intended with the CEQA process, the County is also considering all of the comments received during the draft SEIR comment period and striving to address them in these responses and in the Staff Recommendation alternative.
<b>BB-24</b>	<p>“Forest inholdings are generally remote locations, removed from urban services and urban infrastructure, with high ecological integrity and high fire risk. Therefore, intensities of use (as reflected in assigned densities) should be at the lowest levels the Land Use Element allows, consistent with underlying parcelization. In other words, the number of potential new parcels should rarely increase above the baseline number of parcels, and then only in locations already substantially committed to such parcelization, so as to avoid “spot zoning.” Mere adjacency to areas of existing higher density, or proximity to a roadway, is not sufficient rationale for up-planning. The needs to reduce fire hazard, preserve the environmental, and reduce service costs remain paramount. The current General Plan’s limits of estate, semi-rural, and village development should be respected. Absent a demonstrable objective need to increase the housing capacity of the General Plan, there should be no expansion of Village or Semi-Rural densities into the former FCI lands. A density of 1:40 or less dense should be the default unless unique circumstances compel otherwise.” (EHL NOP Comments, Appendix B at p. 36.)</p> <p>No “unique circumstances” grounded in the Guiding Principles have been articulated in the Project or the accompanying SEIR to justify these departures. To the contrary, they undermine the Guiding Principles’ emphasis on reducing the amount of far-flung development in biologically sensitive high-fire risk areas distant from</p>	<p>It is not clear what is meant by “departures” in this comment. However, it seems that it may refer to departures from the commenter’s recommendation of having a one dwelling unit per 40 acres (1du/40ac) density as the “default” designation. The County did not use this type of an approach. The 1du/40ac density was imposed by the Forest Conservation Initiative and was not based on the planning principles of the 2011 updated General Plan. The County developed the Draft Plan/Proposed Project through application of the General Plan principles and policies, as well as through substantial input from stakeholders. The Draft Plan/Proposed Project is an attempt to balance the environmental issues noted in this comment with the need for future development. The Staff Recommendation alternative goes a step further and attempts to refine the FCI Lands GPA based on public comments received in response to the environmental analysis in the draft SEIR.</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	infrastructure, jobs and services.	
<b>BB-25</b>	<p><b>The Environmentally Superior Modified Project Alternative</b></p> <p>The Modified Project alternative is less intensive than the proposed Project and would result in less environmental impacts. This alternative would support build-out of approximately 4,817 residential dwelling units, or approximately 382 less than the proposed Project. When compared to the proposed Project, this alternative would primarily involve the re-designation of semi-rural lands (SR-10) and rural lands (SR-20) to the lowest density rural land use designations allowed by the General Plan (SR-40 and SR-80), thereby increasing the amount of rural lands by 4,282.03 acres as compared to the proposed Project.</p>	The County agrees with the statements in this comment, which are not inconsistent with the analysis in the SEIR.
<b>BB-26</b>	<p>However, as spelled out in further detail in EHL’s concurrently submitted comments on specific map issues, there are elements of the Modified Alternative that need further modification, including inappropriate SR-2 in Alpine as well as locations in Central Mountain and North Mountain.</p>	This comment is acknowledged and is addressed in the responses to comment letter CC.
<b>BB-27</b>	<p><b>CEQA’s Substantive Mandate</b></p> <p>CEQA outright prohibits the City from approving projects with significant environmental effects. (Pub. Resources Code §21002.) This substantive mandate operates through a series of required findings that must be made and supported with credible, substantial evidence.</p> <p>Specifically, before the County may approve a project with significant environmental impacts, a lead agency must make two sets of findings under CEQA. The first must address</p>	This comment provides information and quotes specific provisions of the CEQA Guidelines, but does not raise specific issues relative to the DEIR, and therefore no further response is provided.

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	<p>how the agency responds to significant effects identified in the environmental review process, either by finding that these effects will be mitigated, or that “[s]pecific economic, legal, technological, or other considerations...make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines §15091, subd. (a)(3).) The second set concerns any statement of overriding considerations, permitting an agency to approve a project despite the existence of significant environmental impacts. (CEQA Guidelines, §15093.)</p> <p>Because the findings requirements implement CEQA’s substantive mandate that public agencies refrain from approving projects with significant environmental impacts when there are feasible alternatives or mitigation measures that can lessen or avoid these impacts, an agency is prohibited from reaching the second set until it has properly addressed the first. (See CEQA Guidelines §15091, subd. (f), subd. (c); <i>Mountain Lion Foundation v. Fish &amp; Game Commission</i> (1997) 16 Cal. 4<sup>th</sup> 105, 134.)</p> <p>These findings must be supported by substantial evidence in the record. (Pub. Res. Code §21081.5; CEQA Guidelines, §15091, subd. (b).) Any finding that an alternative is infeasible must not only reflect a reasoned analysis, but must be based on specific and concrete evidence. For example, in <i>Citizens of Goleta Valley v. Board of Supervisors</i> (1998) 197 Cal.App.3d 1167, the court rejected a finding of infeasibility of alternatives based on conclusory assertions of unacceptable cost, noting that:            “The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the</p>	

## Draft Responses to Comments

	Comment	Response to Comment
	<p>additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (Id. At p. 1181.)</p> <p>Only if this finding of infeasibility can properly be made may a lead agency rely on a statement of overriding considerations.</p>	
<b>BB-28</b>	<p>Here, as explained below, the Modified Project outperforms or is equal to the proposed Project or any of the other project alternatives considered in meeting every stated project objective, and no substantial evidence exists to support a finding of its infeasibility. Pub.Res.Code §21082.2(c) (Substantial evidence excludes “[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous...”); see also <i>Californians for Alternatives to Toxics v. Dept of Food &amp; Agric.</i> (2005) 136 Cal.App.4<sup>th</sup> 1, 17 (“[C]onclusory statements do not fit the CEQA bill.”).</p> <p>As is demonstrated below, the only alternative for which these required findings may be made is the environmentally superior, Modified Project alternative.</p>	<p>The County does not agree with this comment. The findings described in comment BB-27 have not yet been prepared because the County is still working through the process of evaluating all of the public comments on the draft SEIR and getting a recommendation from the Planning Commission. It is through this process that the decision makers will determine which project alternative best meets the project objectives. See also responses to comments BB-2 and BB-9 above.</p>
<b>BB-29</b>	<p><b>The Modified Project Alternative Would Better or Equally Meet Every Stated Project Objective and Cause Substantially Less Impacts in All Issue Areas Evaluated.</b></p>	<p>The County does not agree with this comment (see responses to comments BB-2, BB-9, and BB-28 above).</p>
<b>BB-30</b>	<p>The County in the SEIR has already acknowledged that the Modified Alternative would “decreas[e] environmental impacts in all issue areas evaluated.” (SEIR at p. S-7, emphasis added.) It therefore cannot be subject to reasonable dispute that adoption of the Modified Project alternative would “substantially lessen” those impacts within the meaning of CEQA’s substantive mandate. (See Pub.</p>	<p>The County agrees with the statements in this comment, which are not inconsistent with the analysis in the SEIR.</p>

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	Resources Code §21002; Guidelines §§15021(a)(2), 15126.6(b); (City of Marina v. Bd. Of Trustees of the California State Univ. (2006) 39 Cal. 4 <sup>th</sup> 341, 350.)	
<b>BB-31</b>	The Modified Project alternative would also more fully meet every stated Project objective and therefore more faithfully implement the adopted General Plan’s Guiding Principles.	The County does not agree with this comment (see responses to comments BB-2, BB-9, and BB-28 above).
<b>BB-32</b>	<p>The following discussion addresses each objective:</p> <p><b>Support a reasonable share of projected regional population growth</b>            The Proposed project would add approximately 1,110 units, accommodating approximately 3,000 additional residents. The Modified Project may add approximately 700 units. The reality is, however, that none of this growth is needed to accommodate regional population growth, because the previous Draft Map, which contains significantly less growth than the adopted general plan, already accommodates anticipated regional growth. Adding growth on top of this actually undermines General Plan objectives. EHL made this point persuasively in its comments on the PEIR for the Update.<sup>2</sup> For this reason, the Modified Project actually outperforms the Project on this objective.</p> <p><b>Promote sustainability by locating new development near existing infrastructure, services, and jobs</b>            The SEIR acknowledges that by increasing densities (relative to the Modified Project) in remote forest in-holdings, the Project undermines this objective relative to the Modified Project.</p> <p><b>Reinforce the vitality, local economy, and individual character of existing communities while balancing</b></p>	The County appreciates this detailed analysis of how the Draft Plan/Proposed Project and the Modified Project Alternative might achieve, or fail to achieve, project objectives. This comment relates to CEQA findings that are not yet prepared rather than to the adequacy of the draft SEIR. As noted above in comment BB-28, the County must continue with an extensive public process before the CEQA findings regarding significant effects, including the rationale regarding a chosen alternative, can be drafted for the Board of Supervisors. In addition, the County has prepared a Staff Recommendation alternative which should also be evaluated by the public and the decision makers before determinations are made about which alternative may best meet the project objectives.

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	<p><b>housing, employment, and recreational opportunities</b>            Both the Project and the Modified Project will increase the number of local residents who use local businesses. However, by adding too much Village residential development in the community of Alpine, the project will create mobility issues and thereby adversely impact the character and vitality of this local community. While the Modified Alternative that EHL support does not have the expanded Village Residential and Commercial component of the Project, there is no showing that this addition will provide a net benefit to the existing community of Alpine. Even if it did, less impactful alternatives that would impede attainment of project objectives to some degree should not be rejected as infeasible. (Guidelines §§15126.6(b).)</p> <p><b>Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance</b>            The SEIR acknowledges that the Project will further fragment and degrade the high habitat values of these remote and biologically intact in-holdings. The designations denser than 1:40 du/acre are particularly fragmenting, and the Project contains much higher proportion of these land use designations in sensitive, remote areas relative to the Modified Project.</p> <p><b>Ensure that development accounts for physical constraints and the natural hazards of the land</b>            The critical natural hazard in the FCI areas is fire risk. By increasing the densities and number of units in these remote and rugged high-fuel areas relative to the Modified Project, the Project strongly undermines this goal on a relative basis.</p>	

**Draft Reponses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	<p><b>Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns</b>            While neither the Project nor the Modified Project provide land use configurations that support multi-modal transportation, the lower unit count of the Modified Project reduces the overall number of units in locations inaccessible to transit relative to the Project.</p> <p><b>Maintain environmentally sustainable communities and reduce greenhouse gas (GHG) emissions that contribute to climate change</b>            Neither the Project nor the Modified Project provides land use configurations that reduce automobile trips. Both permit additional housing in far-flung locations distant from jobs and services. However, the lower unit count of the Modified Project compared to the Project reduces the overall number of units in locations that would generate long commutes and trip tip distant services, thereby causing less GHG emissions on a relative basis.</p> <p><b>Preserve agriculture as an integral component of the region’s economy, character, and open space network</b>            The former FCI lands contain little agricultural activity. To the extent that it does, however, the lower overall densities of the Modified Project relative to the Project will better preserve existing and future agricultural development opportunities.</p> <p><b>Minimize public costs of infrastructure and services and correlate their timing with new development</b>            Both the Project and the Modified Project would designate development in highly remote locations that are highly</p>	

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	<p>expensive to provide infrastructure and emergency and other public services. However, the lower unit count of the Modified Project compared to the Project reduces the overall number of units requiring service and infrastructure in remote locations.</p> <p><b>Recognize community and stakeholder interests while striving for consensus</b>                      The FCI GPA process is a continuation of the extensive public outreach process that resulted in the Update. While there are elements of the community and stakeholders in support of all the alternatives, it is important to remember that key stakeholders (including EHL and the Forest Service) as well as members of the community throughout the County firmly believe in the Project objectives incorporated in the General Plan and wish to see them followed.</p> <p>While it is impossible to say definitively what the relevant community is, much less poll its feelings on the various alternatives, neither local landholders nor even a specific local community can conclusively represent the broader county public interest that should guide the County-wide General Plan process. The community and stakeholders are best served by even-handed and objective application of the General Plan Guiding Principles to specific areas and problems presented. For this reason, and because the Modified Alternative most closely adheres to the cast majority of these Principles, the Modified Alternatives is the best expression of community and stakeholder interests considered as a whole.</p>	
<b>BB-33</b>	The above discussion demonstrates that the Modified Alternative not only substantially lessens virtually all the	See responses to comments BB-2, BB-9, BB-28, and BB-32 above.

**Draft Responses to Comments**

	<b>Comment</b>	<b>Response to Comment</b>
	<p>significant impacts of the Project and it better satisfies the overwhelming majority of Project objectives. It is well settled that “[i]f there are feasible alternatives or feasible mitigation measures that would accomplish most of the objectives of a project to CEQA, the project may not be approved without incorporating those measures.” (Center for Biological Diversity, Inc. v. FPL Group, Inc. (2008) 166 Cal.App.4<sup>th</sup> 1349, 1371 fn 19, emphasis added, [citation to Pub. Resources Code §21000 (g), 21002, Guidelines §15091].) For this reason, CEQA requires adoption of the Modified alternative or something very closely resembling it.</p>	
<b>BB-34</b>	<p>Thank you for your attention to EHL’s concerns to EHL’s concerns and we look forward to continuing to work with the County on a sustainable and legally defensible General Plan.</p>	<p>These are concluding comments that do not require a response.</p>