

LL-15
Latham & Watkins LLP
on behalf of the Golden Door Properties, LLC
Dated: April 17, 2018

1. Introduction

The comment letter submitted by Latham & Watkins on behalf of the Golden Door Properties, LLC, dated April 17, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. In order to provide additional time, the County instead afforded 60 days for public review and comment. The public comment period for the Draft EIR began on June 15, 2017, and ended on August 14, 2017. All comment letters received after expiration of the public review and comment period ending on August 14, 2017, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the April 17, 2018, letter from Latham & Watkins. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The analysis of maximum allowable commercial and office development allowed under the existing General Plan is correct.

The letter is a submittal of a revised analysis prepared by DELANE Engineering of DELANE Engineering's opinion of the amount of commercial and office development that could be built within the Village Area of the project Site. The letter notes that the previous analysis included the AM/PM gas station at Mesa Rock Road as land that is part of the project Site (which it is not) and notes that the updated analysis finds that, in the opinion of DELANE Engineering, due to regulatory and environmental constraints, the maximum allowable amount of office professional and general commercial uses that could be built on the site are 618,000 square feet and 77,000 square feet, respectively, or a total of 695,000 square feet of office and commercial building square footage combined.

Responses to Late Comment Letters

The County acknowledges the updated analysis but maintains that the analysis contained in the Draft EIR of the maximum allowable commercial and office development that could occur within the Village Area of the project Site is correct. The County, therefore, disagrees with the analysis prepared by DELANE Engineering and refers the commenter to **Response to Comment Letter O-1.9** and **Responses to Comments O-1-273, and O-1-385 through O-1-394**. The updated DELANE Engineering analysis maintains the incorrect assumption that no impacts to steep slopes within the General Commercial and Office Professional zones of the project's Village Area would be allowed under the Existing General Plan Alternative. The County's Resource Protection Ordinance allows additional encroachment into Steep Slope Lands to avoid impacts to other significant environmental resources.