

LL-17
Latham & Watkins LLP
on behalf of the Golden Door Properties, LLC
Dated: May 8, 2018

1. Introduction

The comment letters submitted by Latham & Watkins on behalf of the Golden Door Properties, LLC, dated April 17, 2018, May 8, 2017, and May 10, 2017, are either late letters in response to the Newland Sierra Draft EIR or letters to other agencies that do 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 May 8, 2018, letter from Latham & Watkins. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to these letters, but without waiving its position that written responses to late comment letters are not required by law. As it pertains to the May 8, 2018, letter, refer to **Response to Late Comment Letter LL-14**.