

LL-5
Latham & Watkins LLP
on behalf of the Golden Door Properties, LLC
Dated: December 19, 2017

1. Introduction

The comment letter submitted by Latham & Watkins on behalf of the Golden Door Properties, LLC, dated December 19, 2017, 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 December 19, 2017, 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 Newland Sierra Project Draft EIR addressed the issues identified in the May 7, 2015, Scoping Letter for the project.

The letter refers to the May 7, 2015, Scoping Letter and five “Major Project Issues” identified in that letter and claims that the DEIR does not demonstrate that the issues identified in the Scoping Letter have been adequately addressed. The County does not agree with this claim. The Scoping Letter and the Project Issues Checklist identify known and potential issues that the project must address as part of the preparation of the project’s environmental and engineering documents (i.e., environmental and engineering technical studies, Draft EIR, tentative map, preliminary grading plan). Between May 7, 2015, and June 15, 2017 (the release date of the Draft EIR for public review), the County, the applicant, and the project’s CEQA and engineering consultants worked to prepare the necessary documentation to address these known and potential issues. The Draft

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EIR, including its 35 separate “Technical Appendices”, and the 12 “Additional Items” included with the Public Review Draft of the EIR, serve as substantial evidence that these issues were addressed. As a matter of standing practice and consistent with CEQA, the County would not have allowed the release of the Public Review Draft EIR were these issues, in the County’s judgment, not adequately addressed. The Draft EIR is not required, however, to provide a detailed explanation of how each issue, including the known and potential issues included with the Project Issues Checklist, has been addressed. Instead, the County, in its role as a public agency, uses its authority and discretion to ensure that the project’s environmental and engineering documentation adequately address the issues identified in the Scoping Letter consistent with CEQA. In totality, the environmental and engineering documentation for the project released with the Public Review Draft EIR substantiate this determination by the County.

3. The Newland Sierra Project Draft EIR addresses the five “Major Project Issues” identified in the Scoping Letter.

The Scoping Letter identified five Major Project Issues and those five issues have been addressed in the Draft EIR, and additional evidence for how these issues have been addressed is provided in the Responses to Comment on the Draft EIR as follows:

Major Project Issue #1 — Consistency with the San Diego County General Plan: Refer to:

- Section 3.3 (Land Use and Planning) of the EIR
- Appendix DD to the EIR
- **Responses to Comments O-1-377 through O-1-496**
- **Topical Response LU-1 [General Plan Consistency]**
- **Topical Response LU-2 [Specific Plan and General Plan Consistency]**

Major Project Issue #2 — MSCP Draft North County Plan and Natural Communities Conservation Program Consistency: Refer to:

- Section 2.4 (Biological Resources) of the EIR,
- Appendix H (Biological Resources Technical Report) to the EIR
- **Responses to Comment Letters A-1, A-2, O-1.5, O-1.6, O-2.1, O-2.2, O-7, and O-16 Responses to Comments O-1-77 through O-1-119**
- **Topical Response BIO-1 [North County MSCP]**
- **Topical Response BIO-2 [Wildlife Corridors]**
- **Topical Responses BIO-3 [Resource Protection Ordinance]**

Major Project Issue #3 — Deer Springs Road: Refer to:

- **Responses to Comments O-1-244 through O-1-252**
- **Response to Comment Letters O-1.12 and O-1.16**

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- **Topical Response TR-3 [Project Traffic Impacts and Mitigation]**
- **Topical Response TR-4 [Deer Springs Road Improvements]**

Major Project Issue #4 — Offsite Improvements: The project has secured the necessary rights to improve Sarver Lane and Camino Mayor to provide access to the project. Refer to:

- **Responses to Comments O-1-257 through O-1-261**
- **Response to Comment Letter O-1.11**
- **Response to Comment Letter I-405**

Major Project Issue #5—Resource Protection Ordinance: Refer to:

- Section 2.4 (Biological Resources) of the EIR,
- Appendix H-2 (Resource Protection Plan) to the EIR
- **Responses to Comments A-3-12 through A-3-15**
- **Response to Comment O-1-452**
- **Responses to Comments O-2.1-20 through O-2.1-23**
- **Topical Responses BIO-3 [Resource Protection Ordinance]**

As it pertains to the need for a Comprehensive Resource Management and Protection Program, that is the same thing as a Resource Management Plan and is addressed in Mitigation Measure M-BIO-8D and is a Condition of Approval for the project to prepare and obtain County approval prior to any impacts to biological resources and prior to recordation of the first Final Map.