

## Late Letter (LL)-13

Robert and Carolyn Novinsky

April 8, 2019

### (Traffic/Emergency Evacuation/Alternatives)

#### 1. Introduction

The comment letter submitted by Mr. and Mrs. Robert and Carolyn Novinsky, dated April 8, 2019, 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. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, 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 November 26, 2018, letter from CDFW. (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 letter is reiterating and expanding upon issues raised in previous comment letters.

First, the County wishes to clarify that the number of homes in Planning Area 16 has not changed as suggested by the comment. The County notes that of the 112 homes in Planning Area 16 (which are a minimum of two acres), approximately 30 to 40 homes are forecasted to use Whispering Meadows Lane and Valley Knolls Road.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Transportation and Traffic is analyzed in Section 2.9, Wildfire Evacuation is analyzed in Section 3.1.1, Hazards and Hazardous Materials, and Alternatives, including an alternative that connects Proctor Valley Road directly to SR-94 as suggested by the comment, are considered in Section 4.0 of the Draft EIR. Please refer to **Response to Comment Letters O-6.4, Reax Engineering and O-6.5, Griffin Cove Transportation, PLLC**. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.

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