

**PASSERELLE: PDS2021-SPA-21-001; PDS2021-GPA-21-003; PDS2021-TM-5338R;
PDS2021-STP-21-013; PDS2021-ER-03-02-059C**

Draft Master Response: Preparation of Addendum

This Master Response addresses comments received questioning the appropriateness of the Passerelle project's ("Passerelle Project" or "Project") decision to prepare an Addendum to the Campus Park Environmental Impact Report ("Campus Park FEIR") (SCH No. 2005011092) certified by the County of San Diego ("County") in May 2011. Campus Park is a 416-acre project that was planned for 751 residences (single-family and multi-family); 157,000 square feet (sf) of office professional space; 61,200 sf of commercial, public, and private active and passive recreational facilities; open space preserve areas; and new public roadways ("Campus Park"). Since certification of the Campus Park FEIR, the project site surrounding the Project has been graded as part of its construction activities and contains little to no vegetation. Four of the six phases of Campus Park have been constructed as planned, and the Proposed Project is one of the remaining few undeveloped parcels.

Background

The Passerelle Project proposes to amend the Fallbrook Community Plan and Campus Park Specific Plan (SPA) to change the land use designation for a portion of the 11.96-acre Project site from office professional uses to allow for the development of two multi-family residential lots. [The Project also submitted a site plan and amended map to subdivide a portion of the approved Campus Park Tentative Map into two residential parcels and a designated remainder parcel on the Town Center site. The project site is designated as "Village" by the County Regional Categories map, and no change to the Regional Category is needed for the Project.] Specifically, the Project proposes to develop 138 multi-family residential units designed as single-family homes on condominium lots, instead of the 157,000 sf of office professional uses designated in the original Campus Park Project.

The Campus Park FEIR determined significant and unmitigable impacts for aesthetics, air quality, and transportation. The following environmental issues were found to be less than significant with mitigation incorporated: biological resources, cultural resources, geology and soils, and noise. The following environmental issues were found to have less-than-significant impacts: agriculture and forestry resources, hazards, and hazardous materials, hydrology and water quality, land use planning, mineral resources, population and housing, public services, recreation, and utilities and service systems. At the time of the May 2011 FEIR certification, the CEQA Guidelines did not require an environmental-specific issue analysis for energy, GHG emissions, Vehicle Miles Traveled ("VMT"), tribal cultural resources, and wildfire.

CEQA Requirements

According to Public Resources Code (PRC) Section 21166 of California Environmental Quality Act (CEQA) and Section 15162(a) of the State CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

1. Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
 - b. Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Preparation of an Addendum to an EIR is appropriate when none of the conditions specified in Section 15162 (above) are present and some minor technical changes to the previously certified EIR are necessary. (CEQA Guidelines 15164.)

After careful consideration of the potential environmental impacts of the Proposed Project and based on the substantial evidence presented in the Addendum along with the attached technical reports, the County has determined that 1) none of the conditions requiring preparation of a subsequent or supplement to an EIR have occurred, and 2) the circumstances described in Section 15164 of the CEQA Guidelines exist. Therefore, an Addendum to the Campus Point FEIR has been deemed appropriate.

Analysis

Some commenters contend that a subsequent or supplemental EIR should have been prepared for the Project because it proposes substantial changes to the Campus Park project after the Campus Park FEIR was certified. It should be noted that the commenters do not describe the “substantial changes” that have occurred other than the general statement that there is a change in land use designation. As discussed below, commenters must provide substantial evidence if alleging that changed circumstances have resulted in the significant environmental effects being different or more severe. (See also discussion below under standard of review.)

As explained in CEQA Guidelines Section 15162(a)(1), for a change to a project to trigger a subsequent or supplemental EIR, the change must be substantial and must result in a new significant environmental impact or an increase in severity of previously identified impacts. The previously certified Campus Park FEIR and related approved mitigation measures from the Mitigation and Monitoring Program effectively serve as the “baseline” for the environmental impact analysis.

The Addendum carefully analyzed each environmental issue of the Campus Park FEIR in comparison to the Proposed Project. The development of the Project would include the construction of buildings in the same development footprint as the office professional uses indicated in the original Campus Park Specific Plan. The same two public streets that will serve the Project will be constructed within the same development footprint that was identified in the Campus Park FEIR. The entire Project site has already been graded as part of the adjacent development (Phase 1) and thus contains little to no vegetation. The Project does not propose extending any water, sewer, electrical, or gas lines, as all services would be extended to the Project site through the surrounding development.

An Air Quality Assessment was performed for the Proposed Project to determine if any new significant impacts would occur or if any substantial increases would occur in the severity of impacts previously identified in the Campus Park FEIR. (2023 Air Quality

Assessment: Appendix C.) The results of the Air Quality Assessment for the Proposed Project identify no new construction, operational, or odor impacts due to the development of multi-family residential units rather than office professional. Therefore, no additional mitigation measures would be required beyond those identified in the Campus Park FEIR.

A Traffic Analysis was also completed for the Proposed Project by Urban Systems Associates, Inc. dated February 15, 2022 (“2022 Trip Generation Memo”). The 2022 Trip Generation Memo determined that no deficiencies were identified on the surrounding roadways and intersections, as a result of the Proposed Project, and it would not contribute to the need for new or different roadway improvements. (Appendix I of the Addendum.)

Based on the information described above and other information included in the Addendum, along with the County’s technical expertise, and information that includes the previous record, expert memos, and technical reports, it has been concluded that the Proposed Project did not result in a new significant environmental impact or increase in severity of previously identified impacts identified in the Campus Park FEIR.

Second, as explained in CEQA Guidelines Section 15162(a)(2), a subsequent or supplemental EIR will be required if there are substantial changes in the circumstances under which a project is undertaken that would require "major revisions" in the previous EIR because of “new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” Contrary to the assertions made by the commenters, the relevant question is not the nature, scope, or extent of the changed circumstances but whether the changed circumstances will lead to new significant project impacts not previously considered.

Finally, new information requiring a subsequent EIR under 15162 (3) applies only to new information that was not known and could not have been known "with the exercise of reasonable diligence" when the prior environmental review was completed. The new information must also be of "substantial importance."

The courts have consistently determined that new legal regulations, such as adopting new guidelines, do not constitute significant new information that would trigger further environmental review under PRC 21166 or CEQA Guidelines 15162. In particular, courts have consistently determined that the effects of GHG on climate change were known or could have been discovered with the exercise of reasonable diligence since the early 1990s and in one case, since the 1970s.¹ As documented in the Addendum, at the time

¹ *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301. See also *Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego* [2011] 196 Cal.App.4th 532 [The court

of the certification of the Campus Park FEIR, the contribution of GHG emissions to climate change was a prominent issue of concern since the 1990s. The issue of GHG emissions and climate change impacts is not new information that was not known or could not have been known at the time of the certification of the Campus Park FEIR. Therefore, no new GHG analysis is required for the Proposed Project, which relies on the Campus Park FEIR certified in 2011.

Similarly, the County's adoption of the 2022 Transportation Study Guidelines (TSG) that now requires VMT analysis would not be considered significant new information because the underlying issue was known when preparing the original Campus Park FEIR. (*Olen Properties Corp v. City of Newport Beach* [2023] 93 CA5th 270.) In *Olen Properties*, the court held that the change in the CEQA Guidelines from level of service to VMT was not significant new information because the underlying issue was known when the Olen EIR was prepared in 2006. (*id* at 280-281.)

Furthermore, the court explained that CEQA Guidelines Section 15064.3 (the section requiring use of VMT to analyze traffic impacts) operates "prospectively," and subsequent changes to the guidelines are not "new information" triggering a subsequent EIR. Otherwise, the court reasoned, any change to the CEQA Guidelines would trigger the preparation of an EIR for every project. This conclusion is further strengthened by technical guidance recently issued by the Governor's Office of Land Use and Climate Innovation (LCI) formerly known as the Governor's Office of Planning and Research ("OPR") (the State agency that promulgates the CEQA Guidelines). OPR, relying on *CREED v. San Diego*, and *Concerned Dublin Citizens v. City of Dublin*, indicated that a "CEQA analysis prepared after July 1, 2020, may be able to rely on a previously certified EIR that analyzed traffic impacts using the LOS metric." Therefore, no new VMT analysis is required for the Proposed Project, which relies on the Campus Park FEIR certified in 2011.

Analysis of the Project's GHG and Traffic Impacts

Although GHG/climate change is not considered "new information" under PRC Section 21166, a Global Climate Change Assessment was completed to compare the Campus Park Project's GHG emissions to the Proposed Project's GHG emissions. (See Appendix D to the Addendum.) The results of the Climate Change Assessment show that the Proposed Project would reduce GHG emissions when compared with the buildout under

found that the effects of GHG on climate change were known or could have been discovered with the exercise of reasonable diligence for an EIR initially certified in the early 1990s.] *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788 [The court rejected the requirement that GHG emissions be evaluated for a subsequent project even where the original EIR prepared in 1997 failed to analyze GHG emissions at all because greenhouse gas emissions were known to the Federal Government since the 1970s.]

the current Campus Park Project with the office professional uses (referred to as the “Buildout of the General Plan Scenario”).² The Campus Park project would generate 3,233.05 MT of CO₂e annually and the Proposed Project would generate 2,548.19 MT of CO₂e annually or 684.86 MT CO₂e fewer GHG emissions annually. Moreover, the mitigations measures from the Campus Park FEIR as well as more conservative and strict standards addressing GHG since certification of the FEIR have been applied to the Project. The commenter also incorrectly contends that the Addendum fails to adequately analyze the impact the Project would have on VMT by not considering the “changed internal capture and number of external trips “created by the “shift away” from office professional uses to the addition of 138 single-family homes. Nor did the County “guess” that the Project's commercial component would be a relatively minor contributor to the internalization of trips, as evidenced by the detailed response below.

As clearly explained in the Addendum, the 2022 Trip Generation Memo not only provided an evaluation of the Project’s traffic on intersections and street segments but also provided a comparison of the trips generated from the Campus Park Project to the Proposed Project. (Addendum, page 48.) A higher trip generation rate for single-family homes was utilized based on SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates (April 2002), in order to provide a conservative analysis.

The Proposed Project was found to generate approximately 1,380 ADT. Whereas the previously proposed office professional use was calculated to generate 2,669 ADT (LOS Engineering, 2009). When compared with the Campus Park Project, the Proposed Project would result in a net reduction of approximately 1,289 ADT. (2022 Trip Generation Memo.)

However, to be conservative, when analyzing the effect on GHG, an additional 415 ADT was added back to account for the internalized trips which could be attributed to the loss of the office space portion of the “mixed use” component of the Campus Park Project in the original GHG analysis. Since the Proposed project trip reductions from office professional to residential generate 1,289 reduced trips in total, the GHG effect from removing this assumed reduction from the entire mixed-use component of the Campus Park Project (of which the office professional uses were only 26% of this) equaled 415 ADT or essentially only reducing the ADT by 874 ADT (1,289 minus 415). Therefore, for purposes of this analysis, 415 ADT was added to the proposed Project trip Generation.

CalEEMod applies user inputs for ADT based on the traffic study, along with default

² In addition, the Proposed Project is anticipated to include additional measures designed to reduce GHG emissions through regulations (e.g., Electric Vehicle charging stations, solar panels consistent with Title 24, low-flow water fixtures, planting of trees) applicable to the Proposed Project at the time of building permit issuance. The Proposed Project would also be required to implement all building code requirements applicable to the Proposed Project at the time of building permit issuance, which would include additional GHG reduction requirements. (See Addendum, page 30.)

internal trip distances, trip assignments, and EMFAC emission rates to calculate GHG emissions. This was done for both the approved office professional scenario and the Proposed Project. The additional 415 ADT internal capture adjustment was included to maintain consistency with the assumptions used in the Campus Park FEIR which is conservative. Therefore, the Project's mobile-source GHG emissions fully account for trip behavior, VMT, and internal capture consistent with CalEEMod methodology. As a result, the reduction in trips and VMT under the Proposed Project is reflected in the model outputs.

This effort was essentially used to correct the 8 percent (8%) GHG-specific reduction utilized in the GHG assessment by the 2010 Global Climate Change Evaluation (SRA) and is used within this Project's GHG assessment. (Ldn Consulting, 2023.)

Internal Trip Capture

To further explain the basis for the 415 ADT, an analysis of the Internal Capture, which considers the removal of the office professional component from the Project, was conducted and is memorialized in the 2022 Trip Generation Memo. This memorandum examined the internal capture assumptions from the original Campus Park Traffic Study using a SANDAG, Series 11 traffic model. This model predicted a 30% internal capture rate within the larger Campus Park Project area. The land use map for the Campus Park Project also included additional land uses that would serve to internalize trips, including the Sports Complex, Neighborhood Park, and Town Center uses. These uses will not be removed with the proposed change in land use by this Project. Based on the technical analysis of the 2022 Trip Generation Memo, it was determined that these uses are likely to contribute the most to internalization of trips as they not only comprise the largest components of Commercial ADT for the Campus Park Specific Plan area (74% of the trip generation), but they also are the types of uses most attractive to residential uses. This is particularly the case in rural areas where such town centers and recreation uses are sometimes remote. Based on this information, it was concluded that the office professional component of the Campus Park Specific Plan area would be a relatively minor contributor to the internalization of trips. Conservatively, this means that the previously approved office professional component could account for 26 percent of the internal reduction.

As part of the total project traffic generation of 19,941 ADT evaluated in the Campus Park FEIR, it was established that an 8 percent internal trip-capture credit was applied, equal to 1,595 ADT ($19,941 \times 0.08$). Because the office professional use represents approximately 26 percent of the commercial ADT, it accounts for 26 percent of this internal-capture credit, or 415 ADT ($1,595 \times 0.26$), which would no longer be realized with the removal of the office professional component. Therefore, for purposes of the GHG

analysis, 415 ADT was added to the proposed Project trip Generation. This effort was essentially used to correct the 8 percent GHG-specific reduction utilized in the GHG assessment by SRA in 2010.

Although one of the residential attractors would be removed within the proposed plan, the Town Center and recreational areas will continue to result in the internalization of trips even with the replacement of office professional to residential uses. The proposed residential trip generation is approximately 48% less than the previously approved trip generation for the office professional uses. This more than accounts for any reduction in internalized trips (previously estimated at 30%). Additionally, the residents of the Proposed Project would also use the Town Center and recreation areas, thereby internalizing trips. Therefore, the Proposed Project would clearly reduce trip generation and VMT on a daily basis.

Thus, based on the information presented in the Addendum along with the attached technical reports, the County has determined that none of the conditions requiring preparation of a subsequent or supplement to an EIR as outlined in Section 15164 of the CEQA Guidelines exists with respect to GHG. Moreover, because the Campus Park Project would generate fewer emissions with the Proposed Project, impacts related to GHG emissions would not give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There would be no change to the on-site or off-site impacts related to GHG emissions that were previously evaluated. The Proposed Project would implement design features that are strategies to reduce GHG emissions. The Proposed Project does not result in different conclusions related to GHG emissions than those reached in the Campus Park FEIR, either on a project-related or cumulative basis. Although no new mitigation measures are required for the Proposed Project, the 2011 EIR mitigation measures for GHG have been applied along with project design features that utilize more stringent regulations and standards. Because the Proposed Project would be required to implement design features and measures required through existing regulations, and the County's current CAP Checklist as applicable, the Project would not conflict with any County plans, policies, or regulations for the purposes of reducing GHG emissions.

Analysis of Evacuation and Fire Comments

A number of comments were received related to the issue of evacuation, alleging that there would be reduced ability for the community to evacuate in emergencies because of the additional residents added by the Project. Other comments received expressed concern with the ability to safely evacuate because Horse Ranch Creek (HRC) Road would remain two lanes in some areas. Others believed the additional housing units would result in an increase source of fuel sources that would affect evacuation.

Following receipt of these comments and others regarding evacuation, additional information was provided in the form of a technical memorandum prepared by Dudek, dated January 26, 2026 (Dudek Assessment).

The Dudek Assessment concluded that a safe evacuation of the Project and surrounding community is possible under a variety of scenarios (including a worst-case scenario of a night-time evacuation when residents are present). For conservative planning purposes the worst-case scenario for evacuation was considered, which is a weeknight when all residents of the Project and the surrounding communities are at home, and all occupants of the area would need to evacuate. Additionally, it was conservatively assumed that Horse Ranch Creek Road, under its present configuration would be used as the primary evacuation route to access SR-76 and I-15, for all evacuation traffic within the Campus Park Specific Plan, including from the Project site, Campus Park West Specific Plan and Meadowood Specific Plan. Under these conservative assumptions, the total estimated evacuation time is approximately 2 hours and 06 minutes without the Project and approximately 2 hours 16 minutes with the Project. Therefore, it is estimated that the Project would increase evacuation times approximately 10 minutes along Horse Ranch Creek Road. (Dudek Assessment, page 12.)

It is important to note, however, that most agencies do not have a designated quantitative threshold for evacuation, such as “evacuations should only take X minutes.” Instead, an evacuation is considered to be safe if people can evacuate before wildfire threatens their structures and evacuation roadways. (Dudek Assessment, page 8.)

Additionally, evacuation safety is increased by providing alternate routes, protecting the roadways, and hardening structures. The Project provides multiple connection points for occupants to access the existing roadway network. The Project and the surrounding community is served by a sufficient transportation network with adjacent multiple major transportation corridors, including SR-76 and I-15, which are unlikely to be overwhelmed by the addition of 5% more vehicles. The roadway network can work in tandem with the community of Fallbrook’s and the County’s emergency planning for maximum efficiency of each roadway to systematically move people out of the area, should evacuation be deemed necessary. The Project does not cut off or otherwise negatively impact any of Fallbrook’s or the County’s evacuation routes.

The actual wildfire environment surrounding the Project and the susceptibility of structures and roadways to becoming impaired by wildfire was also considered. The commenter incorrectly assumed that the additional units from the Project would result in an increased fuel source that would affect evacuation. However, the Dudek Assessment found the contrary. The Project would convert undeveloped land into non-combustible structures and maintained landscape, which would reduce wildfire

exposure, particularly along Horse Ranch Creek Road. Moreover, the Project would convert open space with the potential to transmit fire into hardened structures and maintained landscaping, thereby reducing potential wildfire exposure to occupants of existing land uses that would be evacuating along Horse Ranch Creek Road and I-15 as well. (Dudek Assessment, pages 15-17.)

As outlined in Appendix G of the CEQA Guidelines, the County considers a Project's impact on evacuation significant if the Project will significantly impair or physically interfere with implementation of an adopted emergency response or evacuation plan; or if the Project will expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. The Project would not impact an adopted emergency response plan or emergency evacuation plan. The Project does not block, re-route existing roadways/evacuation routes, or propose actions or approaches that are conflicting with local Emergency Operations or Response Plans. Overall, the Dudek Assessment found that the safe evacuation of the Project and surrounding community is possible and the Project would not be expected to expose people or structures to a significant risk of loss, injury, or death. Moreover, the Dudek Assessment took into consideration the Project's design, the measures identified in the Project's Fire Protection Plan, including the additional fire protection systems, and fuel modification and vegetation management when determining that the Project would not significantly increase fire hazards. These features render the Project defensible and more able to withstand fire. Therefore, the Project would not significantly increase fire hazards. Finally, it is unlikely that the Project creates significant impacts under any of the CEQA wildfire thresholds due to compliance with modern fire and building codes, limited exposure to wildfire and numerous evacuation contingency options. (Dudek Assessment, pages 16-18.)

The Dudek Assessment and the Fire Protection Plan has been independently reviewed by County experts in planning and environmental sciences as identified in the Addendum's list of preparers familiar with the Project and the environmental conditions in the vicinity of the Project. Accordingly, the County is entitled to rely on these experts and its fire officials, experts by virtue of their jobs and years of experience.

Non-Recirculation of the Dudek Assessment

Nor does the Dudek Assessment require recirculation even though it was prepared after the Addendum was circulated for public comment. Recirculation is not required simply because information is added, or where "the new information added merely clarifies or amplifies or makes insignificant modifications" to an adequate CEQA document. (CEQA Guidelines Section 15088.5[b].) This is consistent with CEQA environmental practice:

new information is often added to Final EIRs through CEQA's public review and comment and response process.

The critical issue in determining whether recirculation is required is whether any new information added to the EIR is "significant." (See *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 C4th 1112; CEQA Guidelines, §15088.5(a).) CEQA Guidelines Section 15088.5 provides the criteria considered by a lead agency when deciding whether recirculation is required when new information is added to the EIR or in this case to the Addendum after its public review. (CEQA Guidelines, Section 15088.5[a].):

[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

Examples of "new information" considered significant are: a new significant environmental impact that would result from the project or from a new mitigation measure proposed to be implemented; a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce the impact to a level of insignificance; or a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it. (CEQA Guidelines, Section 15088.5(a)(1)-(3). (See also *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130.)

After considering the new information provided in the Dudek Assessment, the County found:

- The "new" information provided by the Dudek Assessment is neither material nor significant. New facts alone are not enough to be considered a "changed condition". The new information must show a new, substantial environmental impact resulting either from the project or from a mitigation measure;
- The new information did not show a substantial increase in the severity of any environmental impact; and
- New significance thresholds are a metric for measuring an environmental impact but do not constitute significant or material new information triggering need for additional or supplemental review of an existing EIR under PRC Section 21166.

Concerning the new wildfire significance thresholds discussed in the Dudek Assessment, the Dudek Assessment determined that the Project would not significantly increase fire hazards and it is unlikely that the Project would result in significant impacts under any of the new CEQA wildfire thresholds.

Moreover, the Dudek Assessment merely clarifies and augments the information provided in the Project's Fire Protection Plan as well as information provided within its hazards and public services section of the Campus Park FEIR. Although the prior Campus Park FEIR did not contain a discussion of wildfire-related issues, the EIR nevertheless addressed fire hazard within its hazards and public services section. The analysis in the Campus Park FEIR concluded that implementation of the fire protection plan and fire management plan would result in less-than-significant impacts related to wildfire hazards. (Campus Park FEIR, Chapter 4, pages 4-31.)

The Fire Protection Plan included a discussion of emergency access for the Project Site including brush management, the implementation of ignition resistive building construction standards, and other matters relevant to emergency evacuation and fire protection of the Project Site. The Evacuation Plan supplements this discussion and provided further clarifying information about evacuation procedures that would be implemented in the event of a fire emergency. For example, the Dudek Assessment augments information concerning the ingress and egress routes, and County-led emergency management protocols. These evacuation procedures and emergency management activities do not have the potential to cause a significant environmental impact or to cause more severe significant environmental impacts than were disclosed in the Campus Park FEIR or the subsequently prepared Fire Protection Plan. Nor does the Dudek Assessment identify any mitigation measures that need to be implemented to avoid significant environmental impacts.

Finally, the Dudek Assessment does not identify a new significant unmitigated environmental effect or raise important new issues about significant effects on the environment. Nothing in the Dudek Assessment alters the conclusion that the Project does not have a significant impact related to fire and therefore is not required to propose mitigation measures or alternatives that further reduce impacts relating to fire impacts. (See Pub. Resources Code §§21100(b)(3), 21150; CEQA Guidelines, §15126.4(a)(3); *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 649-650, 653 [EIR not required to discuss green energy credits as a mitigation measure for energy impacts when the EIR had determined that the project's energy impacts would be less than significant].)

Standard of Review

Finally, the commenter incorrectly conflates the standard used in determining if an EIR

must be prepared, referencing the "fair argument" standard with whether a subsequent or supplemental EIR is required, as is the issue here. Whether an initial environmental document remains relevant despite changed plans or circumstances is a predominantly factual question for agencies to answer by drawing on their particular expertise. As opined by the California Supreme Court, a court's responsibility on review is only to decide whether the agency's determination is supported by substantial evidence. (*Friends of the College of San Mateo Gardens v. San Mateo County Community College* [2016] 1 C5th 937.)

Once an EIR has been prepared, the "statutory presumption flips in favor of the developer and against further review." (*Citizens Against Airport Pollution v. City of San Jose*, 227 Cal.App.4th at 805.) Similarly, in *Federation of Hillside & Canyon Assns.*, the court concluded that the city was not required to prepare a subsequent EIR or supplement to the EIR because the petitioners had not shown that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles*, 126 Cal.App.4th at 1200.)

Again, the commenters offer no information or evidence of how the proposed change in designation from office professional to residential would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The courts have consistently determined that a subsequent or supplemental EIR should not reconsider issues from previous EIRs that do not need to be addressed. Subsequent review of an EIR is not an occasion to revisit environmental concerns laid to rest in the original analysis. Only changed circumstances are at issue.³

Here, the County relies on its technical expertise, and information that includes the previous record, expert memos, technical reports, and the response to comments that include the sources noted, for its conclusion that a subsequent or supplemental EIR is not required.

³ *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.*, 1 C5th at 949. See also *California Coastal Keeper Alliance v. State Lands Commission* (2021) 64 Cal.App.5th 36.