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July 16, 2020

SUPPLEMENTAL STAFF REPORT

TO: Board of Supervisors

FROM: Scott DeLeon – Interim Community Development Director
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Supervisor District 1

DATE: July 21, 2020

SUBJECT: Supplement to June 7, 2020 Staff Report for the Guenoc Valley Mixed Use Commercial Development

EXHIBITS:

1. AES Technical Memorandum: Responses to Final EIR Comment Letters
Attachment A – Bracketed Comment Letters
Attachment B – Exhibits from Applicant
2. Errata to Final EIR, dated July 15, 2020
Attachment A – Mitigation Monitoring and Reporting Plan (Final EIR, Volume 1, Section 4.0), dated July 15, 2020
Attachment B – Revised Appendix TDM
3. Revised Findings and Statement of Overriding Considerations

The Supplemental Staff Report contains responses to certain issues raised in comment letters and during the July 7th Board of Supervisors Hearing related to the Guenoc Valley Mixed Use Commercial Development Project and related documentation. Specifically, the following comments and issues are addressed:

- 1) Comments from Supervisor Sabatier raised at the July 7, 2020 hearing related to traffic mitigation measures and the development agreement;
- 2) Comment Letter from California Attorney General, Dated July 6, 2020 (Refer to Attachment A of Exhibit 2)
- 3) Comment Letter from Center for Biodiversity, Dated July 6, 2020 (Refer to Attachment A of Exhibit 2)
- 4) Comment Letter from CNPS, dated July 7, 2020 (Refer to Attachment A of Exhibit 2)
- 5) Comment Letter from Sierra Club, dated July 6, 2020 (Refer to Attachment A of Exhibit 2)

- 6) Revision to Land Use Policy 6.12 Section 6.12.3 to Clarify Geographic Scope
- 7) Comments and Questions from the public raised at the July 7, 2020 hearing and follow up emails related to the Middletown Housing Development

Responses to these issues, comments and questions are provided below:

1) Comments from Supervisor Sabatier raised at the July 7, 2020 hearing related to traffic mitigation measures and the development agreement.

General comment related to Traffic Mitigation: Traffic mitigation measures, such as the installation of traffic lights, should not impede the free flow of traffic on State Route 29. It seems that Caltrans is recommending roundabout improvements over signalization for locations along SR-29.

Response: Mitigation Measures 3.13-1 and 3.13-2 within the Final EIR recommend improvements to various intersections along SR-29. These measures state that an intersection control analysis should be conducted according to Caltrans standards to determine the appropriate intersection control, which would be either be installation or improvements to existing roundabouts, or the installation of traffic signals. The ICE would be prepared and approved by Caltrans prior to moving forward with the identified improvements.

General comment related to the Development Agreement: The development agreement appears to be missing a discussion of public benefits.

Response: The Development Agreement contains information regarding “Community Benefits” in subsection J. of the Recitals (page 5), and in Exhibit F. The development Agreement can be accessed at the following link: <https://countyoflake.legistar.com/View.ashx?M=F&ID=8645519&GUID=1164F698-2C99-4BD0-BFE1-6B58EA66302F>.

2) Comment Letter from California Attorney General, Dated July 6, 2020 (Refer to Attachment A of Exhibit 2)

Detailed responses to the July 6, 2020 letter from the California Attorney General are provided in Exhibit 1. The letter raises three broad issues which are briefly addressed below.

Impacts associated with Wildfire Ignition Risk, Emergency Response and Evacuation were not adequately addressed in the EIR.

The Final EIR acknowledges that wildfire risk from development of the Proposed Project would be potentially significant. The Final EIR has been supplemented to include additional detail regarding the potential for increased wildfire ignition risk resulting from the Proposed Project and to explain how the Wildfire Prevention Plan, project design features and commitments, and the mitigation would reduce these effects to a less-than-significant level. The Mitigation Monitoring and Reporting Plan (MMRP) has been updated to list the “project commitments” related to wildfire prevention and response,

including implementation of the Wildfire Prevention Plan. Additionally, the MMRP includes a new commitment to prepare a Wildfire Evacuation Plan in cooperation with and subject to approval by CalFire, the South Lake County Fire Protection District, and the Lake County Sheriff Department. The evacuation plan must be provided to all project residents, guest and employees and would promote orderly evacuation of the Guenoc Valley Site that would not impede emergency responders from responding to fires. Please refer to **Exhibit 2** Final EIR Errata for these changes.

Alternative C Higher Density could have reduced Wildfire effects and should be considered by the County

As noted in Exhibit 1, the Project design incorporates features and systems that eliminate the differences (in terms of wildfire risks) between high density and lower density developments. Therefore, the conclusion in the EIR that the wildfire risks between Alternative C and the Proposed Project are similar is valid. Further, as stated in the Findings of Fact and Statement of Overrides (Exhibit C), the Applicant has submitted information indicating that they would expect significant price reductions for residential lots if they are unable to offer larger estate lots, and resort amenities, which are in turn supported by the scale of homes and resort units within the community. Therefore, the extensive wildfire prevention and response measures outlined in the Wildfire Prevention Plan and other project commitments outlined in Table 4-2 of the MMRP (refer to Exhibit 2, EIR Errata, Attachment A) may be economically infeasible under Alternative C. Additional information on the rejection of Alternative C has been provided in the revised findings and statement of overrides. Please refer to Exhibit 3 Findings and Statement of Overrides, Section 4.0, for these changes.

Road Standards

The County's Fire Protection Standards allow for the County to issue exceptions to the road standards where "conditions of water availability, topography or conditions of native vegetation are such that in the judgement of the responsible fire fighting agency the terms may be waived in greater or lesser degree consistent with protection of life and property." (Section 17-70) The County does not use a written exception application process, but over the years our administrative practice has developed to rely on the same standard used by the state for the issuance of road exceptions: we look to whether the proposed variations from the standards demonstrate the "same overall practical effect" as the standards themselves. In doing this, we work together with Cal Fire representatives to assist us with determinations of safety, access and emergency response. Here, working with Cal Fire representatives we advised the applicant over the course of the project on the design of the roads, utilizing as much as possible the existing ranch road network in order to minimize the environmental impact of the roads. As a result of that process, we allowed a variation from the road-length standard. This was allowed because the roads meet our width (they are all 20') and slope (they are all less than 16% slope) requirements, as well as providing two-way access lanes, ample vegetation removal, above-average response time from the Emergency Response Center to each of the lots, sirens and other emergency communication systems, interior and exterior sprinklers, fire hydrants (with no exceptions to the number of hydrants required), and fire-resistant construction methods. Upon reviewing the comments provided prior to the July 7th hearing, we reviewed our previous administrative determination, and we are comfortable that the road design meets our own standard for an exception (in our judgment the alterations are consistent with

protection of life and property) and the state exception standard (same overall practical effect) that we always follow in making these determinations and that this application is consistent with our standards and our process.

3) Comment Letter from Center for Biodiversity, Dated July 6, 2020 (Refer to Attachment A of Exhibit 2)

Detailed responses to the July 6, 2020 letter from the Center for Biological Diversity are provided in Exhibit 1. The letter raises several broad issues which are briefly addressed below.

General comment related to mitigation for sensitive habitats: Mitigation ratios for impacts to sensitive habitats should be increased. Success criteria and monitoring methods are not adequately defined. Preservation should be the preferred alternative, and avoidance should be maximized prior to impacts.

Response: Mitigation ratios are based on the type and quality of habitat observed on the Guenoc Valley Site, and must be performed in-kind. In-kind mitigation requires habitats to meet vegetative composition requirements based on the survey methods and definition of habitat types as described in the Biological Resources Assessments prepared for the Guenoc Valley Site and included as Appendix BRA1 and BRA2 of the Final EIR. Mitigation ratios for jurisdictional habitat are subject to increase based on the permitting required for impacts. The Final EIR already prioritizes avoidance of impacts and use of preservation as the first option of mitigation for impacts to sensitive habitats. Minor revisions have been made to Mitigation Measures 3.4-15 and 3.4-17 to emphasize that preservation is the preferred method of mitigation, to provide examples of habitat restoration methods, and to increase the monitoring period from three to five years. Please refer to Exhibit 2 Errata to Final EIR for these revisions.

General comment related to setbacks for aquatic habitat: Setbacks for aquatic resources are insufficient and should be extended to include the totality of riparian habitat and the full dispersal radius of special-status species that may utilize aquatic habitat on the Guenoc Valley Site.

Response: Setbacks to aquatic habitats are already required in the Final EIR and are required to be consistent with Lake County code as a minimum, and extended to the full riparian corridor when the riparian corridor exceeds County code requirements. Setbacks were designed to be protective of the habitat and the special-status species that rely on the habitat. Mitigation additionally requires the proper preconstruction surveys and impact avoidance measures for special-status species that may occur within aquatic habitat. Following construction, a majority of the Guenoc Valley Site will consist of open space. Setbacks, as well as additional mitigation included in the analysis on hydrology and water quality, would prevent degradation of water quality and associated habitat that may be relied on by special-status species and migratory birds.

General Comment related to special-status species analysis: The Final EIR does not provide an analysis on California red-legged frog and western bumble bee. The Final EIR should be revised to include analysis on these species and mitigation for impacts.

Response: Neither of these species have the potential to occur on the Guenoc Valley Site. Therefore, these species would not be impacted by the Proposed Project. Additional discussion on these species is not necessary, and mitigation is not warranted.

General comment on habitat connectivity and wildlife movement: The analysis in the Final EIR does not include a discussion of previously identified movement corridors identified in the Grey et al. paper. The proposed movement pathways do not offer an east to west terrestrial route, are not wide enough in certain areas, and lack redundancy.

Response: The Draft EIR provides a summary and analysis that includes the Grey et al. paper. A supplemental analysis on this paper was completed for the Final EIR that supports the conclusions rendered in the Draft EIR. It is noted that this report is referred to as the Mayacamas to Berryessa (M2B Study) in the Draft and Final EIR. The Final EIR identifies multiple movement pathways and protects all corridors identified in the M2B study with minor modifications on routes. Modifications were developed by a team of biologists based on the Proposed Project and existing condition on the ground. This allowed for protection of multiple pathways, including an east-west pathway, that avoided the Proposed Project development, and existing development that was missed in the M2B Study. The width of pathways were identified based on the wildlife with the potential to use these pathways, the existing site conditions, and the impact level of the Proposed Project. It is noted that the development is low-density and utilizes wildlife-friendly fencing that would allow for movement through development areas.

General comment on greenhouse gas emissions: Mitigation does not sufficiently reduce greenhouse gas emissions generated by the increase in vehicle miles travelled. Mitigation is unenforceable because it is too vague and deferred. Additional mitigation should be included to reduce impacts to a less than significant level. Allowing for significant and unavoidable impacts would be inconsistent with statewide goals for reduction of greenhouse gas emissions. If significant and unavoidable impacts occur, a carbon offset program should be implemented.

Response: The Final EIR identifies mitigation to reduce greenhouse gas emissions and acknowledges that, even with mitigation suitable for the Proposed Project, that the impact would be significant and unavoidable. The Proposed Project includes design components and mitigation to reduce greenhouse gas emissions as much as possible. The Final EIR identifies this impact as significant and unavoidable as there is no definitive way to demonstrate that the mitigation would meet the 15 percent reduction in per capita vehicle miles traveled. It is entirely possible that this reduction will be met despite the rural location of the Guenoc Valley Site. It is noted that per capita vehicle miles travelled is relatively high throughout the entirety of Lake County. Mitigation has been revised to require that the TDM achieve a minimum reduction in VMT of 15 percent below the project VMT predicted in the EIR. Additionally, Mitigation Measure 3.7-2 of the EIR has been revised to include the purchase of GHG offset credits from a CARB approved registry

equivalent to the amounts needed to meet the 2030 thresholds. It is noted that offset credits are not guaranteed to be available throughout the life of the Proposed Project, and the impact is still considered significant and unavoidable. Please refer to **Exhibit 2** Final EIR Errata for these changes.

General Comment on GHG Mitigation: Mitigation is insufficient. MM 3.7-1 and 3.13-4 are insufficient because there is no requirement to provide a shuttle service, and utilization of a TDM coordinator does not have demonstrated results. Because measures presented in Appendix TDM are “strategies,” and have no defined success criteria, there is no way to ensure these measures are enacted.

Response: The TDM is a component of the Proposed Project and commits to GHG reducing actions, such as requiring a weekday shuttle service for employees. Mitigation related to this has been revised to clarify that these actions are required and not optional. The potential effectiveness of VMT reducing measures are quantified in the revised TDM plan, found in **Exhibit 2** Final EIR Errata. The TDM strategies required by mitigation are expected to thus reduce VMT by up to 20 percent. Several strategies of the TDM plan, including the TDM coordinator, are “supportive” rather than including a quantified reduction. This indicates that while the effectiveness of a particular “supportive” strategy may be nominal when implemented alone, these strategies can increase the effectiveness of other TDM strategies, and are therefore supportive of a less auto-centric Project. Additionally, Mitigation has been revised to require that the TDM achieve a minimum reduction in VMT of 15 percent below the project VMT predicted in the EIR. Please refer to **Exhibit 2** Final EIR Errata for these changes.

General comment on the CEQA process: The EIR should be recirculated because the publication of the draft Transportation Demand Management Plan with the Final EIR provides significant new information.

Response: Recirculation is only required where “significant new information” is added to an EIR after public notice of the document’s availability. New information is “significant” if it reveals: (1) new substantial environmental impacts; (2) a substantial increase in the severity of an impact; (3) feasible project alternatives or mitigation measures that would clearly lessen the environmental impacts, but which the EIR fails to adopt, or; (4) that “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” *Laurel Heights Improvement Assn. v. Regents of University of California*, 6 Cal.4th 1112, 1130 (1993). Recirculation is expressly not required if new information “merely clarifies,” “amplifies” or “makes insignificant modifications” to the information presented in a draft EIR. CEQA Guidelines, § 15088.5(b); *California Oak Foundation v. Regents of University of California*, 188 Cal.App.4th 227, 267 (2010).

The TDM was included in the Final EIR as a clarifying document to demonstrate the potential process for implementing, monitoring, and reporting on mitigation required in the Final EIR. Additionally, no changes were made to impact findings. Therefore, this does not constitute significant new information that would require recirculation of the Final EIR.

General comment on water availability: *The Final EIR does not take into account the impacts from climate change on the availability of surface water supply and does not adequately account for actual use of surface water in the Places of Use, loss of water from seepage and evaporation, and the potential amount of groundwater that may be used to supplement surface water.*

Response: The Water Supply Assessment included as Appendix WSA of the EIR accounts for impacts related to climate change. A discussion on the topic is included throughout the WSA (see Section 4.3.3 of the WSA). As shown in Table 3.9-6 of Volume II of the Final EIR, even accounting for diminished groundwater and surface water supplies that would occur as the result of droughts and climate change, the water supply for the Proposed Project is expected to exceed demand during all dry year scenarios through 2040. Additionally, reservoir loss of water from seepage and evaporation was considered in the WSA and Final EIR, and the amount of groundwater proposed to be used to meet potable and non-potable demand for the Proposed Project has been identified and thoroughly evaluated within the Final EIR and Appendix WSA of the Draft EIR.

General comment on emergency evacuation and wildfire risk: *The Proposed Project would result in an increased risk of wildfire through development in the wildland-urban interface, and would impair evacuation routes and would consequently impact biological resources. The Final EIR does not adequately discuss evacuation of people from the Guenoc Valley Site in the event of a wildfire, or how this evacuation would impact other local residents attempting to evacuate the area and first responders attempting to address the wildfire. The EIR does not demonstrate that wildfire mitigation would reduce impacts to a less than significant level. The Final EIR does not provide modeling of potential fire behavior. The cumulative impacts analysis related to wildfire risk is inadequate.*

Response: The Final EIR does acknowledge that the Proposed Project would result in impacts associated with increased risk of wildfire ignition. To clarify this point, the Final EIR has been supplemented to include additional detail regarding the potential for increased wildfire ignition risk resulting from the Proposed Project and to explain how the Wildfire Prevention Plan, project design features and commitments, and the mitigation would reduce these effects to a less-than-significant level. The Mitigation Monitoring and Reporting Plan (MMRP) has been updated to list the “project commitments” related to wildfire prevention and response, including implementation of the Wildfire Prevention Plan. Additionally, the MMRP includes a new commitment to prepare a Wildfire Evacuation Plan in cooperation with and subject to approval by CalFire, the South Lake County Fire Protection District, and the Lake County Sheriff Department. The evacuation plan must be provided to all project residents, guest and employees and would promote orderly evacuation of the Guenoc Valley Site that would not impede emergency responders from responding to fires. Please refer to **Exhibit 2** Final EIR Errata for these changes.

Because the Proposed Project would actively manage for wildfire risk and would not increase the frequency or intensity of wildfires, there would be no impact to biological

resources resulting from increased frequency or intensity of wildfire. Therefore, no further analysis is necessary.

Use of modeling is not required under CEQA and is not necessary for the Proposed Project as the Wildfire Prevention Plan contains sufficient information related to wildfire risk within the site to inform analysis and mitigation.

4) Comment Letter from CNPS, dated July 7, 2020 (Refer to Attachment A of Exhibit 2)

Detailed responses to the July 7, 2020 letter from the California Native Plant Society are provided in Exhibit 1. The letter raises four broad issues which are briefly addressed below.

General comment on mapping: Sensitive habitats and special status plant locations are inconsistently mapped and underreported and are, therefore, not adequately evaluated for impacts. Special-status plant locations need to be better defined prior to impacts.

Response: Habitat mapping and special-status plant locations were mapped during biological surveys of the Guenoc Valley Site. Mapping is presented and analyzed based on Geographic Information System layers, which are the same across the figures presented in the Final EIR. Additional information on methods is included in Appendix BRA1 and BRA2 of the Final EIR. No comment is made on the adequacy of the analysis aside from the question raised regarding mapping, and mitigation already required preconstruction botanical surveys to occur prior to impacts given the potential for plants to establish in novel areas throughout project buildout.

General comment on habitat classification: Musk brush chaparral and rock outcrops are not valid habitat types and therefore do not allow for appropriate identification of impacts.

Response: The California Department of Fish and Wildlife's List of Natural Communities is not exhaustive of all habitats present within the state and is a living document that is updated as additional information on vegetative communities are identified or better defined. Therefore, defining musk-brush chaparral as one of these communities would be a misrepresentation of what was observed. This habitat was determined to be sensitive, and in-kind mitigation required for impacts. Because the rock outcrops largely do not support vegetative communities, there is no suitable vegetative alliance by which to define this habitat type.

General comment on special-status plant mitigation: Use of a 2:1 mitigation ratio is inappropriate, and a species-by-species mitigation plan should be developed. Mitigation is vague, deferred, and unenforceable.

Response: Mitigation already requires three years of mitigation monitoring with adaptive management provisions. Adaptive management would be recommended by a qualified biologist and would be tailored to not only the specific species, but for the precise

mitigation location and individual plant needs as well. Mitigation requires 2:1 planting, three years minimum of monitoring, and an 80 percent success rate and is therefore not deferred. Mitigation already requires that a mitigation plan be developed in consultation with the appropriate agency should a special-status plant not previously identified and with no history of successful compensatory plantings be identified within an impact area.

General comment on the CEQA Process: Substantive comments cannot be provided because notice of meetings and opportunities for public comment have not been adequately provided.

Response: The Notice of Preparation was issued on April 24, 2019, which initiated the 30-day scoping comment period. There were two public scoping meetings. The Draft EIR public review period was extended from 45 to 60 days and included a public meeting. The public meeting was noticed properly, and was attended by a substantial number of individuals, many of whom submitted comment letters. It is noted that there is no comment period required by CEQA for a Final EIR.

5) Comment Letter from Sierra Club, dated July 6, 2020 (Refer to Attachment A of Exhibit 2)

Detailed responses to the July 6, 2020 letter from the Sierra Club are provided in Exhibit 1. Refer to item 6 below.

6) Revision to Land Use Policy 6.12 Section 6.12.3 to Clarify Geographic Scope

On June 25, 2020, the Department provided a staff report (Staff Report) to the Planning Commission responding, in part, to written comments submitted from the Sierra Club on June 17, 2020. The Sierra Club raised a possible inconsistency between the Project and the Lake County General Plan Policy LU 6.12. Accordingly, Department Staff recommended that the General Plan Policy LU 6.12 be revised to include the following new Section 6.12.3 (Staff Report (June 25, 2020), p. 2):

6.12.3: "The provisions of LU-6.12.1 and 6.12.2 shall not apply to the Special Study Areas of the Middletown Area Plan".

However, as Sierra Club's July 7, 2020 letter points out, the proposed Section 6.12.3 is too broad in geographic scope and the Project EIR does not analyze the impacts to all of the Middletown Area Plan Special Study Areas. See Sierra Club, July 7, 2020 Letter, p. 2. Department Staff appreciates the comment and finds that this is the result of an inadvertent omission. Section 6.12.3 only applies to the Langtry/Guenoc Special Study Area. Therefore, Department Staff recommends that the Section 6.12.3 add the following underlined language:

6.12.3: "The provisions of LU-6.12.1 and 6.12.2 shall not apply to the Langtry/Guenoc Special Study Area of the Middletown Area Plan."

This revised Section 6.12.3 responds to Sierra Club's comment about the geographic scope of Section 6.12.3.

Amending the General Plan with Section 6.12.3, as revised, does not trigger recirculation of the EIR because it does not reveal new, significant information. The EIR identified the need for the Project to obtain a General Plan amendment, among others. Accordingly, Section 6.12.3 to the General Plan is not new information because the EIR disclosed that the Project would need a General Plan amendment. ES-1 (listing Project approvals). The revised Section 6.12.3 merely clarifies the language of the General Plan amendment that the Project will need.

Furthermore the Project EIR fully evaluates the impacts associated with Section 6.12.3, as revised. Final EIR, 3.2-29 (emphasis in original); see also Response to Comments, O7-01 (explaining that the impacts associated with the increase in allowable development and residential units above what was envisioned in the Middletown Area Plan are evaluated “throughout the EIR.”); Final EIR, 1-1 (“The Draft EIR analyzes the effects of the proposed General Plan amendment and rezoning of the Guenoc Valley Site to GVD on a programmatic level.”). This is because the borders of the Langtry/Guenoc Special Study Area coincide with the Project site.

The proposed Section 6.12.3 is also consistent with the long term goals of the General Plan. As the June 25, 2020 Staff Report, page 2, explained:

The Middletown Area Plan specifically identifies study areas where the plan envisions “innovative resort/residential communities”, rather than resort communities with ancillary residential uses. General Plan Policy LU-1.2 states “The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, mixed use projects, and other innovative development and planning techniques. A blanket limit on residential uses associated with resort development limits innovation, especially in context of mixed-use planned development.

Section 6.12.3, as revised, does exactly what the General Plan and Middletown Area Plan envision. It seeks to “further innovative mixed use development consistent with General Plan, and Middletown Area Plan goals and policies. With [the addition of Section 6.12.3], the Guenoc Valley project would be consistent with the General Plan Land Use policy LU-6.12 as amended.” See Staff Report (June 25, 2020), pp. 2-3. Therefore, Section 6.12.3, as revised, is consistent with the long term goals of the General Plan.

AMENDED SAMPLE GENERAL PLAN POLICY MOTION

Lake County General Plan:

I move that the Board of Supervisors make a motion to amend General Plan Policy LU 6.12 of Chapter 3, Section 3.9 (Economic Development) of the Lake Country General Plan, because it is in the public interest as it supports implementation of the Middletown Area Plan and policies of the General Plan, especially related to economic development and support for economically diverse job base, innovative resort/residential communities, agritourism opportunities and resort-related uses while at the same time protecting significant agricultural lands, open space and natural resources of the area, as further presented in the Supplemental Staff Report dated June 22, 2020 and the Memorandum

dated July 1, 2020 to include the following section: “6.12.3 The provisions of 6.12.1 and 6.12.2 shall not apply to the Langtry/Guenoc Special Study Area of the Middletown Area Plan”.

7) Comments and Questions from the public raised at the July 7, 2020 hearing and follow up emails related to the Middletown Housing Development

A number of questions were raised at the public hearing and in follow up emails to the County related to the Middletown Housing Development, including but not limited to:

Will the off-site housing be designed to be consistent with the neighborhood?

Response: Plans and specifications presented to the board, during the July 1, 2020 meeting, included a “massing study” outlining the number of units and proposed layout. Depictions of the architectural design were not included. However, applicant is currently soliciting proposals from local architects to design a traditional farmhouse look that is consistent with the neighborhood.

Will the parking capacity be sufficient or will parking overflow occur in the nearby neighborhoods?

Response: As depicted in Figure 2-17 of the Draft EIR, a minimum of two (2) parking spaces will be provided per residential unit. The minimum parking requirements shall apply except as provided in Article 46.

Will the housing be rentals or for purchase?

Response: The Fair Housing Act¹ prohibits discrimination in the sale or rental of housing, whether renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Although housing is designed to accommodate the workforce employees, resort housing will be available for rent within the community and potentially offered for sale if additional rental/housing opportunities are provided for the local workforce.

Who will maintain the common grounds including the community club?

Response: There will be a very small homeownerships association affiliated with the Santa Clara property that will take maintain upkeep of the clubhouse and the common grounds.

Will storm water be retained within the site or flood onto neighboring properties?

Response: The commenter raises concerns that developing the Middletown Housing Site and access roadways could exacerbate existing flooding that occurs in the

¹ Regulatory Information available at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_rights_and_obligations

vicinity. In response, the stormwater plan for the proposed housing development has been designed to incorporate stormwater detention basins, rain gardens and treatment areas to ensure there would be no increase in stormwater flows from the site for the 2-year, 24-hour storm. This stormwater design would comply with the State Water Resources Control Board's General Permit for Waste Discharge Requirements for Storm Water Discharges from Municipal Separate Storm Sewer Systems, which Lake County is required to comply with. To ensure that the potential for development of the site (including road access improvements) won't increase flooding on adjacent properties, additional analysis and mitigation measures have been added to the FEIR to address this issue. Mitigation measure 3.9-4 has been revised to require a floodplain analysis certified by a Registered Professional Engineer prior to the issuance of a grading permit. The floodplain analysis will describe drainage features (if needed) to ensure Project impacts do not increase the extent or depth of flooding in adjacent areas. Please see the Errata document for changes to FEIR Volume II, Section 3.9 Hydrology and Water Quality for details.

Have the debris piles on the site been tested for hazardous materials?

Response: As described in the Phase I Environmental Site Assessment Report prepared by Partner Engineering and Science, Inc. (Partner), completed on November 19, 2018, there are no recognized environmental conditions (REC) identified within the Proposed Middletown Housing Site, further identified as APN 014-380-09 (Partner, 2018²). Several large pieces of rusted metal and concrete slabs were observed along a raised berm located on the eastern portion of the property. The debris was found dispersed along the ground and partially buried in the raised land. However, due to the nature of the debris, (Mattress frame, corrugated metal siding, etc.) this observation was determine not significant. Furthermore, the Report concluded that no additional investigation was warranted.

Will Santa Clara Road be improved? It is currently not maintained?

Response: As described in Section 2.2.3 of the Draft EIR, the Middletown Housing Site is accessed directly via eastbound Santa Clara Road. Santa Clara Road, and roads within the property, will be public roads that shall be improved to public standards.

Will there be a left turn lane installed on Highway 175?

Response: As described in Section 2.2.3 of the Final EIR and in Appendix TIA of the Draft EIR, the Middletown Housing Site would be accessed via eastbound Santa Clara Road from SR 175. As shown in Section 3.13.4 of the Final EIR, the intersection of SR 175 and Santa Clara Road would continue to operate at acceptable conditions under both the baseline plus project scenario and the cumulative plus project scenario. Accordingly, no improvements were proposed for the intersection of SR 175 and Santa Clara Road.

² Source: Partner, 2018. Phase I Environmental Site Assessment Report. *Vacant Land – Approximately 12.5 Acres*. Project No. 18-229252.1.

What about the traffic and noise this will cause the current residents of Park Avenue?

Response: As described in Impact 3.10-3 of the Final EIR, the Proposed Project would not result in a significant increase in traffic noise levels along SR 175 in the vicinity of Santa Clara Road and Park Avenue. Access to the Middletown Housing Site will be via Santa Clara Road. An emergency vehicle access point connection will be provided via a driveway from the Middletown Housing Site to Park Avenue, however, this driveway would not be utilized by project residents for general ingress and egress to the site. Therefore, significant increases in traffic and noise along Park Avenue would not occur.