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VIA U.S. MAIL & E-MAIL

October 21, 2019

Ryan Fowler, Senior Planner
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RE: Comments to the Rockport Ranch Project Draft Environmental Impact Report; SCH No. 2017081069 (GPA No. 2016-287, CZ No. 2016-288, SP No. 2016-286 and TR 37131)

Dear Mr. Fowler,

On behalf of **Southwest Regional Council of Carpenters** (“**Commenters**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Menifee’s (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2017081069) for the Rockport Ranch Project (“**Project**”).

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The Project proposes to construct a mix of single-family homes and single-family courtyard residential development with open space and trails on a 79.68-acre Rockport Ranch property, which is located in the City of Menifee, on the southwest corner of Briggs Road and Old Newport Road (APNs 364-190-004, and 364-190-005). DEIR, p. 1-1. The Project Site is the location of the former Abacherli Dairy. DEIR, p. 3-9.

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The residential development totals 38.4 acres of the Project Site. DEIR, p. 3.2. The Project proposes 305 residential lots, 96 single-family courtyard residential units and 209 single-family residential units) 20.1-acres of private recreational open space and trails and 21.18-acres of road and easements. DEIR, p. 3-3.

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The Project proposes to implement a General Plan Amendment (GPA No. 2016-287), Change of Zone (CZ No. 2016-288), Specific Plan (SP No. 2016-286), and Tentative Tract Map (TR No. 2016-285 also referred to as TR 37131), herein collectively referred to as the “Project”) to allow development of a Specific Plan subdivision which includes

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305 residential units as well as recreation facilities. DEIR, p. 1-1. The proposed GPA would revise the Land Use Designation from Agriculture (AG) to Specific Plan (SP).
Id.

7d cont.

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects.

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Individual members of the Southwest Carpenters live, work, and recreate in the City of Menifee and surrounding communities and would be directly affected by the Project's environmental impacts. Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

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Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("CEQA"), Cal Public Resources Code ("PRC") § 21000 *et seq.*, and the California Planning and Zoning Law ("Planning and Zoning Law"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

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I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

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CEQA has two basic purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. 14

California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

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While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal.5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

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A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

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The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449 – 450)

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B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

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Significant new information includes “changes in the project or environmental setting as well as additional data or other information” 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).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

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An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

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C. The DEIR Fails to Describe the Project Site’s Existing Environmental Baseline Condition

An EIR must describe existing environmental conditions in the vicinity of the proposed project, which is referred to as the “environmental setting” for the project. 14 Cal Code Regs §15125. This description of existing environmental conditions ordinarily serves as the “baseline” for measuring the changes to the environment that will result from the project and for determining whether those environmental effects are significant. 14 Cal Code Regs §§15125, 15126.2(a). As the California Supreme Court has noted, to provide the impact assessment that is a fundamental purpose of an EIR, the EIR “must delineate environmental conditions prevailing absent the project, defining a ‘baseline’ against which predicted effects can be described and quantified.” *Neighbors for Smart Rail v Exposition Metro Line Constr. Auth.* (2013) 57 Cal.4th 439, 447.

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The DEIR provides an inaccurate and unstable existing condition of the Project Site. The existing condition described in the DEIR is different than the Initial Study. DEIR, p. 4.1-4. Here, the Project Applicant illegally began demolition of the concrete and fill from the prior dairy operations in or about October 2016. DEIR, p. 4.1-4~5. The grading and demolition of the concrete and fill area of the Project Site were completed in November 2017. *Id.* It was not until September 2017 that the demolition and grading permits were approved and it was not until October 2017, just one month before the completion of the demolition and grading, that the construction BMPs were installed. *Id.*

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The DEIR acknowledges that the existing condition of the Project Site is different for the DEIR than that discussed in the Initial Study. DEIR, p. 4.1-4. As a result of the

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illegal demolition and grading activity that occurred prior to the completion of the DEIR, the Project Site was irreversibly altered, with many impacts such as biological resources and hazards, unanalyzed and unmitigated.

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However, the DEIR cannot have it both ways, by using baseline information from both before and after the October 2016 – November 2017 illegal prior activity. For example, the methane monitoring results in Table 4.9-1 were obtained in February 2016 before the illegal demolition and grading began on the Project Site in October 2016. Also, the burrowing owl surveys were conducted before the illegal activity began. Thus, these results are outdated and no longer reflect the actual existing conditions of the Project Site.

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Next, the DEIR justifies its changed existing condition and the prior illegal activity by citing to and relying on *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1452-53. DEIR, p. 4.1-4~5. However, in *Riverwatch*, the existing condition information set forth in the DEIR was not changed from the Initial Study. Moreover, the court relied on the enforcement actions of the enforcing agencies like the Army Corps of Engineers and concluded that in that particular case based on those facts that CEQA did not require any further accounting for prior illegal activity. *Riverwatch, supra*, 76 Cal.App.4th at 1453.

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Here, the DEIR does not provide any information on whether any enforcement action was taken regarding the Project Applicant's prior illegal activity. In fact, the City, which is also the lead agency for this Project and the DEIR, and also would be the enforcing agency in this action, appears to take the position that the prior illegal activity only had "a de minimis impact." DEIR, p. 4.6-6~7.

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Based on the information admitted in the DEIR, and the change in the Project's existing condition from the time of the Initial Study to the DEIR, the DEIR fails to provide an accurate existing condition of the Project.

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D. The DEIR Fails to Adequately Disclose and Mitigate the Project's Significant Impacts on Biological Resources.

1. *The DEIR Fails to Adequately Analyze the Project's Significant Impacts on Burrowing Owls.*

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Burrowing owls and their nests and eggs are protected from “take” (meaning destruction, pursuit possession, etc.) under the Migratory Bird Treaty Act (MBTA) of 1918 and under Sections 3503, 3503.5, and 3800 of the California Fish and Game Code. The DEIR acknowledges that activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of one or both of these laws.

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The DEIR admits that at least one burrowing owl and burrow were observed during a survey in 2016. DEIR, p. 4.5-22. However, after the survey was done, the Project Applicant illegally began demolition of the concrete and fill from the prior dairy operations in or about October 2016. It was not until September 2017 that the demolition and grading permits were approved and it was not until October 2017, just one month before the completion of the demolition and grading, that the construction BMPs were installed. DEIR, p. 4.1-4~5. No other surveys were conducted after the illegal demolition and grading were completed in November 2017. As a result, the DEIR fails to adequately analyze the Project’s impacts on burrowing owls.

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2. *The DEIR Improperly Defers Mitigation of the Project’s Significant Impacts on Burrowing Owls.*

Moreover, the DEIR fails to adequately mitigate the Project’s significant impacts on burrowing owls by improperly deferring the adoption of specific performance standards that the mitigation measures are designed to achieve.

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Section 15126.4(a)(1)(B) of the CEQA Guidelines states “[f]ormulation of mitigation measures shall not be deferred until some future time.” While specific details of mitigation measure may be deferred, an agency is required to (1) commit itself to mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. *See Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671.

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As explained above, the DEIR admits that at least one burrowing owl and burrow were observed during a survey. DEIR, p. 4.5-22. There is no question that any “take” of burrowing owls or their nests and eggs violate the MBTA and the applicable sections of the California Fish and Game Code.

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The DEIR's biological resource mitigation measures MM-BIO-1 and MM-BIO-2 are vague and fail to adopt specific performance standards to ensure mitigation of the Project's potentially significant impacts to burrowing owls. While MM-BIO-1 sets recommendations that no disturbances should occur within a certain distance during either breeding or nonbreeding seasons, it does not state for how long such avoidance of impacts must occur during construction and how much construction could be delayed. DEIR, p. 4.5-25. MM-BIO-2 similarly requires a survey during the nesting season and requires avoidance buffers if active bird nests are found. However, both MM-BIO-1 and MM-BIO-2 defer the mitigation of impacts to burrowing owls by failing to specify when and how relocation, if any, would take place especially given prior occurrence of burrowing owl in the Project Site. Moreover, relocation appears inevitable since any type of avoidance buffers cannot be maintained in perpetuity since the entire Project Site will be completely redeveloped into the Project according to the proposed Specific Plan. Finally, the DEIR fails to analyze how any extent of relocation or disturbance of burrowing owls or their burrows would constitute a take. Based on the vague analyses and improper deferrals contained in MM-BIO-1 and -2, the DEIR's conclusion that the Project's biological impacts would be reduced to an insignificant level is unsupported.

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E. The DEIR Fails to Adequately Analyze and Mitigate the Project's Significant Agricultural Impacts.

1. *The DEIR Fails to Adequately Analyze and Mitigate the Project's Significant Loss of Important Farmland.*

According to Appendix G of the CEQA Guidelines, the Project would have a significant impact if it would: a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (DEIR refers to these types of Farmland as Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. DEIR, p. 4.3-9.

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The DEIR admits that the County of Riverside has designated the Project Site as Farmland of Local Importance, Prime Farmland, and Farmland of Statewide Importance. DEIR, p. 4.3-10. This mere fact establishes that the Project meets the CEQA threshold of significance regarding converting Important Farmland to non-agricultural use and supports a conclusion of a significant cultural impact that requires mitigation.

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However, the DEIR follows its own threshold of significance by applying the LESA Model and concludes that the Project would not have a significant impact on agricultural resources. Not only is the LESA Model scoring not required under CEQA Appendix G, but it is also highly discretionary and variable. Even the DEIR's LESA scoring was mere 2 points away from being considered significant impact – the Final LESA Score for the project was 40.357, which would have been considered significant impact if both the LE factors and SA factors were individually greater than 20. Here, the DEIR determined that while the LE factors totaled 22.357, the SA factors totaled 18 which was below the threshold of 20. The only thing that the DEIR's LESA Score illustrates is that even under its wide variability, the Project was just a smidgen below even the LESA's own threshold of significance.

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As a result of its less than significance conclusion, the DEIR proposes no mitigation by, for example, proposing to conserve other farmland within the City.

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2. *The DEIR Fails to Adequately Analyze and Mitigate the Project's Cumulative Agricultural Impacts.*

Moreover, the DEIR's cumulative agricultural impacts analysis was flawed because it was based on the erroneous notion that a conclusion of a less than significant impact means the Project cannot cause cumulative impacts to agricultural resources. CEQA requires the analysis of whether the Project will cause an incremental contribution to a cumulative effect.

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An EIR must discuss cumulative impacts when the project will make a "cumulatively considerable" incremental contribution to a significant cumulative effect. 14 Cal Code Regs §15130(a). A project's incremental contribution is cumulatively considerable if it is significant when viewed in connection with the effects of other past, current, and probable future projects. 14 Cal Code Regs §15065(a)(3). Under these provisions of the CEQA Guidelines, a lead agency may determine that the project will not have a significant cumulative impact because its incremental contribution to a cumulative effect is not cumulatively considerable. 14 Cal Code Regs §15130(a).

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Therefore, the DEIR must analyze how much Important Farmland has been converted near the Project to analyze the extent of cumulative impact the Project would have.

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F. The DEIR Fails to Adequately Analyze and Mitigate the Project's Significant Hazards Impacts.

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1. *The DEIR Fails to Adequately Analyze the Levels of Methane Contamination Existing on the Project Site.*

The EIR admits that the Project Site contains significant methane contamination due to the prior dairy use on the Project Site. According to the DEIR, for a typical dairy operation, there is variable organic material beneath the surface due to the significant quantities of manure and urine produced by the livestock. DEIR, p. 4.9-12.

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Approximately 85% of the Project site was utilized for previous livestock activities and will require an evaluation and/or mitigation for methane. DEIR, p. 4.9-13.

The DEIR provides methane monitoring results in Table 4.9-1 which show existing methane levels of up to 50,000 ppm (parts per million). However, the methane monitoring results were incomplete as there were many results that were “not read” or indicate “fail.” DEIR, Table 4.9-1. As a result, the DEIR presents an incomplete set of methane monitoring data. The DEIR fails to explain why the incomplete or “not read” results could not be done again. In conclusion, the DEIR fails to provide a complete, reliable methane monitoring results to inform the public about the extent of methane contamination existing on the Project Site.

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However, the DEIR acknowledges the prior illegal grading that was commenced in 2016 to 2017 without a permit could have changed the baseline for these levels. *Id.* at p. 4.9-17~18. Because the methane monitoring results in Table 4.9-1 were obtained in February 2016, these results are outdated and do not reflect the actual existing conditions of the Project Site. As a result, the DEIR not only fails to adequately analyze the Project’s hazards impacts but fails to adequately mitigate such impacts.

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2. *The DEIR Improperly Defers the Formulation of Hazards Mitigation Measures.*

The DEIR improperly defers the formulation of Hazards Mitigation Measures MM-HAZ-3, -4, -6, -7 and -8. In effect, the deferral of formulation of these mitigation measures treats the remediation of the methane contamination on the Project Site as an afterthought rather than an important component of the Project that it is. As such, the DEIR must be revised and recirculated as suggested below.

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MM-HAZ-3 provides that “[d]uring grading operations, the grading contractor shall not import fill from other portions of the site (identified as Area 2 and Area 3 in Figure 4.9-1, Livestock Related Activity) that has *significant* manure or organic content into this area.” DEIR, p. 4.9-23. However, the use of the term “significant” is vague

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and lacks adequate performance standards since there is no way that a contractor could know what level is considered “significant” manure content. 7nn cont.

MM-HAZ-4 provides that “[p]rior to grading in Area 2, any near-surface highly organic material (which includes former manure stockpiles), shall be *skimmed* from these areas and removed off-site or placed in *an onsite, non-structural location such as a park*.” DEIR, p. 4.9-23. Similar to MM-HAZ-3, MM-HAZ-4’s use of vague and indefinable terms such as “skimmed” and “location such as a park” lack concrete and specific performance standards to guide the contractors. How much removal of organic material is “skimming” and what areas “on-site” are considered as “a park” where highly organic material could be disposed of at? 7oo

Next, MM-HAZ-6 requires that “[p]rior to the issuance of a grading permit, a remediation plan shall be submitted to and approved by the Engineering Department. During grading operations, remedial removals in former stock pond areas shall be monitored by the Project Geotechnical Consultant, during grading in Area 3. Organics that produce methane may have been flushed deep into the native soils.” DEIR, p. 4.9-23. However, the DEIR improperly defers the formulation of a remediation plan and does not provide specific performance standards that such a plan must meet. Moreover, the DEIR should have fully and accurately analyzed the extent of the methane contamination present on the Project Site and prepare a remediation plan *before* the Project is approved, so appropriate agencies and the public could weigh in and improve the adequacy of such a plan. 7pp

MM-HAZ-7 provides that “[r]emedial removals *as deep as 12 feet below* the former stock ponds shall be required. This will be coordinated with the information contained in the Project Geotechnical Evaluation, prepared by GEOTEK, Inc., March 2016 in order to provide appropriate remedial removal depths to provide *a suitable foundation material*. The organic content of fill materials beneath residential structures shall be less than 1% of the total fill mass. This shall be reflected in any and all grading plans.” DEIR, p. 4.9-23. First, MM-HAZ-7’s use of “as deep as 12 feet below” and “*a suitable foundation material*” are vague and confusing and fails to provide adequate specific performance standards. Moreover, because the March 2016 Project Geotechnical Evaluation was prepared prior to the illegal prior activity of grading and demolition, it no longer reflects an accurate existing condition at the Project Site. 7qq

Finally, MM-HAZ-8 requires that “[a] minimum of 30 days after grading has been conducted Area 3 must be tested for methane on a lot-by-lot basis. A final report shall 7rr

be prepared and submitted to the City Building and Safety Department for review and approval. Recommendations for methane remediation shall be designed per County of Riverside Protocols (2004, or most recent) prior to the issuance of any subsequent building permits.” DEIR, p. 4.9-23. However, MM-HAZ-8 improperly defers methane testing in Area 3 and defers the preparation of a final report until after project approval. The April 2016 methane monitoring showed methane concentrations as high as 50,000 ppm in Area 3, where the stock pond and desilting basin areas are located. As a result of the illegal prior grading and demolition activity which occurred October 2016 to November 2017, the April 2016 methane monitoring data, which was already incomplete, is outdated.

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The DEIR must present a complete and accurate methane monitoring information before project approval. Because remediation of the methane contamination is part of the Project, any and all information pertaining to the remediation must be fully analyzed and circulated for public input.

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G. The DEIR Improperly Defers the Formulation of Public Services Mitigation Measures

MM-PS-1 provides that “[p]rior to the recordation of a final map, the Project developer shall establish a funding mechanism, such as a safety services tax or payment of an in-lieu [*sic*] fee to mitigate its impacts to the City’s General Fund for Public Safety Services.” However, MM-PS-1 fails to specify how much the tax or in-lieu fee would be, which fails to ensure that the Project’s public services impacts would be mitigated to a less than significant level.

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MM-PS-2 provides “[t]o assure that the future Project development incorporates *defensible space concepts*, the design of each tract shall be reviewed with the Community Development Department prior to approval of any tentative tract maps, conditional use permits, or other entitlements and the approved maps shall incorporate defensible space measures approved by the Sheriff’s Department.” However, the MM-PS-2 fails to explain or establish what kind of “defensible space concepts” should be incorporated into the Project and what type of defensible space concepts would be sufficient to earn the approval by the Sheriff’s Department.

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As a result of the improperly deferred mitigation measures, the DEIR’s conclusion that the Project would have less than significant public services impacts is unsupported.

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II. THE PROJECT IS INCONSISTENT WITH THE CITY'S GENERAL PLAN

The City's General Plan's Goal OSC-6 states "[h]igh value agricultural lands available for long-term agricultural production in limited areas of the City." DEIR, p. 4.3-8. The General Plan Policy OSC-6.1 requires that the City "[p]rotect both existing farms and sensitive uses around them as agricultural acres transition to more developed land uses." *Id.* at p. 4.3-9.

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However, the Project would convert over 70 acres of Important Farmland to residential uses without any mitigation or off-site conservation. As a result, the Project is inconsistent with the General Plan's Goal OSC-6 and Policy OSC-6.1.

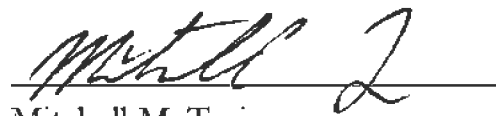
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III. CONCLUSION

Commenters request that the City revise and recirculate the Project's environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my office.

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Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters