

September 1, 2009

To: Lake County Planning Commission

Subject: September 10, 2009 agenda item: certification of FEIR, Cristallago Project
Rebuttal to specific responses to my comment letter dated December 10, 2008
(listed in EIR as Comment Letter 28)

Please note that I have summarized some of the comments and responses for the sake of simplicity but have not changed the content. Those that are verbatim have quotation marks. I have not included all comments and responses as a few of these did not require further review.

Comment 28-2

I stated that the project is outside the Urban Growth boundary and does not fit the guidelines of the General Plan for mixed-use development outside an Urban Growth boundary because it does not have a “subordinate residential component.”

Response 28-2

“The comment states an opinion that project does not meet criteria of Policy LU-6.12 (Permitting for Mixed-Use Resorts) of the General Plan but does not state a specific concern or question regarding sufficiency of analysis or mitigation measures contained in the DEIR.” Reference Response 17-47 regarding policy consistency analysis in the DEIR.

Rebuttal 28-2

Policy LU-6.12 states “The County shall encourage development of resorts while ensuring land suitability and compatibility with surrounding land uses. Mixed Use resorts proposals requesting increased residential density may be considered outside of Community Growth Boundaries, provided that the primary scope of the project is resort commercial, the residential component is secondary and subordinate...” This project proposes 650 residential units and 325 resort units. This does not constitute a subordinate residential component. Reference to response 17-47 appears to be erroneous as this concerns management of oak woodland communities.

Comment 28-3

I stated that the project would have a major visual impact from a County Scenic Corridor (Highway 29), which the DEIR says would be “significant and unavoidable.” I also expressed concern about the project proposal for hilltop flattening, ridge-line development, and removal of large rock outcrops.

Response 28-3

Response correctly states that my comment is in regards to visual impacts of the

proposed project but that I erroneously state that Highway 29 is a County Scenic Corridor. The response does not dispute that the site is highly visible from Highway 29 and “would create large-scale changes to the site and to the scenic vistas of the site.” Concerning “hilltop flattening, ridge-line development and removal of large rock outcrops...” response does not dispute this but states that “the proposed resort component would resemble a Tuscan hillside village, using alternating design styles, materials, elevations and layouts.” The response further states “DEIR notes project would result in large-scale changes to the site, including the removal of oak woodland and would result in grading and removal of scenic rock outcroppings...” “Large-scale changes on the project site including the loss of scenic rock outcroppings cannot be mitigated.” The conclusion is “the project site is not within a State Scenic Highway and cannot be viewed from any County-designated scenic route. Therefore, impacts related to views from a State Scenic Highway or County-designated scenic route would be less than significant and no mitigation measures are required.”

Rebuttal 28-3

Whether or not Highway 29 is a designated State or County Scenic Route, my concerns and comments remain the same. Highway 29 is a principal corridor in Lake County and visual impacts from this highway should be of concern.

Comment 28-4

“The EIR states that the impacts of lighting from the project would be less than significant when mitigated.” I stated this is not possible with 650 residential units and 325 resort units, as well as traffic that would be generated by this type of development.

Response 28-4

Response correctly states that my comment is in regards to lighting. However, it incorrectly stated that it is an opinion that mitigation could not lessen the impact to less-than-significant. “Under Impact AES-4, it was determined that proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Some increase in the illumination of the site would be unavoidable from project development.” It goes on to talk about design standards, building materials and glare and references response 17-13.

Rebuttal 28-4

My concern is primarily with the additional lighting as opposed to glare. I don't understand response that “project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in this area.” Aren't new houses, new resort units and vehicles associated with development new sources of light? Almost 1000 new units are going to create a significant new amount of light over what the undeveloped site currently has!

Comment 28-6

“The EIR states that ‘the project would not physically divide a community’...”
Cristallago is proposed to be located two miles from the existing community of Lakeport. I believe this would create a divided community.

Response 28-6

“The project would not physically divide an established community.” Response goes on to state that surrounding land is either agricultural or undeveloped and states that the City of Lakeport is two miles away.

Rebuttal 28-6

None needed. Response is contradictory and makes no sense.

Comment 28-7

“The project as proposed would result in a 53% loss of oak woodlands which would be significant and unavoidable according to the EIR.”

Response 28-7

Comment doesn’t “state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR.”

Rebuttal 28-7

Apparently respondent does not consider 53% loss of oak woodlands to be specific enough. However, I believe this is a significant concern that is not sufficiently addressed in the EIR. There is a proposal to set aside a portion of the oak woodlands as an easement and to plant new trees in the development. This falls far short of adequate mitigation of a 53% loss of oak woodlands.

Comment 28-9

“‘Serpentine has naturally occurring asbestos in the bedrock throughout much of the project site.’ The EIR states that asbestos impacts can be mitigated to less than significant. The EIR does not adequately address potential exposure problems that could occur due to seismic and geologically unstable soils (slope instability, erosion and landslide). All of these characteristics are present in the project site. In fact, development in landslide areas is inconsistent with both the General Plan and the Lakeport Area Plan. Much of the project area has slopes exceeding 30%.”

Response 28-9

Mitigation “includes measures to reduce impacts during construction and operation of the project. Refer also to Response 11-15 and 11-19.”

Rebuttal 28-9

While the EIR uses a lot of words to explain mitigation during construction and what

types of disclosure will be made to potential buyers into the development of the hazards of asbestos, it does not address potential problems due to seismicity or unstable soils. I would encourage the Planning Commission to review the El Dorado Hills development project in California for examples of the types of problems that can occur with development on serpentine soils.

Comment 28-11

“Traffic problems, according to the EIR, could be mitigated to less than significant with the installation of a traffic signal light at Hill Road and South Park Way and a signalized control for the on-ramp to Highway 29. Apparently this determination was made by using a study done in the San Diego region as a standard. In rural Lake County I believe the addition of the traffic signal and a signalized control for the on-ramp would be very significant, not to mention the large increase in traffic as a result of the project.”

Response 28-11

“Refer to Response 7-5 and 7-8.”

Rebuttal 28-11

References in response indicate that the project developers will be responsible for installing improvements needed for traffic mitigation, including two signal lights. My comments referred to my concern that two additional signals lights would be significant in rural Lake County. The signal lights would not be needed except for the expected greatly increased traffic generated by the project. This is also a significant impact whether or not adequate traffic controls are provided.

Comment 28-12

“Lake County already has a high residential vacancy rate (over 26% as compared to a State average of 2-6%). The primary unmet need for housing in the County is for affordable housing. As stated in the EIR ‘the proposed project would not include affordable housing.’”

Response 28-12

“Refer to Responses 18-7 and 19-76 regarding vacancy rates and Response 19-81 regarding the variety of housing types offered by the project.”

Rebuttal 28-12

Reference to Response 18-7, I believe, should have been to 18-17. None of the responses attempts to explain what benefit to Lake County Cristallago could possibly provide when there is already an existing vacancy rate of 26%, particularly in light of the fact that Cristallago will not provide affordable housing, which is Lake County’s unmet housing need.

Comment 28-13

“The EIR states it is ‘reasonable to expect that the project would not result in a meaningful increase in the amount of crime in the project area.’ With a projection of 1,562 new permanent residents and an unknown number of part-time residents and tourist visitors it seems highly unlikely that there would not be an increase in crime as a result of this project.”

Response 28-13

“...Based on the proposed uses (residential, resort communities, and commercial) it is reasonable to expect that the project would not result in a meaningful increase in the amount of crime in the project area.”

Rebuttal 28-13

There is no logic in this response.

Comment 28-15

“Given the current economic recession, which is not expected to end any time soon, approval of the Cristallago proposal would probably result in an unfinished project visible from Highway 29.”

Response 28-15

“...does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR.”

Rebuttal 28-15

My comment speaks for itself. I would also hope that some type of performance bond would be required before a project of this magnitude be even considered.

SUMMARY

After spending hours in hearings and studying the documents related to Cristallago, I believe the questions remaining are

- 1) In what way will this project benefit Lake County? and
- 2) Will the benefits outweigh the negative impacts?

I believe the answer is “NO.”

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