

Major CEQA Inadequacies:

9-25-08

- **Failure to adequately describe Alt. 1B and analyze the impacts from the changes it introduces, and mitigation measures/alternatives made feasible by Alt. 1B associated with the conveyance of DPR land to SBR. These changes constitute grounds for recirculation (see Confirming Analysis document).**
- **Shifting and unstable Project Description violates CEQA¹ and prevents required analysis of environmental impacts, mitigation measures and alternatives.**
- **Misclassification of land use impacts from the project's inconsistency with applicable policies as Class III when numerous policy conflicts indicate Class I impacts.**
- **Misclassification of visual impacts from public trails and the ocean as Class II when proposed mitigation does not resolve the significant view impacts.**
- **Misclassification of agricultural and land use impacts related to agricultural suitability and land use conflict as Class II and Class III respectively when proposed mitigation (agricultural fencing and buyer notification) does not resolve significant impacts caused by introducing estate residential uses into active agricultural lands.**
- **Failure to mitigate cultural, visual, biological, agricultural and land use impacts to the maximum extent feasible as required by CEQA.²**
- **Impermissible³ deferral of mitigation for impacts related to soil hazards and contaminated soils. Relying on post-approval studies to determine the required mitigation measures removes the planning flexibility necessary to ensure that impacts are avoided or minimized.**
- **Failure to consider or respond to feasible mitigation measures raised in public comment letters including elimination or relocation of lots which a) result in impermissible skyline intrusion and b) cause impacts to cultural resources, which constitutes a violation of CEQA.⁴**
- **Failure to require feasible mitigation and alternatives because of DPR's unreasonable demands. Applicant manipulation of alternatives and mitigation measures is not permissible under CEQA.⁵**

¹ *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.

² CEQA Guidelines § 15126.4(a)(1).

³ *Sundstrom v. Mendocino* (1988) 202 Cal. App. 3d 296 at 307-308

⁴ *Los Angeles Unified School Dist. b. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1029-1030.

⁵ *Preservation Action Council v. City of San Jose* (2006) 141 Cal. App. 4th 1336, 1355; *Uphold our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th 587, 602.