

From: Larissa Berry
Sent: Oct 20, 2017 5:10 PM
To: George Rosasco
Cc: Jack Duran , Robert Weygant , Jim Holmes , Kirk Uhler , Jennifer Montgomery , Steven Pedretti , EJ Ivaldi , MAC , MAC , "defendgb@gmail.com" , Tom Mooers
Subject: ZTA EIR Requirements

Good afternoon George,

In the October BOS and Planning Commission agendas, an EIR for the Wine Ordinance text changes and for the GB Traffic Study were mentioned. I did not see an EIR referenced for the Chapter 17 Zoning Text Amendments?

Adoption and amendment of a General Plan is "project" under CEQA and therefore, environmental review must be performed. *City of Santa Ana v City of Garden Grove (1979) 100 CA3d 521*. Adopting or amending a general plan must be done so in accordance with Government Code section 35350 *et seq.* Because of the comprehensive changes being proposed with respect to increased coverage for undeveloped land on an average of 15%, it is fair argument to state that the required EIR must include an analysis of cumulative impacts on land use, hydrology and biological resources. Internal conflicts within the PCGP as well as conflicts with the GBCP must also be addressed.

Zoning ordinance must give enough guidance to provide clear context for planning decisions and approvals with regards to zoning regulations and permits. The loss of upper limits through the use of "...or as determined by", negates any **clear** context. With only one fixed variable and the rest unknown, no clear guidance is provided. Having no fixed height, density or intensity makes it impossible to adequately calculate impacts on the 1. Land Use Element; 2. Circulation Element; 3. Housing Element; 4. Conservation Element; 5. Open Space Element; 6. Noise Element; and 7. Safety Element of either plan. A cumulative population impact and job to housing ratio would also be impossible to calculate since the number of units and residents is undefinable.

Additionally, certain areas could be dis-proportionality impacted with lack of height limit. Since PC has no *Ridge Line Protection Ordinance*, areas such as Tahoe and Auburn could suffer significant negative development with irreparable harm being done to scenic vistas and natural habitats. The attempt to eliminate the self-induced variance would only further open legal challenge since Planned Developments (PD) could attempt to circumvent a request for variances through a CUP or MUP. Since these must also pass the CEQA Land Use test, it makes development challenge-able on multiple fronts.

Trying to claim an exemption under CEQA will also fail under *Save Our Big Trees v City of Santa Cruz, (2015) 241*. For an exemption, the zoning text amendment must be more, not less restrictive. Furthermore, an attempt to use an MND for this review will also fail since there would in no way be substantial evidence to determine that all significant impacts can be fully mitigated.

Please keep me apprised to times and dates for the EIR scoping meetings. I know several individuals who are interested in participating.

Regards

Larissa