

**RESPONSES TO COMMENTS ON IS/ND FOR PROPOSED ECAP AMENDMENTS REGARDING INCREASED FAR FOR EQUINE FACILITIES SUBJECT TO SPECIFIED LIMITATIONS.**

*Comment Letter A: Ingrid Rademaker, Senior Planner, City of Livermore Community Development Department, July 13, 2012*

**Comment A1 - Paragraph A1** – Introductory Comment; Comment is noted, no response is necessary

**Comment A2 - Paragraphs A2 & A3** – These paragraphs briefly describe the essential nature of the proposed change (ECAP Program 48A / CVGP Action 4.10-7), and the conclusion of the IS/ND that the change would have a less-than-significant impact with regard to the potential for conflict with any applicable land use plan or policy. The comment then asserts that the proposed change would conflict with Alameda County Measure D in that Measure D establishes a maximum building intensity of 0.01 FAR for non-residential buildings. Noting that any policy or requirement implemented by Measure D can only be modified by a vote of the people of Alameda County unless it is a technical amendment change, the comment then asserts that this limit can only be changed by vote of the people of Alameda County, because it is a substantive change and not a technical amendment.

**Response to Comment A2:** This is more a procedural issue than a CEQA impact issue, and in that regard deserves additional discussion. For more on the procedural, technical and philosophical basis for proposing this change, please see the October 15, 2012 Planning Commission Staff Report.

From the perspective of CEQA analysis, the increase in FAR for a specific and limited type of land use (horse breeding and training), with strong practical similarity to the existing use that would be modified by its extension (horse boarding), has been considered a minor or technical alteration by County Staff, and thus the proposal to amend presents no substantive conflict with any general plan policy or other regulation. Had the proposed new land use been significantly different from either the equine use being modified or another existing allowed use in the Agricultural or Resource Management designations; or had the FAR proposed been much more than an additional one percent of the entire parcel area for eligible parcels, County Staff would likely have determined that the change was substantive, and would have identified a potential significant impact.

*Comment Letter B: Dick Schneider, Sierra Club, San Francisco Bay Chapter Conservation Committee, July 13, 2012*

**Comment B1** - This comment asserts that the ISND is inadequate as a CEQA document for this proposal, and that an EIR is necessary to adequately describe the environmental effects of the proposal, which includes the potential for up to approximately 1.4 million square feet of new construction. The comment specifically states that analyses of cumulative impacts are omitted, and goes on to provide an example pertaining to visual impacts and light and glare produced by new construction under this proposal.

**Response to Comment B1:** The IS/ND contains a summary discussion of cumulative impacts, beginning on Page 83. The discussion summarizes the project contribution to potential development over the next 20 years, along with the following categories of possible, if not reasonably foreseeable, other forms of development that could occur in the East County LPA and RM designations:

- Wind turbine / wind farm installations
- Commercial-Scale Solar Energy installations
- Sanitary landfills and waste management sites; and
- Surface mines, mostly sand and gravel but also existing and projected hard-rock

After examining the possible contributions of each of these development types to the overall 20-year cumulative scenario, and combining them together with the proposed policy modifications, the IS/ND arrived at the following conclusion:

“Taken in total, the area expected to be impacted by the combination of new horse breeding and training facilities, and the uses described above, over the 20-year planning window is on the order of 250 acres countywide, more or less. These uses would not be concentrated in a single location, but developed in locations that would be spaced widely apart and in areas where the existing infrastructure and natural resources (sunshine and minerals) support the uses. The large majority of the County’s rural land, agricultural area and biological habitat in general would be unaffected by the combination of these uses, and the built and human environment – roadways, utilities and services – would not be cumulatively affected. As a result, none of the impact categories for which full mitigation would be implemented via ECAP Program 48A / CVGP Action 4.10-7 would be made relatively worse in the cumulative sense, either across the County or at any specific location. The project would have no impacts that are individually limited but cumulatively considerable.”

Staff continues to believe that because of the dispersed character of the development that would result under this proposal, the relatively dispersed character of the other types of development that could contribute to the cumulative impact, and the general observation that 32.37 acres of additional possible equine development out of 250 cumulatively, in the context of tens of thousands of acres of LPA / RM lands countywide, the net contribution of this development to cumulative impacts on any category countywide would be negligible.

**Comment B2** - This comment expresses the valid concern that an approved expanded equine breeding and training facility could, over time and without notice, revert back into a recreational facility, not in conformance with the original proposal or the new regulations that have permitted the expanded use; and it also implies that oversight of the approved expanded projects may be inadequate to ensure that the required ratio of uses (at least 50% breeding and training) would be maintained.

**Response to Comment B2:** County Staff recognizes that this comment raises a valid point, and that procedural monitoring measures would be required to ensure ongoing compliance with the requirements of the amendments and zoning change. Section 17.06.030.J. of the County Code requires all equine facilities to undergo a Site Development Review process which includes a

five-year review to ensure that conditions of approval are being met. At the time of the five-year review, the ratio of horse in breeding and training and those being boarded can be confirmed.

**Comment B3** – This comment is complex and in multiple parts.

**B3i** - The comment asserts that, the ISND's statement that the proposed GPAs are consistent with Measure D, is incorrect. The further statement that the GPAs are required to achieve internal consistency is also incorrect. The comment argues that the General Plan, even when it has more than one goal, is already internally consistent, and that not every policy within the plan must support every goal of the General Plan; despite the internal tension between some of the stated goals of the GP, they can remain separate. The GPAs are not necessary to create an internally consistent GP.

**Response to B3i** – Although this comment addresses a statement in the IS/ND, it is not specifically a CEQA analysis comment, but rather a position on the philosophy of general plan internal consistency, and in that regard deserves additional discussion. For more on the technical and philosophical basis for proposing this change, please see the October 15, 2012 Planning Commission Staff Report.

**B3ii** – This comment states that Section 4 of Measure D prohibits the increase in FAR outside of the Urban Growth Boundary, and that this specific provision takes precedence legally over the general provisions regarding technical and nonsubstantive modifications. It further goes on to say that the doubling of a floor area ratio, even for a very limited expansion of use, cannot be construed as a nonsubstantive modification due to the magnitude of the potential increase in floor area.

**Response to B3ii** – Although this comment addresses a statement in the IS/ND, it is not specifically a CEQA analysis comment, but rather a position on the legal requirements of Measure D, and in that regard deserves additional discussion. For more on the technical and legal basis for proposing this change, please see the October 15, 2012 Planning Commission Staff Report.

**B3iii** – This comment states that Measure D requires changes of this type to be made upon approval of the voters of Alameda County for reasons laid out in Measure D and in accordance with State election law.

**Response to B3ii** – This comment is not specifically a CEQA analysis comment, but rather a position on the legal requirements of Measure D, and in that regard deserves additional discussion. For more on the technical and legal basis for proposing this change, please see the October 15, 2012 Planning Commission Staff Report.