

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

RESOLUTION NO. 12-18 – AT MEETING HELD OCTOBER 15, 2012

**PROPOSED AMENDMENTS TO EAST COUNTY AREA PLAN AND CASTRO VALLEY
GENERAL PLAN TO INCREASE THE FLOOR AREA RATIO (FAR) ALLOWED FOR
EQUINE FACILITIES**

**Introduced by Commissioner Imhof
Seconded by Commissioner Loisel**

WHEREAS this Planning Commission did hold a public hearing on the proposed amendments to the East County Area Plan (ECAP) and Castro Valley General Plan on October 15, 2012, for which notice was given as required by law, and at which the Commission took public testimony; and

WHEREAS the Planning Department prepared an Initial Study (IS) and Negative Declaration (ND) for the proposed amendments to the ECAP and Castro Valley General Plan pursuant to the California Environmental Quality Act (CEQA), circulated the IS/ND for public review from June 13, 2012 to July 13, 2012, and responded to the comments submitted on the IS/ND; and

WHEREAS this Planning Commission held a duly noticed public hearing to consider the IS/ND for the proposed amendments to the ECAP and Castro Valley General Plan at the hour of 3:00 p.m. on Monday, the 15th day of October, 2012, in the Auditorium of the Alameda County Building, 224 W. Winton Avenue, Hayward, California; and

WHEREAS the Planning Commission did review the proposed general plan amendments and considered the IS/ND; and

WHEREAS the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters related to planning and zoning; and

WHEREAS the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544.

NOW, THEREFORE,

BE IT RESOLVED that this Planning Commission, accepts and approves the proposed amendments to the East County Area Plan (ECAP) and Castro Valley General Plan to increase the Floor Area Ratio (FAR) allowed for equine facilities and the related Initial Study and Negative Declaration; and

BE IT FURTHER RESOLVED that an Initial Study and Negative Declaration is the appropriate and proper environmental analysis for the proposed amendments to the Alameda County General Plan; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby recommend that the Board of Supervisors adopt the Initial Study and Negative Declaration prepared for the proposed

amendments to the ECAP and Castro Valley General Plan to increase the Floor Area Ratio (FAR) allowed for equine facilities; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the proposed amendments to the East County Area Plan and Castro Valley General Plan to increase the Floor Area Ratio (FAR) allowed for equine facilities.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Imhof, Loisel, Moore, Ratto, Rhodes

NOE: Jacobs, Ready

EXCUSED: None

ABSENT: None

ABSTAINED: None

**ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,
ALAMEDA COUNTY PLANNING COMMISSION**



July 13, 2012

Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Attn: Bruce Jensen, Senior Planner

RE: Initial Study/Negative Declaration on Proposed General Plan Amendments to ECAP (FAR increase for Equine facilities)

Dear Mr. Jensen:

Thank you for the information referral and opportunity to comment on the environmental documents for the proposed General Plan Amendments to revise the maximum FAR for non-residential buildings in the Large Parcel Agriculture and Resource Management land use designations in the East County Area and Castro Valley General Plans.

The proposed change will allow an increase in Floor Area Ratio (FAR) from .01 not to exceed .02 for non-residential buildings used for commercial breeding and training of horses in both the Large Parcel Agriculture and Resource Management land use designations. The Initial Study indicates this change will have a *less than significant impact* with regard to the potential for it to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. The proposed General Plan Amendment (GPA), however, will conflict with the provisions of the Save Agriculture and Open Space Lands (Measure D). Measure D establishes a maximum building intensity for non-residential buildings of 0.01 FAR but not less than 20,000 square feet in both the Large Parcel Agriculture and the Resource Management designations. The provisions of Measure D can be changed only by a vote of the people of Alameda County.

Measure D does contain a provision (Section 23. Amendments) that allows the County Board of Supervisors to amend the Measure in order to make technical or non-substantive modifications, however, this proposed GPA to modify FAR requirements is a substantive policy revision, not a technical revision, and therefore exceeds the boundary of permissible modifications without a public vote.

Alameda County Planning Department

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Thank you for your consideration and the opportunity to comment. If you have any questions, please call me at (925) 960-4475.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ingrid Rademaker", with a long horizontal flourish extending to the right.

Ingrid Rademaker

Senior Planner

Planning Division, Community Development Department

(925) 960-4475

(925) 960-4459

cc: Paul Spence, Planning Manager
Susan Frost, Principal Planner



July 13, 2012

Alameda County Planning Department
224 West Winton Ave., Room 111
Hayward, CA 94544

The Sierra Club provides the following comments on the Initial Study and Negative Declaration for the project: "General Plan Amendments to the East County Area Plan and Castro Valley Plan Regarding Allowable Floor Area Ratios (FARs) for Equine Breeding and Training Facilities." The Sierra Club reserves the right to supplement these comments at future public hearings on this Project.

1. The Initial Study and Negative Declaration (ISND) is inadequate, and a full Environmental Impact Report must be prepared. The ISND projects that over 1.4 million square feet of additional buildings will be constructed and additional equestrian activities will be conducted owing to expansion of the allowable Floor Area Ratios (FAR) from 0.01 to 0.02. This additional development is projected to take place over 20 years and involve numerous separate projects. However, the ISND omits any analysis of the cumulative impacts of these additional projects and activities. The ISND assumes that individual proposals will be subject to Site Development Review, but this level of review does not consider the cumulative impacts of multiple individual proposals. As just one example, cumulative impacts from multiple new or expanded buildings could adversely affect scenic vistas and scenic resources, as well as produce substantial light and glare that cumulatively could adversely affect day or nighttime views. The Initial Study conclusion that this Project (i.e., the proposed General Plan Amendments) "COULD NOT have a significant effect on the environment" (p. 11, emphasis in the original) is therefore incorrect, and a CEQA analysis that considers cumulative impacts must be conducted. An Environmental Impact Report must be prepared.
2. The proposed general plan amendments would be available only to facilities that engage primarily in agricultural equine operations. However, many if not most equestrian facilities in the county are a mix of recreational and agricultural operations. The proposed definition of Commercial Breeding and Training of Horses, which states that a minimum of 50% of the horses maintained on the site "are categorized for breeding, in training for commercial sale, or for commercial livestock ranching," is unworkable for this purpose. The county would no doubt rely on the statements of facility operators as to the nature of the horses maintained on site, and operators would clearly have an incentive to categorize horses as agricultural even if they were used for recreational purposes. Moreover, there is nothing in the proposed definition or policy that requires a facility owner to maintain a primarily agricultural operation after obtaining an expansion permit. Therefore, it is entirely reasonable to expect that many expanded facilities would become primarily recreational over time. Indeed, one can readily imagine a facility owner temporarily increasing the percentage of agricultural horses maintained on site from less than 50% to over 50%, obtain an expansion permit, and then revert to a primarily recreational operation, thus defeating the stated purpose of the amendments.

3. The ISND states that the proposed General Plan Amendments are consistent with Measure D passed by the voters in 2000. This is incorrect. The ISND claims that the amendments are necessary to create an internally consistent General Plan, and that Section 23 of Measure D allows such amendments without a vote of the people. However, the requirement for internal consistency applies to the policies of the General Plan in order that the policies do not conflict with each other leaving the county unable to consistently administer the plan. The requirement for internal consistency does not require that every policy support every goal of the plan. Indeed, there is inevitably going to be tension among the many goals of a general plan, and all policies cannot consistently support every goal. Even within Measure D there are multiple purposes--to enhance agriculture as well as to protect the natural qualities, wildlife habitats, and beautiful open spaces of the county. Despite this tension among goals and policies that support those goals, the policies of the Alameda County General Plan are internally consistent, and courts have found them so when developers sued the county to overturn Measure D on the basis of creating an internally inconsistent general plan. These amendments are not necessary to create an internally consistent general plan.

Moreover, Section 4 of Measure D is a specific provision that prohibits the proposed amendments (“In areas outside the County Urban Growth Boundary...the maximum floor areas and floor area ratios...may not be increased.”). Specific provisions of an initiative take precedence over general provisions, for example, those in Section 23 that allow “technical or nonsubstantive modifications” to be adopted by the Board of Supervisors for the purpose of “formal consistency.” Nor is a doubling of the Floor Area Ratio from 0.01 to 0.02 a nonsubstantive modification since it is projected to allow the development of 1.41 million square feet of additional non-residential buildings. These amendments are neither permitted (Section 4) nor do they fall under the very narrow exceptions provided for in Section 23.

If these amendments are to be made to Measure D, they must be adopted by the voters as required by California Elections Code Section 9125:

No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board of supervisors.

Measure D, Section 23 (Amendments) states, “The provisions of this ordinance may be changed only by vote of the people of Alameda County, except the Board of Supervisors may impose further restrictions on development and use of land.” Plainly, this doubling of the Floor Area Ratio is not a further restriction on development and use of land.

Respectfully submitted,

Dick Schneider
SF Bay Chapter Conservation Committee

6867 Wilton Drive
Oakland, CA 94611

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 B3iii – 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.

Law Offices of
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DELIVERY VIA E-MAIL

October 10, 2012

Alameda County Planning Commission
224 West Winton Road
Hayward, CA 94544

RE: Propose amendment to Alameda County General Plan to increase allowable FAR for equine breeding & training facilities.

Dear Commissioners,

I am writing on behalf of my client, the Sierra Club, San Francisco Bay Chapter ("Sierra Club"), to comment on the above-referenced proposed general plan amendment ("GPA"), which is on your agenda for next week's Commission meeting. This letter incorporates by this reference the letters the Sierra Club has previously submitted to County planning staff and to the Castro Valley Municipal Advisory Committee. While the Sierra Club supports continuing to allow basic ancillary horse facilities in the unincorporated area governed by the East County Area Plan and the Castro Valley Area Plan to the extent they are necessary to maintain other allowed uses, it believes that the proposed general plan amendment attempts to substantively amend provisions of Measure D, a voter-approved initiative measure. Under state law and the terms of Measure D, such an amendment may only be approved by the voters of Alameda County. For this reason, the Sierra Club must oppose and object to this proposed general plan amendment.

As you know, the voters of Alameda County approved Measure D, the Save Agriculture and Open Space Lands Initiative.¹ The Sierra Club was one of the authors of the measure and a strong supporter of its passage. That measure established an Urban Growth Boundary ("UGB"), beyond which urban development and urban uses were prohibited. The areas outside of the UGB were designated as large parcel agriculture, resource management, or water management lands, and rural density residential.

Measure D starts by stating that its purpose is to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, wildlife habitats, watersheds, and beautiful open spaces of Alameda County from excessive, badly located, and harmful development. Under its findings, Measure D also notes that compact, urban-centered development is more economical to users and taxpayers and that public facilities required to support development outside the UGB can have major direct and indirect adverse effects on land use and the environment.

One corollary to the statement of purpose, the findings, and the policy changes included in Measure D is that buildings that are out of scale with their associated parcel size do not belong outside the UGB. Contrary to the staff analysis, major horse breeding and training facilities are not the same as modest horse stable facilities used to support agricultural, open space, or rural residential uses. While a small stable facility may be an appropriate adjunct to an allowable rural residential use, and an

¹ The Sierra Club was a key supporter of Measure D and continues to monitor the County's compliance with the measure. Hence this letter.

appropriately-sized stable may be allowable if associated with a specific agricultural use, a large-scale horse breeding and training facility, as contemplated by this general plan amendment, was not intended by Measure D to be an allowable use in the unincorporated areas. Such facilities, by their nature, tend to result in requiring public facilities (e.g., utility lines, roadways, etc.) that can have major and disproportionate direct and indirect adverse effects on land use and the environment.

Beyond these general concerns, the proposed GPA directly contradicts provisions of Measure D. Section 4 of Measure D states that, "In areas outside of the County Urban Growth Boundary ... the maximum floor areas and floor area ratios ... may not be increased." While Section 23 of the Measure allows the County to make "technical or nonsubstantive modifications" in order to achieve "formal consistency", this GPA would not be such a modification. Rather, it would be a substantive modification to Section Four's provisions.

In short, the proposed GPA may only be adopted by the voters of Alameda County. It may not be approved by action of the Planning Commission and Board of Supervisors, and any attempt to do so would be an illegal violation of Measure D.

In addition to this major problem, even if the County were to decide that it wished to place this GPA on the ballot for voter consideration, it would still have to complete proper environmental review of the measure. The proposed Initial Study and Negative Declaration is inadequate for that purpose.

The proposed GPA could result in the addition of 1.4 million square feet of additional buildings in the unincorporated area. This would amount to a major change and could have significant cumulative impacts, including impacts on traffic, public facilities and utilities, air and water quality, as well as construction-related impacts. All of these deserve analysis and discussion in a full environmental impact report, rather than the dismissive approach of the proposed negative declaration.

The Sierra Club would respectfully request that the Planning Commission reject this proposed amendment and return it to staff with direction that any further consideration first involve the preparation and circulation of an environmental impact report, and that if it is brought back for the Commission's later consideration, it would be in the context of a proposal to place it on the ballot for voter approval.

Most sincerely,



Stuart M. Flashman

Dear MAC members:

September 24, 2012

I'm sorry not to be able to present this information in person.

As I understand the revised FAR expansion proposal before you, it is very similar to the original proposal but doesn't apply to quite as many types of buildings. However, it suffers from the same defects as the original proposal. I urge you to reject it until the following defects are cured.

1. The environmental document for the original proposal, an Initial Study and Negative Declaration, was inadequate. A full EIR needs to be prepared. The Negative Declaration states that no significant environmental impacts will occur from the FAR expansion, but it rests this conclusion on Site Development Review for individual applications. However, Site Development Review does not consider the cumulative impact of multiple applications, and the Negative Declaration projects that over 1.4 million square feet of additional buildings will be constructed and additional equestrian activities will take place over 20 years from numerous separate projects. The Negative Declaration omits any analysis of the cumulative impacts of this level of development.

The cumulative impacts could very well be significant. For example, the Castro Valley Canyonlands, where most of the equestrian facilities in your jurisdiction are located, are prone to significant runoff, erosion, and stream sedimentation. The construction of numerous covered riding arenas and other buildings, in other words, the addition of more impervious surfaces will add to runoff and erosion. Even if the impact of one or two expansions causes less than significant water quality impacts individually, cumulatively, they, combined with other expansions, could easily cause significant water quality deterioration. These potential impacts need to be analyzed. And this is just one example. Cumulative impacts from multiple new or expanded buildings on scenic vistas and scenic resources as well as potential light and glare that could affect day or nighttime views also need analysis.

Moreover, it is not even clear whether Site Development Review would be conducted for individual projects. East County Area Plan Policy 98 states that Site Development Review is required for all proposed buildings "except accessory uses related to agricultural production." If the new or expanded buildings covered by this proposal are considered agricultural accessory uses then even individual projects may not be required to undergo Site Development Review.

In sum, a full EIR needs to be prepared for this proposal.

2. The proposed general plan amendments would be available only to facilities that engage primarily in agricultural equine operations. However, many if not most equestrian facilities in the county are a mix of recreational and agricultural operations. The proposed definition of Commercial Breeding and Training of Horses, which states that a minimum of 50% of the horses maintained on the site "are categorized for breeding, in training for commercial sale, or for commercial livestock ranching," is unworkable for this purpose. The county would no doubt rely on the statements of facility operators as to the nature of the horses maintained on site, and operators would clearly have an incentive to categorize horses as agricultural even if they were used for recreational purposes.

Moreover, there is nothing in the proposed definition or policy that requires a facility owner to maintain a primarily agricultural operation after obtaining an expansion permit. Therefore, it is entirely reasonable to expect that many expanded facilities would become primarily recreational over time. Indeed, one can readily imagine a facility owner temporarily increasing the percentage of agricultural horses maintained on site from less than 50% to over 50%--perhaps by boarding some of his recreational horses temporarily at a neighbor's facility--obtain an expansion permit and then revert to a primarily recreational operation, thus defeating the stated purpose of the amendments to support agriculture.

3. Finally, the Initial Study and Negative Declaration states that the proposed General Plan Amendments are consistent with Measure D passed by the voters in 2000 and therefore can be approved by the Board of Supervisors without a public vote. This is incorrect.

California Elections Code Section 9125 states:

“No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board of supervisors.”

Measure D, Section 23 (Amendments) states, “The provisions of this ordinance may be changed only by vote of the people of Alameda County, except the Board of Supervisors may impose further restrictions on development and use of land.” Clearly, this doubling of the Floor Area Ratio is not a further restriction on development and use of land.

Moreover, Section 4 of Measure D specifically prohibits the proposed amendments: “In areas outside the County Urban Growth Boundary...the maximum floor areas and floor area ratios...may not be increased.”

The County's argument that the proposed amendments are consistent with Measure D relies on a part of Section 23 which states the Board of Supervisors may make “technical or nonsubstantive modifications” to Measure D for purposes of clarification, reorganization, or formal consistency within a Plan. However, this proposal is obviously neither a technical nor a nonsubstantive modification as it entails doubling the Floor Area Ratio and potentially developing well over 1 million square feet of additional buildings.

If these General Plan Amendments are to be enacted, they must be adopted by the voters as required by State law.

Please reject the proposal before you until the defects described above are cured.

Thank you.

Sincerely,
Dick Schneider, Measure D co-author and Sierra Club representative