

II. The PEIR Identified Significant and Unavoidable Impacts.

The commenter states “Of further concern, the PEIR identified significant and unavoidable impacts to Land Use and Planning [Table S-1 Page S-24], and Green House Emissions [Page S-19].” While providing the commenter’s opinion, the commenter does not provide any information as to why these impacts are concerning, nor does the commenter find fault with the Greenhouse Gas or Land Use analysis. Accordingly, the comment does not raise a significant environmental issue regarding the adequacy or accuracy of information provided in the PEIR.

Impacts related to Greenhouse Gases are analyzed in detail in Section 4.6 of the PEIR. As stated in the PEIR, the adoption of the project would result in an increase in GHG emissions that would exceed the assumption used in development of the Sustainable Santee Plan and would result in an increase in VMT that exceeds the 85 percent thresholds, resulting in a significant impact. Both ministerial and discretionary development implemented under the project would be required to demonstrate compliance with Sustainable Santee Plan through completion of the Consistency Checklist. The project would result in an increase in development and associated emissions not accounted for in the Sustainable Santee Plan and, therefore, GHG emissions would not be adequately addressed through compliance with Sustainable Santee Plan and GHG emissions associated with the project would be significant. (PEIR, p. 4.6-18.)

Potentially significant impacts associated with GHG emissions would be mitigated through the application of MM-GHG-1 and MM-GHG-2 which requires preparation of project-specific GHG emissions analysis or compliance with the Consistency Checklist, after the Sustainable Santee Plan has been updated to reflect the increased density within the Rezone Sites. Additionally, implementation of MM-TRA-1 described in PEIR Section 4.13.6 would potentially reduce VMT associated with development at the Rezone Sites. However, the effectiveness of GHG and VMT reducing measures is context-sensitive and would vary depending on the site-specific project site, such as the location, access to transit, etc. At a program level of review, it is not guaranteed that each individual project would fully mitigate the potential impacts. While the requirement for future development to demonstrate compliance with the Consistency Checklist in addition to implementation of MM-GHG1, MM-GHG-2, and MM-TRA-1 would minimize GHG impacts associated with future development at the Rezone Sites, at this program level of review, it is not feasible to conclude whether impacts would be fully mitigated. Therefore, the PEIR found impacts associated with GHG emissions would remain significant and unavoidable. (PEIR, p. 4.6-19.)

The PEIR addresses Land Use and Planning impacts in Section 4.9. Impacts associated with policy consistency for future development at the Rezone Sites would be less than significant, except with respect to compatible density relative to the applicable ALUCP. The potential for future development within the Rezone Sites to exceed the density limits for the corresponding airport safety zone is a significant impact. (PEIR, p. 4.9-20.) Actual incompatibilities with the ALUCP for future development would be considered by City Council on a project-by-project basis as future development is proposed. While a significant impact is identified associated with ALCUP consistency due to inconsistencies in allowable densities, application of existing regulations and

policies related to airport hazards and airport noise would be less than significant. (PEIR, p. 4.9-20.)

As the project results in significant and unavoidable impacts, a Statement of Overriding Considerations has been prepared in accordance with CEQA. As the comment does not raise any new or additional environmental issues concerning the adequacy of the PEIR, no further response is required.

III. The PEIR Underestimates Impacts to Biological Resources.

The commenter asserts that impacts to biological resources are underestimated and the City should not rely upon its Draft Subarea Plan.

The commenter specifically mentions removal of coastal sage scrub habitat. As shown in PEIR Table 4.3-3, the following Rezone Sites have been mapped as containing or adjacent to coastal sage scrub or chaparral habitat, and future development of these sites has the potential for direct and/or indirect impacts to coastal California gnatcatcher: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16A, 16B, 17, and 35. Direct impacts to coastal California gnatcatcher could potentially result from the removal of coastal sage scrub habitat during the coastal California gnatcatcher breeding season (March 1 to August 15). Additionally, indirect impacts could also result from excess noise or lighting generated during project construction should it occur within 300 feet of coastal sage scrub or chaparral habitat during the breeding season (March 1 to August 15). (PEIR, p. 4.3-19.) To address these potential impacts, the PEIR contains Mitigation Measure MM-BIO-3, which requires USFWS protocol surveys for California gnatcatcher. MM-BIO-3 reduces impacts to less than significant levels. (PEIR, p. 4.3-23.)

Regarding the use of the Draft Subarea Plan, the PEIR recognizes the Subarea Plan is still in draft form. Accordingly, while conflicts with the Draft Subarea Plan can be reduced to less than significant levels through implementation of Mitigation Measures MM-BIO-1 through MM-BIO-6 (PEIR, p. 4.3-28), the PEIR notes that if the Draft Santee MSCP Subarea Plan is not approved, any proposed projects implemented under the Housing Element Rezone Program EIR requiring take authorization would be required to initiate FESA Section 7 or an individual Section 10 permit with USFWS and/or Section 2081 permit with CDFW. (PEIR, p. 4.3-14.) Accordingly, the City does not improperly rely on its Draft Subarea Plan and appropriate take permits would be issued on an individual project-specific basis if needed.

IV. Removal of Parcels 1-10 Would Reduce Greenhouse Gas and Biological Resource Impacts.

The commenter argues that GHG and biological impacts may be reduced below a level of significance by removing some or all of parcels 1-10 in the northeastern part of the city. [Figure 2-4a] Commenter asserts these ten parcels have elevated wildfire risk relative to the parcels considered in other areas of the city.

Initially, as discussed in Section 4.3 of the PEIR, all impacts on Biological Resources can be reduced to less than significant levels through implementation of Mitigation Measures MM-BIO-1 through MM-BIO-6. Therefore, removal of parcels 1-10 would not be necessary to reduce impacts on Biological Resources to less than significant levels.

The PEIR did examine a Reduced Project Alternative (Alternative 2), which would remove Rezone Sites 1 through 10, as suggested by the commenter. Regarding Biological Resources, the Reduced Project Alternative would remove Rezone Sites 1 through 10 located just north of the urbanized portion of the City. Future development of these sites would occur consistent with the existing R1-A (Low Density Residential) zoning designation, which would potentially reduce impacts on sensitive plants, sensitive wildlife, including coastal California gnatcatcher nesting birds or migratory birds, Diegan coastal sage scrub, valley, foothill grassland, and wetlands compared to the project due to the decreased density. Potential impacts on biological resources would be the same for the remaining Rezone Sites. Implementation of mitigation measures BIO-1 through BIO-5 would reduce impacts to sensitive plants, sensitive wildlife, and sensitive vegetation communities to a level less than significant. Implementation of mitigation measure BIO-6 would reduce impacts to on-site jurisdictional waters and wetlands to a level less than significant. Implementation of mitigation measures BIO-1 through BIO-6 would ensure future development under this alternative would be consistent with the Draft Santee Subarea Plan by requiring site-specific surveys, determining the extent of any potential impacts, and providing mitigation to reduce impacts to a level less than significant. Therefore, impacts related to biological resources under the Reduced Project Alternative would be mitigated to a level less than significant, the same as the project, and incrementally reduced compared to the project due to the removal of Rezone Sites 1 through 10. (PEIR, p. 9-10.)

As to Greenhouse Gas Emissions, Although this alternative would reduce the potential for development of approximately 124 residential units, the Reduced Project Alternative would still potentially allow for development of approximately 1,821 residential units through rezones. This remaining development potential through future rezones would exceed the 1,209 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Removal of Rezone Sites 1 through 10 located just north of the urbanized portion of the City would potentially have some incremental benefit in terms of GHG emission reductions since they are the furthest removed from activity centers and could generate more VMT per capita compared to other sites located within job centers and commercial areas. However, the degree of this VMT reduction is uncertain, and this alternative would still result in an increase in development not accounted for in the Sustainable Santee Plan. Both discretionary and by-right development implemented under the project would be required to incorporate each of the applicable measures identified in the Consistency Checklist to mitigate cumulative GHG emissions as well as applicable Transportation Demand Management measures listed in mitigation measure TRA-1. However, because the effectiveness of GHG and VMT reducing measures is context-sensitive and would vary depending on the site-specific project site, it is not guaranteed that each individual project would fully mitigate impacts at this program level of review. Therefore, impacts associated with GHG under the Reduced Project Alternative would be significant and unavoidable, the same as the project. (PEIR, pp. 9-11 to 9-12.)

Thus, the Reduced Project Alternative would not reduce significant and unavoidable Greenhouse Gas impacts to less than significant levels. Additionally, the Reduced Project Alternative would not provide flexibility in allowing the City to meet its RHNA goals. As the Reduced Project Alternative only partially satisfies the project objectives and fails to reduce

significant air quality, greenhouse gas, noise and transportation impacts to less than significant levels, it is properly rejected.

V. Sites Discouraged Pursuant to Newly Issued State Attorney General Guidance.

The State Attorney General, on October 10, 2022, issued Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act. The Attorney General's guidance notes, in part, that "[i]n all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses."

The project at hand is the implementation of the City's Housing Element. As such, it is analyzed at a programmatic level and does not propose specific development. Per the PEIR, the project does not propose the construction of new housing or infrastructure. All impacts associated with required infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review for by-right sites. Furthermore, all future development would undergo design review pursuant to the City's Design Guidelines. (PEIR, p. 4.15-9.) As such, specific mitigation tailored to individual projects cannot yet be defined.

With specific reference to Rezone Sites 1 through 10 and 35, which are located within the VHFHSZ, development on these sites would be required to include enhanced fire protection measures as detailed in the City's building and fire codes. The City fire chief may also use their authority to require additional building, planning, or landscaping requirements that provide enhanced fire protection. Future development within the Housing Sites, whether discretionary or by-right, would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the City fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Therefore, buildout of the project would not exacerbate fire risk or result in temporary or ongoing impacts on the environment. (PEIR, p. 4.15-9.) The PEIR found wildfire impacts less than significant, although projects developed pursuant to the Rezone Implementation Project would be analyzed individually.