

Memorandum

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Date: December 15, 2020

To: Cathreen Richards, Planning Director

From: Robert Edgerton, AICP CEP, HELIX Environmental Planning
Erin Gustafson, AICP, HELIX Environmental Planning

Subject: Vacant Lands Inventory Public Scoping Comment Summary

HELIX Project: COI-03

Message: This Memorandum summarizes written and verbal comments received during the public scoping period conducted by Inyo County (County) and HELIX Environmental Planning to support the Draft Environmental Impact Report (DEIR) for the Vacant Lands Inventory and Zoning/General Plan Evaluation to Possible Changes to the General Plan and Zoning Designations to Promote Housing Opportunities (proposed project). The proposed project involves conducting a vacant lands inventory and General Plan/zoning designations review of private properties located throughout the County to identify land that may be appropriate for designation changes to promote housing opportunities, primarily by increasing allowable residential density.

This summary includes topics raised by members of the public during the scoping meeting and written comments submitted during the Notice of Preparation (NOP) comment period.

Overview

To assist the County in determining the focus and scope of the analysis for the EIR for the proposed project and in accordance with the requirements of the California Environmental Quality Act (CEQA), the County issued a NOP per CEQA Guidelines Section 15082 on November 5, 2020 to government agencies, special service districts, and individuals with an interest in or jurisdiction over the project. This step ensures early consultation on the scope of the EIR. The comment period closed on December 4, 2020.

The NOP is a brief notice sent by the County as CEQA Lead Agency for the proposed project to inform responsible agencies, trustee agencies, and potentially affected federal, state, and local agencies that the County plans to prepare an EIR. Inyo County conducted one virtual public scoping meeting for this project, held on Wednesday November 18th, 2020 via Zoom.

The meeting was attended by two County elected officials and a single community member. County staff provided an overview of the proposed project and potential environmental impacts, as identified in the

NOP. Participants were then provided an opportunity to ask questions and clarify their understanding of the project description, and to provide comments regarding potential environmental impacts, content of the proposed project, and the CEQA processes associated with the proposed project.

Questions and Answers

During the public scoping meeting, participants were given an opportunity to ask questions to clarify their understanding of the proposed project and CEQA process. Questions were addressed by County staff. Several questions addressed the following issues, with corresponding responses from the project team:

- **Which parcels belonging to LADWP were included in the evaluation?** Only Tier 1 LADWP disposal lands were included in the evaluation.
- **Can abandoned housing be included in this analysis?** The Lead Agency is striving to avoid spot zoning, but any abandoned housing that falls within the parameters of the project will be considered.
- **Will the airport proximity impact the selection of parcels?** Selected parcels will be evaluated against the list of environmental factors identified in Appendix G of the CEQA Guidelines, which includes an analysis of project impacts related to airport land use plans and/or safety hazards.

Scoping Comments and Key Findings

Scoping meeting participants provided input on a wide variety of issues. Several key findings emerged from the scoping meeting comments.

- A commenter noted that there is an environmental constraints document that was produced by the City of Bishop around 2012 that might have relevant information to this proposed project. County staff indicated that they would obtain this study, review its findings, and incorporate the document by reference as relevant/necessary in the Draft EIR.
- A commenter suggested that the Lead Agency better define which LADWP parcels to include, perhaps defining a sphere of influence for each neighborhood or town within which to include parcels.
- Community members expressed support for mixed use commercial and residential zoning.
- A commenter suggested that the Lead Agency include LADWP lands, particularly lots on Main Street in Lone Pine, even if they are not on divestment lists because it may be possible to request divestment.
- A commenter suggested that the County consider bringing in a large septic tank to support additional housing in areas such as Charleston View or Cartago even if these areas would otherwise fall outside the boundaries of the parcels under review because they do not fall within a sewer or water district.
- A commenter suggested that the County include vacant or lightly developed County-owned lands for consideration.
- Commenters offered several suggestions for increasing residential density, including easing restrictions for renting rooms in existing housing and changing existing zoning to allow for duplexes and accessory dwelling units (ADU) in certain zones.

NOP Comment Letters

In addition to the comments received during the public scoping meeting, the County also received one comment letter during the public comment period. The comment letter was received on November 6, 2020^h from the Department of Toxic Substances Control (DTSC). The letter recommended that the Lead Agency evaluate several issues related to the potential presence of hazardous materials at sites evaluated in the EIR. This information will be incorporated into the EIR as appropriate. The comment letter is included as Appendix B.

Next Steps

The County will document and consider comments received during the NOP scoping meetings and identified in NOP comment letters during the public review period in the Draft EIR prepared for the proposed project. The Draft EIR is anticipated to be available for public review and comment in spring and summer 2021.

Appendices

- A. Notice of Preparation
- B. NOP Comment Letters

Notice of Preparation

Notice of Preparation

To: State Clearinghouse From: Inyo County Planning Dept.
P.O. Box 3044 P.O. Drawer L
Sacramento, CA 95812 Independence, CA 93526

Subject: Notice of Preparation of a Draft Environmental Impact Report

Inyo County will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Cathreen Richards, Planning Director at the address shown above. We will need the name for a contact person in your agency.

Project Title: Vacant Lands Inventory and Zoning Evaluation for Possible Rezoning to Promote Housing Opportunities

Project Applicant, if any: Not applicable

Date November 5, 2020

Signature 
Title Planning Director
Telephone 760-878-0263

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Description of Proposed Project

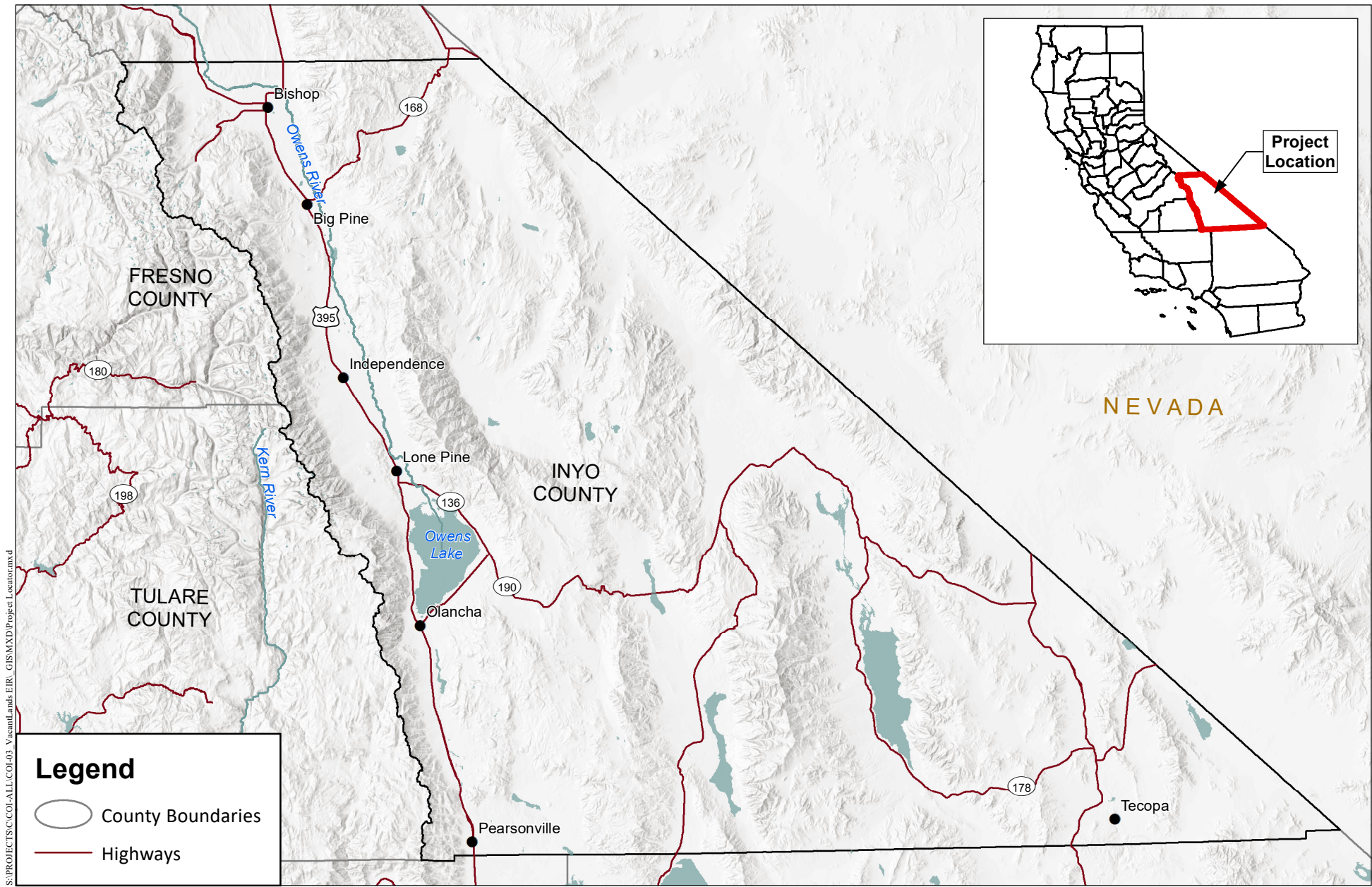
Introduction

The Vacant Lands Inventory and Zoning Evaluation for Possible Rezoning to Promote Housing Opportunities Project (proposed project) proposes to conduct a vacant lands inventory and zoning review of private properties located throughout the County. This information would be used identify land that may be appropriate for zone change(s) to promote housing opportunities, primarily by increasing allowable residential density. This may include increasing the amount of multi-family zoning available in the County, lowering some of the minimum lot size requirements, and additional zoning areas with principal permitting for mobile home parks. The review of the County's current zoning would also focus on commercial zones for opportunities for infill (residential) development. Areas near public transportation and other services would be considered prime, but due to the County's rural nature, other properties located in remote communities without these services might also be identified for potential zone changes. A review of the zoning code language addressing accessory dwelling units would also be conducted for infill opportunities. A primary component of this work would include public outreach meetings and communication with potentially affected property owners.

Once land for zone changes and updates to current zoning for infill opportunities are identified, a CEQA evaluation (most likely an EIR) would be conducted for the identified parcels proposed for a zone change, and on changes to the current zoning ordinance for infill opportunities. This may result in changes from single-family to multi-family, and changes to ministerially allow for mobile home parks, as well as allowing for multi-family residential uses in certain commercial zones without requiring discretionary approval.

Any changes to the County's General Plan designations that might be necessary for consistency with the changes to the zoning would also be conducted. Changes to General Plan designations would be necessary with regard to allowed density by district and the potential/proposed, up-zoning.

After the CEQA evaluation is completed, the draft zoning changes and General Plan Amendments would be presented to the Planning Commission and Board of Supervisors for consideration. Adoption of the updates would result in permitting by right for more multi-family housing and an overall increase in residential density.



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Project Location Map



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

November 6, 2020

Ms. Cathreen Richards
Inyo County Planning Department
PO Drawer L
Independence, CA 93526
CRichards@inyocounty.us

VACANT LANDS INVENTORY AND ZONING EVALUATION FOR POSSIBLE
REZONING TO PROMOTE HOUSING OPPORTUNITIES – DATED NOVEMBER 5,
2020 (STATE CLEARINGHOUSE NUMBER: 2020110088)

Ms. Richards:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Vacant Lands Inventory and Zoning Evaluation for Possible Rezoning to Promote Housing Opportunities (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR. Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This

practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

Ms. Cathreen Richards
November 6, 2020
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DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov