

From: [Federico Agosti](#)
To: [Eichar, Peter](#)
Subject: 'PSRs GPA' Project name and number: PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 10:39:09 PM

From:
Agosti Federico, friend of **Hidden Valley Zen Center**:
2626 Sarver Lane, San Marcos, CA 92069.
PO Box 1355, San Marcos 92069-1355.
phone: [760-5919893](tel:760-5919893).

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

As an Architect who has worked in similar areas I am shocked that this could even be considered. In Germany something like this is simply NOT ALLOWED. We do not allow urban sprawl. Only farmers are allowed to build in rural areas like this. High density housing is positioned near existing high density development and public transportation. Traffic is reigned in by providing public transportation and NOT providing or limiting parking space.

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2 acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources : This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat than in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleontological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are solid granit and decomposing granit. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air pollution UNNECESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmittigable, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

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Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and exiting high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Best regards,

Federico Agosti

From: [Ben Allanoff](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA re: PSR ID # NC42 and Study Area
Date: Wednesday, February 10, 2016 11:20:32 AM

Dear Mr. Eichar,

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Ben Allanoff

member of **Hidden Valley Zen Center:**

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phone: [760-5919893](tel:760-5919893).

From: [Johnston, Kevin](#)
To: [Eichar, Peter](#)
Subject: FW: NOP on PSR/ GPA comments
Date: Monday, February 29, 2016 8:21:02 AM

Forwarding this because I didn't see you on her email list

Kevin Johnston

Land Use/Environmental Planner

County of San Diego - Planning and Development Services

5510 Overland Avenue, Suite 310, San Diego, CA 92123

(858) 694-3084 kevin.johnston@sdcounty.ca.gov

County of San Diego General Plan documents, maps, and community plans

<http://www.sandiegocounty.gov/content/sdc/pds/generalplan.html>

County of San Diego Zoning Ordinance

<http://www.sandiegocounty.gov/content/sdc/pds/zoning.html>

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Monday, February 29, 2016 8:17 AM
To: jason.farran@sdcounty.ca.gov; gabriel.gutierrez@sdcounty.ca.gov; daniel.howard@sdcounty.ca.gov; Johnston, Kevin; Livoni, Christopher; Wilson, Adam; Slovick, Mark; Smith, Ashley
Cc: Cox, Greg; Ron-Roberts; Jacob, Dianne; Roberts, Dave
Subject: NOP on PSR/ GPA comments

February 22, 2016

Allen F. and Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069-9761

Project Name: Property Specific Requests General Plan Amendment and Rezone

Project Number: PDS2012-3800-12-005,PDS2014-REZ-006

Env. Review Number: PDS2012-ER-12-00-003

Dear Peter:

I am writing regarding the NOP for the PSR. I will more specifically hone my concerns with Property Specific Request NC 42, Newland Sierra.

I really disagree with this entire concept. The General Plan was approved in August 2011. Immediately after the vote it was requested that several hundred properties be re-examined

for an up zone. That is a problem as it took 12 years and over 18 million dollars to complete the General Plan with hundreds of people involved as well as hundreds of meetings.

Why pass a General Plan that is already flawed going out of the gate in the Board of Supervisors opinion?

Also, why do the taxpayers have to again pay for this? These are individual requests by property owners. They should be the ones to pay.

My real problem is with NC 42, Newland Sierra. Why on earth are we paying for them? Also, we are paying for their request while they went off and filed a request on their own!

What is with the "Study Areas"? I abut Newland Sierra. I am in the "Study Area". Why should my property have to be again rezoned to make Newland Sierra a bit more compatible to the surrounding area and to make it appear as if Newland Sierra is not "spot zoning"? The surrounding area cannot make Newland Sierra compatible as Newland is requesting a zoning change that is hundreds of times over what is allowed.

Can we in the "Study Area" opt out? Unless you have over 10 acres you cannot even subdivide so this "Study Area" request is a bit disingenuous and will only lead to a lot of confusion to those in the "Study Area".

Will the County be taking into consideration the ramifications of those who are eligible in the "Study Area" and that wish to subdivide their property? This will lead to more traffic gridlock, noise, air quality, threats to the environment, as well as Green House Gas Emissions.

It is bad enough that the County is even considering these Property Specific Requests, but to now include the "Study Areas" just so as not to create "spot zoning" is an even greater threat to the General Plan just adopted in August 2011.

These "Study Areas" are "growth inducing" and they are a recipe for disaster to the General Plan. "Study Areas" need to be eliminated entirely from consideration.

What on earth is the County doing, and why?

Thank you for your time and consideration of these matters.

Sincerely,

Allen F. Binns

Karen Binns

Allen F. Binns
Karen Binns

From: doshin@cox.net
To: [Peter.Eichar, Peter](mailto:Peter.Eichar@sdcounty.ca.gov)
Subject: 'PSRs GPA' * Project name and number: PSR ID # NC42 and Study Area.*
Date: Thursday, February 04, 2016 4:38:23 PM

to:

>

> *<Peter.Eichar@sdcounty.ca.gov <Peter.Eichar@sdcounty.ca.gov>>

subject: 'PSRs GPA' *

Project name and number: PSR ID # NC42 and Study Area.*

>

> From:

David Brazier, treasurer and member of *Hidden Valley Zen Center:

> 2626 Sarver Lane, San Marcos, CA 92069.

> PO Box 1355, San Marcos 92069-1355.

> phone: 760-5919893.

As a long term member of the Center and an advocate for the preservation of the rural atmosphere of the Twin Oaks Valley I would strongly urge the Commission to vote against increasing the zoning density of the Merriam Mountain area and the properties that abutt Sarver Lane. The ability of the Zen Center to provide a retreat type atmosphere is critical to our ongoing sustainability. Increased traffic noise and air pollution would be counter to our efforts and diminished agricultural lands would forever alter the rural atmosphere that we cherish.

>

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>
> Thank you!
> Best!
> Stefanie Schubert, HVZC

From: [Marc Capitano](#)
To: [Eichar, Peter](#)
Subject: "PSRs GPA"
Date: Friday, February 05, 2016 8:24:20 PM

PSR ID # NC42 and Study Area.

From: Member of Hidden Valley Zen Center

I am writing to voice my strong opposition to any zoning change which would allow higher density.

Hidden Valley & Mirriam Mountain area is a natural & environmental treasure.

Please preserve it for our posterity.

Thank you,

C.Marc.Capitano@Gmail.com

Johnston, Kevin

From: fteason@gmail.com on behalf of Tony Eason <teason@cox.net>
Sent: Thursday, January 14, 2016 6:20 PM
To: AdvancePlanning, PDS
Subject: Re: Property Specific Requests General Plan Amendment {GPA 12-005} - NOP Comment

Assessor Parcel Number: 1875405228
PSR ID NC42

Sirs:

I wish to strongly submit my disapproval of the proposed rezoning requests of the Newland Sierra development identified above. The enormous changes to the General Plan that took 20 years and millions of tax payers dollars and hundreds of community planner hours to generate are irresponsible and threatening to the environment and the community. Over 2100 new homes, blasting and earth moving (10,000 acres) over 10 years, 27,700 more cars on already failing roads completely reverses the rural communities to ugly suburban sprawl. Recent California Supreme Court rulings require developers to prove that their huge projects will not increase green house gas emissions even if they conform to current guidelines. There is no way that many homes, cars and construction will come close to conforming.

Many other problems that caused the same project (Mirriam Mountains) to be rejected by the County Board of Supervisors 5 years ago. These include but are not limited to: thousands of more car trips per day on failing Deer Springs Road, Twin Oaks Valley Road and I-15; lack of a viable fire evacuation plan; lack of public services, and no commercial or professional business for employment... thus creating a bed room community that commutes daily to other cities. It fits the designation of a "leapfrog" project jammed into a rural/agricultural area where there is no existing infrastructure to support it... merely to line the pockets of greedy developers. This project would destroy existing home owners property values, the wild life, plant and agricultural resources and create an unsafe, unhealthy environment.

Thanks for your consideration of these issues.

Francis (Tony) Eason

San Marcos

From: [Richard Fay](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA: PSR ID # NC42 and Study Area
Date: Thursday, February 04, 2016 2:17:30 PM

Richard Fay, Member and Supporter of **Hidden Valley Zen Center:**
2626 Sarver Lane, San Marcos, CA 92069.
PO Box 1355, San Marcos 92069-1355.

I'm including the text from an email sent to you by Stefanie Schubert, resident teacher at the Hidden Valley Zen Center (with some spelling corrections), to show my support for the non-defilement of the area overlooking the Zen Center. Please see my question at the bottom of this email.

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Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short sighted development, creating enormous traffic... Where I am from development in areas like this is simply not allowed. Only farmers may get permits to upgrade their farm. The result is an unfragmented landscape (e.g. in Bavaria near Munich and the Alps) which visiting Americans love (!)

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Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and exiting high density areas. NOT more expensive homes far away from all resources.

Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : Zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

--

Could an increase of tax revenue be a part the the decision-making process? How much revenue can be expected from the proposed changes? I would like an honest response to this question, please.

Thank you in advance,

Richard Fay
18599 Lancashire Way
San Diego, CA 92128

From: [Friedenberg, Jeff](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA - PSR ID #NC42 and Study Area
Date: Thursday, February 04, 2016 2:02:46 PM
Attachments: [image001.jpg](#)

Dear Mr. Eichar,

My name is Jeff Friedenbergr and I'm a 6th Grade Humanities teacher at Bernardo Heights Middle School in Poway. I've partnered with educators from Hidden Valley Zen Center for a number of years in educating students about Buddhism as part of their Social Studies (ancient history) curriculum. I'm alarmed that there is a proposal underway that would expand development into the land surrounding HVZC. This one of the last places in San Diego County where one can escape for quiet reflection and meditation. I'm afraid this expansion of development in the North County will infringe on the necessary spiritual practices of those who visit Hidden Valley Zen Center. There's a litany of other reasons why expanding development into the fragile woodland habitat of the Mirriam Mountains: Native American archaeological sites, fire danger, pollution, air quality, etc. Please carefully consider all of the long-term ramifications of the proposed expansion before making a final decision.

All my best,

Jeff Friedenbergr
Bernardo Heights Middle School
6th Grade Humanities
Master of Arts, Education
Master of Arts, Teacher Leadership



"for me, knowledge is happiness." — Miles Davis

From: flavia@cox.net
To: [Eichar, Peter](#)
Subject: Home project
Date: Thursday, February 04, 2016 2:08:44 PM

Please do not destroy the quiet serenity of the Hidden Valley Zen Center.

Flavia Gilmore

Sent from my iPad

From: [Josef Kempka](#)
To: [Eichar, Peter](#)
Subject: subject: 'PSRs GPA' Project name and number: PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 8:58:56 PM

Josef T. Kempka
Member of **Hidden Valley Zen Center**:
2626 Sarver Lane, San Marcos, CA 92069.
PO Box 1355, San Marcos 92069-1355.
phone: [760-591-9893](tel:760-591-9893).

To Peter Eichar and those who would build:

In case you did not know ...Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. I find it unacceptable to zoning upgrades from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains. Please be mindfully aware of our center versus growth.

Thank you for your consideration,

Josef T. Kempka

From: [Randy McKinney](#)
To: [Eichar, Peter](#)
Subject: 'PSRs GPA', Project name and number: PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 6:11:32 PM

to: <Peter.Eichar@sdcountry.ca.gov>
subject: 'PSRs GPA'
Project name and number: PSR ID # NC42 and Study Area.

From:
Randy McKinney, San Marcos CA, member of **Hidden Valley Zen Center**:
2626 Sarver Lane, San Marcos, CA 92069.
PO Box 1355, San Marcos 92069-1355.
phone: 760-5919893.

As a long time member of HVZC and a resident in San Marcos, I would like you to consider the below and please vote against this new development:

In addition to the below points I would like to address the issue of LIGHT POLLUTION. Our meditation hall is very close to Sarver Lane and an increase in traffic will significantly impact our meditations, which are often early in the morning and late a night. We also practice meditation outside late at night. These practices will be impacted by the overall lighting up of the area in the course of further development.

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

.....
Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources :This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat than in the study area alone. We have seen net catchers in the valley near the proposed Newland Sierra Development, not only in the north eastern section. Merriam and adjacent mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleontological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Merriam Mountains are solid granite and decomposing granite. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: diverting traffic away from existing development will increase air pollution UNNECESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmitigable, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

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Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Thank you for taking the time to consider this email,

Randy McKinney
randygmckinney@aol.com

From: Carol Navagato
To: Elchar, Peter
Subject: PSRs GPA
Date: Saturday, February 06, 2016 1:36:13 PM

to: <Peter.Elchar@sdcounty.ca.gov>

subject: 'PSRs GPA'

Project name and number: PSR ID # NC42 and Study Area.

From:

Carol Navagato, member of **Hidden Valley Zen Center**:

2626 Sarver Lane, San Marcos, CA 92069.

PO Box 1355, San Marcos 92069-1355.

phone: 760-591-9893.

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

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Thank you!
Carol Navagato , HVZC

From: [Elaine Olsen](#)
To: [AdvancePlanning_PDS](#)
Subject: Proposed Property Change
Date: Friday, December 11, 2015 9:59:44 PM

FROM: Elaine Olsen
Legemere LLC

PARCEL NUMBER: 1822702100

In reference to the notification we were sent for a proposed General Plan Amendment, I would like to make the following comment.

Our main concern with this project involves any potential road widening near our facility. Because of the horses at the equestrian center, I want to insure that the disturbance from any noise from increased traffic or proximity of traffic does not create a dangerous situation for our boarders/riders. Horses are animals that are easily frightened by noises or by things they see. This could result in a run away horse where riders could get injured.

If this project is approved, I would like to know about the possibility of constructing a sound wall on the road side of our property to help negate the noise from the road traffic. Would you be able to tell me if a sound wall could be incorporated into the plan?

Thank you,
Elaine Olsen
949-636-4150

From: [Ann Pirruccello](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA PSR ID#NC42 and Study Area
Date: Thursday, February 04, 2016 4:16:40 PM

Dear Planning Commission:

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

As an Architect who has worked in similar areas I am shocked that this could even be considered. In Germany something like this is simply NOT ALLOWED. We do not allow urban sprawl. Only farmers are allowed to built in rural areas like this. High density housing is positioned near existing high density development and public transportation. Traffic is reigned in by providing public transportation and NOT providing or limiting parking space.

.....

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Biological Resources:upgraded zoning invites a domino effect and the destruction of much more precious habitat then in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

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Sincerely,

Ann L. Pirruccello, Ph.D.
Sent from my iPhone

Johnston, Kevin

From: Patrice Promack <ppromack@yahoo.com>
Sent: Thursday, January 14, 2016 8:35 PM
To: AdvancePlanning, PDS
Subject: Property Specific Requests General Plan Amendment (GPA 12-005) - NOP Comment

Planners:

In response to the "Notice of Proposed Property Change" which I received from the Department of Planning and Development Services, I am submitting comments regarding the PSR GPA near me, namely Assessor Parcel Number: 1875405228, PSR ID NC42

The rezoning request and required GPA to accommodate this proposed project (specifically the Newland Sierra Project) should absolutely be denied. The General Plan (the creation of which took millions of taxpayer dollars, hundreds of community planner hours over a period of 20 years) should not be trampled upon and ignored. There were many good and important reasons for the area that the development is proposed for to be designated as it was in the General Plan. Adding VR-20, SR-2 and SR 0.5 zoning would be an immense mistake. The proposed changes would be terrible for the environment and for the community.

The recent California Supreme Court rulings, which require developers to prove that their giant projects won't increase GHG emissions even if they conform to current guidelines, should be taken to heart in this case. The impact that the blasting and earth moving (during 10 years of construction), and the tens of thousands of additional vehicle trips when the development is complete, clearly will dramatically increase GHG emissions beyond an acceptable level.

The board of supervisors rejected Merriam Mountains in 2010 by a 3-2 vote, with the majority of the panel saying the days of such sprawling housing developments in rural areas may be coming to an end. Let us hope so. Even though the Newland Sierra project would include 2135 homes rather than the 2600 proposed in the Merriam Mountains development, this number is still FAR too large for this area. Too large a number for many reasons, the most important of which are the lack of a viable fire evacuation plan, and the negative environmental effects. It is a "leapfrog" type of project that simply does not belong in this rural/agricultural area. The result of granting this GPA to accommodate this absurdly huge development would be an unhealthy, unsafe environment, and would negatively impact the wildlife and agricultural resources of the area.

Thanks for reading this, and thanks in advance for making the right choice: deny the requested GPA.

Sincerely,

Patrice Promack
San Marcos



Law Offices of
Julie M. Hamilton

January 8, 2015

Peter Eichar
County of San Diego
Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

**RE: Comments on Notice of Preparation of an Environmental Impact Report
Property Specific Requests General Plan Amendment and Rezone
Project No. PDS2012-3800-12-005; PDS2014-REZ-14-006
Env. Review No. PDS2012-ER-12-00-003**

Dear Mr. Eichar:

I represent Samir Salem, an individual interested in the above mentioned project. At this time, we do not have any comments on the Notice of Preparation. However, please notify my office of any opportunities for public input on the Property Specific Requests General Plan Amendment and Rezone in the future. We are particularly interested in any further opportunities for public input on the Property Specific Request (PSR) ID NC42. Please contact my office if you have any questions.

Very truly yours,

Julie M. Hamilton
Attorney for Samir Salem

From: [Stefanie Schubert](#)
To: [Elchar, Peter: AdvancePlanning_PDS: Johnston, Kevin](#)
Subject: 'PSRs GPA', PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 1:33:33 PM

to: <Peter.Elchar@sdcountry.ca.gov>
subject: 'PSRs GPA'
Project name and number: PSR ID # NC42 and Study Area.

From:
Stefanie Schubert, 2626 Sarver Lane, San Marcos, CA 92069. PO Box 1355, San Marcos 92069-1355. phone: 760-5919893.

Ass. Spiritual Director and teacher in residence at the Curch:
Hidden Valley Zen Center and Architect, trained in Munich, Germany

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

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Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources :This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat then in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleonthological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are sold granit and decomposing granit. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air polution UNNESESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmittigable, even if three so called fire exit roads and fire station were provided. The earea is extremely fire prone! Exit roads will be blocket in panic and excape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

Hydrology and Water Quality: Existing sensitive habitiats will be destroyed due to changes in water and ground water levels during and after construction. We are very concerned about the dry stream on our property and our many old native oaks.

Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place

for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short sighted development, creating enormous traffic... Where I am from development in areas like this is simply not allowed. Only farmers may get permits to upgrade their farm. The result is an un-fragmented landscape (e.g. in Bavaria near Munich and the Alps) which visiting Americans love (!)

Noise : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). In addition it is unthinkable that the necessary blasting and grinding for new developments (e.g. Newland Sierra) will not by far exceed the allowances for noise for the years(!) of ground preparation and construction.

Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and existing high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Thank you!
Best!
Stefanie Schubert, HVZC

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HVZC.org

[Facebook: Hidden Valley Zen Center](#)

Christopher W. Garrett
Telephone: +1.858.523.5400
christopher.garrett@lw.com

12670 High Bluff Drive
San Diego, California 92130
Tel: +1.858.523.5400 Fax: +1.858.523.5450
www.lw.com

LATHAM & WATKINS^{LLP}

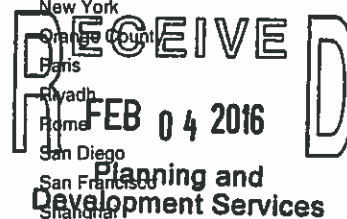
February 4, 2016

VIA EMAIL AND HAND DELIVERY

Peter Eichar, Planner
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

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File No. 025388-0011

Re: Golden Door Comments on Notice of Preparation for Property Specific Requests General Plan Amendment and Rezone, PDS2012-3800-12-005, PDS2014-REZ-14-006, PDS2012-ER-12-00-003, SCH#2015121012

Dear Mr. Eichar:

As you know, we represent the Golden Door Properties LLC (the "Golden Door"), an award-winning spa and resort that opened in 1958. This historic haven is situated on approximately 600 acres on the south side of Deer Springs Road in northern San Diego County ("North County") in a narrow valley enclosed by steep hillsides on three sides.

We appreciate the opportunity to share with you the Golden Door's comments regarding the Notice of Preparation ("NOP") for the NC-42 Property Specific Request ("PSR"). We attended the scoping meeting for this project and appreciate the information that County of San Diego Planning and Development Services staff ("County staff") shared with us there.

As discussed below, we have significant concerns about NC-42 and plans to urbanize our idyllic rural Twin Oaks Valley community. Our community has stood up time after time to protect our rural community character and pristine habitat against threats from developers who would attempt to urbanize this remote area in contrast to State, regional, and County of San Diego ("County") planning principles. This area simply lacks the connectivity to existing infrastructure, services, and density to justify this proposed urbanization.

We begin this letter by providing brief background on the Golden Door, followed by a discussion of other efforts to impermissibly urbanize our rural community. Next, we discuss several procedural and overarching issues regarding the PSRs and NC-42. We then suggest several alternatives to NC-42 for consideration in the environmental impact report ("EIR"). Finally, we provide an impact-by-impact summary of our comments on NC-42's NOP.

I. THE GOLDEN DOOR'S BACKGROUND

The Golden Door focuses on the health and fitness of its guests. Its property encompasses a peaceful array of hiking trails, luxurious spa amenities, tranquil Japanese gardens, and a bamboo forest. Agricultural cultivation on the property includes avocado groves and fresh vegetable gardens as well as citrus and olive trees.

The Golden Door is committed to environmental stewardship and sustainability. It uses sustainable and bio-intensive agriculture practices and has eliminated guests' use of plastic water bottles. The owners are not seeking to expand the Golden Door in any way, but are seeking to further enhance the Golden Door according to its guiding principles, including the extensive sustainable agriculture on several surrounding acres.

As such, the Golden Door is concerned about proposals to implement urban-style development in a rural area of the unincorporated County—especially when such intense density increases contradict all approved State, regional, and County plans. Additionally, we are concerned that the County's latest proposed General Plan amendment may result in forcing a significant amount of new traffic from this development onto the proposed County Route S12 six-lane regional arterial running through the narrow Deer Springs Valley, which is otherwise planned to remain rural and undeveloped. This unplanned intensification conflicts with the efforts of the Golden Door and our neighbors to protect our community character and prosper in our rural setting.

II. SUMMARY OF EFFORTS TO IMPERMISSIBLY URBANIZE RURAL TWIN OAKS VALLEY

As you are aware, the Newland Real Estate Group, LLC ("Newland") has now proposed a revived Merriam Mountains project, known as the "Sierra" project (the "Newland Project") on the same property affected by NC-42. This property is located just across Deer Springs Road from the Golden Door's property. Newland's proposal includes 2,135 residential units, 81,000 square feet of commercial development, a school, and various parks and equestrian facilities. Newland submitted an application for its project to the County on January 20, 2015, and the County issued a NOP for the project's EIR on February 12, 2015 (Attachment A).

We have attended public meetings and workshops regarding the Newland Project, held several meetings with County staff and Newland, obtained and reviewed voluminous materials relating to the Newland Project's Application and NOP, and provided comments to the Vallecitos Water District ("VWD") regarding its proceedings related to the Newland Project.¹ We have assessed the Newland Project's potential impacts based on the information available to date, and we have a number of significant concerns. The Newland Project proposes to implement urban-style development in a rural area of the unincorporated County that lacks the connectivity and transit infrastructure to comply with modern smart growth planning principles. The Newland Project also risks turning Deer Springs Road into a massive freeway bypass system

¹ The Golden Door's comment letter to the VWD, dated January 5, 2016, is attached hereto as Attachment B.

and destroying the community's rural character. We have proposed several alternatives to be reviewed in the Newland Project's EIR (and propose similar alternatives here) to determine the extent to which these alternatives would mitigate or avoid the Newland Project's significant impacts. We have also provided a number of comments on specific issues that we believe require detailed environmental review.

A drastic density increase on the project site has been proposed before as the Merriam Mountains project. This effort was rejected by the Board of Supervisors in 2010. The General Plan Update in 2011 decreased the density permitted on the project site such that the site is largely zoned RL-20, allowing one residential unit per 20 acres, permitting approximately 100 units. Despite the two recent decisions by the County Board of Supervisors (the 2010 rejection of the first Merriam Mountains proposal and 2011 application of appropriate density in the General Plan Update to maintain a low rural and semi-rural density on the project site), the Newland Project now proposes 2,135 residential units, 81,000 square feet of commercial development, a charter school, and the expansion of Deer Springs Road.

The County has heard from this community for years that we value the rural character of our community and want it to be preserved in line with these recent actions related to the project site. Public participation in this process is imperative to ensure that yet another bite at the apple does not result in a drastic density increase against the will of the community and the policy direction given twice by the County Board of Supervisors.

NC-42 similarly threatens the Twin Oaks Valley community. Although its density increase is less severe than that proposed by the Newland Project, NC-42 would result in more than 10 times the existing residential density on the project site. Such residential growth in this rural area would result in increased long, single-occupant automobile trips on adjacent rural roads to reach employment and commercial centers. This directly contradicts modern planning principles, State planning laws, and existing regional plans that focus residential growth in existing urban communities near jobs and existing transit infrastructure. The County should give careful consideration to whether it can move forward with this project before other regional plans are updated and reviewed to consider whether this significant density increase in remote rural locations is appropriate.

III. THE EIR SHOULD ANALYZE WHETHER ALL OF THE PROPERTY SPECIFIC REQUESTS, INCLUDING NC-42, ARE CONSISTENT WITH DIRECTION PROVIDED BY SUPERVISOR RON ROBERTS

In March of 2010, Supervisor Ron Roberts cast his vote against the Merriam Mountains project, and gave direction to County staff regarding future planning efforts on the project site and other locations in San Diego County. His statement is currently posted on his website at <http://www.ronroberts.com/hotissues/mmountain/> and is attached hereto as Attachment C.

This statement indicates that Supervisor Roberts will be looking for any new development to take into consideration the following: (1) "state regulations" and "specifics" in "addressing greenhouse gasses" and (2) "transit connections that do more than just a token job of offering people transportation alternatives besides the automobile."

Accordingly, the EIR for the PSRs, including NC-42, should address how the proposed General Plan amendments will be consistent with State regulations addressing the specifics of reductions in greenhouse gas (“GHG”) emissions. The EIR should also address how the PSRs’ proposed development, including NC-42, would provide transit connections that do more than “just a token job of offering people transportation alternatives beside the automobile.” In order for the EIR to provide this analysis, it must analyze consistency with the San Diego Association of Government’s (“SANDAG”) 2015 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”) and the County’s new Climate Action Plan (“CAP”). The County must further determine whether this new development will be consistent with the new RTP/SCS’s GHG reduction targets, which are being used by the California Air Resources Board in its statewide planning for reductions of GHGs. Additionally, the EIR should analyze whether the PSRs’ proposed new development will do more than a token job of offering people transportation alternatives besides the automobile, using the transportation alternatives planned and funded by SANDAG in the newly adopted 2015 RTP/SCS.

IV. THE COUNTY SHOULD SEPARATE PROCESSING OF NC-42 FROM THE OTHER PROPERTY SPECIFIC REQUESTS

NC-42 should be analyzed and approved separately from the dozens of other PSRs set forth at this time. NC-42’s density increase of approximately 1,000 residential units dwarfs the increases proposed in the other PSRs. In addition, NC-42 is unique in that it applies to the same property as a separate proposed General Plan amendment that would construct a master-planned development with over 2,100 homes, 81,000 square feet of commercial development, a charter school, and other related amenities—the Newland Project. The complexity of NC-42 and the number and intensity of its environmental impacts risks unnecessary delay in the consideration of other PSRs. Moreover, any streamlining or fast-tracking of environmental review and approval of NC-42 in order to accommodate the other PSRs would subvert the purpose of both the California Environmental Quality Act (“CEQA”) and the General Plan.

A. The County Must Avoid Improper Project Splitting in this EIR

Courts have provided limited analysis of the effect of attempting to split a project or portion of a project from other components of an approved environmental review. A court may choose to “sever” CEQA defects in an EIR from the remainder of the project if the severed portion may be reviewed independently without negatively affecting the remaining whole. *See* 14 Cal. Code Regs. § 21168.9(b). In application, courts appear to err on the side of denying severability where the activity is in significant noncompliance with CEQA. *See LandValue 77, LLC v. Bd. of Trustees of Cal. State Univ.*, 193 Cal. App. 4th 675, 680 (2011) (rejecting concept of severance where the lower court did not sever a portion or specific project activity or activities from the remainder, but set aside project approval due to CEQA defects in the EIR); *Cty. of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089 (project activity at issue is not severable where CEQA defect was failure to determine the necessity of an EIR); *but see Golden Gate Land Holdings, LLC v. East Bay Regional Park Dist.*, 215 Cal. App. 4th 353 (2013) (eminent domain proceedings and servable, existing project activity allowed to move forward while CEQA defects relating to a singular future project activity were remedied). Due to this uncertainty, and in order

to avoid any unnecessary complications from considering NC-42 along with the other PSRs, the County should analyze and process NC-42 separately.

V. THE EIR MUST ANALYZE THE IMPACTS OF THE PROPOSED NEWLAND “SIERRA” PROJECT

As discussed above, the County is currently processing Newland’s application for 2,135 residential units, 81,000 square feet of commercial development, a school, and various parks and equestrian facilities on the same property as NC-42. It is unclear why the County is spending taxpayer resources to process NC-42 simultaneous with the developer-funded processing of the Newland application—especially when the degree of residential density increase for NC-42 dwarfs the other PSRs studied in the EIR. The law, however, is perfectly clear that any EIR for NC-42 must provide a more detailed and project-specific analysis of the proposed Newland Project.

A. The Newland Revived Merriam Mountains Project Is Reasonably Foreseeable Given Its Pending Application

CEQA requires environmental review of a project’s reasonably foreseeable impacts. *Laurel Heights Improvement Ass’n. v. Regents of the Univ. of California*, 47 Cal. 3d 376, 396 (1988) (“*Laurel Heights I*”). Here, all impacts associated with the Newland Project are reasonably foreseeable because the County is currently processing its application. Consequently, the EIR for NC-42 would be insufficient if it failed to fully analyze the Newland Project’s impacts on the same project site.

In addition, the proposals for two separate density increases on the project site—both of which are substantial—raises a concern about piecemealing where the County would only analyze the impacts of the less intense density increase of NC-42 now, while improperly ignoring the additional impacts of the full-blown Newland Project. CEQA Guidelines section 15165 prohibits piecemealing, and requires the lead agency to analyze the entire project in a single environmental document. *See also Bozung v. Local Agency Formation Comm’n*, 13 Cal. 3d 262, 284, n. 27 (1975). Such a prohibition ensures “that environmental considerations do not become submerged by chopping a large project into many little ones – each with minimal potential impact on the environment – which cumulatively may have disastrous consequences.” *Bozung*, 13 Cal. 3d at 283-284 (citing 14 Cal. Code Regs. § 15165).

B. The County Must Avoid Improper CEQA “Piecemealing”

Courts have also found that where one project constitutes a first step towards future development, failure to analyze the impacts of the ultimate project would result in improper piecemealing. *City of Carmel-by-the-Sea v. Bd. of Supervisors*, 183 Cal. App. 3d 229, 242-243 (1986) (“Where the project is a development, for which various government approvals are necessary, ‘[all] phases of project planning, implementation, and operation must be considered in the initial study of the project,’ and an EIR must address all phases.”). Here, any attempt to use NC-42 to “pave the way” for future additional development would be improper. Given the current processing of Newland’s application and the previous attempts to develop this property

for even more units than proposed by Newland (the failed Merriam Mountains project, for example), any claim that NC-42 is not a stepping stone to a higher density development would simply lack credibility.

The County risks impermissibly splitting the projects' environmental review by simultaneously considering two different General Plan amendments to convert the same specific property—the project site—from agriculture and rural residential to urban levels of development. *See Paulek v. Cal. Dept. of Water Resources*, 231 Cal. App. 4th 35 (2014) (a single project may not be divided into smaller pieces for individual environmental reviews that do not adequately account for the project's overall impacts); *see also Bozung*, 13 Cal. 3d at 283-284 (CEQA ensures "environmental considerations do not become submerged by chopping a large project into many little ones"). As a result, the County should delay processing the pending application for the Newland Project until it has the opportunity to first process NC-42. In any event, the County should not be splitting environmental review into two separate projects.

C. In Preparing an EIR for NC-42, the County Must Consider Infrastructure Needed or Which Will Be Funded by These Density Increases

Further, while NC-42 only includes a density increase, rather than a specific development proposal, necessary infrastructure to serve this increase must be analyzed, including the appropriate alternative locations for any expanded six-lane County Route S12, including locating S12 on Newland's own property or the extensive blasting required in Deer Spring Valley (if the six-lane County Route S12 is to be placed on the current Deer Springs Road) and overhaul of the Deer Springs Road/Interstate 15 interchange. Transportation, GHG emissions, noise, biological, and many other impacts are reasonably foreseeable from NC-42's proposed density increase. The County cannot adopt NC-42 without considering these essentials and their environmental impacts.

Finally, the County must analyze the impacts from the full Newland Project *at least* in NC-42 EIR's cumulative impacts analysis. Newland's proposal may provide in some respects for development that is *additive* to any density increase in NC-42. Theoretically, approval of both NC-42 and the Newland Project could result in over 3,000 residential units when added together. In reality, many of the land use density increases would overlap—but not necessarily all. The EIR, therefore, must include careful analysis of the total number of residential units, commercial square footage, and other amenities that could be developed on the project site if both NC-42 and the Newland Project were to be approved, and then must analyze the cumulative impacts of the two projects together.

In summary, the EIR for NC-42 cannot simply ignore the Newland Project. It must analyze the Newland Project's impacts, both as reasonably foreseeable project impacts and as additive cumulative impacts. The EIR must further analyze all reasonably foreseeable impacts from infrastructure, services, and other necessary components of developing the project site.

VI. THE EIR SHOULD ANALYZE ALTERNATIVES THAT REDUCE IMPACTS

An EIR must demonstrate that the lead agency identified and investigated all significant environmental effects of a proposed project. 14 Cal. Code Regs. § 15126.2(a). Through mitigation measures or project alternatives, CEQA requires a public agency to mitigate or avoid any significant environmental effects of a project whenever feasible. Pub. Res. Code § 1002.1(b). An agency may reject a proposed project alternative or mitigation measure and approve a project, despite significant environmental impacts, only if the agency makes appropriate findings that the mitigation or alternative is infeasible. Pub. Res. Code § 21081.5; *see also Cal. Native Plant Soc'y v. City of Santa Cruz*, 177 Cal. App. 4th 957, 959 (2009). A measure is “infeasible” if it is incapable of being accomplished in a successful manner within a reasonable time. Pub. Res. Code § 21061.1.

Like other EIR findings, a finding of infeasibility must be based on substantial evidence. *Preservation Action Council v. City of San Jose*, 141 Cal. App. 4th 1336 (2006); *Ctr. for Biological Diversity v. Cty. of San Bernardino*, 184 Cal. App. 4th 1342, 1357 (2010). The findings of expert consultants may not be sufficient to constitute substantial evidence of infeasibility if they are not adequately supported. *See Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F. Supp. 2d 1098, 1125-29 (E.D. Cal. 2013). An agency must directly respond to any proposed mitigation measure or project alternative unless the measure is facially infeasible. If a proposed measure is not facially infeasible, an agency must respond with a good faith and reasoned analysis. *Los Angeles Unified Sch. Dist. v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1029-30 (1997).

A. NC-42 Conflicts with SANDAG's 2015 RTP/SCS

NC-42 proposes a drastic density increase in a rural area that contradicts the recently adopted County General Plan Update and the regional plans developed by SANDAG. The General Plan Update designates most of the project site as RL-20, one unit per twenty acres, which would limit development to approximately 100 units. Moreover, SANDAG's land use and density projections for 2020, 2035, and 2050 forecast a largely rural and agricultural region along the Interstate 15 corridor in North County. *See* Attachment D, SANDAG Land Use and Population Density Maps. In comments on SANDAG's recently approved RTP/SCS, the County has admitted the inconsistency between the land use calculations underlying SANDAG's plan and any General Plan amendments adding density in rural areas. *See* Attachment E, County Comment Letter to SANDAG, dated July 15, 2015, and Responses. County staff and SANDAG staff proceeded to finalize the 2015 RTP/SCS without including or referencing any of the County's pending General Plan amendments, including the Newland Project and NC-42.

As a result, the SANDAG 2015 RTP/SCS was finalized without any planning for these General Plan amendments, and the future GHG reductions promised by the RTP/SCS were sent to the California Air Resources Board for approval and incorporation into the Board's ongoing planning for compliance with California's GHG reduction goals. *See* California Air Resources Board Executive Order G-15-075, December 2015 (“ARB Acceptance of GHG Quantification Determination”) http://www.arb.ca.gov/cc/sb375/sandag_eo_15_075.pdf. The EIR should

evaluate whether the project would interfere with the San Diego Region's achievement of the "2020 and 2035 GHG reduction targets established by ARB." *See* Executive Order at 1.

The EIR should analyze alternatives that reduce density on the project site, mitigate the impacts of density increases on the project site, or shift density increases to alternate locations in order to mitigate or avoid traffic, GHG, fire safety, biological, and other impacts. To avoid and mitigate NC-42's potential impacts, the Golden Door suggests that the EIR evaluate at least the following alternatives.

B. Alternate Route Alternative: The EIR Should Analyze an Alternative that Includes a Four-Lane or Six-Lane Road Through the Project Site that Avoids Dumping NC-42 Project Traffic onto Deer Springs Road

NC-42 would result in a significant increase of trips on Deer Springs Road, unless an alternate route is constructed. Deer Springs Road exists today as a two-lane rural lane, and any attempt to widen it to four or six lanes would face significant grading and biological challenges. We believe that previous County decisions to use Deer Springs Valley as the location for an expansion of County Route S12 were based on the unavailability of the Newland property for development and the existing interchange configuration at Interstate 15. With the new proposed plans to develop the project site and replace the interchange at Interstate 15, it is now possible for the County to look for new routes for County Route S12 to handle the increased traffic from development. The County should take this opportunity to provide an option that would avoid the significant impacts on noise, biological resources, and tribal cultural resources associated with cutting a new six-lane major arterial road through Deer Spring Valley.

1. Unimproved Two-Lane Deer Springs Road Already Handles Substantial "Bypass" Traffic

Unimproved Deer Springs Road currently is forced to handle substantial bypass traffic from regional trips fleeing the congested freeway system, which has not been expanded to handle increased traffic in the region. This is indicated by a license plate survey conducted last year by Linscott Law & Green ("LLG"). *See* Attachment F, LLG License Plate Survey (May 5, 2014). NC-42 would add trips to Deer Springs Road from residents of the approximately 1,000 new homes. Any project on that location following the community design proposed by Newland that is designed to discourage internal circulation—indirect, winding internal roads, featuring many cul-de-sacs, grade changes, and intersections, and no connections to the north, northeast, or northwest—would cause project residents to rely heavily, if not solely, on Deer Springs Road rather than utilizing project roads on the property for access. Dumping project traffic on to Deer Springs Road and discouraging internal circulation or use of project roads for through trips poses a safety threat to the non-vehicular traffic on the current Deer Springs Road, including any new non-vehicular traffic generated by a new project on the site.

2. NC-42 Should Consider Alternative Routes for Six-Lane County Route S12 Needed to Serve this New Proposed Development

The EIR should study an alternative that routes the planned six-lane County Route S12 on project property, rather than through the narrow Deer Springs Valley. This would involve the construction of a direct road (which can be referred to as “*Relocated County S12*”) to accommodate all of the planned traffic that needs to travel through the project site and would allow for direct access to Newland’s planned regional commercial center. This option would keep trips off of Deer Springs Road, causing traffic to instead travel through the project site on the north side of the ridgeline immediately north of Deer Springs Road (the “Alternate Route Alternative”). This “*Relocated County S12*” road would provide for a more unified project connecting uses across the site and allow project residents direct access to their commercial center.

3. New Circumstances in 2016, Such as the New Proposed Development, Require an Updated Evaluation of Alternative Routes for County Route S12 that May Be Built as a Result of this Development

The General Plan update approved in October of 2011 did not take into consideration whether County Route S12 could be built on the Newland property, and instead kept the route on the current unimproved Deer Springs Road, with plans to expand County Route S12 to a six-lane regional arterial through the narrow valley, wedged between Deer Spring creek and a steep hillside to the north. In fact, the County had explicitly rejected the original Merriam Mountains project on March 24, 2010. The General Plan update designated the project site primarily as RL-20 and severely constrained by habitat and topography. Deer Springs Road, therefore, was conceived as a location for County Route S12 to serve merely as a conduit between Interstate 15 and the village centers to the west in San Marcos and was not designed to accommodate any development on the project site to the north.

4. NC-42’s Proposed Development Should Be Served Directly by a Six-Lane Regional Arterial to Allow New Residents Direct Access to Commercial Development and Transit Facilities

NC-42 proposes to significantly change the character of the area north of Deer Springs Road to include a new village center which will draw regional traffic from all directions. Nearby housing could utilize that village center as the primary area of services, if sufficient direct road and trail access were provided between the housing and the commercial center. NC-42, if approved, requires the County to re-evaluate the circulation network of the North County Metro area without the General Plan’s existing land use constraints, and provide for the appropriate planning for the six-lane County Route S12 in a location that serves these new residents and avoids the significant adverse effects of constructing in Deer Springs Valley. Moving County Route S12 onto the project site would connect the regional traffic flow from and to Interstate 15 directly with the new village center. This would efficiently move those trips through the project site and on to other village centers to the west, and also accommodate the internal trips from NC-42 project housing.

5. Under CEQA, NC-42's EIR Must Evaluate Alternative Routes that Will Avoid or Reduce Significant Adverse Impacts of Constructing County Route S12 in Deer Springs Valley to Serve NC-42's Development

As noted above, Deer Springs Road is a two-lane rural road that is consistent with the rural character of the area. Expansion of Deer Springs Road to convert it into a six-lane regional arterial road to service new development is likely to have significant impacts on the community character of the area and direct impacts to biological resources, including wildlife corridors and an adjacent wetland. The attached U.S. Geological Survey wetlands map shows a blue line stream adjacent to Deer Springs Road that may need to be filled in order for the expansion to occur. *See Attachment G, USGS Topographic Map.*

1. Prior County Analysis Confirms that Locating a Six-Lane County Route S12 in Deer Springs Valley Will Result in Significant Adverse Impacts

(1) Impacts on Tribal Resources that Must Be Studied Under AB 52

The Merriam Mountains Project EIR's analysis for the of the feasibility of widening Deer Springs Road (EIR Section 9.2.3) found that there is a potential for identified tribal human remains and cultural artifacts discovered at these sites to be impacted by widening the roadway. The EIR at section 9.2.3.1 states that, "[c]ultural resource sites identified as CA-SDI-4558 and CA-SDI-9822, both of which are within the Deer Springs Road corridor, have been previously tested and identified as significant under the County of San Diego and CEQA criteria." The cultural resources survey noted the presence of pottery and burned bones on site, which could indicate sensitive Native American tribal resource sites that will require consultation with tribal officials prior to moving forward with any plans to widen Deer Springs Road. Indeed, newly enacted laws, such as AB 52, that state a "preference for historical and archeological resources of preservation in place, if feasible," (AB 52 sec 1(b)(3)) could make it difficult to accommodate the widening.

(2) Significant Aesthetics and Noise Impacts Due to Required Blasting and Mass Excavation of the East Side of Deer Springs Valley

Part of the charm and value of Deer Springs Valley is the surrounding steep hillsides on three sides of the valley, which provide a sense of isolation and rural surroundings. After the intersection with Mesa Rock Road, Deer Springs Road enters the valley through a narrow and winding entrance, just wide enough for two lanes, wedged between an extremely steep hillside on the north and the creek and the rural homes located on Windsong Lane to the south. To build a six-lane County Route S12 through this intersection will require a very large amount of blasting and excavation to remove the steep hillsides to the north, thereby removing the hillside which isolates Deer Springs Valley from Interstate 15 to the north. This will have a significant adverse aesthetic impact on the valley and views from within the Golden Door and its extensive network of trails, meditation areas, and outdoor dining areas.

(3) Substantial Condemnation Costs Associated with
Alternative Six-Lane County Route S12

A Deer Springs Road expansion for the location of a new six-lane County Route S12 would also require the condemnation of right-of-way from multiple owners, which could impact the cost of the road and inhibit efficient route design. Among other condemnation impacts, as the Golden Door has informed the County previously during the consideration of the Merriam Mountains project, construction of the six-lane County Route S12 in Deer Springs Valley will require the “total” take of the Golden Door, and compensation for the complete loss of this important County hospitality destination. The Golden Door will no longer be able to operate at a location adjacent to this new regional six-lane road and freeway bypass. In evaluating the costs of each alternative location for the new six-lane County Route S12, the County staff should consider the potential right of way costs, versus alternative routes that could be dedicated at little or no cost to the County by any development adjacent to the alternative routes. Condemnation costs must be evaluated to determine the feasibility of each alternative route. As part of this EIR, the County must also determine whether it has sufficient resources to complete a six-lane County Route S12, including condemnation costs. Without sufficient resources and commitments for construction of County Route S12, the County will have no assurance that a six-lane County Route S12 will in fact be constructed as part of the transportation network required to serve this increased growth.

(4) Considering the NC-42 Property for Additional
Development Allows the County to Take a Fresh Look at
the Best Route for County Route S12

In the past, with development constraints to the north and south after rejection of the Merriam Mountains project in 2010, expansion of Deer Springs Road was the only corridor available to accommodate through traffic from Interstate 15 under the General Plan’s land use designations. Because NC-42 would provide a new opportunity that was outside the scope of the General Plan update, the County should accommodate NC-42 project traffic and non-project traffic through the region with a new roadway with modern pedestrian and bikeway elements, and potential Bus Rapid Transit (“BRT”) or other mass transit capabilities, while avoiding the significant cultural, biological, noise, and aesthetic impacts that will occur from the expansion of Deer Springs Road. Construction of the six-lane County Route S12 on Newland’s own property would only require land from a single development which could be provided at the time of subdivision of the area, lowering overall costs of the new road. The route could be designed to reduce impacts while more efficiently moving traffic from the designated village areas. The County was previously constrained, but the NC-42 proposal, if approved, provides an entirely new opportunity to apply the vision and policies of the General Plan to better accommodate mobility in the North County Metro subregional area.

Further, this opportunity presents itself at the same time that Caltrans is developing a Project Study Report to re-design the Interstate 15/Deer Springs Road interchange. Caltrans should be asked to analyze an interchange configuration that provides direct access to the alternative County Route S12 designated as “*Relocated County S12*,” directly funneling traffic from the interchange to the site of the commercial center proposed in Newland’s project on the

southeast corner of the site, rather than forcing the traffic to take a circuitous route to the south and then multiple turns to reach the commercial center. The Golden Door submitted a letter last year (*see* Attachment H) requesting that Caltrans include such a configuration in its Project Study Report. The new “*Relocated County S12*” road should also directly connect to an expanded park-and-ride facility and transit center which should be integrated into the NC-42 plan, and provide for an efficient “on/off” for a future expansion of SANDAG’s BRT system to the interchange.

The Alternate Route Alternative should be designed to encourage trips on the new road through the project site rather than on to Deer Springs Road in order to avoid traffic, noise, air quality, destruction of tribal resources, and safety impacts to the community and the pedestrians, cyclists, and equestrians traveling along Deer Springs Road. The details already provided by Newland in its own application as to how it would use the additional density under NC-42 require the County to analyze these details in the EIR for NC-42, including transportation alternatives for project traffic.

C. GHG Reduction Alternative: The EIR Should Analyze a Transit-Oriented Alternative to Reduce Greenhouse Gas Emissions

The EIR should also study an alternative with all residential units allowed under NC-42 clustered on the eastern side of the project site near Mesa Rock Road and Interstate 15. This would allow the residential units to access transit options and reduce required single occupancy vehicle trips and their related GHG emissions (the “GHG Reduction Alternative”). The GHG Reduction Alternative would allow all new residents to walk or bike to the planned commercial development in the site’s southeast corner (located within the City of Escondido’s sphere of influence). This commercial center could be designed to provide a transit connection for all residents via an expanded park-and-ride facility and a transit center with direct access on to Interstate 15, and link with SANDAG’s ultimate 2050 plan to extend toll lanes to the location. Under this alternative, the developer should provide for a peak hour shuttle system (funded by the developer) to the Escondido Transit Center or extend SANDAG’s BRT system along Interstate 15 to the project site from its current terminus six to seven miles to the south.

This alternative would realign proposed density to remove the units on the west side of the property and the steep, winding roads throughout the site, thus eliminating the need to drive from one side of the site to the other, or more likely, detour onto Deer Springs Road. This design could also realign the project’s primary entrance to Mesa Rock Road—with direct access from Interstate 15—and limit additional ingress and egress points to emergency access. Again, direct freeway access could be studied in Caltrans’ Project Study Report. *See* Attachment H, Golden Door Letter to Caltrans (Mar. 16, 2015). A design spreading density across the project site requires project residents to take circuitous winding trips in their single-occupant vehicles to reach transit access, thus discouraging or prohibiting transit or shuttle bus easy access and use of the park-and-ride facility. Such an approach should be discarded as inconsistent with the General Plan, SANDAG’s RTP/SCS, and State planning laws. The EIR must study whether and how the additional density provided by NC-42 must be clustered on the large scale site as a condition to any density increase.

Residential units clustered around a transit hub could be designed as higher density multistory town homes or apartments, and would not necessarily result in a reduction in the total number of residential units proposed in NC-42. A key feature of this GHG Reduction Alternative would be to allow transit more direct access to the commercial designated area on the southeast corner of the site, so that buses or shuttles provided by the developer can operate more effectively with greater usage, and provide for regional connections and transfers for all the drivers driving from North County to Vista, San Marcos, and Escondido.

1. An Alternative Needed to Be Consistent with the County's Own General Plan

This clustered, transit-oriented design of the GHG Reduction Alternative would minimize single-occupant vehicle trips by providing transit for longer trips and walkability or short bike path connections for internal trips, thus reducing vehicle miles traveled ("VMT") and GHG emissions. The County General Plan embraces smart-growth communities and a multi-modal mass transit system, stating that "[t]he General Plan will reduce GHG emissions primarily through minimizing vehicle trips and approving land use patterns that support increased density in areas where there is infrastructure to support it, increased opportunities for transit, pedestrians, and bicycles, and through green building and land development conservation initiatives." Attachment I, General Plan Introduction and Vision and Guiding Principles at 1-16. In addition, the County Mobility Element states the following:

Reducing vehicle miles traveled is also an important component of reducing greenhouse gas emissions. Along with compact land use patterns, a well-connected road network contributes to reducing vehicle miles traveled. The Mobility Element requires the provision of multi-modal facilities to accommodate alternative modes of travel, such as public transportation, bicycling, and walking. In addition, goals and policies are included to minimize single occupancy vehicular travel through carpooling, vanpooling, and other transportation demand management methods.

Attachment J, General Plan Mobility Element at 4-3.

2. An Alternative Needed to Be Consistent with SANDAG's RTP/SCS Policies

In addition, SANDAG's RTP/SCS favors a transit-first approach to new development. The RTP is a regional blueprint for a transportation system that meets the State's sustainable development planning priorities through 2050. It allocates funding across transportation priorities, including transit, highway improvements (consisting largely of HOV lane additions), and local roads. SB 375, which went into effect in 2009, requires that an SCS be prepared as part of the RTP to integrate land use and transportation planning in an effort to curb VMT and associated GHG emissions. SANDAG published its RTP/SCS in October 2011, then published an updated SCS as part of the "San Diego Forward" Regional Plan in October 2015. The SCS's strategies for sustainability include "focus[ing] housing and job growth in urbanized areas where

there is existing and planned transportation infrastructure, including transit . . . [and] invest[ing] in a transportation network that gives people choices and reduces [GHG] emissions.”

Attachment K, San Diego Forward: The Regional Plan (“SANDAG Regional Plan”) at 26.

According to these planning principles, when a rural area is proposed to be transformed into an urban area (such as proposed by NC-42), transit must be a central focus and not an afterthought. Because the Interstate 15 corridor in North County is not urbanized and lacks existing transit infrastructure, new development should consist of “transit-first” or even “transit-obligate” communities that proceed only after the construction of, and funding of contributions to, planned transit facilities to ensure that added impacts and increased emissions are fully mitigated or avoided. Without any meaningful transit proposals, NC-42 would result in long, single-occupant vehicle trips from its rural location to urban and job centers. Additionally, NC-42 is designed to “sprawl” across the property, forcing unnecessary internal trips. The Golden Door’s GHG Reduction Alternative, however, would embrace the County’s updated General Plan policies favoring connectivity and transit, the RTP/SCS, the Community Development Model, and the planning principles embodied in SB 375.

Further, the GHG Reduction Alternative would cluster development near the area currently designated as village in the County’s General Plan. We understand that the County does not intend to create a “new” village designation for the Project; therefore, any added density should be clustered in or near the existing village designation rather than spreading out in a very disconnected fashion into existing rural lands. A failure to provide for this design would cause NC-42 to conflict with the County’s General Plan policies. Depending upon the design, the GHG Reduction Alternative could eliminate the need for a General Plan and Community Plan amendment and would likely reduce potential significant land use impacts from NC-42.

D. Alternate Location Alternative: The EIR Should Analyze an Alternative Location in Closer Proximity to Existing Communities and Infrastructure

The EIR should analyze an alternative location for NC-42’s increased density that complies with General Plan policies. The preamble to the General Plan’s Land Use Element provides clear policy direction that, “[f]ocusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the rural landscape that helps define the unique character of the unincorporated County.” Attachment L, General Plan Land Use Element at 3-2. The Land Use Element goes on to state that “the core concept for the County’s development directs future growth to areas where existing or planned infrastructure and services can support growth and locations within or adjacent to existing communities. By giving priority to areas identified for urban level densities, this concept also helps to retain the rural setting and lifestyle of remaining areas of the County.” *Id.* at 3-5. Further, General Plan Goal LU-2 seeks to maintain the rural character of existing rural lands in the unincorporated County, and Goal LU-5 directs development patterns and techniques that curb GHG emissions and VMT while preserving rural lands. *Id.* at 3-24, 3-27 to 3-28. NC-42, however, is located far from existing communities and infrastructure and would urbanize existing rural lands contrary to the General Plan’s direction.

The EIR should analyze alternative locations that meet the principles set forth in the General Plan and SANDAG's 2015 RTP/SCS—locations that are closer to existing communities and infrastructure, in close proximity to transit, and that do not convert existing rural lands. The EIR should study alternative locations that accommodate NC-42's proposed density increase with fewer environmental impacts and more in line with the General Plan's Guiding Principles and policies.

E. Agricultural Alternative: The EIR Should Analyze an Alternative that Implements an Agricultural Use of the Property

The alternatives section of the EIR should include an Agricultural Alternative that would utilize the steep slopes of the project site for the production of avocados and other lucrative produce, providing an economically viable alternative for the applicant, which is consistent with the land use designations for the property in the General Plan. Agriculture is an appropriate use of the project site because the majority of the site is designated as Rural Lands in the General Plan. The General Plan notes that, "[t]he Rural Lands category is applied to large open space and very-low-density private and publicly owned lands that provide for agriculture, managed resource production, conservation, and recreation and thereby retain the rural character for which much of unincorporated County is known." Attachment L, General Plan Land Use Element at 3-8 (emphasis added). The General Plan goes on to state that "the undeveloped nature of Rural Lands benefits all of San Diego County by . . . [p]reserving and providing land for agricultural opportunities." *Id.* at 3-9. The Agricultural Alternative would be consistent with the project site's designation in the General Plan, and would also allow the preservation of open space, enhancement of the County's economy, provision of jobs, and creation of an economically viable use for the property.

As noted by the San Diego County Farm Bureau, farming provides carbon sequestration that can reduce GHG emissions (Attachment M, San Diego County Farm Bureau, San Diego County Agriculture Facts) as opposed to NC-42 which would significantly increase GHG emissions from increased VMT and construction. Based on these benefits and the minimization of environmental impacts, the EIR must study an Agricultural Alternative.

F. The EIR Should Analyze Other Reduced-Density Alternatives that Would Minimize Environmental Impacts

In addition to the alternatives described above, the EIR should analyze other reduced-density alternatives. These alternatives should include various levels of reduced density to determine the extent to which they would reduce traffic congestion, VMT, GHG, fire safety, biological, and aesthetic impacts; impacts to tribal cultural resources; and other impacts.

VII. THE EIR SHOULD PROVIDE A BROAD-BASED ENVIRONMENTAL REVIEW TO ENSURE IT ANALYZES ALL OF NC-42'S IMPACTS

An EIR must "identify and analyze the significant effects on the environment, state how those impacts can be mitigated or avoided, and identify alternatives to the project, among other requirements." *Cal. Native Plant Soc'y*, 177 Cal. App. 4th at 979 (internal citation omitted). A

significant effect is a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” 14 Cal. Code Regs. § 15382. Among other things, the County will need to determine whether there is a “reasonable plan of actual mitigation” from the relevant agency that is fully enforceable through project conditions, agreements, or other legally binding instruments. *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1187-89 (2005); *see also* Pub. Res. Code § 21081.6(b); 14 Cal. Code Regs. § 15126.4(a)(2).

Based on NC-42’s significant density increase in a rural area and lack of proximity to existing communities and infrastructure causing far-reaching connectivity issues, the scope of the EIR must encompass a broad array of communities in order to determine the extent of NC-42’s impacts. The Golden Door’s comments on specific potential impacts are provided below.²

A. Aesthetics

The urbanization of the Deer Springs Valley, Windsong Lane, and Twin Oaks Valley areas would irrevocably destroy the community’s rural character. Community residents and businesses have expressed time and time again that we value the feel and appearance of our rural community. The Golden Door and other community members have chosen to reside or operate our businesses in this area because of its tranquil, rural characteristics, not in spite of them. NC-42’s proposed density increase would completely transform the area. This proposal would further ruin our community’s tranquil rural nature if it resulted in realignment of Deer Springs Road and taking of land from surrounding property owners to the south to “smooth the curve” and allow high speed travel into Deer Springs Road, creating a dangerous “raceway.”

The County has acknowledged the detrimental effects of increase density in the area in its October 22, 2014 letter to Newland discussing Newland’s Pre-Application noting in a list of “major project issues” that “[t]he project proposes to locate a high density urbanized development, characterized by small lots, commercial and civic use types within an existing semi-rural community, which may conflict with some goals and policies of the General Plan.” *See* Attachment N, Letter from Mark Slovick, County Planning and Development Services, to Rita Brandin, Newland, at 4 (Oct. 22, 2014) (emphasis added). The EIR should analyze NC-42’s impacts to community character and consider alternative designs and mitigation measures which minimize or eliminate NC-42’s disruption of surrounding roads and property.

B. Agriculture and Forestry

Analysis of agricultural impacts should not be limited to the project site. The surrounding area consists primarily of agricultural lands, including 120 acres of agricultural production on the Golden Door’s property. Project-related impacts, including increased traffic

² While the Golden Door does not provide specific comments on mineral resources, public services, or recreation impacts or on mandatory findings of significance, the Golden Door generally encourages a wide-lensed approach to reviewing such impacts due to the breadth of the communities that may be impacted by NC-42.

from construction and operations, decreased water supply, and fugitive dust and other particulate emissions from construction could impact surrounding agricultural operations. In addition, NC-42's cumulative growth-inducing impacts could decrease the land available for agricultural production, which is a significant source of jobs and economic activity in San Diego County. Further, any efforts to widen Deer Springs Road to accommodate additional trips could encroach on land used for agricultural production.

C. Air Quality

The Initial Study for the Newland Project notes that it could result in a potentially significant impact from objectionable odors. *See* Attachment O, Newland Project Initial Study. NC-42 could result in similar impacts. Such odors could be particularly harmful to the Golden Door's guest experience. The EIR should analyze the extent of any objectionable odors and specify whether such odors will impact nearby residents and businesses, including the Golden Door.

In addition, both construction and project air emissions could significantly impact the surrounding community. This rural area is unaccustomed to the air pollutants associated with urbanization, and agricultural uses may be particularly sensitive to the effects of air pollutants on their crops. Moreover, the amount of rock crushing required to build on the steep slopes of the project site could result in significant air quality impacts. The EIR should analyze the impacts of air pollution from multi-year construction and project operations on surrounding properties.

D. Biological Resources

The project site is home to valuable species and habitat. As noted in the Newland Project Initial Study, the project site is located within the North County Multi-Species Conservation Program ("NCMSCP") subregional plan. The NCMSCP designates the project site as having very high, high, and moderate habitat value. *See* Attachment P, NCMSCP Habitat Evaluation Map. In addition, the project site contains areas designated as ecologically valuable Pre-Approved Mitigation Area ("PAMA"). The NCMSCP sets a goal of conserving 75 percent of natural lands in the PAMA. This should be the minimum amount of preservation required by the County on the project site, and any approval of NC-42 should be conditioned to require at least this level of preservation. The EIR should analyze NC-42's conformance with the NCMSCP and impacts on PAMA.

County staff noted in its previous report on NC-42 that the project site contained sensitive habitat and that the urban development proposed would not support the General Plan's Guiding Principles for steep slope development and habitat conservation: "The site is entirely constrained by steep slopes, sensitive habitat and is also located within the Very High Fire Hazard Severity Zone. Because of the predominance of upland chaparral habitat, the County's habitat evaluation model qualifies the site as low value. However, a site-specific study indicated that this area supports rare plants and is conducive to wildlife movement Specifically the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat." *See* Attachment Q, PSR NC-42. This report on NC-42 also includes maps that indicate the steep slopes on the site, and moderate to high habitat value for the property. The June 20, 2012

County staff report on NC-42 also states that “portions of the requestor’s property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.” Attachment R, County Staff Report for NC-42 and Study Area at 2 (June 12, 2012). The EIR should provide at least the level of analysis previously indicated as necessary by County staff.

Altering the rural character of the project site could significantly impact various populations and habitats. Moreover, the project site includes both north-south and east-west wildlife corridors, including a stepping stone corridor for the California Gnatcatcher, a species that has been sighted on the property. Attachment S, Merriam Mountains Project Recirculated Environmental Impact Report, State Clearinghouse No. 2004091166 (“Merriam Mountains EIR”), Biological Resources Subchapter, at 3.2-8, 3.2-10 (Mar. 2009). Any urbanization of this rural area should not come at the expense of precious habitat. The EIR should study impacts to species due to urbanization of the rural site and impacts to the California Gnatcatcher. In addition, the EIR should analyze NC-42’s impacts on wildlife movement.

NC-42’s impacts will require substantial mitigation. The EIR should analyze mitigation measures for impacts to biological resources, including off-site mitigation and whether such off-site mitigation land is available. Mitigation lands for biological impacts from development is at a premium in San Diego County. Because the project site could be used for biological mitigation for another project, the EIR should also analyze how the significant loss of this potential mitigation land could impact development throughout the County, including development in incorporated urban areas that could purchase parts of the property to mitigate their development impacts. In addition, the housing, population, and land use sections of the EIR should analyze how the loss of this property as potential mitigation land could affect development in urban areas, where the County General Plan, the SANDAG Regional Comprehensive Plan and the General Plans of incorporated cities like San Diego direct growth. If, for example, the PAMA located on the project site is not available as mitigation land, it could constrain development in urban areas that will require biological mitigation land to allow development. This could create significant regional land use impacts that implicate fundamental public policy impacts not only on the County General Plan, but the General Plans of incorporated cities throughout the County.

E. Cultural Resources

Construction of NC-42’s proposed density on the project site will require extensive grading, blasting, and excavation that could exhumate fossils or cultural remains of Native American tribes in the area. Senate Bill 18 requires cities and counties to contact, and consult with, California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. In addition, NC-42 must be analyzed against the San Diego County Resource Protection Ordinance (“RPO”). The EIR for the Merriam Mountains proposal that was rejected by the County Board of Supervisors found two RPO sites that would

be impacted by the project's requirement to expand Deer Springs Road. *See* Attachment T, Merriam Mountains EIR, Cultural Resources Subchapter at 2.5-8.³

In addition to project construction, any widening of Deer Springs Road could also result in a significant impact to cultural resources. In particular, there are two sites with tribal artifacts of significant cultural value in close proximity to the north side of Deer Springs Road. Cultural resource sites identified as CA-SDI-4558 and CA-SDI-9822—both located in the Deer Springs Road corridor—have been “previously tested and identified as significant under the County of San Diego and CEQA criteria . . . on the basis of human remains and a pictograph feature . . . bedrock milling features, and foundations from remains of residential structures.” *See* Attachment U, Deer Springs Road General Plan Amendment/Circulation Element at Chapter 9.2.3.1. Additionally, AB 52 has been adopted since the County previously analyzed the six-lane road in 2008-2010. *See* Attachment V, AB 52. AB 52 requires the County to engage in additional study and consultation regarding projects that can affect tribal cultural resources.

The County must consider the entire impact of the Newland Project, including the density increase, related infrastructure, and options for relocating the proposed six-lane construction of County Route S12, rather than chopping the Newland Project into smaller pieces to be analyzed individually. *See Bozung*, 13 Cal. 3d at 283-284. Per the requirements of AB 52, the County must provide notice to and consult with the Native American tribe culturally and traditionally affiliated with the region regarding the planned disturbance or eradication of CA-SDI-4558 and CA-SDI-9822. The County must also re-analyze impacts to these resources, including a complete analysis of the total human remains that will be disturbed by any project or construction activity.

F. Geology and Soils

The project site is composed of steep slopes that could pose the potential risk of landslide. In addition, mountainous regions are typically created through earth movement over millions of years. A thorough analysis of potential earthquake faults will be required.

G. Greenhouse Gas Emissions

GHG emissions present a pressing global environmental concern. On-road transportation is the primary contributor of GHG emissions in the San Diego region. NC-42, however, follows an outdated auto-centric development model with development far from urban and job centers and that sprawls across even its own site. Because of its location far from existing communities, job centers, and transit infrastructure, NC-42 will cause long single-occupant automobile trips that increase VMT, resulting in harmful GHG emissions. The EIR should analyze mitigation measures and alternatives that reduce VMT, including mitigation measures set forth in the RTP/SCS and the integration of developer-funded shuttles or transit into the project design.

³ The Merriam Mountains EIR notes that impacts to RPO sites that are within an essential public facility are exempt from the RPO.

A recent California Supreme Court decision emphasizes the difficulty in making a finding of no significant impact for GHG emissions. *See Ctr. for Biological Diversity v. Dept. Fish & Wildlife*, 62 Cal. 4th 204 (2015). In that case, the Supreme Court indicated that an EIR using the reduction from “business as usual” approach to significance determinations for GHG emissions impacts must bridge the “analytic gap” between project level emissions and statewide standards by substantial evidence and reasoned explanation. *Id.* at 227. This guidance should not be taken lightly.

The County may not merely rely on its CAP for GHG emissions analysis. The CAP was invalidated by a 2014 Court of Appeal decision. *Sierra Club v. Cty. of San Diego*, 231 Cal. App. 4th 1152 (2014) *petition for review denied*, No. S223591 (Cal. Mar. 11, 2015). The County’s General Plan relied on the CAP to mitigate GHG emissions impacts. *See* Attachment W, San Diego County General Plan Update EIR, State Clearinghouse No. 2002111067, Global Climate Change Subchapter at 2.17-30 (Mitigation Measure CC-1.2) (Aug. 2011). This EIR, therefore, cannot merely rely on the invalidated CAP for GHG impact mitigation, but must propose enforceable mitigation measures and alternatives. The CAP is attached hereto as Attachment X. Additionally, the County should carefully consider whether it can move forward to analyze this major regional project without first adopting a replacement CAP.

The EIR must also analyze NC-42’s consistency with executive orders setting future goals for GHG emissions reductions. *Sierra Club v. County of San Diego*, 231 Cal. App. 4th at 1161, 1175 (invalidating the County’s CAP because, among other reasons, it failed to sufficiently analyze compliance with Executive Order S-3-05’s GHG emissions reduction target for 2050). Here, Executive Order S-3-05, issued by Governor Schwarzenegger in 2005, sets a statewide goal to reduce GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and finally to 80 percent below 1990 levels by 2050. In addition, Executive Order B-30-15, issued by Governor Brown last year, establishes a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.

H. Hazards and Hazardous Materials

NC-42 proposes a significant density increase in a High Fire Hazard Severity Zone. This puts thousands of people in increased danger from fire hazards and exponentially increases the potential for fire-related damage to property value. This increased density directly conflicts with the County General Plan Safety Element Policy S-1.1- Minimize Exposure to Hazards, which sets forth the following policy proclamation: “Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards.” Attachment Y, San Diego County General Plan Safety Element at 7-4 (2011).

It should be noted that the County recently went through the General Plan Update process of designating land at appropriate density levels to minimize the exposure of people to the risk of fire hazards. The staff report for NC-42 notes that the entire site is in a Very High Fire Hazard Severity Zone. *See* Attachment Q. NC-42, therefore, contradicts the thoughtful consideration that was given to the density designation on this site during the multi-year General Plan Update process. The EIR should analyze reduced-density alternatives and mitigation measures that will avoid or mitigate density-related fire safety impacts.

NC-42 also risks overcrowding local evacuation routes in event of a fire. During the fires in May 2014, area roads were at a standstill, and Interstate 15 and State Highway 78 both experienced closures. The EIR should analyze a plan that includes moving evacuees out the north side of the project site—to North Twin Oaks Valley Road, Gopher Canyon Road, and Lawrence Welk Court—to avoid evacuation in a single direction or taking the risk of trapping residents if the fire is to the south. Improvements to northern access points necessary to mitigate fire safety impacts cannot be deemed infeasible simply due to costs.

A crucial mitigation measure that must be studied is the redesign of NC-42 to include a direct four- or six-lane road—“*Relocated County S12*”—as discussed above in Section VI.B, that will provide a new east-west evacuation route for the thousands of new residents located on project site’s west side. In an emergency, it is crucial that all residents and the community have access to a new direct four- or six-lane east-west road across the project to evacuate to the east, rather than limiting evacuation points.

I. Hydrology and Water Quality

Water availability is a significant concern for agricultural and domestic uses in the areas surrounding the project site—and throughout California generally. Some properties in the area use water from on-site wells. Water is a precious resource, particularly to the agricultural properties in the Twin Oaks Valley community. The County Water Authority has declared the County to be in Drought Level 2, requiring 20% mandatory conservation. If the County Water Authority further downgrades the condition to Drought Level 3, no new potable water service will be available. The County should ensure that NC-42’s proposed urbanization of the area does not adversely impact existing water and wastewater services. The EIR should analyze impacts on water supply under various drought conditions, including Drought Level 3. The EIR should also analyze the impacts to water availability and quality to the area’s water resources, including wells.

J. Land Use and Planning

The State Planning and Zoning Law requires the County’s project approvals to be consistent with the General Plan. *See Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 570-71 (1990). The County recently completed a General Plan Update in 2011, which zoned the project site as rural lands allowing one residential unit for every 20 acres (RL-20), with just a sliver of village, office, and commercial designation near Interstate 15. *See* Attachment Z, Twin Oaks Valley Land Use Map. The RL-20 designation is actually a *decrease* in the density previously allowed. Because NC-42 proposes a substantial increase in density so soon after the conclusion of the lengthy General Plan Update process, it is important that the EIR provide an in-depth analysis of NC-42’s compliance with the General Plan’s policies and Guiding Principles and whether any General Plan amendment will have an impact on similarly situated property elsewhere in the County.

1. The EIR Should Analyze Whether the Project Will Require Amendments to the General Plan's Guiding Principles

The General Plan lists ten Guiding Principles that apply to all development in the unincorporated County:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

Attachment I, General Plan Introduction and Vision and Guiding Principles at 2-6.

The EIR should analyze NC-42's compliance with each of the Guiding Principles. NC-42 risks violating the Guiding Principles in at least the following ways: (1) locating growth far from existing and planned communities, infrastructure, and services; (2) drastically altering existing community character; (3) impacting operations of businesses that rely on the peace and

tranquility of a rural setting; (4) disrupting wildlife corridors; (5) developing despite physical constraints posed by the project site's slope; (6) failing to provide transit options; (7) requiring long single-occupant vehicle trips that increase GHG emissions; (8) urbanizing a rural agricultural community; (9) requiring the extension of utility services and annexation into the VWD; (10) developing in excess of that allowed by the City of Escondido's sphere of influence designation; and (11) developing the project site despite significant community opposition, a previous rejection of a similar project, and a recent General Plan Update that spent years weighing stakeholder input. Any change to the County's Guiding Principles would require an analysis of the impacts of the change on similarly situated properties throughout the County and could require additional public input on the County General Plan's EIR.

In evaluating NC-42 shortly after passage of the updated General Plan, County staff designated the request as "Major" and "High Complexity." See Attachments Q, R. According to the Staff Report for a January 9, 2012 workshop on the General Plan Property Specific Requests, a "Major" category designation indicates an inconsistency with General Plan Guiding Principles and "would require more fundamental and extensive changes to the General Plan Update and associated environmental documents." See Attachment AA, County Staff Report for General Plan Property Specific Requests Workshop ("Workshop Staff Report") at 3 (Jan. 9, 2012). The Workshop Staff Report further noted that "if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties," that additional public outreach and review would be required to modify the Guiding Principles, and that changes to the General Plan's Land Use Map could be required for consistency. *Id.* at 4.

In a follow-up report by County staff on June 20, 2012, for NC-42, the request was deemed "Very High" complexity specifically because the significant changes being sought could alter the basic policy construct and planning principles of the General Plan. The staff report for NC-42 notes the following rationale for the "Very High" complexity classification of PSR NC-42:

- The workplan outlines an extensive community remapping that will have a major impact on the Twin Oaks Community and neighboring communities. The effects of adding over 1,000 dwelling units on land that is currently undisturbed rural land will require extensive study to determine the impact on the community, resources, and the environment and to address consistency with Policy LU-2.3 assigning densities in a manner that is compatible with the character of the community.
- The proposal would shift the focus of the Twin Oaks Community from its center to its edge along Interstate 15. At a minimum it would be necessary to review the proposed change to address consistency with the Community Development Model, Policy LU-1.1, and Guiding Principle 2. The Community Development Model supports decreased densities as the distance increases from the village core to promote compact development and preserve distinct boundaries between communities.

- The study area affects over 250 property owners. A change affecting such a large number of people increases the complexity involved in notifying owners of the proposed changes, seeking their input, and addressing their concerns. Given the large amount of community opposition to this project, additional issues will be brought up over the life of the approval process.
- The adjacent study area constitutes primarily agricultural lands. Further analysis would be required to determine the effect of a density increase on efforts to preserve important agricultural areas of the county such as this one.
- Portions of the requestor's property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.
- Review of the mapping principles regarding prohibiting "leapfrog" development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned village will be required.

See Attachment R, County Staff Report for NC-42 and Study Area at 2.

In light of these concerns, the EIR must analyze whether NC-42 is consistent with the General Plan Guiding Principles and whether it requires additional environmental review of the General Plan. The EIR should analyze the basis for any change in County staff's position.

In addition to analyzing NC-42's consistency with the General Plan's Guiding Principles, the EIR should also analyze NC-42's consistency with each of the General Plan's specific policies. For example, Policy LU-2.3 requires density to be compatible with community character. Attachment L, General Plan Land Use Element at 3-25. NC-42 proposes to drop urban development into a rural and semi-rural area, thus violating this policy.

2. The EIR Should Analyze NC-42's Consistency with the General Plan's Leapfrog Policy

General Plan Policy LU-1.2 ("Leapfrog Policy") prohibits leapfrog development:

Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.

Attachment L, General Plan Land Use Element at 3-23. We understand the County has taken the position that the Newland Project is exempt from the Leapfrog Policy because a small portion of the project site is currently designated as “village” and, therefore, does not constitute a “new village.” We are not aware if the County takes the same position regarding NC-42. In any event, the Golden Door’s position is that either NC-42 or the Newland Project would be inconsistent with the Leapfrog Policy for at least five reasons, thus precluding approval. This issue must be analyzed in the EIR.

First, County staff has previously taken the position that NC-42 must be reviewed for consistency with the Leapfrog Policy as well as with Policy LU-1.4, which applies to new village designations. The County staff report for NC-42 states that the requested General Plan change would require a “[r]eview of the mapping principles regarding prohibiting ‘leapfrog’ development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned Village” *See* Attachment R, County Staff Report for NC-42 and Study Area at 3. The EIR, therefore, must address this issue.

Second, a plain reading of the Leapfrog Policy contradicts the County’s position on the Newland Project that the Leapfrog Policy applies only to a “new” village. The Leapfrog Policy’s indication that a “new” village may be exempt implies that an “existing” village is not exempt. The first sentence of the Leapfrog Policy is a clear prohibition on leapfrog development with no reference to “new” or “existing” village designations. The second sentence provides a limited exemption from the prohibition for “new villages” that meet certain criteria. This exemption, therefore, applies only to a subset of “new villages”—and does not apply to an “existing” village. Consequently, if the County determines that NC-42 contains an “existing” village, the second sentence’s exemption does not apply. Without the protection afforded by the exemption, the Leapfrog Policy, as described in the first sentence, applies to NC-42.

Third, NC-42 appears to make no changes to an “existing” village designation, but adds a new swath of village residential designation just north of office park designation connected to the existing sliver of village designation. The initial village designation, however, appears unchanged. Attachment BB, Existing and Proposed General Plan Land Use Maps for NC-42. The EIR should analyze whether this constitutes addition of a “new” village or alteration of an “existing” village and whether this designation is consistent with Policy LU-1.4.

Fourth, much of the project site is disconnected from the limited village designation in the project site’s southeast corner—regardless of whether such village is “new” or “existing.” The Leapfrog Policy, therefore, precludes the semi-rural designation throughout the site. Any contrary finding would constitute an absurd result allowing even the smallest village designation on the General Plan’s Land Use Map to provide protection for clear-cut leapfrog development as far out as a developer is willing to build a road from that village designation. Moreover, the existing village designation is hardly a bustling center of activity—it supports only a gas station convenience store and several roadside stands. General Plan Policy LU-1.4 limits village expansion and requires, among other things, that such expansion be consistent with community character. Here, allowing dense residential growth is wholly inconsistent with the area’s markedly rural setting.

Fifth, and finally, even if the exemption found in the second sentence of the Leapfrog Policy could apply to NC-42, NC-42 does not meet the exemption's three criteria: consistency with the Community Development Model, provision of services and facilities, and LEED-Neighborhood Development ("LEED-ND") standard or its equivalent. NC-42's design is not consistent with the Community Development model because it spreads density throughout the project site away from the area designated as village. Also, there are not sufficient existing facilities and services to support construction of the units permitted by NC-42. Further, construction on the project site, as designated, could not meet LEED-ND or equivalent standards. LEED-ND requires a project's connectivity to transit and existing communities and infrastructure. The US Green Building Council's FAQ on LEED-ND states that, "[u]sing the framework of other LEED rating systems, [LEED-ND] recognizes development projects that successfully protect and enhance the overall health, natural environment, and quality of life of our communities. The rating system encourages smart growth and new urbanist best practices, promoting the location and design of neighborhoods that reduce vehicle miles traveled and communities where jobs and services are accessible by foot or public transit. It promotes more efficient energy and water use—especially important in urban areas where infrastructure is often overtaxed." *See* Attachment CC, U.S. Green Building Council LEED-ND FAQ. LEED-ND also requires a walkability component that cannot be accomplished on the project site if residential units are spread from the west side to the east across steep terrain. No substitute for LEED-ND could be found "equivalent" without such walkability and connectivity components.

As discussed above, NC-42 lacks connectivity to existing urban and job centers or public transportation and will require long single-occupant vehicle trips which increase VMT. While we understand the County is in the process of determining what criteria to use for LEED-ND "equivalent," such criteria cannot include the wholesale discarding of central tenets of LEED-ND, such as walkability, connectivity, protection of the natural environment, and other such new urbanist best practices.

The EIR should analyze NC-42's consistency with the General Plan's Leapfrog Policy in light of the points raised above.

3. The County Should Carefully Consider Whether It Can Move Forward with NC-42 Before SANDAG Revises Its RTP/SCS's Land Use Assumptions and Before the County Approves a New CAP

Generally, an EIR should analyze whether and to what extent a project is consistent with County and regional plans. *See* 14 Cal. Code Regs. § 15125(d). The EIR should carefully consider NC-42's consistency with SANDAG's RTP/SCS.^{4, 5} As discussed above, SANDAG's

⁴ While Government Code Section 65080(b)(2)(K) does not legally require that a County's General Plan be consistent with the RTP/SCS, the County should still consider whether it is good policy to stay consistent with the Region's overall adopted plan. Moreover, by stating that an EIR need not evaluate consistency with an "Alternative Planning Scenario," Government Code Section 65080(b)(2)(I) implies that an EIR should evaluate consistency with an SCS—a more definitive plan than an "Alternative Planning Scenario."

RTP/SCS relies on land use allocations that do not include the density increases proposed by NC-42 or the Newland Project. The County provided comments to SANDAG noting that the RTP/SCS failed to account for any General Plan amendments—without providing any details of proposed amendments that SANDAG could have incorporated—and SANDAG refused to update its underlying land use model. Attachment E, County Comment Letter to SANDAG.

SANDAG is required to approve a new RTP/SCS by 2019. *See* Gov. Code § 65080(d). We recommend that the County work closely with SANDAG in advance of that plan to incorporate any projected land use changes and carefully consider delaying processing of any significant density increases in Twin Oaks Valley until such density is included in SANDAG's regional growth projections. Without a concerted effort to work toward cohesive regional planning goals, new unplanned development in the unincorporated County threatens to subvert the State's planning and GHG emissions reduction goals and will cause disconnect between transportation and land use planning—in contradiction to SB 375's stated purpose. A more coordinated approach between the County and SANDAG is required to achieve the RTP/SCS's goals and ensure the San Diego region's compliance with GHG emissions reduction requirements.

Similarly, the County should carefully consider whether it should delay processing NC-42 until it has approved a new, legally compliant CAP. As discussed above, the County's current General Plan relies upon an invalid CAP. We understand the County is currently in the process of preparing a new CAP. The County, therefore, should carefully consider whether or not the State Zoning and Planning Law requires the County to first adopt its new CAP *before* proceeding with additional General Plan amendments for unplanned development in rural Twin Oaks Valley. Generally, State Planning and Zoning Law requires the County's project approvals to be consistent with the General Plan. *See Citizens of Goleta Valley*, 52 Cal. 3d 553, 570-71 (1990).

Additionally, a General Plan is required to be consistent within itself. *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal. App. 3d 698, 703 (1981). The County's General Plan depends on the invalid CAP for consistency among its elements, and may not be “reasonably consistent and integrated on its face” without it. *Concerned Citizens of Calaveras Cty. v. Bd. of Supervisors*, 166 Cal. App. 3d 90, 97 (1985). The County should carefully consider whether it is possible for the General Plan to be consistent without the new CAP and whether it should delay this substantial General Plan amendment until a new CAP has been adopted. This way, the EIR would be able to analyze consistency with a new, valid CAP. Further, consideration of NC-42 after adoption of a new CAP would permit the County to incorporate any recommended mitigation measures from the CAP.

⁵ Similarly, the EIR should further analyze NC-42's consistency with County and SANDAG growth forecast maps, including SANDAG's Smart Growth Concept Maps. *See* Attachment DD, SANDAG's San Diego Region Smart Growth Concept Map and North County Subregional Smart Growth Concept Map, both dated October 2014; *see also* Regional Plan at 7.

In addition to any legal requirement, the Golden Door believes that, as a matter of public policy, the County should not process NC-42 until a new CAP is implemented. GHG mitigation strategies are constantly evolving, and new development in rural Twin Oaks Valley should be consistent with the measures adopted in the forthcoming CAP. The Golden Door believes that adopting NC-42 now without considerations of the new CAP would be contrary to the State's climate change objectives. *See* Executive Order S-3-05, Executive Order B-30-15. Further, it is the Golden Door's position that amending the General Plan without carefully considering its overall consistency and adequacy would subvert CEQA's purpose of allowing the public opportunities to fully analyze NC-42's GHG emissions impacts in light of a valid CAP.

4. NC-42 Contradicts the General Plan's Smart Growth Principles

NC-42 is simply out of step with General Plan's smart growth policies. NC-42 would designate approximately 1,100 residential units on rural lands far from urban and job centers—and without meaningful transit options—in stark contradiction to the planning principles encompassed in the County's General Plan, LEED-ND, SANDAG's RTP/SCS, and SB 375. General Plan Goal LU-5 promotes “[a] land use plan and associated development techniques and patterns that reduce emissions of local [GHGs] in accordance with state initiatives, while promoting public health.” Attachment L, General Plan Land Use Element at 3-27. In addition, the County's 2013 General Plan Annual Progress Report states that “[t]he core concept for the County's Land Use Element is to direct future growth to areas where existing or planned infrastructure and services can support that growth and to locations within or adjacent to existing communities.” *See* Attachment EE, 2013 General Plan Annual Progress Report at 3. As previously discussed, NC-42 will be located away from existing services, faces challenges with internal circulation, is located far away from existing transit infrastructure, and will require long single-occupant vehicle trips in contradiction with these policies. NC-42 must do more than merely pay lip-service to County, regional, and State planning requirements emphasizing smart growth principles.

5. NC-42's Proposed Density within the Escondido Sphere of Influence Would Be Inconsistent with the County's General Plan

A portion of the project site falls within the City of Escondido's sphere of influence. The San Diego County Local Agency Formation Commission's (“LAFCO”) map of the Escondido sphere of influence is attached hereto as Attachment FF. The map clearly shows the Escondido sphere of influence extends north of Deer Springs Road and west of Interstate 15 into the project site—notably covering the area currently designated as “village.” This inter-jurisdictional issue requires review of both the County General Plan and Escondido General Plan to analyze consistency. Here, NC-42's proposed density would be inconsistent with these General Plans.

The North County Metro Community Plan (“NC Metro CP”) is part of the County General Plan and includes the project site. The general goals and policies of NC Metro CP require the County to take the City of Escondido's planning into consideration. *See* Attachment

GG, NC Metro CP at Policy 1.⁶ NC Metro CP Policy 7 limits density on unincorporated County land within the Escondido sphere of influence to one unit per acre. Specifically, Policy 7 prohibits “new major and minor subdivisions within the adopted Escondido city spheres of influence if the density shown on the final subdivision or parcel map is greater than one dwelling unit per gross acre, unless: (1) *consistent with the general plan land use map*; or (2) the proposed project has sewers available and can obtain sewer lateral connections to an existing sewer main, in which case this policy shall not apply to the property.” *Id.* at 5 (emphasis added). This provision appears intended to limit the County’s ability to approve dense development within the City of Escondido’s sphere of influence. The County’s General Plan, therefore, limits the County to approving development at a density of one unit per acre within the City of Escondido’s sphere of influence unless the Escondido General Plan allows for additional density.

Currently, Escondido’s General Plan designates the portion of the project site within its sphere of influence for very low density development. *See* Attachment HH, Escondido General Plan Land Use Map. The northwest corner of the Escondido General Plan land use map includes the portion of the sphere of influence covering the part of the project site. It depicts this area as Rural Residential I (1 du/4, 8, 20 acres) and Estate I (1 du/1, 2, 4, 20 acres). *Id.* This density is equal to or less than one dwelling unit per acre, and therefore does not create an exception to NC Metro CP Policy 7. As a result, the County is not able to approve density greater than one unit per acre on that portion of the project site, because it would be inconsistent with the County’s General Plan pursuant to NC Metro CP Policy 7.⁷ *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal. App. 3d at 703 (“[T]he general plan is required to be consistent within itself.”); *Concerned Citizens of Calaveras Cty*, 166 Cal. App. 3d. at 97 (“A general plan must be reasonably consistent and integrated on its face. A document that, on its face, displays substantial contradictions and inconsistencies cannot serve as an effective plan because those subject to the plan cannot tell what it says should happen or not happen.”).

K. Noise

Noise related to reasonably foreseeable construction activities would persist for years to accommodate development of all units allowed on the project site by NC-42. Due to the project site’s steep slopes, construction is likely to result in significant noise impacts. For example, in its application, Newland notes that rock crushing will be performed on-site, but provides no details of the volume, duration, or location of rock crushing activities. *See* Newland Project

⁶ NC Metro CP Policy 1: A. “Because cities of the Subregion are closely related to the surrounding area in terms of public services, travel patterns, and community identity; and B. the cities and County are generally agreed on the spheres of influence boundaries, which were adopted by the Local Agency Formation Commission (LAFCO) the County will cooperate in the planning and regulating of growth in the unincorporated territory within each city’s sphere of influence. Future County decisions on proposed projects in the sphere areas will take each city’s planning objectives into consideration.”

⁷ Because the City of Escondido’s sphere of influence encompasses the area currently zoned as “village” in the County’s General Plan, the inability to develop at a high density further impacts the Leapfrog Policy arguments above in Section VII.J.2.

Application, Project Description at 13 (Jan. 20, 2015, on file with the County). The EIR should analyze the noise impacts from rock-crushing and other similar construction techniques, as well as alternatives to on-site rock crushing and implementation of noise-reducing mitigation measures. In addition, the EIR should identify the specific location or locations within the project site that will most effectively mitigate noise impacts from rock crushing or other similar operations.

The EIR should analyze noise and ground vibration impacts on the Golden Door and other surrounding properties from construction and project operations generated by activity both on the project site and on Deer Springs Road. The EIR should also analyze appropriate mitigation for noise impacts to the Golden Door and other surrounding property owners.

L. Population and Housing

NC-42's proposed urbanization of a rural area could result in growth-inducing impacts both in the areas surrounding the project site and elsewhere in the unincorporated County. Because the General Plan encourages new development near existing communities, adding a new community on the project site could induce other communities to develop nearby. As noted in the County staff report on NC-42, "[t]he proposal would shift the focus of the Twin Oaks community from its center to its edge along I-15." Attachment R, County Staff Report for NC-42 and Study Area at 2. Because of this shift, NC-42 could act as a bridge between previously designated rural and urbanized areas creating an incentive for in-fill development of rural areas between the project site and urbanized areas. The EIR must analyze NC-42's potential to induce additional development of rural lands.

In addition, setting the precedent that the 2011 General Plan Update is subject to amendment that drastically increases density in contradiction of the General Plan's Guiding Principles could pave the way for other General Plan amendments adding similar urban density in other areas of the unincorporated County with existing rural designations. The EIR should analyze NC-42's growth inducing impacts to the area surrounding the project site as well as other areas in the unincorporated County.

M. Transportation and Traffic

NC-42 will cause significant traffic impacts on freeways and surface streets. It is located far from urban and job centers without any meaningful transit options, and—if designed similar to the Newland Project—could face challenges with internal circulation due to steep slopes. Due to these shortcomings, NC-42 would cause traffic to be dumped on to Deer Springs Road, which already experiences significant peak hour cut-through trips in contradiction of General Plan policies for regional connectivity and rural roads. For this reason, the Golden Door proposes a direct four- or six-lane east-west connection such as the "*Relocated County S12*" described in Section VI.B. As discussed in more detail below, the EIR should analyze NC-42's traffic impacts on a broad scale as well as feasible alternatives and mitigation measures.

1. The EIR Should Study Mitigation Measures and Alternatives to Maintain a Two-Lane Configuration on Deer Springs Road to Prevent Any Development from Dumping Traffic onto Deer Springs Road

NC-42 proposes a drastic increase in density far from existing communities and infrastructure or job and urban centers. Moreover, as shown by LLG's license plate survey, a number of trips on Deer Springs Road are freeway bypass trips resulting in regional impacts. *See* Attachment F. These freeway bypass trips occur now and will increase in the future because of existing freeway congestion on Interstate 15 and State Highway 78. As discussed below, NC-42 will contribute to gridlock Level of Service "F" on Interstate 15 in the future, causing large numbers of residents to divert from Interstate 15 to escape stopped freeway traffic. Any approval of NC-42 must be conditioned to require a direct road across the project site rather than allowing a developer to design its roads as a circuitous system with cul-de-sacs to funnel the cut-through traffic away from their property and on to Deer Springs Road.

Due to the increased density and cut-through implications, NC-42 could cause traffic impacts within a broad geographic radius from the project site. Under CEQA, the County will be required to consider mitigation measures or alternatives which could fully mitigate or avoid predicted traffic impacts (as well as the complete and detailed performance objectives for mitigation measures for impacts on State highways provided by Caltrans under CEQA Guideline Section 15086). Pub. Res. Code § 21100; *see also Gray v. Cty. of Madera*, 167 Cal. App. 4th 1099, 1116-17 (2008). Courts have found mere fair-share payments made to undefined or insufficient mitigation fee programs to violate CEQA. *See Anderson First Coalition*, 130 Cal. App. 4th at 1187-89 (requiring fair-share payments to fund a program that would *actually mitigate* cumulative traffic impacts) (emphasis added); *Endangered Habitats League, Inc. v. Cty. of Orange*, 131 Cal. App. 4th 777 (2005) (invalidating EIR that did not provide evidence of improvements funded by the project's mitigation fee or evidence that fees would adequately mitigate traffic impacts).

A traffic study included in the Lilac Hills Ranch project's EIR forecasts a failing Level of Service "F" on Interstate 15 from Escondido all the way to the Riverside County line when both Newland's Project and the Lilac Hills Ranch project are developed. *See* Attachment II, Lilac Hills Ranch Draft Revised EIR, State Clearinghouse No. 2012061100, Transportation/Traffic Subchapter (June 2014) at 2.3-41 to 2.3-42, 2.3-96 to 2.3-97. The Golden Door believes that when Interstate 15 reaches Level of Service "F," a large number of motorists traveling to and from State Highway 78 will simply view Deer Springs Road/Twin Oaks Valley Road/Buena Creek Road as an alternate freeway ramp to the West 78, the City of Vista and south San Marcos, including Cal. State San Marcos and Palomar Community College. For NC-42, the EIR should include traffic studies analyzing impacts, mitigation measures, and alternatives within a broad study area—including multiple segments of Interstate 15 and State Highway 78, Twin Oaks Valley Road, and Buena Creek Road—due to the prevalence of freeway bypass trips on Deer Springs Road affecting a wide range of freeways and surface streets. Any approval must be condition upon full funding of mitigation measures *before* a development project can move forward on the project site. A traffic study should consider improvements on Interstate 15 and State Highway 78 that would minimize the freeway congestion caused by NC-42 that will exacerbate future cut-through traffic.

The EIR should consider improvements to Deer Springs Road—without adding lanes on Deer Springs Road—that discourage additional cut through trips in this rural area and avoid making the road more attractive for bypass trips that should remain on the freeway rather than burdening local property owners. If the County staff nonetheless believes an east-west regional freeway “cut-through” should be built in this area, the County staff should consider instead the alternative of building the “cut-through” road across the project site using a direct four- or six-lane parkway and through a realignment of the Deer Springs Road interchange bridge, rather than widening Deer Springs Road.

The updated General Plan no longer views road-widening as a “one-size-fits-all” solution to congestion. According to the General Plan’s Mobility Element, the “widening of roads, which can dramatically change the character of a community, should be pursued only after environmental and community character impacts are also considered. The need to widen roads is minimized when trip vehicle miles traveled are reduced, the performance of the existing network is optimized, and the use of alternative modes of travel is maximized.” Attachment J, General Plan Mobility Element at 4-3. The EIR should study ways to avoid environmental and community impacts that would occur if Deer Springs Road were expanded, such as the following: (1) the rural character of the community does not support a major thoroughfare ferrying passers-through from one freeway to the next; (2) the extensive grading on steeply sloped landscape would destroy habitat and potentially water flows; (3) the extensive blasting required to fit the road into Deer Springs Road; (4) the impacts to residents to the south of Deer Springs Road near Mesa Rock Road; (5) the impacts of a high speed road adjacent to the planned trail on the north side of Deer Springs Road; and (6) an expanded roadway inviting vehicle trips would create an additional hindrance to wildlife and pedestrian, bicycle, and equestrian movement, especially north-south movement across the road.

Moreover, the General Plan supports County road configuration that discourage freeway-bypass trips. LLG’s license plate survey indicates that approximately 78% of trips on Deer Springs Road originating at the Interstate 15 southbound ramp during morning peak hours are freeway bypass trips. *See* Attachment F. With the County’s projection that Interstate 15 will reach Level of Service “F” and be extremely congested for many hours of the day, (due in large new developments), many more motorists will be encouraged to “flee the freeway” and find any surface street that can provide an alternative. We understand that County staff, nonetheless, has expressed a lack of concern over freeway bypass trips on Deer Springs Road and would support the transformation of this rural road into freeway-to-freeway bypass. We could not disagree more—and neither could the General Plan.

Policy M-1.1 of the General Plan’s Mobility Element requires prioritizing travel *within* communities by encouraging “a public road network that accommodates travel between and within community planning areas **rather than accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands.**” Attachment J, General Plan Mobility Element at 4-12 (emphasis added). The Twin Oaks Valley community should not be burdened by a massive freeway bypass because of congestion on Interstate 15 and State Highway 78. The EIR should study alternatives and mitigation that would maintain the area’s rural character, which would be destroyed by a “Deer Springs Freeway Bypass System,” which, even if effective, would merely serve as a short-term stop-gap measure instead of seeking

a more systematic solution to freeway congestion through more efficient freeway management and alternative means of transportation.

In addition, General Plan Policy M-2.1 describes situations in which acceptance of a failing Level of Service is necessary to achieve other General Plan goals, such as environmental preservation or enhancing community character. One situation justifying acceptance of a failing Level of Service involves regional connectivity issues, “when congestion on State freeways and highways causes regional travelers to use County roads, resulting in congestion on the County road network. Rather than widening County roads to accommodate this traffic, the deficiencies in the regional road network should be addressed.” Attachment J, General Plan Mobility Element at 4-14. Another situation calling for acceptance of a failing Level of Service on a County Road is when “adding travels lanes to a road that would adversely impact environmental and cultural resources This situation would also occur in areas with steep slopes where widening roads would require massive grading, which would result in adverse environmental impacts and other degradation of the physical environment.” *Id.*

We believe that the environmentally superior alternative under CEQA would be to accommodate this bypass traffic using improvements in traffic and transit facilities on the Interstate 15 and State Highway 78 corridors. SANDAG’s RTP/SCS encourages additional transportation options rather than simply relying on the old-style auto-centric suburban development model. Attachment K, SANDAG Regional Plan at 30. This comports with Supervisor Ron Roberts direction for new development to provide “transit connections that do more than just a token job of offering people transportation alternatives besides the automobile.” *See* Attachment C. This approach would limit VMT and GHG emissions in accordance with State, regional, and local planning priorities.

Newland has recommended an “Option A” in its application that maintains Deer Springs Road as two-lane road between Sarver Lane and Mesa Rock Road. *See* Newland Application, Project Description at 14-15. If the County will not condition future development on a road through the project site, such as the “*Relocated County S12*,” it should at least condition future development on maintaining a two-lane configuration on Deer Springs Road between Sarver Lane and Mesa Rock Road similar to Newland’s “Option A.” Because the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road meets the criteria set forth in the preceding paragraphs, acceptance of a failing Level of Service is warranted. Moreover, NC-42 would not *create* a failing segment on Deer Springs Road by maintaining this segment at two lanes. The two-lane segment is *already* failing today. As demonstrated by the LLG license plate survey, a two-lane configuration between Sarver Lane and Mesa Rock would result in the same or improved Levels of Service on all other segments of Deer Springs Road. *See* Attachment F. Additionally, the developer of NC-42 could be required to fund and operate a transit shuttle to San Marcos and Escondido from the park-and-ride transit center at NC-42’s planned commercial center, to replace the lost road capacity resulting from Option A and improve levels of service by reducing traffic in this portion of the County Route S12 corridor.

Expanding Deer Spring Roads would require significant right-of-way acquisition from local property owners and could destroy the Golden Door and other businesses in the area. Based on the steep slope in front of the Golden Door and the Golden Door’s need to access Deer

Springs Road at grade, grading to or constructing four lanes—and even more so for six lanes—would require substantial encroachment onto the Golden Door’s property and would significantly harm the Golden Door’s business. Such an encroachment may result in a “taking” of both the Golden Door’s property and business and require the County to compensate the Golden Door for the value of both its property and its business.

Other area property owners would also be subject to significant property loss and potential destruction of their intended use. For example, the various alignments of the southward bend on Deer Springs Road would require differing degrees of condemnation of the TERI property. Depending on the configuration, it could render the TERI property useless for the non-profit’s intended equestrian center and other facilities for developmentally disabled individuals. A two-lane configuration of Deer Springs Road, and a reduced speed limit, would be more likely to allow for a tight turn radius or T-intersection that would limit the need to acquire right-of-way from TERI or other area property owners. The EIR should analyze the impacts to local property owners of the extensive condemnation that would be required for expanding Deer Springs Road, including impacts that would occur if the encroachment caused a closing of businesses, blight, or the conversion to other uses.

Finally, the County should implement measures to reduce the speed at which vehicles travel on Deer Springs Road, including a reduced speed limit, traffic calming circles, and a T-intersection at the intersection of Sarver Lane and Deer Springs Road. Reduced speed would not only discourage freeway bypass trips, it would increase safety in the area—the safety of vehicles as well as pedestrians, cyclists, and equestrians. Various residences and businesses, including the Golden Door, access Deer Springs Road directly, and excessive speeds pose a significant safety risk. Moreover, high-speed travel is not necessary for true “local trips,” but benefit only the freeway bypass drivers seeking to treat Deer Springs Road as a long freeway access ramp. The EIR should study alternatives and mitigation measures that maintain Deer Springs Road as two lanes.

2. The EIR Should Evaluate NC-42’s Traffic Impacts Using a VMT-Based Metric

In addition to measuring traffic impacts using the Level of Service, the County should also perform a VMT-based analysis as required by SB 743. Recent guidance from the Governor’s Office of Planning and Research (“OPR”) would promulgate a new CEQA Guidelines section—Section 15064.3—mandating a VMT-based threshold of significance for transportation impacts in place of Level of Service. *See* Attachment JJ, OPR Draft Proposal Implementing SB 743 (Jan. 20, 2016). The new criteria are intended to promote reduced GHG emissions, multimodal transportation network development, and diverse land uses. OPR’s proposed guidance notes that “[VMT] is the most appropriate measure to replace level of service . . . [VMT] directly relates to emissions of air pollutants, including greenhouse gases, energy usage, and demand on infrastructure, as well as indirectly to many other impacts including public health, water usage, water quality and land consumption.” *Id.* at 3.

While Level of Service may still be analyzed under current regulations, given the clear language from the State, the County should also provide a VMT-based traffic analysis for NC-

42. The adoption of VMT as a means to measure a project's traffic impacts is intended to shift CEQA's current method of reducing traffic impacts by expanding roads and highways to allow for more cars on the road (thus reducing delay) to providing more public transportation and concentrating development in urban areas to actually reduce the number of vehicles on the road. VMT-based analysis will "facilitate transit projects and better uses of existing infrastructure as well as bicycle and pedestrian improvements . . . it also means that CEQA will no longer mandate roadways that focus on automobiles to the exclusion of every other transportation option. It will no longer mandate excessive, and expensive, roadway capacity." Attachment JJ at 1. This in turn will reduce GHG emissions.

A Level of Service analysis may require Caltrans to greatly expand the Deer Springs Road interchange to allow for the increased population in the region. Analyzing VMT in conjunction with Level of Service will ensure that traffic impacts focus not only on reducing the amount of time spent in the car, but the amount of miles on the road. This is especially pertinent because NC-42 proposes a drastic density increase in a rural area with no transit infrastructure far from urban and employment centers. VMT will provide a more accurate representation of NC-42's impacts. Because NC-42 is not located near the places where people congregate and travel on a daily basis, such as a workplace or restaurants and other entertainment options, there will be a significantly higher VMT impacts than if the project was located in an urban area. In fact, the OPR predicts that "a focus on [VMT] will facilitate the production of badly-needed housing in urban locations." Attachment JJ at 1. The County should, therefore, analyze VMT in evaluating NC-42's environmental impacts, because undoubtedly it will demonstrate the true traffic impacts of the project as they relate to other environmental concerns such as GHG emissions.

3. Deer Springs Road/Interstate 15 Interchange Impacts

We are aware that Caltrans is developing a Project Study Report for the Deer Springs Road/Interstate 15 interchange. County staff has stated that the EIR for the Newland Project will analyze all alternatives proposed in the Project Study Report. The NC-42 EIR should similarly include and analyze Caltrans' Project Study Report. While the County should analyze the impacts of all alternatives in the Project Study Report, it should not limit its analysis to those alternatives. The EIR should analyze all feasible mitigation measures and alternatives even if they are not included in the Project Study Report.

4. The EIR Should Study Transit Options

In addition, the project site lacks any meaningful transit options. The nearest Sprinter stations are located "within six miles" of the project site. *See Newland Project Application, Project Description at 22.* This distance would preclude the Sprinter train from serving as a viable everyday commute option for residents on the project site. Despite the strong policy preference for transit in the County General Plan, SANDAG's RTP/SCS, and the LEED-ND standards, NC-42 would locate significant residential density far from any viable transit options. Because of this lack of transit infrastructure, any approval of NC-42 should be conditioned to include a "transit-first" approach to transportation.

The County should only allow development on the project site to proceed *after* the construction of, and funding of contributions to, planned transit facilities to ensure that NC-42's added impacts and increased emissions are fully mitigated or avoided. Such facilities must be coordinated on a regional basis with SANDAG, rather than created on a partial, haphazard, or unfunded basis at the project level. In addition, the EIR should consider a shuttle operating at regular intervals that would connect the project site to the closest Sprinter stations and the Escondido Transit Center, which could reduce some of the thousands of single-occupancy car trips that will be generated by NC-42.

As discussed above, NC-42's traffic impacts should be analyzed on both a Level of Service and VMT basis to demonstrate the necessity of a substantial transit component as mitigation.

N. Utilities and Service Systems

We are aware that VWD provides water and wastewater services for the project site. VWD noted in its June 5, 2014 comment letter on the Newland Project that additional study is required for the provision of water and wastewater services. *See* Attachment KK, Letter from Eileen Koonce, VWD, to County Planning and Development Services. VWD's letter concludes that the Newland Project's density could cause significant impacts on water and wastewater services: "[T]he potential increased density of the project may have a significant impact on offsite facilities both for this project and cumulatively with other projects currently being proposed. These projects may significantly impact District facilities including local water and sewer mains, water storage, the sewer interceptor, pump stations, outfall and treatment." *Id.* at 4.

Although VWD approved a Water Supply Assessment and Water Supply Verification for the Newland Project earlier this year (over the Golden Door's objection), the County is required to independently analyze utility and service system impacts. The EIR should analyze the impacts to water and wastewater services from NC-42's proposed density increase, including to other users in the VWD area or to users whose service providers share facilities with VWD. The County should also analyze mitigation measures for impacts, such as requiring water offsets for use of new supply.

VIII. CONCLUSION

NC-42 would result in a significant increase in density and poses connectivity issues that could impact a broad geographic area. It could alter the County's General Plan framework that was updated only a few years ago. As such, the NC-42's environmental review should require a broad analysis of potentially significant impacts. The Golden Door has proposed four distinct alternatives for analysis and encourages the analysis of many additional alternatives and mitigation measures that would mitigate or avoid NC-42's many significant impacts.

LATHAM & WATKINS^{LLP}

Thank you for your time and attention to our comments. Please feel free to contact me at (858) 523-5400 or christopher.garrett@lw.com if you would like to discuss these matters further.

Sincerely,

Christopher Garrett

Christopher W. Garrett
of LATHAM & WATKINS LLP

cc: Kathy Van Ness, Golden Door
Mark Slovick, County Planning and Development Services
Ashley Smith, County Planning and Development Services
Dan Silver, Endangered Habitats League
Doug Hageman, Newland
Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley
Stephanie Saathoff, Clay Co.
Maddy Kilkenny, Clay Co.
Andrew Yancey, Latham & Watkins