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To: Mark Slovick, Project Manager
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July 23, 2014

Re: RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch
General Plan Amendment and Specific Plan PDS2012-3800-12-001
(GPA), PDS2012-3810-12-001 (SP)

Dear Mr. Slovick:

Attached is a compendium of responses to the Lilac Hills Ranch Revised Draft Environmental Impact Report from the Valley Center Community Planning Group. I am attaching a list of the documents within the compendium for your convenience. Please review and respond to these comments.

RDEIR Executive Summary
RDIER Chapter 1 Comments
Chapter 1 Attachment A
RDEIR Chapter 2 Comments
Chapter 2.3 CALTRANS Letter
RDEIR Chapter 3 Comments
RDEIR Chapter 4 Comments
Chapter 4 Attachment A
Chapter 4 Attachment B
Chapter 4 Attachment C
Chapter 4 Attachment D
Chapter 4 Attachment E
RDEIR Specific Plan
VCPUSD Review Lilac Hills Ranch DEIR

Sincerely,

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Attachments

RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

Valley Center Community Planning Group Comments:

Executive Summary: Lilac Hills Ranch RDEIR Responses

Introduction

This Executive Summary is intended to aid reviewers of the comments on the Lilac Hills Ranch Revised Draft Environmental Impact Report [RDEIR] submitted by the Valley Center Community Planning Group. The review of the DEIR prepared by the County Department of Planning and Development Services, the Lilac Hills Ranch Specific Plan prepared by the applicant, and many technical reports that are the basis of the RDEIR prepared by various consultants, has generated a significant volume of comments. The thousands of pages that make up the RDEIR documents and their sometimes very technical nature made it difficult for volunteers to review and respond to every item in the relatively short time allowed. However, the principle issues are addressed in some detail in the responses that accompany this summary.

This summary does not substitute for the detailed comments and analyses presented in the attached comment documents.

A. AREAS OF CONTROVERSY – Project’s Ability to Acquire Legal Right of Way

1. THIS SECTION NEEDS THE ADDITION OF A FRANK AND SUCCINCT DISCUSSION OF THE PROJECT’S FACTUAL LACK OF LEGAL RIGHT OF WAY FOR ROADS, SEWER, AND RECYCLED WATER. FACTUAL AND QUANTITATIVE DISCUSSION NEEDS TO BE MADE PROMINENTLY APPARENT TO DECISION MAKERS ON HOW OFFSITE IMPROVEMENTS REQUIRED FOR THIS PROJECT WILL BE ACQUIRED. THERE ARE FACTUALLY 30 OR MORE RIGHT OF WAY ACQUISITIONS THAT PROJECT REQUIRES. THE PROJECT HAS MADE LITTLE PROGRESS IN FOUR YEARS ON ACQUIRING REQUIRED RIGHT OF WAY. IT IS HIGHLY LIKELY THAT THE USE OF EMINENT DOMAIN FOR A MINIMUM OF THIRTY AND LIKELY GREATER NUMBER OF SEPARATE TAKINGS OF UNWILLING PROPERTY OWNERS’ LAND OR INTEREST IN ROAD AND UTILITY EASEMENTS WILL BE REQUIRED TO MAKE THIS PROJECT FEASIBLE.

The County of San Diego has received hundreds of pages of factual information from multiple Attorneys that demonstrate the absence of many legal rights for

the Project's intended use of private roads and right of way for Sewer and Recycled water utility pipelines.

The Valley Center Municipal Water District (VCMWD) has verified that the Project has proposed pipeline routes for which no legal right of way currently exists for Sewer and Recycled Water. To use the Project's preferred Sewer and Recycled Water pipelines for this project, Eminent Domain taking of right of way is required. The Project's Alternate 4 pipeline route is claimed by the Applicant to have full legal right of way. However, as pointed out in Chapter 3 Public Comments, this claim requires substantiation in the three areas questioned.

The County has taken the position that Private Road right of way disputes are between individual private parties. That said, the County of San Diego has certain knowledge that offsite road improvements for the Project will require right of way for at least thirty separate takings of unwilling property owners' land or interest in road easements.

The County has not been clear about Public information on required right of way for Offsite Improvements for assessment of Environmental Impact. We ask that the County provide the following information:

The County needs to disclose the following information so that impacts are identified and required Mitigation can be implemented.

A). Required Disclosure of Relevant Information regarding legal rights for construction of Off Site Improvements as well as how the Applicant intends to gain legal rights

In the DEIR, the County has not provided adequate disclosure regarding off-site impacts of the Project and its Alternatives to surrounding property owners.

This information is necessary to demonstrate Project Feasibility that the Project can ever be legally built.

For the Project and each of its Alternatives, provide the following information regarding off-site improvements for which Accretive Investments currently holds less than full legal right of way. For each impacted parcel, indicate what the Applicant has done to attempt to secure legal rights. Disclose how the Applicant or the County intends to secure the necessary legal rights for these parcels:

sq. ft.	sq ft. Right	sq.ft.Slope	Total
<u>Parcel Number</u>	<u>Property Owner</u>	<u>of Way required</u>	<u>Easement</u>
<u>Encroachment</u>			

i) West Lilac Road

Scenario 1 – Construction of West Lilac Road from Old Hwy 395 to proposed new Road 3b to 2.2 C Road Standards as is the General Plan Baseline. No information on offsite improvements has been provided by the County for the full route of this Alternative, which is the present General Plan Mobility Element baseline.

Scenario 2 a – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2C/2.2F dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.**

The Oct 31, 2013 study found that 22 parcels were impacted for a total of 4.3 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 2 b – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2 C dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 5.6 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 3 – Impact of improvement from non-compliant 2.2F to 2.2E configuration to improve horizontal curves and provide bicycle lanes in each direction and 8 foot shoulders for West Lilac Road from Easterly boundary of Subdivision (currently near existing Lilac Walk private road intersection) to Covey Lane. This scenario is discussed further in section 2).Direct Impacts to West Lilac Road section of this letter.

ii). Covey Lane/West Lilac Intersection

Scenario 1 – Impact of construction to Applicant’s proposed design **including Sight Distance Clearance and turn tapers. Please carefully analyze the need for Additional Slope Easements beyond those granted in IOD’s.**

iii). Mountain Ridge Private Road including Mountain Ridge/Circle R Intersection

Scenario 1 – Impact of improvement to Applicant’s proposed design **including Sight Distance Clearance and turn tapers.**

Scenario 2 – Impact of improvement of Mountain Ridge Private Road to 30 Mph Private Road Design Speed Standards **including Sight Distance Clearance and turn tapers.**

Scenario 3 – Impact of construction of Mountain Ridge Private Road to Public Road Design Standards **including Sight Distance Clearance and turn tapers.**

iv). Rodriguez private road. Please further enumerate the all improvements proposed for Rodriguez Road as represented in Master Preliminary Grading Plan TM 5571 RPL 4 Sheet 7 of 12. Provide the legal basis of rights to construct the improvements to Rodriguez Road. Provide a copy for Public Review of document 2013-0021800 Rec. 1-11-2013.

Property Rights ARE a DEIR Issue. Without the acquisition of land for offsite improvements, this Project IS INFEASIBLE.

2. PHASING

Phasing – The Applicant seeks the utmost in flexibility in developing the Project in Phases of which there are many possible permutations, and no assurance whatsoever of Project performance of Conditions of Development.

The County has endorsed this approach without any assurance of performance by the Applicant, such as bonded indemnification to ensure specific performance.

The Applicant states in the Specific Plan and the County states in the RDEIR that some Phases may never be built. Mitigations for Traffic Impacts are tied to events that may never happen.

This is a serious defect with the RDEIR. There is no assurance that promised Mitigation will ever occur.

Refer to the following Table 1 – 4 from Chapter 1 EIR Objectives page 1- 34.

TABLE 1-24
GRADING QUANTITIES BY PHASE (cy)

Phase	Cut	Fill	Net
1	715,000	860,000	(145,000)
2	635,000	830,000	(195,000)
3	1,815,000	1,260,000	555,000
4	295,000	420,000	(125,000)
5	610,000	700,000	(90,000)
TOTAL	4,070,000	4,070,000	-

The Project represents that it requires no import or export of soil for all Phases in total. The Project requests any possible Phase implementation sequence. It is **clear** that Phase 3 is the source of fill dirt **for all of the other four Phases** and is required to be at least partially graded concurrently with the first and any other Phase. Please identify how the Project intends to implement Phase 1 without grading on Phase 3. Also, will Phase 3 be used as a quarry for fill dirt for an extended period?

The County of San Diego is deficient for not recognizing this most basic disconnect. The net result of this is a Significant Impact of Project Feasibility.

This example of infeasibility or vastly different Environmental Impacts is repeated over and over again with every Infrastructure aspect: Roads, Sewers, Waste Water, etc.

The timing of implementation of Mitigation is also required to be defined with much more rigor than the County has employed. Road Improvement from Significant Impacts are 'triggered' by attainment of a threshold number of Residential Units. The County of San Diego should recognize that certain Commercial Land Uses are far greater drivers of Traffic Impacts than Residential.

Another related defect of this "Phase Game" is that the sum of the Traffic related analyses, for example, have analyzed fewer than 50% of the possible permutations of Phase execution that the County has endorsed in this EIR.

Left with the unbounded Phasing strategy the Applicant proposes, the Project as implemented will have vastly different Environmental Impacts than those analyzed in this EIR.

The Project needs to be required to adopt a defined Phasing Plan sequence with only a few allowable Phase Alternates in order that the proper Environmental Impacts can be assessed.

B. Chapter 1

1. Project Objectives – The following excerpt from the RDEIR summarizes the Project Objectives:

1.1 Project Objectives

The proposed project is based on a wide range of reports that studied the different constraints and opportunities involving the project in concert with the County of San Diego and local community issues. The general components of the proposed project were determined using the project objectives described below.

- 1. Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community.*
- 2. Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.*
- 3. Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.*
- 4. Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff.*
- 5. Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area.*
- 6. Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing.*
- 7. Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.*

The County has structured the Objectives of the EIR, in aggregate, so narrowly that only the Lilac Hills Ranch Project, as proposed by the applicant, can fulfill the Project Objectives, leading to a self-serving and biased environmental analysis. The VCCPG response takes exception to the implied claims that the Project meets all of its own objectives and suggests that other alternatives to the proposed Project may fit the objectives better.

Objective One

The County has structured Objective One of the EIR so narrowly that only the Lilac Hills Ranch Project can fulfill this Project Objective, leading to a self-serving and biased environmental analysis.

Objective Two

The Project does not meet its own objective for Objective Two.

Objective Three

We do not have any issues with this objective other than to state that any Project required to have a Discretionary Permit approved would have to comply with this objective.

Objective Four

The Project does not meet its own objective for Objective Four.

Objective Five

We do not have any issues with this Objective other than to state that any project required to have a Discretionary Permit approved would have to comply with this objective.

Objective Six

The County has structured the sixth Objective of the EIR so narrowly that only the Lilac Hills Ranch Project can fulfill this Project Objective, leading to a self-serving and biased environmental analysis.

Objective Seven

This objective is subjective and could be met by developing the Project at General Plan densities, which would preserve existing agricultural businesses and residential-based businesses.

1.2 Project Phasing

The Applicant seeks the utmost in flexibility in developing the Project in Phases of which there are many possible permutations, and no assurance whatsoever of Project performance of Conditions of Development. The County has endorsed this approach without any assurance of performance by the Applicant, such as bonded indemnification to ensure specific performance.

The Applicant states in the Specific Plan and the County states in the EIR that some Phases may never be built. Mitigations for Traffic Impacts are tied to events that may never happen. This is a serious defect with the EIR. There is no assurance that promised Mitigation will ever occur.

Refer to the following Table 1 – 4 from Chapter 1 RDEIR Objectives page 1- 34.

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The Project represents that it requires no import or export of soil for all Phases in total. The Project requests any possible Phase implementation sequence. It is **clear** that Phase 3 is the source of fill dirt **for all of the other four Phases** and is required to be at least partially graded concurrently with the first and any other Phase. Please identify how the Project intends to implement Phase 1 without grading on Phase 3. Also, will Phase 3 be used as a quarry for fill dirt for an extended period?

The County of San Diego is deficient for not recognizing this most basic disconnect. The net result of this is a Significant Impact of Project Feasibility. This example of infeasibility or vastly different Environmental Impacts is repeated over and over again with every Infrastructure aspect: Roads, Sewers, Waste Water, etc.

The timing of implementation of Mitigation must also be defined with much more rigor than the County has employed. Road Improvements from Significant Impacts are 'triggered' by attainment of a threshold number of Residential Units. The County of San Diego should recognize that certain Commercial Land Uses are far greater drivers of Traffic Impacts than Residential.

Another related defect of this "Phase Game" is that the sum of the Traffic related analyses, for example, have analyzed fewer than 50% of the possible permutations of Phase execution that the County has endorsed in this EIR.

Left with the unbounded Phasing strategy the Applicant proposes, the Project as implemented will have vastly different Environmental Impacts than those analyzed in this EIR.

The Project needs to be required to adopt a defined Phasing Plan sequence with only a few allowable Phase Alternates in order that the proper Environmental Impacts can be assessed.

2. Project Inconsistencies with Regional and General Plans

In comments submitted over the last two years, the Valley Center Planning Group and the Valley Center Design Review Board have challenged the proponent's assertions that this SP/GPA is consistent with the adopted County General Plan [GP], or with Valley Center's Community Plan [CP], or with Valley Center Design Guidelines.

Our previous comments, which have been submitted separately, have also challenged the logic exhibited throughout Accretive Investment Group's Specific Plan and now in their Revised Draft Environmental Impact Report (RDEIR): that amending a particular GP Regional Category to suit the project somehow also reconciles the project's inconsistencies with a wide array of General and Community Plan Goals and Policies.

The proposed SP/GPA is inconsistent in broad and fundamental ways with the San Diego County General Plan and Community Plans of both Bonsall and Valley Center. Further, the RDEIR fails to disclose and analyze these broad and fundamental inconsistencies and their environmental consequences as CEQA requires. The RDEIR is derelict in concluding as it does that: "The proposed project includes a General Plan Amendment, which if approved, would result in the project being consistent with the General Plan" (Chapter 3 Environmental Effects Found Not To Be Significant, p. 3-87). An Amendment to the General Plan should not mitigate the serious environmental impacts of this Project.

This RDEIR fails to perform the analyses required for decision makers, first, to understand the parameters of this proposal, and, second, to appreciate the nature and reach of its impacts. The RDEIR has only a rudimentary matrix of so-called Consistency with the General Plan in appendix W. However, the serious and unbiased analysis of consistency with the General Plan and the Community Plans has not been produced.

Internal consistency is required of all County General Plans by California State Law. Therefore, in considering a Specific Plan, particularly one that requires amendments to an adopted General Plan, it is crucial to understand exactly where the Specific Plan is inconsistent with General Plan regional categories, land use designations and road classifications, principles, elements, goals and policies.

A Specific Plan is an implementation vehicle. Approval requires compliance with CEQA; consistency as well with the web of interconnected and mutually-supporting elements of the County General Plan, and consistency with the array of implementation actions, strategies and procedures that are in place to achieve the goals and policies that the General Plan sets forth. Inconsistency requires denial of the project OR

adapting the General Plan to fit the Specific Plan – the tail wagging the dog. Changes of this magnitude (Land Use Policies, Mobility and Safety Elements) to the August 3, 2011 San Diego County General Plan would require revisiting the Environmental Impact of the San Diego County General Plan and likely invalidates the San Diego County General Plan EIR. Broad and fundamental amendments to adopted General and Community plans would require countywide environmental review.

We all can understand why the applicants might want to avoid disclosing the array of GP and CP Goals and Policies that this project violates. But CEQA's purpose is not to gloss over or obscure inconsistencies in order to ease approval of this project. CEQA's purpose is disclosure. Therefore, the RDEIR for this SP/GPA must reckon specifically and individually with the General Plan Vision and Guiding Principles and the reflection of these in the Community Development Model, as well as with Goals and Policies across the GP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise; as well as goals and policies of the Bonsall and Valley Center Community Plans.

Once inconsistencies are disclosed there are only three ways to resolve them: reject the project, re-design the project, or re-build the County General Plan to suit these applicants. Inconsistencies with General and Community Plans, Design Guidelines and other ordinances and policies are NOT subordinate to this project's Specific Plan, as the Specific Plan asserts.

The full text of the General Plan and Community Plan Inconsistencies comments does an exhaustive analysis of several of the General Plan and Community Plan goals and policies to reveal the inadequacies of the proposed Project and the premise being advanced to allow its approval.

C. Chapter 2: Significant Environmental Effects of the Proposed Project

1. Biological Resources

The RDEIR cites three sensitive plant species observed on the Project site as well as observations of 13 Group 1 animal species ranging from lizards, snakes and jackrabbits to raptors, passerine birds and mule deer. Beyond the cited plants and animals, the RDEIR notes the projected significant loss of several native plant habitats with special importance for the cited animal species and others such as mixed southern chaparral and coastal sage scrub.

The RDEIR indicates that these significant losses can be mitigated off-site through the purchase of land within the draft PAMA based on a formula developed by the County. However, the RDEIR does not account for the loss of 608-acres of raptor foraging area, which includes both natural vegetation formations and agricultural lands. The proposal is to set aside 77-acres off-site

for raptor foraging calculated using the losses of sensitive native vegetation. It does not include in that calculation the lost agricultural land foraging area.

The RDEIR suggests that the impacts to the three sensitive plants and 13 sensitive animals [and we assume the resident plants and animals not judged to be sensitive] are less than significant once mitigated, saying that none of the cited species represent significant populations or significant portions of regional populations. And yet, the RDEIR and Biological Resources Report offer no data to support those claims. Nor, do they offer data that show the local population densities of the cited species that can be compared to unanalyzed regional population densities.

The RDEIR notes that the riparian habitats on the Project site will be preserved in open space easements. Those portions of the riparian habitats destroyed by road crossings will be recreated on-site adjacent to the preserved existing habitats. However, the RDEIR gives short shrift to the edge effects it acknowledges [e.g. human intrusion, invasive plant species, domestic pets, noise, night light, etc.] pointing to fences and signage and weeding efforts to be managed by a county designated agency.

The RDEIR does not adequately account for the cumulative effects stemming from the impacts to the Project site. If we take San Diego County as the 'region' or even North San Diego County as the region, we should be looking at the historic extent of coastal sage scrub, southern mixed chaparral, southern coast live oak riparian woodland, coast live oak woodland, southern willow scrub, southern willow riparian woodland, and wetlands within that area compared to what exists today. We should then ask to what extent have these vegetation communities been extirpated and to what extent the remaining examples of those communities have significance. Comparing proposed destruction in one project with destruction that has or will result in a handful of other smaller projects isn't an effective measurement of cumulative effects.

2. Cultural Resources

The RDEIR and Cultural Resources Report address historic cultural sites on the Project site individually. They fail to regard the Project site overall in the context of nearby significant Native American village sites along the San Luis Rey River and its tributary, Moosa Creek. The Project site is rich with artifacts and occupation sites, but the proposed mitigation and preservation procedures appear to be piecemeal for a Project as large and transformative as this one.

The grading, by cut and fill techniques, of 4-million cubic yards of earth will jeopardize the opportunity for future study and appreciation of the basic integrity of the cultural significance of the larger area. There are suggestions in previous studies that an as yet undiscovered earlier human habitation of the Project site area, or a separate village from those already known may be present.

There are also concerns about the data recovery program and its methodology. Most of the previous studies of the area are 35 years old and more current studies may be needed to fully understand the significance of the site.

3. Hazards, Hazardous Materials, Wildfires

The development of the densely packed Project adjacent to agricultural areas presents the need to buffer those agricultural areas from the development and its sensitive receptors [schools, churches, senior centers, parks, homes]. However, there is no discussion in this subchapter of General Plan policy S-11.5, which requires development adjacent to agricultural operations in Semi-rural and Rural lands to adequately buffer agricultural areas and ensure compliance with relevant safety and codes where hazardous materials are used. The RDEIR instead chooses to address buffers against hazardous materials in the 2.4 Agricultural Resources subchapter. Perhaps it seems like more of an agricultural problem in that context than a problem caused by poorly placing an urban development in an agricultural context.

The proposed wastewater recycling facility [WRF], if built will be using hazardous materials, such as chlorine, in its treatment process. The facility is only 686-feet from the proposed school site and only 250-feet from homes. Considering that there was a recent accidental spill of hazardous materials from a similar facility in Escondido, the conclusion that the risks from the use of toxic, hazardous materials are less than significant is overly optimistic, even under carefully controlled circumstances.

The WRF will not be built to coincide with the earlier phases of the Project, requiring that sewage be trucked off-site for disposal. The same trucking issue will continue after construction is complete and the WRF is operational, in order to dispose of waste solids screened from the influent. What impact would the 2-3 times weekly truckloads of sewage and/or waste solids have on the safety of residents in the Project? Other potential issues are accidental sewage or sludge spills, not to mention the impact those frequent truck trips have on the traffic flow to and from the Project.

The issues of emergency response and evacuation plans are troublesome for this Project. The Evacuation Plan does not address the most fundamental evacuation issue of the proposed Project – the limited number of roads for automobile evacuation of the 5185 residents of the proposed Project. The mobility element roads nearest the Project are West Lilac and Circle R Roads. Both roads were built as 2.2 E two-lane roads to serve a rural community with small, rural populations and the applicant plans no upgrades to these roads. The addition of 5000+ people at the Project site will severely impact both emergency response and evacuation during a crisis event, exacerbating already congested conditions in such circumstances and putting many people at risk.

The applicant would further impact evacuation plans by proposing 10 road standard modifications that would lower the classification of the mobility element roads in some cases, lower the design speeds of those roads and assign some mobility element road segments to the list for failing roads with no beneficial mitigation possible. With lower design speeds, narrower roadways and immitigable LOS issues, the Project will imperil evacuations from Bonsall and Valley Center to the I-15 corridor by existing residents, and impede the prospective residents of the Project at the same time. This kind of impact, played out in scenarios like Bonsall and Valley Center experienced in 2003 and 2007, would severely and significantly put hundreds of people at risk. Further, the Project has but a single evacuation route to the East. That is the easterly section of West Lilac Road that connects to Lilac Road. It is a Circulation Element 2.2 E two lane rural road. There are no plans to upgrade this road. If an evacuation event is caused by a large wildfire from the west, a panic evacuation will result over a single narrow, winding road made treacherous by the ensuing smoke plume.

The Project has not demonstrated that it can meet the 5-minute Emergency Response requirement for Fire Services. The proposed solutions of building a fourth fire station in the Deer Springs Fire Protection District [DSFPD] at the Project site do not work from the perspective of jurisdictional issues and fiscal operational cost issues. None of the existing fire stations in the DSFPD meet the 5-minute requirement for new development.

The Project is proposed for a site in a very high fire hazard severity zone [FHSZ]. Locating a Project of this size and scope in a very high FHSZ is not a smart location that is consistent with preventive land use planning. The RDEIR states that failure to meet the standard 100-foot Fuel Modification Zone [FMZ] for significant portions of the Project would be a significant impact. . Section 5.4 Fuel Management Zones on page 54 of the FPP states “The project includes a few areas where fuel modification zones are less than 100 feet wide.” Based on even a quick scan of Figure 1.6 from Chapter 1 of the RDEIR, the more accurate and true statement is: The project includes extensive areas where fuel management zones are less than 100 feet wide. This is a severe design flaw.

Fire Protection Plan (FPP)

The proposed Project FPP does not meet the following basic requirements identified below by Issue Number:

1. Of the four Fire Station site Options proposed by the Applicant, none meet the minimum acceptance criteria of the Deer Springs Fire Protection District (DSFPD). The Charter of the DSFPD focuses on providing no greater than 5-minute emergency response time to the ENTIRE DSFPD, of which the proposed LHR Project is a subset.
2. The Applicant states in the FPP that the LHR Project fully complies with

the DSFPD Ordinance No. 2010-01, County of San Diego Consolidated Fire Code, and County of San Diego Public and Private Road Standards. *The LHR has factual compliance issues with all of these regulations.*

3. The FPP focuses nearly exclusively on Wildfire Management and does not sufficiently address either Structure Fires or Emergency Medical Service (EMS).
4. The FPP doesn't adequately address and analyze the Environmental Impact of the use of six electronic road gates on fire access roads.

Fuel Modification Zones (FMZ) – The applicant appears to rely on other property owners outside the LHR Subdivision boundaries to comply with the 100 foot FMZ requirement.

Thus, the proposal amounts to putting a large project with several vulnerable populations into a very high fire hazard severity zone with substandard fuel modification zones and depending on more rigorous construction techniques to restore a margin of fire safety. The question becomes why the applicant hasn't redesigned the Project to allow for standard FMZs throughout the Project? This problem is strained further by uncertain access to the Project site by fire apparatus. That access depends on at least two private roads, for which easement access is uncertain, and the applicant's proposal to gate those access points. These constraints on access are problematic for fire safety and evacuation efficiency.

4. Significant Irreversible Environmental Changes Resultant from Project Implementation

The proposed Project [Lilac Hills Ranch] will cause significant, irreversible, and, in most instances, immitigable impacts to the Project site, to the Valley Center and Bonsall communities and their community plans and to the County of San Diego and its General Plan. The Project will require amendments to the General Plan, its principles, policies, and regional land use designations and to the Bonsall and Valley Center Community Plans, or, at least, a severely disfigured interpretation of all of them. Why would the County risk upsetting the entire General Plan, not to mention the Community Plans, by acceding to the wishes of the developer to amend them to suit this Project?

The RDEIR focuses on the grading of the Project site, on the use of fuels [energy] to prepare the Project site and manufacture construction materials, on the consumption of construction materials [wood, concrete, asphalt, drywall, etc.], on subsequent energy and natural resource consumption by the eventual residents, and on the amount of time to construct the project. If the County needed the additional EDU to meet housing goals for build-out of the General Plan such expenditures of energy and materials would be more understandable; but, since the additional EDU are not needed, why would the County approve of what amounts to a waste of resources?

The movement of over 4-million cubic yards of dirt and rock on the Project site is perhaps the most obvious irreversible impact. Another is the loss of hundreds of acres of productive agricultural land for future production. Another is the loss of significant amounts of biological habitat and the flora and fauna that presently occupy them. The RDEIR does not adequately address the cumulative impact of scores of such individual losses caused by multiple projects within the County and the irreversible loss of the majority of native habitats in the aggregation of those individual losses. Why are such losses necessary when alternatives that have dramatically less environmental impact are available to achieve the Project's myopic objectives?

Less obvious losses are the changes to the General Plan and related Community Plans that will be required for this Project to be approved. Those changes will dramatically alter the parameters of the General Plan that strive for smart growth. And, if the Project is approved, it will set a precedent that will have severe ramifications across the unincorporated countryside of San Diego County.

D. Chapter 3

1. Water Quality/Hydrology

The RDEIR concludes under Issue 1: Water Quality Standards and Requirements in Chapter 3.0 "Environmental Effects Found Not to be Significant" as follows:

"Through these design features, including the use of permeable pavers, the project would not result in the violation of any water quality standards or waste discharge requirements. Impacts associated with this issue would be less than significant."

We strongly disagree with this finding and conclude that there is high likelihood of potentially significant and immitigable impacts.

Off-site routes for recycled water and sewer pipelines have been found to lack sufficient legal right-of-way easements as represented in figure 3.1-8, "Off-site Sewer Collection System." This determination is confirmed by Valley Center Municipal Water District [VCMWD] in a letter labeled Attachment A. This finding makes construction of sewer and recycled water pipelines for the Project problematic.

Use of the Lower Moosa Water Reclamation Facility [LMWRF] for a series of alternative sewage solutions has been proposed. The LMWRF was built in 1974 and provides disinfected secondary treatment of reclaimed water only. It has

been approved by two agencies to double the LMWRF capacity to 1.0 million gallons/day [MGD] of influent. That capacity is not presently added.

If eventually expanded, likely it would be required to upgrade its treatment to tertiary standards to allow beneficial use of the recycled water on landscaping and golf courses and to prevent degrading the water quality of the San Luis Rey Basin watershed. Current capacity of the LMWRF is 0.5 MGD and it is currently averaging 0.35 MGD of influent. The present ground water percolation pond capacity is 0.44 MGD. At present capacities, LMWRF could accept a maximum of 450 additional equivalent dwelling units [EDU]. However there is some question whether the capacity of the percolation ponds would be allowed to reach the 0.44 MGD limit. Several already pending permit applications, which could reduce the 450 additional EDUs, further complicate matters. Delays for permitting and construction could make the capacity improvements unavailable for some time. Another factor is the limited available space at LMWRF for the expansion.

Analysis of tabular data from the Waste Water Management of Alternatives Study [table 5-1] calls into question the availability of adequate acreage to discharge recycled water beneficially on-site.

It appears that the Hydro Modification Design is relying on exaggerated assumptions for both rainwater harvesting success and the availability of residential landscape areas as permeable surfaces for absorption of water. That same design also reveals the desire to install 23 acres of private roads paved with permeable pavers to permit additional percolation of water into the soil. Such roads may fail under the weight of a Type 1 fire engine.

It is tortured logic to argue that taking green field agricultural and semi rural estate land and introducing a dense urban environment that develops 504 of the 608 acres, adding 83 acres of road and 68 acres of manufactured slopes is consistent with policy COS-5.2 which requires development to minimize the use of impervious surfaces.

2. Public Services

We are informed that several local public service organizations will be responding to the RDEIR within the scope of their responsibility to provide such services. We have spoken to the Valley Center Municipal Water District, Valley Center Pauma Unified School District, Deer Springs Fire Protection District, the San Diego County Sheriff's Department, the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the U. S. Fish and Wildlife Service. [Five emails to/from agencies are attached]

3. Geology and Supplemental Geology Report

The review identifies questions regarding the need for blasting for cuts that exceed 50-feet in depth to facilitate the movement of over 4-Million cubic yards of

dirt and rock. Given the phasing of the project, Silicates will be a potential hazard relative to the AQMD standards for a period of as much as 10-years or even longer.

Slope Stability and Remediation describe cut slopes (6.2.1) and fill (manufactured slopes 6.2.2) in excess of seventy-feet (70-feet) in height. There are no seventy-foot high manufactured slopes existing in this community, which makes these proposed slopes out of character with the community.

E. Chapter 4 – Project Alternatives

The Lilac Hills Ranch Project Alternatives from Chapter 4.0 of the RDEIR are below:

1. No Project/No Development Alternative
2. No Project / Existing Legal Lot Alternative (49 EDU + no commercial)
3. General Plan Consistent Alternative (110 EDU + no commercial)
4. Reduced Footprint Alternative (1251 EDU + 6 acres of commercial)
5. Reduced Intensity Alternative (881 EDU + 5.6 acres of commercial)
6. 2.2C (Hybrid) Alternative (1365 EDU + 15.3 acres of commercial)
7. Roadway Design Alternative (1746 EDU + 17.3 acres of commercial)
8. Mountain Ridge Road Fire Station Alternative (1746 EDU +17.3 acres of commercial)

The County's Project Alternatives Analysis in Chapter 4 of the RDEIR is grossly defective in meeting CEQA requirements in five areas that are summarized below:

1. The RDEIR Objectives against which the Alternatives are judged for Environmental Impacts are biased and should be changed to equitable objectives, from which compliance against can be fairly measured.
2. The Project does not meet its own Objectives, when fairly assessed.
3. There is a valid offsite alternative – the Downtown Escondido Specific Plan Area (SPA) that needs to be included as an Alternative.
4. The Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid are not valid Alternatives. These three "Alternatives" are density variations of the Project. These Alternatives are also not described in enough detail to provide informed Environmental Impact Analysis. [see table 1]
5. The Alternatives were not fairly assessed in the RDEIR by the Applicant.
6. When all nine Alternatives are fairly assessed, the Downtown Escondido SPA meets more Objectives than the Project or any Alternatives.

Table 1 -Scant Attributes of 3 Alternates Provided								
Land Use	Project		Reduced Footprint		Reduced Intensity		2.2 C (Hybrid)	
	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/Sq. Ft.
Single Family Detached	158.8	903	142.1	783	275.5	881	177.0	792
Single Family Senior	75.9	468	71.1	468	0		75.9	468
Single Family Attached	7.9	164	0		0		4.3	105
Commercial/Mixed Use	15.3	211	6.0		5.6		15.3	
Water Reclamation	2.4		2.4		2.4		2.4	
RF/Trailhead	0.6		0		0.6		0.6	
Detention Basin	9.4		5.4		5.5		5.5	
School Site	12.0		9.0		0		12.0	
Private Recreation	2.0		0		0		2.0	
Group Residential/Care	6.5		0		0		6.5	
Institutional	10.7		10.7		10.7		10.7	
Park - HOA	11.8		10.0		3.0		11.8	
Park - Dedicated to County	12.0		6.0		9.0		12.0	
Biological Open Space	103.6		168.8		102.7		103.6	
Non-circulating Road	45.7		45.7		41.5		43.1	
Circulating Road	37.6		37.6		21.5		30.0	
Common Areas/Agriculture	20.2		20.2		65.0		45.0	
Manufactured Slopes	67.5		67.5		65.0		50.0	
Other/Accretive Math Error*	8.1		5.5		0		0.3	
Total	608.0	1746	608.0	1251	608.0	881	608.0	1365
* Table 4-1 from DEIR Chapter 4 Project Alternatives has the indicated arithmetic errors								
sq. ft. = Square Feet								
HOA = Homeowner's Association								

Table 2, below, rates scoring of Alternatives against the Applicant's biased eight Objectives.

TABLE 2 - COMPARISON TO PROJECT OBJECTIVES

Objectives	Project	Alternates						
		Downtown Escondido SPA	No Project/No Development	No Project/Legal Lot	General Plan Consistent	Reduced Footprint	Reduced Intensity	2.2 C Hybrid
1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community	No	Yes	No	No	No	No	No	No
2 - Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area	No	Yes	No	No	No	No	No	No
3 - Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers	Yes	Yes	No	No	Yes	Yes	Yes	Yes
4 - Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff	No	Yes	No	No	No	No	No	No
5 - Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area	Yes	N/A	No	No	Yes	Yes	Yes	Yes
6 - Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing	Yes	Yes	No	No	No	No	No	Yes
7 - Provide the opportunity for residents to increase the recycling of waste	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
8 - Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Total Number of Objectives Met	5/8	7/8	2/8	2/8	4/8	4/8	4/8	5/8

Clearly, the least Environmental Impact, even to these biased Objectives, is shown in Table 2 to be the Downtown Escondido SPA Alternative.

More importantly, the General Plan alternative must be properly considered by the applicants and County, rather than focus their attention strictly within the boundaries of the Project. Apart from the time and money already spent developing the General Plan [12 years and \$18.6 million], it was designed as a plan for the entirety of the County's unincorporated area while being mindful of the incorporated cities as well. The Lilac Hills Ranch Project is only a single piece of a much larger puzzle.

To study this "puzzle piece" is NOT to study the General Plan alternative. This "half-study" misses the underlying logic of the new County General Plan which is, according to the lengthy introduction to the GP, to achieve "sustainable development" with a two-part strategy called Smart Growth.

- I. Part One: Direct new growth to areas where infrastructure already exists (such as the established Village in

Valley Center's central valley.

II. Part Two: Retain agriculture and large parcels for functioning rural lands that clean the air, provide vital watersheds, and support diverse forms of wildlife among other functions.

The plan works ONLY when its two interdependent parts work together.

The Lilac Hills Ranch Project undermines both aspects of this strategy. The General Plan alternative implements both aspects of this strategy. The only acceptable "study" of the General Plan Alternative is to study it in its entirety. The superior solution will be clear.

F. Specific Plan

The comments on the Specific Plan include several major concerns:

1. The Lilac Hills Ranch Project [the Project] is too large and too dense for Valley Center and Bonsall and it is improperly located. Urban densities are incompatible with the rural, agricultural location in which the Project has been sited.
2. Roads and Traffic. The road standard modifications proposed by the Project will downgrade the classification of a mobility element road [West Lilac Road] and will lower the design speeds of several road segments, both public and private. At the same time the Project will add over 5000 people and approximately 20,000 average daily trips to those narrower, slower roads causing congestion and road failure. Several Mobility Element Road segments associated with the Project will be allowed to sink to LOS E/F without mitigation because there wouldn't be commensurate benefit realized by adding lanes.
3. Compliance with the General Plan. The Project's Specific Plan threatens to overturn virtually every element in the County's new General Plan adopted in 2011 after 12 years of discussion, compromise and community involvement, over \$18 million in government expenditures and countless hours of effort on the part of local citizens. Approval of this Project will require damaging amendments to the General Plan and the Valley Center and Bonsall Community Plans that will be growth inducing, particularly in the western portion of Valley Center. If this Project is allowed to proceed, one has to question if there is any development that would be rejected because it violated the principles and policies of the General Plan and Community Plans. In the context of this Project, it is

unclear that the General Plan is anything more than a placeholder until the next change is proposed.

4. Services and Infrastructure - Water, Schools, Fire, Wastewater Treatment— Infrastructure is expensive. Putting in new roads, adding additional lanes to a bridge, building a fire station, putting up a new school, installing sewer and waste treatment plants and building trails all cost large amounts of money. A principal reason why the General Plan Update strongly favors “compact, town center developments,” while stating that it intends to limit “growth in areas without adequate roads, water and sewer service,” is because of the demands on the public purse for building and then maintaining these infrastructure items over and over.

The Project is seeking to build a city the size of Del Mar, CA that will require an almost entirely new infrastructure—new roads, schools, sewer systems and a broad range of other infrastructure items. These infrastructure expansions are why the Valley Center Community Plan designates the North and South villages at the core of Valley Center for such housing and commercial densities. The Community Development Model also directs that kind of concentration of density and infrastructure not at the outer edge of the community as this Project proposes, but at the Valley Center core.

5. LEED-ND/Sustainable and Walkable Community. This Project still has not meaningfully addressed the requirements for LEED-ND development, although it continues to be described as “designed to meet the standards of the LEED-ND or an equivalent program.” There is no equivalent program cited and the Project fails to meet any of the site location and linkage requirements listed in the LEED-ND pre-requisites and standards.

The Project also cites its consistency with the Guiding Principles and the Community Development Model in the General Plan for San Diego County. However, even a cursory examination of those principles and the model show that, rather than being consistent, the Project is conversely inconsistent with both the Guiding Principles and Community Development Model. The ‘community’ that needs to be addressed is the Valley Center community, and the Project should be understood as an element of that community. The General Plan presently applies the Community Development Model to the Valley Center community and the zoning and land use patterns within Valley Center are consistent with that model. The same is true for the Bonsall community. The proposed addition of the LHR Project in the western portion of the Valley Center community flouts the intention of the Community Development Model by establishing high-density development away from the community center, away from needed infrastructure, and in a designated agricultural area.

The Project is leapfrog development and it does not qualify as a LEED-ND community under any reasonable interpretation of those standards.

6. Agriculture— The General Plan Update of 2011 has set aside the area where The Project would be built as a place for agriculture and other rural and semi rural uses. In contrast to the claims made by the Project applicants, the area is not characterized by historical agricultural activity. It is a present-day agricultural area with a long, continuous history of agriculture. Avocado, citrus, cactus commercial nurseries and other farm operations are located in and around the Project areas. These agricultural uses attract insect and fungal infestations, which mean that aerial spraying is often necessary. Spraying could pose a danger to sensitive individuals living in the area. On the other hand, prohibiting spraying would make farming nearly impossible. Building the Project at the planned site would greatly damage many currently productive and successful agricultural businesses.

7. Twists of meaning and lack of clarity in the plan. One of the most difficult aspects of the Project's Specific Plan is the extent to which it makes misleading claims. They would have us believe that they are building a LEED-ND or equivalent development even though The Project violates nearly all LEED-ND standards for site selection and linkage; that adding 5,000 residents to a rural, agricultural area actually improves traffic over narrow, winding rural roads; that grading and moving 4-million cubic yards of earth (enough to build a path 4-feet wide around the equator of Earth) preserves natural resources and habitat for animals.

In addition, after criticizing four previous iterations of the Specific Plan, this version continues to use conditional and indefinite language to describe aspects of the Project that should be, at this stage, unconditional and definite. It seems as if the applicants want us to review and approve a suggestion, or a concept rather than a specific plan that defines their intentions.

There are many other concerns addressed in the Specific Plan comment document. They range from the size and type of parks in the Project to the Fire Protection Plan, from the Water Reclamation Facility to open space and conservation policies, from D special area regulations to circulation elements. There are too many to reasonably relate in this summary. An indication of the severity of impact this Project has on the project site is provided by the sheer volume of significant impacts, mitigable or not, listed in the table S-1 of the RDEIR Executive Summary, *SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS*. A project plagued by so many issues that will have such a drastic impact on the communities of Valley

Center and Bonsall, not to mention the region of north San Diego County, should not proceed any farther toward approval.

RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch [LHR] General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

Valley Center Community Planning Group Comments:

1.1 EIR Project Objectives

The County's Project Objectives from the RDEIR for the proposed Accretive Investments Lilac Hills Ranch Subdivision [the Project] are below:

1. 1.Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community.
2. Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.
3. Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.
4. Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order o reduce urban runoff.
5. Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area.
6. Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing.
7. Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.

The County has structured the Objectives to read more like a resort guide than the serious description of a major residential/commercial development, There is no mention of how this Project will fulfill the policies and goals of the General Plan or Community Plans of Valley Center and Bonsall. Mentioning the Community Development Model would be useful if the Project actually adhered to that model rather than perverting its intent. There is no expression of how this Project will successfully integrate with either community. There is no assertion of how this Project has identified a problem in either community, or the county at large, that the Project will uniquely remedy. While it is understandable that the applicant would want very ethereal objectives that attempt to leave no alternative except the Project, the County should be more "objective," more circumspect and more inclined to stick with the General Plan and Community Plans that it so recently adopted.

Objective 1 – The full text of Objective One is below:

"Develop a community within northern San Diego County in close proximity to a major

transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community."

Objective 1-a: *"Develop a community within northern San Diego County in close proximity to a major transportation corridor..."*

The County General Plan, approved just three years ago, that does not include the Project, accommodates more growth than SANDAG population forecasts project. There is no requirement, or need, to convert land that is designated by the Community Development Model for agriculture, large animal keeping and estate residential in order to accommodate an additional Village with urban densities in Northern San Diego County.

And, while it is in the vicinity of Interstate 15, the proposed Project contemplates overburdening 2.2 E and F two lane, narrow winding country roads to Levels of Service E and F to reach I-15. Further, the Project is requesting **ten Exemptions to County Road Standards** on the circulation roads that the project will utilize. The Project proposes adding the 22,000 plus Average Daily Trips required by this automobile-based, commuter community to roads it proposes to downgrade in capability.

The applicant does not have legal right-of-way to use Mountain Ridge and Covey Lane private roads for the purposes that Accretive proposes for the Project.

Accretive does not own legal right of way, nor can they achieve legal right-of-way without the use of Eminent Domain, to build the proposed Covey Lane/West Lilac Road intersection in compliance with minimum County Sight Distance Line standards.

For the County to state that this Project is in close proximity of a major transportation corridor without an analysis of the ability of this Project to safely manage its traffic burden and pay for the direct off-site impacts of the Project's congestive Level E and F Level of Service that the Project will directly cause **is misleading at best and not in compliance with CEQA and related State and County policies and Regulations.**

As is discussed below, in the new General Plan, unincorporated communities including Valley Center and Bonsall already accommodate more than their fair share of County growth. In keeping with the "Smart Growth" vision and guiding principles that are essential foundations for the entire County General Plan, growth in these communities has purposefully been re-directed to enlarged Village areas where road and sewer infrastructure is in place. Conversely, the new General Plan directs growth away from the more rural countryside.

The new County General Plan has applied this two-part vision to ensure that Valley Center and Bonsall absorb more than a fair share of San Diego County General Plan growth -- without overdeveloping green field areas.

The General Plan growth in housing units across the entire County of San Diego is summarized in Table 1-1 below.

Table 1-1 San Diego County General Plan Housing Unit Forecast 2010-2050

CPA	Housing Units				Percent Change			
	2010	2020	2030	2050	2010-2020	2020-2030	2030-2050	2010-50
Alpine	6,535	6,690	7,875	9,157	2.4%	17.7%	16.3%	40.1%
Barona	202	170	170	170	-15.8%	0.0%	0.0%	-15.8%
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	19.5%	58.7%
Central Mountain	2,182	2,305	2,589	2,735	5.6%	12.3%	5.6%	25.3%
County Islands	614	607	607	635	-1.1%	0.0%	4.6%	3.4%
Crest-Dehesa	3,562	3,677	3,926	3,978	3.2%	6.8%	1.3%	11.7%
Desert	3,546	3,453	4,337	6,923	-2.6%	25.6%	59.6%	95.2%
Fallbrook	15,929	16,535	18,559	20,387	3.8%	12.2%	9.8%	28.0%
Jamul-Dulzura	3,234	3,372	4,398	5,263	4.3%	30.4%	19.7%	62.7%
Julian	1,711	1,748	1,884	2,015	2.2%	7.8%	7.0%	17.8%
Lakeside	27,575	28,517	30,339	30,915	3.4%	6.4%	1.9%	12.1%
Mountain Empire	3,023	3,056	3,903	5,108	1.1%	27.7%	30.9%	69.0%
North County Metro	16,114	19,548	24,090	25,946	21.3%	23.2%	7.7%	61.0%
North Mountain	1,527	1,759	2,002	2,388	15.2%	13.8%	19.3%	56.4%
Otay	7	490	2,035	2,156	6900.0%	315.3%	5.9%	30700.0%
Pala-Pauma	1,980	2,285	3,037	4,399	15.4%	32.9%	44.8%	122.2%
Pendleton-De Luz	7,531	8,533	8,684	8,797	13.3%	1.8%	1.3%	16.8%
Rainbow	708	750	881	963	5.9%	17.5%	9.3%	36.0%
Ramona	12,376	12,692	14,107	15,140	2.6%	11.1%	7.3%	22.3%
San Dieguito	10,993	11,053	11,924	13,601	0.5%	7.9%	14.1%	23.7%
Spring Valley	20,533	20,939	21,837	21,952	2.0%	4.3%	0.5%	6.9%
Sweetwater	4,670	4,657	4,732	4,732	-0.3%	1.6%	0.0%	1.3%
Valle De Oro	15,543	15,648	16,022	15,968	0.7%	2.4%	-0.3%	2.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	36.9%	102.0%
Unincorporated Area	170,608	180,431	202,882	222,890	5.8%	12.4%	9.9%	30.6%
San Diego County	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	11.6%	32.0%

SOURCE: SANDAG Profile Warehouse: 2050 Forecast

Please note that the Lilac Hills Ranch project is a General Plan Amendment, and is not included in the estimate of projected Housing Units in Table 1-1, which is based on the August 2011 San Diego County General Plan.

For the entire County of San Diego, Housing Units are increasing 32% from 2010 to 2050.

Valley Center Housing Units as reflected in the August 2011 General Plan are growing 102% from 2010 to 2050, **more than 3 times** the rate of the County overall. This growth is largely in the North and South Villages, which are located where

suitable infrastructure (Roads, Sewers, Schools) is located in Valley Center. There are no provisions in the General Plan to provide the requisite infrastructure in the remote proposed site of Lilac Hills Ranch to support urban village land use densities. The two central Villages in the San Diego County General Plan and the Valley Center Community Plan located in the traditional town center is the logical place for Valley Center to provide more than its fair share of housing for the County.

Bonsall Housing Units as reflected in the August 2011 General Plan are growing 59% from 2010 to 2050, **nearly 2 times** the rate of the County overall. Growth is also planned at the traditional town center, close to the intersection of SR-76 and Mission Road, where necessary infrastructure for dense, urban development is either on the ground or planned (and funded) to be added shortly.

The combined effects of adding Lilac Hills Ranch in addition to General Plan growth is provided in Table 1-2 below:

Table 1-2 Bonsall and Valley Center Composite Housing Unit Analysis

	<i>Housing Units</i>				% Growth from 2010		
	2010	2020	2030	2050	2010 to 2020	2020 to 2030	2010 to 2050
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	58.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	102.0%
Subtotal General Plan	10,513	11,947	14,944	19,562	13.6%	25.1%	86.1%
Lilac Hills Ranch (LHR)		746	1,746	1,746			
Total GP with LHR included	10,513	12,893	16,690	21,308	22%	29.5%	102.7%
Reference: SD County growth	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	32.0%

Accretive states that the Project is “in close proximity” to the I-15 freeway. Reality is that the granite hills require a twisting, slow 1 ½ mile trip to I-15 south and 3 miles north to I-15 North, from the closest northern point of their development.

From the south at Circle R Drive it is 3.0 miles of the lowest grade of public road in the County to reach I-15 at Gopher Canyon.

The proposed LHR Project is a classic urban sprawl development. All of the transportation will be via automobiles, and the road infrastructure does not support the 9 fold increase in traffic.

The LHR project is not needed for the County of San Diego to meet the growth requirements defined in the August 3, 2011 San Diego County General Plan either for Valley Center, Bonsall, the entire Unincorporated area of San Diego, or the entire County of San Diego.

The ONLY mass transit that exists is the North County Transit District (NCTD) Bus Routes 388 and 389 (Attachment A). The closest access is at SR 76 and Old Highway 395, a minimum 4 mile trip north from the project site. These routes run eight times a day and mainly link the Pala, Pauma, Rincon and Valley View Casinos to the Escondido Transit Center. If you are going to a regional shopping center or work center, you must take a 30 minute bus ride to the Escondido Transit Center and transfer to another route. The mass transit system only works if you are a Casino patron.

Objective 1-b: “...consistent with the County’s Community Development Model...”

This Project is not consistent with the San Diego County Community Development Model. It is Inconsistent with the Community Development Model, and the policies of the San Diego County General Plan that define and support it. Why does the first Objective ignore the guidance and policies of the General Plan?

The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): “*The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses such as estate-style residential lots and agricultural and agricultural operations to Semi-Rural areas To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands ...*”

First, as the above statement in the County General Plan makes clear, the Community Development Model is not a moveable abstract concept. The General Plan has already assigned regional categories to the Bonsall and Valley Center planning areas, both of which are defined by the Community Development Model, each with a higher density village core surrounded by lower density semi-rural and rural uses. To have this Project foisted between these two specified communities disrupts the integrity of the Community Development Model and the General Plan that describes it. If the General Plan and the Community Development Model can be so easily and wantonly abrogated, then Village “puzzle pieces” could be dropped into Semi-Rural and Rural lands anywhere in the County, without regard to existing village centers, and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the General Plan's Regional Categories. It is the assignment of a particular Regional Land Use Category to a particular piece of land that this SP/GPA proposes to amend. The proposal therefore is inconsistent with the Community Development Model. Again, consistency would be achieved only by amending the General Plan to fit the project.

- In the General Plan (p 3-7) *“Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit.”* Are not the Bonsall and Valley Center village cores the centers of the community planning areas that are referenced here? Are they not so designated in the General Plan?
- The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This proposal to plop a Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development requires AMENDING the Community Development Model in a way that defeats the intent of the model.
- Further, the site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model, which has been applied in Bonsall's core and Valley Center's central valley, and which this proposal defies, requires a “feathering” of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth.
- This SP/GPA is located many miles from areas that the Community Development Model designates for Village development: miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
- As for infrastructure, there are few existing roads in the area and they are built and planned to service Semi-Rural and Rural development, as is the current plan. Despite proposing intense Village development, the proponents also propose to retain or reduce the capacities of these roads. Water infrastructure presently serves 50 homes and agricultural irrigation. There is no wastewater service.
- The intent of the Community Development Model for Villages is to intensify development in existing Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center and Bonsall during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. The majority of the Valley Center community's future development is now planned for the “Village” areas in the center of the Valley Center Planning Area, at the community's traditional

“crossroads” where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are already in place.

Objective 1-c: *“...a walkable pedestrian-oriented mixed-use community.”*

There are two issues with this part of Objective 1. The first issue is that the Specific Plan is so NON-SPECIFIC on what the Commercial, Schools, and Parks content of this Project is that **one cannot assess whether anyone walking would reach a desired service of any kind.**

The second issue is that “walkability” is usually defined as a ½ mile one-way trip. The large majority of the Commercial zoning is in the Northern town center [89%], which is a 1 ½ -mile one-way trip from the southern boundary of the Project. People in the South (1 ½ mile) and Middle (1 mile) of this project won’t walk to the town center, and the two small commercial areas planted in the Middle and South to create a façade of “a walkable pedestrian community” are not credible walkable destinations. In fact, this creates Urban Sprawl internal to the Lilac Hills Ranch Subdivision.

Summary and Conclusion – Objective One

It appears the County has structured the first Objective of the RDEIR so narrowly that only the Lilac Hills Ranch Project can fulfill the Project Objectives, leading to a self-serving and biased environmental analysis.

Objective 2 – The full text is below:

“Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.”

Objective 2-a: *“...housing and lifestyle opportunities in a manner that encourages walking and riding bikes...”*

With 10 exceptions to road standards, the Covey Lane/West Lilac intersection, and the traffic load the Project will throw on internal and external roads, **who is going to risk taking a walk or riding a bike?** The elevation changes [vertical curves] within the Project and the lengthy distances from one end of the Project to the other and to the commercial center will more likely discourage walking and cycling, especially for the senior community residents.

Objective 2-b: *“...public services and facilities that are accessible to residents of both the community and the surrounding area.”*

There are two issues with this statement.

The first issue: what are the public services and facilities in this Project? A vague statement about a K-8 school site without any commitment to financing or endorsement by either School District, a vague description of the minimum acreage of Parks the County requires? Does the undefined Commercial content include just a general store with some groceries or will there be a supermarket? A restaurant of any kind? A retail gasoline service station? How can the commercial area be evaluated without an inkling of what kind of boutique shops will be provided to support the Project residents?

The second issue: *“accessible to residents of both the community and the surrounding area”* – Accretive’s Traffic Impact Study does not show an influx of non-residents to the area. **Is this because the Applicant is overly optimistically portraying the true Traffic Impact of this Project?**

Summary and Conclusion – Objective Two

The project does not meet its own Objective Two.

Objective 3 – The full text is below:

“Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.”

We do not have any issues with this Objective other than to state that any project required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) would have to comply with this Objective. However, we expect more than a vague statement about the minimum acreage of parks that the County requires.

Objective 4 - The full text with comment areas highlighted is below:

“Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff.”

There are three issues with this Objective.

Objective 4-a: The first issue is that the entire Objective is **so vague and subjective that compliance is not measurable.**

Objective 4-b: *“Integrate major physical features into the project design, including major drainages, and woodlands...”*

How is taking 608 acres of Rural Land primarily involved in Agriculture, disturbing 440 acres, and creating large areas of impermeable surfaces consistent with this Objective? The Project includes 83 acres of road surface and 68 acres of manufactured slopes. Is it desirable to increase storm water runoff surface water velocity in concrete channels that increase siltation in the runoff? How does this benefit the woodlands?

Objective 4-c: "...creating a hydrologically sensitive community in order to reduce urban runoff."

From our analysis of the Accretive Hydro-modification Design, we find the design and the applicant's analysis of it, is marginal. This Project requires rainwater collection and storage from rooftops and a total of 23 acres of permeable paving to meet Hydrology requirements with the indicated preliminary design. The truth of the matter is, that Accretive is proposing covering large areas of rural farmland with impermeable surfaces. If the Hydro-modification design is compliant, it achieves compliance only in the most optimistic scenarios and with scant margin. **We are unconvinced that this hydrology plan is as sensitive as portrayed and we believe further analysis is needed.**

Summary and Conclusion – Objective Four

The project does not meet its own Objective for Objective Four

Objective 5 – The full text is below:

"Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area."

We do not have any issues with this Objective other than to state that any Project required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) would have to comply with this Objective.

Objective 6 – The full text is below:

"Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing."

The mixed-use and senior housing are included in the Project to achieve the densest possible development yield. The applicant has added a 200-bed congregate care facility on top of the 1746 Equivalent Dwelling Units, stating that because there is only one communal kitchen, the huge facility technically doesn't add EDU's.

And, we are reminded again that the Project is not needed to accommodate future growth in San Diego County because the current General Plan has addressed the forecasted growth to 2050 without the Project being considered here. More likely, this Project will over-build the market and depress housing prices.

In this Objective, the County re-brands dense Urban Sprawl as a desired attribute. The General Plan Alternate does not meet this objective, because it is not designated for Urban Densities under the current General Plan.

This Objective is a further example of the attempt by the County to structure the Objectives of the Project in the RDEIR so narrowly, with a planned bias, that only the Lilac Hills Ranch Project as proposed by the Applicant would likely fulfill the Project Objectives, leading to a self-serving and biased environmental analysis.

Objective 7 – The full text is below:

“Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.”

Developing the Project at General Plan densities and preserving agriculture and residential-based businesses (such as the existing Accretive Agricultural Office located on 32444 Birdsong Drive) on the same or nearby Parcels achieves this Objective perhaps better than the Proposed 1746 EDU Accretive Urban Sprawl Project.

The community attributes that this objective is seeking to provide, already exist, or will at build-out of the General Plan, in the Bonsall and Valley Center village centers. Yet again, we are reminded that this Project is unnecessary to meet the goals and objectives of the General Plan.

Summary

The County has attempted to structure the Project Objectives of the RDEIR, in aggregate, so narrowly that only the Lilac Hills Ranch Project, as proposed by the Applicant, has a chance to fulfill the Project Objectives, leading to a self-serving and biased environmental analysis. Even with that attempt, the County fails to acknowledge that the Project is not needed to achieve the goals and objectives of the San Diego County General Plan and the community plans of Bonsall and Valley Center.

Attachment A: North County Transit District Breeze Bus Routes 388 and 389 [appended separately as a stand alone document].

1.2.1.1 Plan Amendments

This section of the RDEIR is a tricky one. This is the section in which the County identifies the very substantial amendments to existing planning documents that must be made in order for the Lilac Hills Ranch project [the Project] to be approved and considered as consistent with those same documents. Yes, it is tricky. It's analogous to changing the rules in soccer so that the opposing team must play without a goalie in order for your team to win.

The first item to be changed is the Regional Land Use Element Map. This change will convert semi-rural SR-4 [one dwelling unit per 4, 8, or 16 gross acres – slope dependent] and semi-rural SR-10 [one dwelling unit per 10 or 20 gross acres – slope dependent] parcels into village residential VR 2.9 [up to 17 dwelling units per acre] and village core C-5 land uses with commercial and urban densities. These kinds of land uses aren't permitted now in the Lilac Triangle where the Project is proposed according to the current Regional Land Use Element Map. Which is exactly why the General Plan and the Map must be amended to permit the changed land uses.

Further, this change of land uses flies in the face of the Community Development Model as it is applied in Valley Center and Bonsall. In those two communities, the high-density village cores feather out to semi-rural and rural land uses at the margins of both planning areas according to the Community Development Model. Strangely, that is precisely where the applicant is determined to build another village center in complete contradiction to the Model. The logic of such a move is so perverse that it defies explanation. To pursue a high-density urban community precisely where the Community Development Model places very low density rural land uses is astonishingly audacious. One explanation for the move is that the applicant has intended to remove the General Plan goalie by changing the Regional Land Use Element Map to allow an urban development on green field, agricultural lands expected to buffer the village centers of Valley Center and Bonsall. What is the County's purpose in allowing such a misplaced Project to advance through the approval process when it is predicated on such inane logic?

The second change to be made is to the Valley Center Community Plan [VCCP] Map [a component of the General Plan]. The land uses must be changed from rural uses to urban uses and to allow a third village within the planning area for this Project to advance. There is no other way for the Project to be consistent with the VCCP Map except to modify it to conform to the Project. This is not planning. We in Valley Center have the understanding that projects should conform to the General Plan and the community plan, not the other way around. Is this not the County's understanding? And, if not, why not?

The third change is similar to the second except the bald faced affront is to the Bonsall Community Plan Map. Again, it is the plan conforming to the Project rather than the other way around. And this Project is replete with significant impacts that must be explained away in order to move forward.

The final change is to the General Plan Mobility Element road classification of West Lilac Road from 2.2C to 2.2F along the Project's northern border. The current plan for that section of West Lilac Road is a 2.2C road. A 2.2C road is a two-lane road with intermittent turn lanes, 8-foot shoulders, bike lanes and a pedestrian path. The request to downgrade the road classification to 2.2F would make it a two-lane road with virtually no shoulders, bike lanes or turn lanes. The 2.2F would be less costly to build because it would require fewer features and the taking of less private land by eminent domain. However, since the County depends on developers to build new roads and improve existing ones as a condition of development, why would the County consider a downgrading of the standards for this section of West Lilac Road?

Not only will the size of the road be reduced, but, so will its design speed, from 40 mph to 25 mph. Why would the County consider reducing the design speed of West Lilac Road so drastically given its significance as a Mobility Element Road and its importance as a community evacuation route? Slowing traffic by design seems counter intuitive to the need for moving evacuation traffic along at a brisk pace to avoid unnecessary traffic jams during an emergency.

1.2.1.2 Rezone

To effect the transformation of the Project site into the Project itself, it will be necessary for the County to rezone the rural, agricultural Project site from A-70 [limited agriculture] and RR [rural residential] to RU [urban residential] in most of the Project and C34 [general commercial-residential] in the "town center" and the two neighborhood centers." How does the County resolve the location requirement found in LEED-ND [Leadership in Energy and Environmental Design – Neighborhood Development] with the transformation of green field agricultural land to urban residential and commercial? How can the Project qualify under the Community Development Model with essentially a single urban zoning?

1.2.1.3 Specific Plan

The Project is requesting the creation of a specific plan area [SPA] as part of the entitlements it is seeking. Under the rules for SPAs, the Project would be governed in terms of land use, densities, phasing, maximum number of residential units, improvement plans and other aspects of development by the rules proposed in the Specific Plan rather than the County's General Plan and the Community Plans. This would remove the Project from having to deal with the community and its goals and objectives and would leave the Project in the control of a homeowners association [HOA]. Does the County find that governance by HOA is superior to governance by the County? What provisions will be required by the County to assure that the HOA will endure within the Project, given the uneven record of HOA failures?

The Specific Plan identifies the five phases of development of the Project but fails to

specify any timetable for development of any phase except to indicate an approximate duration of the build out of each phase. Further, the Specific Plan notes that the phases will not necessarily be built in numerical sequence. Does the County have any assurance that once the entitlements to build are granted, that any of the phases will actually be built? Are there any penalties for failing to build all the phased components as outlined in the Specific Plan? Will the entitlements have any kind of expiration date? Will the “town center” be built and operational for the benefit of the first phase of residences within a year of completion of phase one? If phases 4 and 5 are built before phases 2 and 3, will the complete complement of infrastructure, other than a ‘town center’ be built to coincide with that development or will completion systems such as sewers and roads have to wait for development of the other two phases?

The Specific Plan cites four options for wastewater treatment. Why hasn’t one option been adopted for the Project by now? This Project has been in planning for many years and still there is no definitive plan for wastewater treatment. The decision apparently has been delegated to the Valley Center Municipal Water District [VCMWP], but still there is no single plan. Are there specific impediments to the execution of any or all of the optional plans? The Specific Plan and RDEIR fail to adequately address the use of tank trucks to haul wastewater to the Lower Moosa Canyon Water Reclamation Facility. How long will wastewater be trucked from the Project and has the impact of that trucking operation been incorporated into the traffic study for the Project? Phase three is represented as the site for the wastewater reclamation facility. If phase three is built last among all the phases, will wastewater for the other four phases continue to be trucked off-site until phase three is underway? If market conditions are not favorable for the development of phase three, how long is the County prepared to wait for completion of the Project and a wastewater solution?

1.2.1.4 Circulation

The RDEIR and Specific Plan continue to refer to Mountain Ridge Road, a private road that does not meet current County private road standards, as the southern access point for the Project. Has the County evaluated that road and the increased traffic burden that will be placed on it in terms of overburdening the private road for the existing easement holders? This same road is the subject of eminent domain under some scenarios. Is the County willing to use eminent domain on private property for the benefit of a private developer? Even with the presence of the Project, there appears to be no public good served by confiscating the private easement. The only advantage in such a seizure is to the Project and its developer. Should the easement holders of Mountain Ridge Road be penalized for the failure of the applicant to obtain secondary access for his Project? The same question applies for sewage and recycled water easements optioned along a confiscated public Mountain Ridge Road. Should the private easement holders have to sacrifice for the needs of a private developer?

The same questions arise in connection with the likely use of eminent domain on portions of West Lilac Road. Improvement of West Lilac Road to current County standards [2.2C] will require the taking of land from about 20 private parcels along the

northern border of the Project. Likely it will require the demolition of two residences as well. Without the presence of the Project, these takings would not be necessary since the rural population would continue to be small and would not overburden the existing roadway. With the Project, widening the road would become necessary, given the 20,000+ Average Daily Trips that would be added by the Project.

The intersection of Covey Lane and West Lilac would also require eminent domain takings. The proposed changes to the intersection will create a requirement to encroach on private parcels for turning radii and sight lines. Why must private land owners sacrifice for the benefit of the developer?

The applicant also seems resistant to adequately improving the roads that future residents of their Project will overburden. The applicant seems to prefer to downgrade the capacities and design speeds of existing roads rather than address the traffic volumes their project will add to existing volumes with meaningful improvements. Is not the County's position on road improvements in connection with development that it is the developer's responsibility to make the needed improvements? Will improving roadways like West Lilac Road to less than the previously recommended standards serve the public interest concerning improved roadways for daily transit and emergency evacuation?

The ten exceptions to the County's road standards requested by the applicant will diminish the capacities and design speeds of the affected roads, both public and private. It seems that the requested exceptions are not for the public good, but merely to facilitate the Project at a lower cost. Why would the County consider such a diminishment of public and private roads?

Exceptions for the public West Lilac Road along the northern Project boundary, rather than building it to the previously required 2.2C design with intermittent turn lanes for intersections and driveways and eight-foot shoulders, bike lanes and paths, would allow it to be downgraded to a 2.2F designation, lacking turn lanes, bike lanes, paths and having a minimal four-foot shoulder on only one side. That is not the kind of developer fronted road "improvement" that is anticipated from such a large project. What public interest is served by allowing such a downgrade from the otherwise expected standards for improvement? And, rather than resort to eminent domain to obtain additional right-of-way, why isn't the road realigned to traverse the applicant's property to a greater degree as a condition of approval?

The same concern exists for West Lilac Road from Running Springs Road northwesterly to the Project boundary. For what public interest would the County consider the downgrading of this segment of a Mobility Element road from a 2.2C to a 2.2F designation? Are there expectations that Road 3 will actually be built through Lilac Ranch, which is now a conservation area as a result of CalTrans' mitigation for the widening of State Highway 76. Given the importance of West Lilac Road to both Bonsall and Valley Center as one of few routes of evacuation to Interstate 15, why would the County allow the applicant to restrict traffic flow by downgrading this road anywhere

along its length?

Even the private roads proposed for the interior of the Project are unable to function properly without an exception to the road standards. When proposing a new development, it seems odd that the applicant would even consider an exception to the standards since they are in place to provide safe and efficient transportation to the public. Asking for exceptions for new roads begs the question of why the applicant can't engineer the roads to avoid the necessity of an exception to the standards? The Project is proposing to move over 4 million cubic yards of earth to accommodate the development, and one would think they could manage to create roads with appropriate grades.

In the RDEIR, there continues to be uncertainty about the Main Street alignment through the town center in phase two. The excuse is that there is market uncertainty that affects whether it will be a couplet design or a standard road. This uncertainty makes an analysis of the road uncertain as well. Too many times in the RDEIR are elements of the Project uncertain and reviewers are left with a collection of options that can be assembled in innumerable ways to reach whatever will be the final project. It's a pig in a poke.

While the applicant cites the Project's features as presenting an 'opportunity' for public transportation, there continues to be no solid offering of public transit within the Project. We are left with the possibility that North County Transit District may choose to provide a stop within the Project. How is this Smart Growth? Projects such as this should be built where transit facilities are at hand. Not providing transit options for over 5 thousand residents will condemn them to commuting great distances to work and shop.

The notion that the Project is walkable, or even bikeable, is laid to rest by the two-mile length, the one and half-mile width and the serious elevation changes within the project. The senior housing and senior care facility is farthest from the designated town center, making the seniors travel the full length of the Project up hill all the way. Most of those seniors will be driving through the project.

1.2.1.5 Parks & Recreation

LaVonne's comments here

1.2.2 Technical, Economic, and Environmental Characteristics

THIS SECTION NEEDS THE ADDITION OF A FRANK AND SUCCINCT DISCUSSION OF THE PROJECT'S FACTUAL LACK OF LEGAL RIGHT OF WAY FOR ROADS, SEWER, AND RECYCLED WATER. FACTUAL AND QUANTITATIVE DISCUSSION NEEDS TO BE MADE PROMINENTLY APPARENT TO DECISION MAKERS ON HOW OFFSITE IMPROVEMENTS REQUIRED FOR THIS PROJECT WILL BE ACQUIRED. THERE ARE FACTUALLY 30 OR MORE RIGHT OF WAY ACQUISITIONS THAT PROJECT REQUIRES. THE PROJECT HAS MADE LITTLE PROGRESS IN FOUR

YEARS ON ACQUIRING REQUIRED RIGHT OF WAY. IT IS HIGHLY LIKELY THAT THE USE OF EMINENT DOMAIN FOR A MINIMUM OF THIRTY AND LIKELY GREATER NUMBER OF SEPARATE TAKINGS OF UNWILLING PROPERTY OWNERS' LAND OR INTEREST IN ROAD AND UTILITY EASEMENTS WILL BE REQUIRED TO MAKE THIS PROJECT FEASIBLE.

The County of San Diego has received hundreds of pages of factual information from multiple Attorneys that demonstrate the absence of many legal rights for the Project's intended use of private roads and right of way for Sewer and Recycled water utility pipelines.

The Valley Center Municipal Water District (VCMWD) has verified that the Project has proposed pipeline routes for which no legal right of way currently exists for Sewer and Recycled Water. To use the Project's preferred Sewer and Recycled Water pipelines for this project, Eminent Domain taking of right of way is required. The Project's Alternate 4 pipeline route is claimed by the Applicant to have full legal right of way. However, as pointed out in Chapter 3 Public Comments, this claim requires substantiation in the three areas questioned.

The County has taken the position that Private Road right of way disputes are between individual private parties. That said, the County of San Diego has certain knowledge that offsite road improvements for the Project will require right of way for at least thirty separate takings of unwilling property owners' land or interest in road easements. The County has not been effectively transparent in providing Public information on required right of way for Offsite Improvements for assessment of Environmental Impact. Provide the following information:

The County needs to disclose the following information so that impacts are identified and required Mitigation can be implemented.

A). Required Disclosure of Relevant Information regarding legal rights for construction of Off Site Improvements as well as how the Applicant intends to gain legal rights

In the RDEIR, the County has not provided adequate disclosure regarding off-site impacts of the Project and its Alternatives to surrounding property owners.

This information is necessary to demonstrate Project Feasibility that the Project can ever be legally built.

For the Project and each of its Alternatives, provide the following information regarding off-site improvements for which Accretive Investments currently holds less than full legal right of way. For each impacted parcel, indicate what the Applicant has done to attempt to secure legal rights. Disclose how the Applicant or the County intends to secure the necessary legal rights for these parcels:

<u>Parcel Number</u>	<u>Property Owner</u>	<u>sq ft. Right of Way required</u>	<u>sq.ft.Slope Easement</u>	<u>Total sq. ft.</u>
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i) West Lilac Road

Scenario 1 – Construction of West Lilac Road from Old Hwy 395 to proposed new Road 3b to 2.2 C Road Standards as is the General Plan Baseline. No information on offsite improvements has been provided by the County for the full route of this Alternative, which is the present General Plan Mobility Element baseline.

Scenario 2 a – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2C/2.2F dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 4.3 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 2 b – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2 C dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 5.6 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 3 – Impact of improvement from non-compliant 2.2F to 2.2E configuration to improve horizontal curves and provide bicycle lanes in each direction and 8 foot shoulders for West Lilac Road from Easterly boundary of Subdivision (currently near existing Lilac Walk private road intersection) to Covey Lane. This scenario is discussed further in section 2). Direct Impacts to West Lilac Road section of this letter.

ii). Covey Lane/West Lilac Intersection

Scenario 1 – Impact of construction to Applicant’s proposed design **including Sight Distance Clearance and turn tapers. Please carefully analyze the need for Additional Slope Easements beyond those granted in IOD’s.**

iii). Mountain Ridge Private Road including Mountain Ridge/Circle R Intersection

Scenario 1 – Impact of improvement to Applicant’s proposed design **including Sight Distance Clearance and turn tapers.**

Scenario 2 – Impact of improvement of Mountain Ridge Private Road to 30 Mph Private Road Design Speed Standards **including Sight Distance Clearance and turn tapers.**

Scenario 3 – Impact of construction of Mountain Ridge Private Road to Public Road Design Standards **including Sight Distance Clearance and turn tapers.**

iv). **Rodriguez private road.** Please further enumerate the all improvements proposed for Rodriguez Road as represented in Master Preliminary Grading Plan TM 5571 RPL 4 Sheet 7 of 12. Provide the legal basis of rights to construct the improvements to Rodriguez Road. Provide a copy for Public Review of document 2013-0021800 Rec. 1-11-2013.

Property Rights ARE an RDEIR Issue. Without the acquisition of land for offsite improvements, this Project IS INFEASIBLE.

Executive Summary Comment RDEIR Paragraph S.3 Areas of Controversy page S-4 – Item 2 – Infeasibility of the Project’s undefined and infeasible Phasing Sequence

Phasing – The Applicant seeks the utmost in flexibility in developing the Project in Phases of which there are many possible permutations, and no assurance whatsoever of Project performance of Conditions of Development.

The County has endorsed this approach without any assurance of performance by the Applicant, such as bonded indemnification to ensure specific performance.

The Applicant states in the Specific Plan and the County states in the EIR that some Phases may never be built. Mitigations for Traffic Impacts are tied to events that may never happen.

This is a serious defect with the EIR. There is no assurance that promised Mitigation will ever occur.

Refer to the following Table 1 – 4 from Chapter 1 EIR Objectives page 1- 34.

**TABLE 1-24
GRADING QUANTITIES BY PHASE (cy)**

Phase	Cut	Fill	Net
1	715,000	860,000	(145,000)
2	635,000	830,000	(195,000)
3	1,815,000	1,260,000	555,000
4	295,000	420,000	(125,000)
5	610,000	700,000	(90,000)
TOTAL	4,070,000	4,070,000	-

The Project represents that it requires no import or export of soil for all Phases in total. The Project requests any possible Phase implementation sequence. It is **clear** that Phase 3 is the source of fill dirt **for all of the other four Phases** and is required to be at least partially graded concurrently with the first and any other Phase. Please identify how the Project intends to implement Phase 1 without grading on Phase 3. Also, will

Phase 3 be used as a quarry for fill dirt for an extended period?

The County of San Diego has not adequately addressed this fundamental discontinuity. The net result of this is a Significant Impact of Project Feasibility.

This example of infeasibility or vastly different Environmental Impacts is repeated over and over again with every Infrastructure aspect: Roads, Sewers, Waste Water, etc.

The timing of implementation of Mitigation should be defined with much more rigor than the County has employed. Road Improvement from Significant Impacts are ‘triggered’ by attainment of a threshold number of Residential Units. The County of San Diego should recognize that certain Commercial Land Uses are far greater drivers of Traffic Impacts than Residential.

Another related defect of this “Phase Game” is that the sum of the Traffic related analyses, for example, have analyzed fewer than 50% of the possible permutations of Phase execution that the County has endorsed in this EIR.

Left with the unbounded Phasing strategy the Applicant proposes, the Project as implemented will have vastly different Environmental Impacts than those analyzed in this EIR.

The Project needs to be required to adopt a defined Phasing Plan sequence with only a few allowable Phase Alternates in order that the proper Environmental Impacts can be assessed.

Wastewater Treatment Options

The Project claims that it will have wastewater ‘transferred’ from a collection point on-site to the Lower Moosa Canyon Wastewater Reclamation Facility [LMWRF] for up to 1250 equivalent dwelling units [EDU], or over 70% of the total EDU in the Project. This makes one wonder how long the ‘transfer’ will be going on. In the Temporary Treatment (for on-site treatment scenarios) segment of Chapter 1 of the RDEIR the ‘transfer’ is said to be by truck. In Chapter 1, Wastewater Service and Infrastructure, the ‘transfer’ mechanism is more nebulous, saying that the wastewater would be pumped into a forced main and routed south to the LMWRF. How the waste gets to the treatment facility is important for the estimation of truck traffic to and from the Project. It is also important to estimate how long the transfer process will go on before a final solution, or treatment, is chosen. How has the County estimated the truck traffic that will be hauling as much as 250,000 gallons of wastewater a day [that’s over 70% of the Project total], from the Project to the LMWRF? Will this have a significant impact on congestion on the roads serving the Project? What will be the duration of the transfer by truck? Will the applicant be performance bonded for building one of the four optional forms of wastewater disposal proposed to ensure that the Project is served?

Phasing Plan

Although the planned phases of the Project are numbered, the County allows that the applicant will build phases or portions of phases as market conditions permit. It is suggested that phases 4 and 5 may be built independently of the other phases. So, rather than an orderly development, it could be somewhat chaotic, as grading is taking place in one phase to accommodate the fill needs of another and some phases are moving forward without regard to the other phases. It seems as if it could take much less than 10 years under some scenarios, or in others some phases may not be built at all unless the real estate market behaves. How can a rational person call this a phasing plan? There is very little that is phase-like in it. It reads more like a free-for-all.

1.4.2 Planning Context

There are comments on the General Plan and Community Plans consistency elsewhere in these comments, but it must be noted that citing Circle R Ranch as similar to the proposed Project is specious. The Circle R Ranch development is a clustered development that is going on 40 years old. The smaller lots of that development were made possible by the considerable open space of the golf course. There is no analogous open space in Accretive's Project. And lest the County attempts to cite Welk Resort, another older development put in place before there were rational regulations on density and leapfrog development, it too is a clustered development with smaller lot sizes compensated by considerable open spaces.

The two, nearly contiguous villages of Valley Center are defined as the village core of the planning area and are recognized as the center referred to in the Community Development Model.

1.6 Project Inconsistencies With Applicable Regional and General Plans

GENERAL PLAN INCONSISTENCY

I. Introduction:

In comments submitted over the last several years about Accretive Investment Group's Specific Plan/General Plan Amendment (SP/GPA), the Valley Center Planning Group and the Valley Center Design Review Board have repeatedly challenged the proponent's assertions that this proposal is consistent with the adopted County General Plan [GP], or with Valley Center's Community Plan [CP], or with Valley Center Design Guidelines.

Our previous comments, which are attached, have also challenged the Orwellian logic exhibited throughout the SP/GPA text, and the original Draft Environmental Impact Report (DEIR 2013) and now in the REVISED DEIR (RDEIR 2014). We stand in robust opposition to the claims in these documents that a change of Regional Category -- from

Semi Rural to Village -- magically reconciles the project's gaping inconsistencies with the intent of the Community Development Model and with the wide array of interdependent General and Community Plan Goals and Policies that are meant to implement it.

Despite thousands of pages of "public comment" nothing has changed; neither the project parameters nor the perverse and circular arguments that, in the name of San Diego County, advance it. The proposed SP/GPA remains inconsistent -- broadly and fundamentally -- with the San Diego County General Plan and the Community Plans of both Valley Center and Bonsall.

II. RDEIR 2014 dodges rather than examines inconsistencies:

RDEIR 2014 persists in avoiding the truth of these inconsistencies and thus fails to provide analyses required for decision makers to understand the nature and reach of its impacts. Therefore, RDEIR 2014 is derelict in concluding as it does that: *"Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be **less than significant**"* (Chapter 3 Environmental Effects Found Not To Be Significant.).

We all can understand why the applicants might want to avoid disclosing the system of GP and CP Goals and Policies that this project violates. But San Diego County's mandate in its performance of CEQA's purpose is not to deny inconsistencies in order to avoid analysis and ease approval of this project. CEQA's purpose is disclosure. The RDEIR for this SP/GPA must honestly reckon with the issue of General and Community Plan consistency. This includes the General Plan Vision and Guiding Principles, the reflection of these in the Community Development Model, and in the Goals and Policies that are meant to implement these ideas across the GP's and CP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise.

III. The California Environmental Quality Act (CEQA) requires a General Plan consistency analysis and supportable conclusions. The conclusion of RDEIR 2014 that planning impacts are 'insignificant' is not supported by the evidence.

The RDEIR disguises with double talk the extent to which this SP/GPA is inconsistent with the County's planning documents. Planning impacts are far from "insignificant". They are broad and fundamental. Approving this SP/GPA requires rejecting the GP's foundational vision of Smart Growth and eliminating the many GP Policies that support it. Introductory remarks in the RDEIR state this fact.

The double-talk of this RDEIR is demonstrated in the mighty leap it takes from the truthful declaration (that this proposal is inconsistent with the existing General Plan) to the also truthful declaration (that the proposal *will be* consistent with the amended General Plan) -- without bothering to analyze the inconsistencies of the first condition. But analysis of the first condition is the entire point of an Environmental Impact Report.

CEQA directs the County to answer the question: in what ways does this project change current conditions? How can planning professionals confuse the difference between pre-project and post-project conditions in the first place? And how can this “mistake” be repeated and elaborated in the revision despite hundreds of public comments that point this out?

There is no evidence that the intention of the existing San Diego General Plan is to drop “new villages” into semi-rural and rural areas of unincorporated communities where the Community Development Model has been applied and boundaries of Regional Categories have been determined. To the contrary, the County General Plan is grounded in its “Smart Growth” intention. Smart Growth is a two-sided concept. On the one hand Smart Growth locates future development in areas where infrastructure is established; AND on the other hand, Smart Growth also retains or enhances the County’s rural character, economy, environmental resources, and unique communities. These are integrated, co-dependent concepts. They work together.

The proposal to plop 1746 homes and 5000 people into several thousand acres of infrastructure-lacking Semi-Rural and Rural land contradicts the County’s overall commitment to “sustainable development” as well as the Principles, Goals, Policies and implementation mechanisms of the adopted General Plan that support sustainable development. This foundational concept is described at length in the introduction to the County General Plan and is expressed across the web of interdependent GP Guiding Principles, Goals and Policies that have been put in place to implement the County’s Smart Growth Vision. These points are stated clearly in the existing General Plan text. To attempt to override this adopted Vision now should require a severely amended County General Plan and a new Countywide EIR to approve it.

IV. Paramount among the project’s GP inconsistencies is its failure to comply with Land Use Goal 1 (LU-1) and Policy LU1-2

Consistency with Land Use Goal 1 (LU-1) and with Policy 1.2 (LU 1.2) is especially crucial for this project’s approval. These speak directly to the requirements for establishing NEW villages in San Diego County. They emphasize the primacy of the Land Use Element and the Community Development Model, and the prohibition of Leapfrog Development.

Land Use Goal 1: Primacy of the Land Use Element. *A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.*

Land Use Policy 1.2: 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 (LEED ND) 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. (See applicable community plan for possible relevant policies.)

The RDEIR for this SP/GPA asserts that the project is consistent with GP Policy LU 1.2. But, evidence does not support this assertion. The evidence leads to the conclusion that the SP/GPA fails in the most fundamental ways to respect the County's commitment to sustainable development.

Below we show that this project does not meet exemption criteria.

A. Criteria 1: The Accretive SP/GPA is INCONSISTENT with assigned Regional Categories and the adopted application of the Community Development Model

RDEIR 2014 would have us believe that the GP Community Development Model is nothing more than an abstract diagram and that Village "puzzle pieces" can be dropped into Semi-Rural and Rural backgrounds with no significant effect and can also be pronounced consistent with the existing General and Community Plans for this area.

The subject of this EIR are 608 acres in TWO existing Community Planning Areas where the Community Development Model has been applied through a lengthy and expensive public process to create a long-range plan for the development of this area which is an integral part of the long-range plan for San Diego County. RDEIR 2014 claims that re-categorizing this site eliminates the need to analyze any planning impacts. This notion denies that adopted Regional Categories and plans for the communities of Valley Center and Bonsall have any effect on these communities, or on the larger plan for San Diego County. In effect, RDEIR 2014 denies the existing planning condition that it is supposed to analyze against this proposal to amend it.

A new "Village" plopped into these existing communities is by definition INCONSISTENT with the current condition because consistency can be achieved *only* by amending the adopted General and Community Plans to fit the project. Regardless of this RDEIR's strained and fallacious logic, common sense knows that there is a very significant difference between fewer than 200 homes and nearly 1800 homes (not to mention everything else that this project includes) on the same 608 acres. Changing the Regional Category that has been assigned to these 608 acres from Semi-Rural to Village creates tremendous impacts on these acres, and on the two thousand of acres that surround them. Nonsensical justifications of this RDEIR cannot magically eliminate them. Rather than denying these impacts, it is incumbent on this RDEIR to identify and analyze them.

In addition, the Community Development Model is more than a diagram in other ways, as well. On the one hand, it reflects the array of General Plan principles, and on the other, it is meant to be implemented by the Land Use Goals and Policies to which the GP text refers. Therefore, consistency with the Community Development Model should be demonstrated -- not by unsubstantiated assertion as it is in this RDEIR -- but

rather by showing that the SPA/GPA is consistent with the Community Development Model BECAUSE it is consistent with the Goals and Policies that implement the Community Development Model. Obviously, the Accretive SPA/GPA is consistent with none of these.

Again, double talk serves to confuse pre- and post-conditions and contaminates “analysis” with fallacious presumptions and circular logic. First, RDEIR 2014 asserts without a shred of evidence that the new condition is consistent with the Community Developmental Model. Second, RDEIR 2014 leaps from this assertion to the next assertion that the consistency with all the Goals and Policies is inferred by consistency with the Model. Round and round we go. Orwell would be impressed.

Changing a particular place from one Regional Category to another, therefore, requires amending the network of planning concepts that the original category is expressing, for example:

1. The General Plan states (pp.3-7), *“Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit.”*
2. The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This SP/GPA proposes to plop a Village into the middle of an area that the existing GP and the existing implementation of the Community Development Model designates for Semi-Rural and Rural development. This action requires AMENDING how the Community Development Model has been implemented in this area. Instead, with no discussion or analysis, the SP/GPA and the RDEIR all assert that consistency with the Community Development model is achieved with a simple change on the Land Use map.
3. Further, the site abuts SR-4, SR-10 and Rural-40 acreage. The project provides no buffer between its urban density and rural properties owned by others. The Community Development Model **requires** a “feathering” of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth. The Accretive SP/GPA is inconsistent with the concept of feathering which is reflected properly in the pattern of land use designations in Valley Center’s central valley.
4. This SP/GPA is located many miles from areas that the Community Development Model designates for Village development: miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
5. As for infrastructure, there are few existing roads in the area. They are built and planned to service Semi-Rural and Rural development, as in the current General and Community Plans. Despite proposing intense Village development, the proponents also propose to retain or reduce capacities of these roads. Water

infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.

6. The intent of the Community Development Model is to intensify development in **existing** Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. Twenty-five percent (25%) of the community's future development is now planned for the "Village" area in the center of the Valley Center Planning Area, at the community's traditional "crossroads" where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are **already** in place.
7. A key component of applying the Community Development Model to the land use map in the General Plan was to show graphically the locations for future growth. The RDEIR ignores that the existing General Plan identifies existing planned villages as the hubs for growth, and that these areas are planned for intensification over the life of this new General Plan. Nowhere in the SP/GPA or in the RDEIR is there any justification for this extra Village and its plethora of significant impacts on lands that ARE planned for sparse residential development and conservation of agriculture. Again, there is no evidence for the conclusion that this project is necessary for achieving any public objective.

B. Criteria 2: The Accretive SP/GPA is Inconsistent with LEED Neighborhood Development Certification standards.

Compliance with LEED Neighborhood Development Certification standards is a critical requirement for this project. Without analyses required by CEQA, the RDEIR ASSERTS compliance with LEED-Neighborhood Development requirements, perhaps because analysis reveals that the Accretive SP/GPA so woefully fails to meet them.

But, unsubstantiated assertion fails to satisfy CEQA. The County must comprehensively address the numerous and exacting requirements of LEED Neighborhood Development Certification. If the County is applying not LEED ND but an "equivalent standard" as policy LU1-2 allows, the analysis should name the standard and show how it is equivalent.

To date we believe there is no recognized equivalent to LEED ND. If there were a recognized equivalent it would be, well, equivalent. Despite the insistence of a few PDS staffers who will remain nameless that "there might somewhere be an equivalent standard that does NOT require a "Smart" location -- in the English language the word "equivalent" does mean "equal." Any standard that omits the pre-requisite requirement for selecting a location would, of course, NOT be equivalent.

At the end of this document we have included key excerpts from the booklet, **LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT**. However, we encourage thoughtful readers to review the entire 70-page booklet where these exacting standards

are discussed and illustrated in intricate detail. The booklet is published by the U.S. Green Building Council and is available on their website.

As the booklet makes clear: For LEED ND Certification a few location, conservation and design criteria are mandatory. This means that, regardless of how many “points” are accumulated for “green” amenities, LEED ND Certification cannot be achieved without meeting a few essential standards in particular categories.

We still await the County's analysis of the full complement of standards for LEED ND Certification. GP LU1-2 is clear in its intention that the Accretive SP/GPA must comply with all standards that are required for LEED-Neighborhood Development Certification. However, in order to provide the reader with a sense of how comprehensive and detailed the LEED ND standards are, we have included below a list of the mandatory requirements for the two areas where our comments are focused this time -- Smart Location and Neighborhood Pattern and Design. We will address some of these in our comments below.

(More detail is available below in the attachment, *SELECTED BRIEF EXCERPTS FROM LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT* or from the original 70-page document on the U.S. Green Building Council website.)

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

Prerequisite 4 Agricultural Land Conservation

Prerequisite 5 Floodplain Avoidance

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Walkable Streets

Prerequisite 2 Compact Development

Prerequisite 3 Connected and Open Community

From our review of the LEED ND requirements we conclude that Accretive's SP/GPA fails to meet fundamental requirements for LEED ND Certification for the following reasons:

- 1) **The site is not a “Smart Location.”** The EIR concludes that the project is consistent with LEED-ND but completely overlooks its mandatory site selection requirements. However, the EIR does not address how this aspect of LEED-ND can simply be overlooked when the program was specifically designed to “place emphasis” on site selection. A fundamental premise of Smart Growth is to lower automobile dependency as compared to average Development. The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip. The SANDAG

average miles/trip for the unincorporated San Diego County is about 13 miles/trip which is why the region is directing growth to the incorporated cities and existing villages. Accretive is proposing an automobile based urban sprawl community that even with exceedingly high and unsubstantiated internal trip rates is 47% higher than the San Diego County average (8.52/5.8) trip distance.

- 2) **The site is too large (exceeds the 320-acre maximum size).** This maximum area is based on critical factors such as providing the appropriate density of services and neighborhoods within a compact community and achieving walkability. The EIR fails to address how the project is still in compliance with the LEED-ND program when it exceeds a standard that was determined by the “core committee’s research.”
- 3) **The proposed SP/GPA fails to meet LEED ND standards for a “walkable” neighborhood:** This issue brings to light another more fundamental one with much of the EIR’s documentation. Throughout the document there is the assertion or suggestion that the proposed project will be “walkable”. However, the only evidence that is provided are three circles on a map to suggest that someone could walk to someplace within that circle if they wanted to. This is not the definition of a walkable community. The LEED-ND standards were developed through the research of a core committee which suggests that a walkable neighborhood is no more than 320 acres and all services, civic uses, employment, and high density housing are contained within that 320 acres. Describing the proposed project as walkable is unsubstantiated and misleading. Further it has likely undermined technical analyses that rely on the premise that the project is walkable and take credit for that. These include the traffic, air quality, and greenhouse gas emissions analyses.
- 4) **It is neither an infill site nor a new development proximate to diverse uses or adjacent to connected and previously developed land. It is sprawl plopped into a functioning agricultural area, with no existing infrastructure.** The objectives of the LEED-ND program are clearly compatible and in alignment with the guiding principles of the County of San Diego’s General Plan and with the siting of “new green neighborhoods.” As a result, it was integrated into the Leapfrog policy of the General Plan. Any proposed deviation from LEED-ND, such as ignoring siting criteria, size restrictions, and density guidelines, should be evaluated in this context.
- 5) **The plan does not locate all its residential uses within ½ mile of its “CENTER.”** It adds suburban sprawl up to one and a half-miles beyond the one commercial area that is large enough to qualify as a LEED-ND compliant Town Center.
- 6) **Because a site design is not available for the Town Center area we have no way of knowing whether this area itself complies with LEED-ND standards.** The Specific Plan claims compliance, but this claim is not substantiated or shown.

- 7) **The site is not served by existing water infrastructure that is adequate to serve urban density.** Water infrastructure is designed for agricultural users and needs significant revision for high density Urban uses. There is no wastewater infrastructure.
- 8) **No water or wastewater service is planned to serve urban development of this area.** Arguably the site is within a legally adopted, publicly owned water and wastewater service area. However, if “planned service” means that the current General Plan and the VCMWD’s own plans currently call for expansion of the infrastructure required for a project such as this (which they do not]), it does not meet this alternative, either. If it means only that a district with those powers exists and encompasses the Project site, then the Project must provide new water and wastewater infrastructure for the project. But it cannot do so because there are no easements the Project controls to establish such service.
- 9) **Notably, the Project description itself demonstrates that the SP/GPA cannot satisfy ANY of the 3 OPTIONS for fulfilling the Smart Location REQUIREMENT:**
 - a. It is not an Infill Project
 - b. It is not an Adjacent Site with Connectivity (does NOT have at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project) boundary, that is adjacent to previous development
 - c. The site is not designed as a Transit Corridor or Route with Adequate Transit Service. The only mass transit is two bus routes located 4 miles north of the Project which run the circuit of the 4 Indian Casinos on SR-76.
 - d. None of the LEED ND significant public transit service requirements are met by the proposed circulation system. (e.g. at least 50% of dwelling units and nonresidential building entrances (inclusive of existing buildings) are within a 1/4 mile walk distance of bus and/or streetcar stops, or within a 1/2 mile walk distance of bus rapid transit stops, light or heavy rail stations, and/or ferry terminals, and the transit service at those stops in aggregate meets the minimums listed in Table 1).
 - e. The only transit mentioned by Specific Plan and/or RDEIR is that NCTD might consider a bus stop serving part of the project. This is inadequate.

C. Criteria 3: The Accretive SP/GPA fails to provide necessary services and facilities for the intense urbanization being proposed.

1. ROADS. Traffic impacts are significant.

- a. **The applicant has proposed no acceptable mitigation measures.**
This SP/GPA will add 5000 urban residents to country roads while

reducing road widths, *reducing* road design speeds and *ignoring other standards* established for safe, efficient transportation. The proposal:

- Fails to provide necessary services and facilities
- Is inconsistent with GP premises that development will pay for itself;
- Is inconsistent with the GP minimum standard for LOS D on County roads;
- Compromises the safety, comfort and quality of life of prospective residents as well as all the other residents of Valley Center who depend on these Mobility Element roads.

For the Accretive project proponents to be angling for approval to shirk necessary County road standards while at the same time claiming to provide necessary services for this intensely urbanized Village project is a disingenuous contradiction. Sanctioning these exemptions would create significant long term SAFETY and liability issues for the County of San Diego.

b. The applicant's request for ten (10) modifications to the County road standards will REDUCE road capacities to sub-standard levels. Accretive Investment Group proposes Village development of a rural area. But the applicant **does not propose Village capacity roads that are necessary to accommodate the traffic that will be generated by their Village project.** Incongruently, the applicant proposes ten (10) modifications to the County Road Standards that will *reduce capacities* of roads that were planned in the Mobility Element to accommodate less intense Rural and Semi-Rural residential development that is planned for this area.

One purpose of the General Plan Mobility Element and the County Road Standards is to specify road standards and automobile capacities that are necessary to serve surrounding land uses throughout the County. Land Use and Mobility Elements are tightly coordinated. Village-capacity roads are specified as necessary to serve Village land uses. Presumably decision makers will agree that road capacity standards set by the County GP Element and the County Road Standards are "necessary" standards.

However, Accretive Investment Group proposes to compromise standards that are employed uniformly across the County in order to win for themselves entitlements to urbanize land uses -- without responsibility for urbanizing road capacities. Specifically, they propose to add 20,000 Average Daily Trips to Mobility Element roads, and to pass the real costs of improving these roads on to the taxpayers. Further, they are finagling "consistency" with County planning standards pretty much across the board not by complying with them, but by relaxing them.

For example, their proposal is to **DOWNGRADE** West Lilac Road

from its current Class 2.2C to a reduced-capacity Class 2.2F. And then, they further propose that two segments of West Lilac Road and one segment of Old Highway 395, which will operate at unacceptable Levels of Service E and F as a result of their new “Village” be sanctioned as official “exceptions” to the County standard for minimum Level of Service. TIF fees of approximately \$5 Million are utterly inadequate to afford the road reconstruction necessary to service this development’s traffic. The Valley Center Road widening five years ago cost in excess of \$50 Million. Road improvements in already-urban places are expensive.

In remote places such as the project site road improvement costs are enough to kill projects. No doubt recognizing this problem, the proponents themselves argue *against* improving roads to capacities that are necessary. They say to do so:

- is too difficult and costly
- will require rights-of-way that may be unobtainable
- will be time consuming to construct
- will be disruptive to off-site property owners
- will face opposition from existing neighbors
- will require condemnation of right-of-way
- will impact biological open space.

These are, of course, the exact reasons why the San Diego General Plan and LEED Neighborhood Development both direct urban development away from undeveloped sites like this one into areas where necessities and amenities required for urban dwellers are already met. You’ll recognize these points in the review of General Plan and Community Plan policies that follows.

Once again we must acknowledge that these applicants are not envisioning or proposing an SP/GPA to implement the County’s widely-recognized and well-admired 30-year plans for genuinely-sustainable growth. This would be the right approach. To engender this sort of cooperation is also the intended outcome of the County’s substantial and ongoing investment of public funds in planning efforts and planning activities.

To the contrary, this project hijacks the language of sustainability to push through a proposal which, if approved, will disintegrate San Diego’s effort to lead the nation in this area. This project is NOT “sustainable” development. This SP/GPA requires an array of *exemptions* from the interdependent planning principles, goals, policies and standards that the County has put in place in order to achieve its Vision for sustainable development. (Why invest public funds in planning, we ask, if the next step is to invest more public funds in a “review” that ignores the plan?)

c. **Accretive does not have legal right of way to build most of the indicated off-site road improvements.** The project is proposing eminent domain to seize the private properties of others.

d. **Nor do they have the legal rights to land necessary for improving intersections.** Additionally, in order to meet the County Road Standards, two out of four secondary access intersections (Covey Lane and Mountain Ridge) with public roads will require the use of County prescriptive rights (for continual brush clearance) and eminent domain (to secure land from unwilling property owners). Accretive Investments has filed Sight Distance Analyses on these two intersections that confirm the above assertion.

2. The SP/GPA fails to meet 5-minute response time for Fire and Emergency Medical Services. The Deer Springs Fire Protection District has commented in writing that none of the proposed options listed in the Specific Plan and Fire Protection Plan are feasible solutions for the District to meet the 5 minute emergency response requirement for Lilac Hills Ranch.

3. The project fails to present a legal and viable point design for sewage and wastewater treatment. The applicant's preferred option lacks legal right of way for offsite sewer and recycled water pipelines.

IV. The project design also defies the GP principles, goals and policies for Village development, and for Village expansion, which the Community Development Model reflects.

1. The 608-acre project site, only a portion of which is actually owned by the applicant, sprawls 2 miles N-S, and 2 miles E-W across several thousand acres, largely in active agriculture. These surrounding acres are owned by people whose dreams and ambitions for their rural properties are in accord with the Community Development Model's Regional Category assignment: Semi-Rural and Rural.
2. The sprawling site creates some 8 miles of edge effects that will threaten surrounding agriculture, horticulture and animal husbandry that the GP Community Development Model protects by designating this area for Semi-Rural and Rural development. This sprawling shape also increases the likelihood that the proposed project will be growth inducing as previously mentioned.
3. With 1746 units and 90,000 SF of commercial on 608-acres, there is insufficient land available for "feathering" residential densities as the Community Development Model intends and describes.
4. The site requires 3 separate commercial nodes to support the "walk-able" claim. It is more than a stretch to characterize the project as a "walk-able Village" when it is, in fact three circles of dense housing. Two of them are at least a mile from what the Community Development Model would characterize as Village

amenities. The LEED ND standard for “walking distance” is ½ mile, the GP also cites ½ mile (GP, p.3-8).

5. This is not the “walk-able” compact Village it pretends to be. The “Town Center” is more than one and a half miles from the ½ mile standard required by LEED ND and cited in the General Plan.
6. The proximity of Rural Lands to the project presents wildfire threats, which the applicant’s Fire Protection and Evacuation Plans recognize but fail to adequately mitigate. In addition to wildfire the Accretive project adds the additional hazards of Urban Multi Story Structure Fires and nearly two orders of magnitudes increased volume and complexity of Emergency Medical Services (EMS). The Accretive Fire Protection Plan barely mentions the Structures and EMS hazard potential, let alone any mitigation plans. The Deer Springs Fire Protection District (DSFPD) has gone on the record three times (6/12/2012, 3/5/2013 and August 7, 2013 stating that DSFPD has major issues with the Project as proposed. Accretive has glossed over these issues raised by a Public Safety agency and the County has allowed the Project to proceed in the General Plan Amendment process.

V. The Accretive S/GPA is also inconsistent with the Purpose, Intent and Guiding Principles of the County General Plan.

Chapter 3 of the RDEIR purports to be analysis of issues, which, it concludes, have No Significant Impact. RDEIR 2014 takes the giant illogical leap, to conclude that merely by adopting a different Land Use Map, all General Plan inconsistencies disappear.

Our comments below highlight a few (due to time and space constraints) of the MANY inconsistencies and issues with the County General Plan that this project has failed to confront or remedy, and that RDEIR 2014 fails even to identify.

A. Purpose of the General Plan. Chapter 1 of the General Plan contains in its Introduction and Overview an array of directives that the applicant, the applicant’s consultants and the DPS staff have ignored.

The statements that follow, and many others that appear on several hundred pages of the County General Plan, reflect what many citizens believe is a social contract between San Diego County government and the people. To overlook these declarations in the review of this project would be a gross violation of the public trust. Here are a few ...

(p. 1-4.)

1. The General Plan must be referred to in its entirety, including separately bound portions (such as community plans). While the GP is internally consistent, some issues are addressed through multiple policies and some receive refined and more detailed direction in Community Plans (p. 1-4.)

(p. 1-5)

1. *Policies cannot be applied independently (p. 1-5).*
 2. *If you are a SD County resident or property owner, the GP indicates the general types of uses that are permitted around your home and changes that may affect your neighborhood, and the policies the County will use to evaluate development applications that might affect you or your neighbors. The Plan also informs you regarding how the County plans to improve mobility infrastructure, continue to provide adequate parks, schools, police, fire, and other public services, protect valued open spaces and environmental resources, and ...*

3. *Future development decisions must be consistent with the Plan.*

4. *The essence of the Plan lies in its goals, policies, and implementation programs.*

5. *Policies provide guidance to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action.*

B. General Plan Guiding Principles. The General Plan's Guiding Principles also are more than empty words that are subject to manipulative and self-serving interpretation. These Guiding Principles – for the countywide consortium of stakeholders who nursed this language for many months before we endorsed it -- were intended to actually GUIDE development and conservation in San Diego County.

Advance Planning Staff worked with hundreds of citizens, property owners, real estate developers, environmentalists, agricultural organizations, building industry representatives, and professional planners, for years to create a General Plan that would build what we need, and conserve what we must. These Guiding Principles gave birth to the Community Development Model, and to the systematic method through which planning principle, and the County's commitment to authentic sustainable development, was transferred from human hearts and minds to the ground.

The RDEIR should, but does not, thoroughly discuss and analyze the GP Guiding Principles (GP pp. 2-6 through 2-15), but merely cursorily sets them out and in some cases, gratuitously, without reference to factual aspects of the Accretive project, asserts compliance.

The following is a more respectful review of the **San Diego County General Plan's Guiding Principles** and their application to this project:

GUIDING PRINCIPLE 1. Support a reasonable share of regional population growth. The RDEIR fails to note that the GP establishes Valley Center's "reasonable share" at 36,000 at build-out, not the 41,000-plus that would result from this project's plopping of a new city in the middle of a well-functioning agricultural area. This population increase is not recognized, analyzed or justified.

- a.) The General Plan already accommodates more growth than SANDAG projects for 2050. The RDEIR fails to justify the need for 1746 additional homes, 90,000 additional SF of commercial.
- b.) There are significant environmental and planning consequences from providing an excess of housing and employment in a rural area that are not addressed in the RDEIR:
 - i. As a region, with SANDAG providing coordination, we have been trying to steer growth to incorporated cities where transportation investments are occurring and goods, services, and employment are in abundance. The proposed project undermines this effort. It contradicts growth principles that all jurisdictions have developed through SANDAG, and conflicts with the Regional Transportation Plan and Sustainable Communities Strategy (SCS).
 - ii. The SCS is the region's strategy for addressing GHG emissions targets for land use and transportation yet the RDEIR fails to address the consequences of the proposed project conflicting with it.
 - iii. By providing a glut of housing in a rural area, the proposed project throws a wrench in the region's growth strategy. The provision of more homes in Valley Center will reduce the demands for homes elsewhere. Generally, it has been the incorporated cities that have needed to plan for more homes to accommodate future regional growth. The proposed project will eliminate that need by 1746 homes. If built in the incorporated cities pursuant to regional plans, these homes would have shorter vehicle trip lengths, be closer to transit, jobs, and services, and use less water and electricity. The RDEIR fails to address these consequences.
- c.) There are also impacts of providing excessive commercial uses. The proposed project plans for commercial uses in excess of local and regional forecasted needs. There are two possible consequences of this situation:
 - i. The commercial space in the proposed project will never be filled, the town center will never be a center, and there will be nothing to walk to if you wanted to walk 2 miles from one end of the development to the town center;
 - ii. The proposed project will pull commercial uses from other existing commercial areas nearby such as the Valley Center and Bonsall town centers. This will result in vacancies and blight in these village centers and will undermine their growth strategy and vision.
 - iii. The RDEIR needs to include a comprehensive economic study of the proposed project and its economic viability within the context of community and regional plans. The results of such a study will be the grounds for the evaluation of additional environmental consequences of the project.

GUIDING PRINCIPLE 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a

compact pattern of development. The project and RDEIR completely ignore this principle (and its implementing Goals and Policies) with the fiction that merely adopting a map with different land use designations for 608 acres they have owned or optioned will miraculously create compliance with the County General Plan.

The GP and VC Community Plan -- without this project -- currently embodies this Principle, with the design for the central Villages and the feathered-out supporting semi-rural and rural designations. This project would destroy that design and compliance.

As previously discussed, the Accretive project site lacks both existing and planned infrastructure. Infrastructure proposed by the project cannot be provided at a level consistent with County standards. Further, as discussed, the proposed project is not a compact pattern of development. It sprawls over 2 miles and has to include 3 town centers rather than 1 to justify the claim that it is “walkable” and thus, presumably, compact.

GUIDING PRINCIPLE 3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. This project recognizes this Principle only in its abuse. Nowhere does the RDEIR recognize or analyze the impact of the Project on the existing and proposed central Village economy and character. Worse, in its insubstantial discussion of the key CEQA issue of “Divide an Established Community” the RDEIR states that there is no established community! (RDEIR 3.6.5, p. 3-120.) and thus there is no need to address this issue in the RDEIR. The central valley villages DO exist, they are the heart of the existing community, and they are where the GP and CP plan Valley Center’s future growth is consistent with the General Plan. This issue must be fully analyzed in the RDEIR. See above for more discussion on these concerns.

GUIDING PRINCIPLE 4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance. Instead the Project proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active agricultural area.

GUIDING PRINCIPLE 5. Ensure that development accounts for physical constraints and the natural hazards of the land. Instead the Project proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active agricultural area.

GUIDING PRINCIPLE 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. The Project instead says perhaps NCTD might be interested in a bus stop. It is entirely car-dependent. If approved, there are no commercial, no schools, no parks until phase 3, 6-8 years after plopping phase one houses in the middle of nowhere. The Project does not have legal rights for the required ingress and egress to be able to construct them. If they were constructed, they would undermine connectivity by blocking emergency egress, and detract from supporting community development patterns in the central Villages, where the GP and Community Plans call for potential construction of roads to enhance connectivity.

GUIDING PRINCIPLE 7. Maintain environmentally sustainable communities and reduce green house gas emissions that contribute to climate change. This Project waives the flag of environmental sustainability at every opportunity, but totally ignores fundamental requirements for building where substantial investments have already been made in urban infrastructure and amenities. Description in the RDEIR of the state and county new requirements for “green buildings” and energy-saving construction and facilities are beside the point. This project destroys agriculture and functioning rural lands that genuine “sustainable development” would be retaining. Further, this “fluff” is purple prose, unsubstantiated and inadequate to determine if the suggestions or promises in the SP are minimum or substantive requirements that warrant the use of “sustainable.” LEED building standards, like LEED ND standards are specific, and they are expensive. Suffice to say that nothing about this applicant’s performance, so far, suggests exemplary performance. Many more facts are necessary to adequately analyze this issue yet based on the information available, any characterization of the project as “sustainable” is a complete farce and undermines the ability of the public and decisions makers to evaluate the project on its true impacts, characteristics, and merits.

GUIDING PRINCIPLE 8. Preserve agriculture as an integral component of the region’s economy, character, and open space network. Instead the Project would take 504 acres of productive agriculture out of use and replace it with an urban city. The RDEIR relies on a model to devalue existing productive agriculture and ignores the reality that the project site and surrounding area contain some of the most unique and valuable agricultural operations in the region.

GUIDING PRINCIPLE 9. Minimize public costs of infrastructure and services and correlate their timing with new development. Instead the SP and implementation plan are geared to increase public infrastructure costs while minimizing the Applicant’s infrastructure costs, in an area devoid of infrastructure. Plans for construction, instead of concurrent with need, are designed to be significantly after need.

GUIDING PRINCIPLE 10. Recognize community stakeholder interests while striving for consensus. This applicant has ignored the VC community and its Community Planning Group throughout the entire planning process. Applicant attendance at Planning Group meetings has been by a consultant/lobbyist who never has answers to the questions raised regarding either specifics of the proposal, or the process. Promises to “get back to you about that” never have been kept. Claims that the proponents were “working with the community” are incorrect. They mean that they held private meetings with pre-screened potential supporters, to which the public, and certainly Planning Group Members, were in many cases dis-invited. On the very few occasions the general public was invited, food and story boards were presented, but no detailed oral presentations of the project’s contents, nor public questions were allowed. Approval of the PAA was opposed by staff and the Planning Group and a large percentage of the community; it was obtained from the Planning Commission by a procedural trick on the eve of a major holiday, so no one could know it was being acted on, and could effectively object. At the Board of Supervisor’s hearings on the removal of the improperly-placed Road 3A for the Project, the Applicant denied needing or requesting the road, and pointed to “community support” from the “Valley Center Town Council”, a non-existent organization consisting of 3 Accretive supporters, purporting to represent the “real” Valley Center community, instead of the Planning Group. Numerous Planning Group reviews were required by staff and totally ignored by the Applicant, no changes were ever made in response to any of the community’s comments.

In short, the applicant has never recognized community interests and has never (unlike all the other developers the community has worked with) sought consensus.

Section 3.1.4.2 (p 3-64) is titled “Analysis of Project Impacts and Determination of Significance.” Here in the subsection “*Impact Analysis*” analyses of specifics are either missing or inadequate, and replaced with brief descriptions of the project followed by assertions. Examples are rife, here are a few:

- 1.) Without bothering even to acknowledge the array of GP policies that would have to change in order to approve this SP/GPA, the RDEIR merely asserts the conclusion: “*The proposed project includes a General Plan Amendment which, if approved, would result in the project being consistent with the General Plan.*”
- 2.) There is no discussion of LEED ND criteria, and the GP Community Development Model is presented as if it is no more than an arrangement of densities rather than a reflection of a whole complex of interdependent ideas about sustainable development. Nevertheless, the RDEIR asserts that “*the proposed project would be consistent with the Community Development Model of the County General Plan and designed to meet the*

LEED Neighborhood Development Certification or an equivalent.”

3.) In the few cases where specific GP policies are cited, the evidence for consistency with the policy is in some cases asserted by merely repeating the language of the policy itself. For LU1.2: *“the project is not “leap frog development” because it is designed to conform to the Community Development Model, provides necessary services and facilities, and would be designed to meet the LEED Neighborhood Develop Certification or an equivalent.* For LU3-1, LU3-2 and LU3-3: *“The project likewise provides “a complete neighborhood” to include a neighborhood center within easy walking distance of surrounding residences while providing a mixture of residential land use designations and development regulations that accommodate various building types and styles.”*

4.) In a few cases where the SP/GPA proposes amendments to Mobility Element road classifications or acceptable LOS levels, the RDEIR argues that the SP/GPA is not inconsistent with the GP because relaxing the standards makes it consistent. Again, the point here is that consistency is achieved only by amending the General Plan to fit the project.

5.) The RDEIR (Section 3.1.4, p 3-56, Land Use Planning, line 4) refers the reader to the Specific Plan, and asserts falsely (p. 3-65) that *“the project’s conformance with other General Plan policies is detailed in the Specific Plan. Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be **less than significant.**”*

6.) There should also be discussion and analysis of the impact of the precedent that would be set by encouraging this project’s General Plan busting notion that the Community Development Model is a “Village” puzzle piece that any developer’s ambition can drop anywhere in the San Diego County countryside.

C. The RDEIR glosses over General Plan Goals and Policies and fails to provide evidence of consistency in order to reach its “conclusion” of NO SIGNIFICANT IMPACTS.

LAND USE ELEMENT

LU-1.4 Village Expansion: *“Permit new Village Regional Category designated land uses only where contiguous with an existing or planned Village and where all the following criteria are met: Public facilities and services can support the expansion without a reduction of services to other County residents, and the expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area”*

Comment-INCONSISTENT: If there was an existing or planned Village in western Valley Center, Accretive could try to use this provision, instead of being prohibited by the

Leapfrog Development provisions of LU-1.2. However, the only “existing or planned Village” in Valley Center is the Village in the central valley where north and south nodes are separated by a dramatic escarpment and Moosa and Keyes Creeks. This area has existed as a “Village”, has been planned for expansion for more than 50 years and was designated a SANDAG Smart Growth Opportunity area with the recent update of the County General Plan. The area is sewered and has received a large grant from the state of California to expand wastewater facilities. Valley Center Road, which traverses this area and connects to Escondido and Pauma Valley, was improved to Major Road standards only a few years ago in anticipation of expanded development here. The Valley Center Community Planning Group has increased residential densities in this area so that about 25% of the community’s growth can be accommodated in the “vibrant, compact Villages” the community has envisioned.

This provision is a clear companion to and exemplifies the GP support for intensifying development in existing Village areas and its thrust against leapfrog development -- by emphasizing only expansion of an existing Village. The Project also fails to meet the criteria: Its construction would clearly reduce services to all Valley Center residents outside the development by taking away from the economic viability of the existing two Villages, as well as blocking emergency evacuation ability for current residents. As previously pointed out, its urban pattern is totally out of “character and scale” with Valley Center’s vision. Nor does a third Village provide “contiguous growth of a Village area.” A new Regional Category Village is prohibited in the area of the Proposed Project. This provision would have to be amended to allow this Project, and the RDEIR would have to analyze the environmental effects countywide of such an amendment.

LU-2.3 Development Densities and Lot Sizes: *“Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.”*

Comment-INCONSISTENT: This is another demonstration of the interwoven fabric of the GP. Densities and lot sizes reflect community character. Valley Center’s community character (once you drop Accretive’s fiction that there is no existing community) is primarily rural, exemplifying the Community Development Model at the heart of the GP. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-2.4 Relationship of Land Uses to Community Character: *“Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.”*

Comment-INCONSISTENT: This is yet another demonstration of the interwoven fabric of the GP. Requiring projects to comply with the applicable Community Plan is the most effective way to meet the GP Goal LU-2, to maintain the county’s rural character. Valley Center’s community character (once you drop Accretive’s fiction that there is no existing community) is primarily rural, exemplifying the Community Development Model at the heart of the GP. This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles, as

previously pointed out.

LU-5.3 Rural Land Preservation: *“Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations.”*

Comment-INCONSISTENT: If this Project proposed development consistent with its existing Land Use Designations, it would still be required by this provision to “preserve,” not destroy. The proposed project destroys even more open space, agricultural lands, wildlife habitat and corridors, and watersheds than it would be allowed with consistent development, by its urbanized design, density, and size, as previously pointed out. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-6.1 - Environmental Sustainability: *“Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.”*

Comment- INCONSISTENT

There have been thirteen (13) Group 1 animal ‘species of concern’ observed on the Accretive project site. They include lizards, snakes, raptors, small mammals, large mammals and passerine birds. Most of the wildlife surveys conducted focused on the proposed open space areas, brushing over the considerable land area devoted to agriculture as being disturbed. Of the 608-acres on the Project site, 504-acres will be graded, cut and filled, for the construction of the Project.

The RDEIR acknowledges the significant impact to these 13 species [and presumably to other species numerous enough not to be of concern], and particularly the raptors and cathartids [white-tailed kite, Cooper’s hawk, turkey vulture] and the loss of 504-acres of foraging area [including agricultural areas]. The RDEIR dismisses this loss with 81.7-acres of on- and off-site mitigation area [presumably already populated by members of these species with whom the Project’s individuals will compete], a substantial differential from the complete 608-acres. Many of the individuals of the 13 species will be killed during construction operations, particularly the smaller, less mobile animals. Others will be forced into new territory. Of the larger animals, they will be forced to compete with others of their species in substantially less area.

So, the Project is not protecting sensitive natural resources except those that it is prohibited from completely destroying [largely, riparian wetlands]. Such practices of building urban density projects in rural and even agricultural areas will ultimately decimate the natural environment.

LU-6.4 Sustainable Subdivision Design: *“Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.]”*

Comment-INCONSISTENT: The Accretive Project instead proposes the minimum required open space, eliminates existing and imperils adjacent agricultural operations,

and substantially worsens fire safety and defensibility, as shown by the Deer Springs Fire District comments. Instead of reducing impervious footprints, it proposes 1746 residential units etc., covering 504 of its 608 acres. Trumpeting “sustainable” development practices, it completely ignores the fundamental requirements of LEED ND to have a Smart Location and preserve Agriculture. The public amenities necessary to support their proposed city in the county, parks, schools, sewers, are all couched in “conceptual” terms, with built-in defaults to convert acres to still more additional residences. If, for example, the school or park sites (proposed without school and park amenities) are not accepted, the SP provides for their easy conversion to residential uses. This provision would have to be amended to allow this Project, and the RDEIR would have to analyze the environmental effects countywide of such an amendment.

LU-6.6 Integration of Natural Features Into Project Design: *“Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.”*

Comment: This requirement is again honored only in its violation by this Project. Over four million cubic yards of grading to destroy natural features and create “manufactured” hills suitable only for urbanized residential construction. This provision would require amendment to approve this project. The RDEIR would have to analyze the environmental effects countywide of such an amendment.

LU-6.6 Integration of Natural Features into Project Design: *“Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.”*

Comment-INCONSISTENT

With the exception of the riparian woodlands/wetlands that must be set aside, the 4 million cubic yards of blasting and grading will obliterate any other natural features of the Project site. Once completed, the Project will resemble any urban center in the county, with little of the natural landscape remaining. Native vegetation habitats will be destroyed and mitigated off-site. Animal populations will be destroyed or shoved to the remaining riparian set-asides or off-site. Avoidance of sensitive environmental resources is minimal; destruction of this area’s natural features and mitigation elsewhere are the preferred approaches for this project, obviously inconsistent with Valley Center’s objectives.

LU-6.7 Open Space Network: *“Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.”*

Comment-INCONSISTENT

This Project has reserved minimal open space along wetlands and riparian areas that are particularly protected by federal, state, and county laws. The continuity of the open space will be broken by multiple road crossings with culverts mostly inadequately sized for safe wildlife passage. Intensity urban development will dominate the presently rural agricultural and natural vistas with rows of dense urban rooftops. The open spaces being set aside are not coordinated with the draft MSCP/PAMA and will not connect with

any similar open space uses off-site. While the Project is within the draft MSCP boundary, it is not part of a PAMA.

LU-6.9 Development of Conformance with Topography: *“Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying storm water to the maximum extent possible.”*

Comment-INCONSISTENT: Could the writers of the GP and the Board of Supervisors with their approval not make more clear that the destruction of the land proposed by this Project’s over four million cubic yards of grading to destroy natural features is prohibited? The Project glorifies, not limits grading. The Project proposes to obliterate, not “not significantly alter,” the dominant physical characteristics of the site. This provision would require amendment to approve this project. The RDEIR would have to analyze the environmental effects countywide of such an amendment.

LU-9.6 Town Center Uses: *“Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Village or Rural Villages at transportation nodes....”*

Comment-INCONSISTENT: As previously pointed out in the comments on the Project’s total failure to meet the LEED ND Smart Location Requirement, it is not designed as a Transit Corridor or Route with Adequate Transit Service. It is not a “transportation node.” This provision would require amendment to approve this project. The RDEIR would have to analyze the environmental effects countywide of such an amendment.

LU-09.11 Integration of Natural Features into Villages: *“Require the protection and integration of natural features, such as unique topography or streambeds, into Village projects.”*

Comment-INCONSISTENT: This provision was included in the GP because Valley Center required the developers of the north Village to do exactly that, making the streambed there an open space centerpiece of their design in their cooperative plans for their adjacent projects. Accretive instead proposes to obliterate the natural topography for their entire site, grading over four million cubic yards of genuinely natural features into manufactured hills. This policy would require amendment to approve this project. The RDEIR would have to analyze the environmental countywide effects of such an amendment.

LU-10.2 Development- Environmental Resource Relationship: *“Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.”*

Comment- INCONSISTENT: This Project does not respect nor significantly conserve the unique natural flora and fauna of the site, nor does it conserve the rural character of the site. This Project will destroy a mosaic of natural vegetation habitats that are interspersed among agricultural uses. The current mix of natural habitats, orchards and row crops provides distinctive opportunities for a variety of faunal species [several of them sensitive], benefits the local hydrology by restraining and filtering run-off, and

presents a pastoral view-shed that is historically characteristic of north San Diego County. The Project will create severe hydrology issues with the addition of hundreds of acres of impermeable road and rooftop surfaces that will cause excessive run-off. Run-off that would otherwise enter the water table and help to stabilize levels vital to the riparian habitats down-slope, will be impounded and/or dispersed on the surface. The Project will be composed of dense urban village configurations that are completely at odds with rural and semi-rural areas and the natural habitats and populations they support.

MOBILITY ELEMENT

M-12.9 Environmental and Agricultural Resources: *“Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans.”*

COMMENT-INCONSISTENT

Presently, the trails proposed for the Project will intrude into the buffer and LBZ areas along side the designated biological open spaces as well as the open spaces themselves. The fences proposed to separate and protect segments of the open spaces from the edge effects created by the Project [human intrusions, domesticated cats and dogs, invasive plant species, etc.] will also create barriers to the movement of wildlife. Instead of treating these biological open spaces as retreats and corridors for the movement of wildlife, the trails proposed would turn them into parks for humans and their pets. This will have an adverse effect on the value of these open spaces for wildlife.

CONSERVATION AND OPEN SPACE ELEMENT

GOAL COS-2 Sustainability of the Natural Environment: *“Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development.”*

COMMENT-INCONSISTENT:

The Project will eliminate 504-acres of mixed native and agricultural lands that provide foraging area for numerous animal species identified in the biological resources report. This represents an incremental loss of habitat and ultimately a loss of local wildlife populations within the county and the Project site. The removal of the project site from the inventory of rural lands to create an urban village will constitute an irreversible loss and opposes the intent of sustainable development. It will likely result in growth inducing pressure on surrounding properties as the rural and natural characteristics of the land disappear.

COS-2.1 Protection, Restoration and Enhancement: *“Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important Natural habitats*

within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.”

COMMENT-INCONSISTENT:

This Project proposes to set a devastating precedent for the intrusion of urban development into rural lands. While the Project site is within the MSCP boundary, it is not a part of a PAMA. The site is presently designated for estate housing and agricultural uses but would be modified to allow urban village densities, which would diminish rural and natural lands within the MSCP area and likely induce similar densities on surrounding properties. Such creeping higher densities within the MSCP would ultimately impact the neighboring PAMA areas through edge effects and compromise value of those native habitats and the intent of the MSCP/PAMA program.

COS- 2.2 Habitat Protection Through Site Design: *“Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.”*

COMMENT- INCONSISTENT

Like GP Goal COS 2.2, the prerequisite of the LEED ND standard also is to place development in smart growth locations, such as urban infill and brown fields or adjacent to urban areas where there is easy access to infrastructure and job centers. This Project fails to meet those goals and, consequently, it will cause significant destruction of biological assets in an area that should be spared under the criteria for a smart growth location.

COS- 3.1 Wetland Protection: *“Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.”*

COMMENT-INCONSISTENT

The project is preserving and restoring the on-site wetlands, habitats that are in shortest supply regionally, but the upland vegetation components will be subjected to severe grading, and fuel modification to accommodate the development. Rather than being enhanced, the upland areas will be shaved of value for both flora and fauna.

COS- 3.2 Minimize Impacts of Development: *“Require development projects to: Mitigate any unavoidable losses of wetlands, including its habitat functions and values; Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydro modification, land and vegetation clearing, and the introduction of invasive species.”*

Comment -INCONSISTENT

The Project proposes to mitigate the loss of wetlands caused by new road crossings by restoring or creating wetland on-site adjacent to existing wetlands. The value of mitigating wetland losses on-site is questionable given the edge effects caused by human intrusion, domestic cats and dogs, invasive plant species, trash, etc. that cause mitigation efforts to be diminished. Exacerbating the edge effects is the plan to establish trails within and adjacent to the biological open spaces.

Further, the Project’s storm water run-off from the massive acreage of impermeable

surfaces to be built is likely to impact the water regime within the biological open spaces. Adding too much or, conversely, removing too much water from the water table can have adverse effects on the survivability of the riparian habitat.

HOUSING ELEMENT

H□1.3 Housing near Public Services. *Maximize housing in areas served by transportation networks, within close proximity to job centers, and where public services and infrastructure are available.*

H□1.4 Special Needs Housing near Complementary Uses. *Encourage the location of housing targeted to special needs groups, in close proximity to complementary commercial and institutional uses and services.*

H□1.8 Variety of Lot Sizes in Large□Scale Residential Developments. *Promote large□scale residential development in Semi□Rural that include a range of lot sizes to improve housing choice.*

COMMENT: The project's General Plan Consistency Analysis Matrix should include the above three Housing Element policies. The project is not consistent with Policy 1.3 under the adopted General Plan because it does not meet any of the listed criteria. Even if the proposed GPA is adopted, the project is not served by a transportation network that includes mass transit or public transportation choices. The project is isolated and is not near any job center. The town center commercial offerings may never materialize and certainly won't offer the income necessary to afford a home in a project as expensive to build as Lilac Hills Ranch. Public services and infrastructure may become available but they are not there now – the opposite of the "smart" growth concepts embraced by the County's General Plan update effort.

Policy 1.4 is applicable to the project's proposed senior housing and assisted living center. Neither are in close proximity to complementary commercial and institutional uses and services. The RDEIR does not discuss the proximity of medical services, clinics and hospitals. Also refer to the comment for Policy H-1.5 below.

Policy 1.8 not only applies to the Specific Plan but to each phase and underlying development project. The County's Land Use Element Policy LU 3-2 defines large scale development as a project that proposes construction of more than 200 dwelling units. Phase 1 proposes 352 units on 121.5 acres. This is 2.9 dwelling units per gross acre, the density assigned by the proposed GPA to this area. The Tentative Map shows very minor lot size differences among the 352 units. This practice is not consistent with the intent of Policy 1.8 which encourages a range of lot sizes to add diverse opportunities for home ownership in the community.

H-1.5 Senior and Affordable Housing near Shopping and Services. *Provide opportunities for senior housing and affordable housing development within town centers, transit nodes, and other areas that offer access to shopping and services.*

Comment: The General Plan Consistency Analysis Matrix finds the project consistent with this policy. Clearly, the location of the senior housing is not consistent with this policy under the adopted General Plan. Even if the proposed GPA is adopted, this policy requires senior housing to be located in areas that offer senior residents the convenience to meet their daily needs without resorting to travel by car or a long walk. That is not the case here. The mixed-use town center is not convenient and the closest neighborhood center is too small to meet daily needs. In addition, senior residents and especially those in assisted living will need a medical facility nearby. The RDEIR analysis should discuss where the closest medical facilities are located and how long it would take to transport someone there.

H-1.9 Affordable Housing Through General Plan Amendments: *“Require developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.”*

Comment-INCONSISTENT: This policy is not included in the project's general plan consistency analysis. There appears to be NO assurance anywhere in the SP or RDEIR that, in accord with Affordable Housing or Goal H-1 and Policy H-1.9, that the “senior housing” promised will ever be built. In addition, the project does not commit to any assurance that this senior housing will be affordable, the point of this policy.

The County's Land Use Element Policy LU 3-2 defines large scale development as greater than 200 dwelling units, so even if there are no firm plans for anything beyond the Phase I 354 homes, the County would still considers this to be a “large-scale residential project.” In the absence of further guidance from the County regarding compliance with this policy, the requirements for the production of affordable housing found in the County's Density Bonus Ordinance should be applied. This ordinance requires that the affordable housing be built concurrently and in proportion to the market-rate units.

To approve this project, the policy would require an amendment. The RDEIR would have to analyze the environmental effects countywide of such an amendment. Alternatively, the RDEIR should contain some discussion and analysis of why this provision is not applicable or is otherwise satisfied.

H-2.1 Development That Respects Community Character: *“Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element. [See applicable community plan for possible relevant policies.]”*

Comment: This is yet another demonstration of the interwoven fabric of the GP. Requiring projects “not to degrade or detract from the character of surrounding development consistent with the Land Use Element” explicitly ties housing back to the bedrock Land Use Element, the Community Development Model, and the LEED ND Smart Location Requirement. Unless you resort to Accretive's fiction that there is no existing community (and by extension, no existing “community character” to the western Valley Center neighborhood) plopping an urban project the size of Del Mar into a rural,

predominantly agricultural area designated for Semi-Rural uses, would be in significant contradiction to the “character of surrounding development.” Once again the GP requires developers to comply with the applicable Community Plan. That is the most effective way to meet the GP Goal LU-2, to maintain the county’s rural character. This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles, as previously pointed out.

V. Community Plan Inconsistencies

A. Community Character Goals

*Preserve and enhance the rural character by “maintaining a pattern of land use consistent with the following regional categories: **Village**. Enhance the rural village character of valley center’s north and south villages... **Semi-Rural**: Preserve and maintain the overall rural and agricultural character of the semi-rural areas...”*

Policy 1 “Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.

Policy 2. Prohibit monotonous tract developments

Comment: The SP and RDEIR cannot avoid the clear violation of these provisions by the fiction of merely adopting a new Map showing three Villages instead of two. The rural character of the project site, indeed all of the Planning Area, will be destroyed by plopping an urbanized area the size of Del Mar in the middle of an active agricultural area. Destruction of a designated Semi-Rural agricultural area cannot be interpreted to be “preservation.” The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

B. Land Use Goals

“Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.

“A pattern of development that conserves Valley Center’s natural beauty and resources, and retains Valley Center’s rural character.”

“Development that maintains Valley Center’s rural character through appropriate location and suitable site design.”

Comment: The SP and RDEIR cannot avoid the clear violation of these provisions. Adding a third Village is inconsistent with establishing two existing Villages, consistent with both the GP and CP, the Community Development Model, and the Smart Location requirements of LEED ND. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

C. Village Boundaries Map

Comment: The SP and RDEIR cannot avoid the clear violation of the existing Map, which shows the two, not three villages, by the fiction of merely adopting a new Map showing three Villages instead of two addresses the resulting conflicts with numerous other GP and CP provisions. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

D. Rural Compatibility

“Require new development to adhere to design standards consistent with the character and scale of a rural community. Particularly important: roads follow topography and minimize grading; built environment integrated into the natural setting and topography; grading that follows natural contours and does not disturb the natural terrain; structure design and siting that allows preservation of the site’s natural assets; retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas.”

“Require new residential development to construct roads that blend into the natural terrain and avoid “urbanizing” improvements, such as widening, straightening, flattening and the installation of curbs, gutters and sidewalks. Follow Valley Center’s Community Right of Way Development Standard.”

“Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space.”

Comment: Neither the SP nor the RDEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, CP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be applicable. The many pictures, instead of clear text, clearly show urbanized design, out of scale and character for a rural community. The massive grading replaces natural hills with manufactured slopes to accommodate urban design, ignoring natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the Community Plan. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

E. Commercial Goals

“Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Application of the Semi-Rural Land Use Designation to currently zoned commercial properties located outside the Villages.”

Comment: Neither the SP nor the RDEIR deals with the fundamental fact that the CP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and SP to remain so. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

F. Agricultural Goals

“Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.

Prohibit residential development which would have an adverse impact on existing agricultural uses.”

Comment: Neither the SP nor the RDEIR addresses this major thrust of both the GP

and CP to “support” Agriculture, not destroy it. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

G. Mobility Goals

“Road design shall reflect the rural character and needs unique the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated.”

“Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing natural topography without sacrificing safety or sight distance criteria.”

“Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines.”

Policy 12: *“Where a clear circulation need that benefits the overall community, public roads consistent with DPW policy shall be dedicated and constructed. Future subdivisions access public roads via at least two separate access points.”*

Comment: As noted above, neither the SP nor the RDEIR is clear as to which design standards apply. There appears to have been no consideration of whether this Project can provide two separate LEGAL access points to public roads. Neither was there consideration of whether other public roads within the project would be needed to provide a clear circulation that benefits the entire community (to replace proposed private roads). The massive grading proposed seems a clear violation of the requirement for minimizing altering the landscape and following existing natural topography. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

H. Fire Protection Goals

“New development using imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards.”

Comment: The continued objections of the Deer Springs Fire District to this Project negate compliance with this requirement, yet the SP and RDEIR continue blithely on, as if no objections or deficiencies exist. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

I. School Facilities

“Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding.”

Comment: No school district has accepted the possible additional students generated by the Project. The residential construction will precede, not be coincident with, school construction. The potential school site is conditioned to be turned into additional residences if not accepted by a school district. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

J. Open Space Goals

“Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible. Design new residential development in a way that

preserves an atmosphere of openness and access to surrounding open space.”

Comment: The SP only tentatively designates a 12-acre public park site. The Project minimally meets the PLDO ordinance 3-acres per 1,000-population requirement, falling woefully short of the 10-acres per 1,000 GP goal for parks. At least 350 homes will be constructed and occupied before any parks, public or private. The SP makes no provision for construction of park amenities, just dedication of raw land. Overall Project site planning appears to destroy any existing connectivity for animal migration, instead of creating or maintaining a functional open space system. The design is to create an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with “openness and access to surrounding open space.” The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

VI. Conclusion:

- 1. BOTH the Specific Plan and the RDEIR for the project fail to substantiate with evidence the consistency of this project with San Diego GP policies that would justify exemption of this project from prohibition of Leap Frog Development,**
- 2. The RDEIR fails to disclose or analyze the array of inconsistencies with the applicable planning documents. By definition the existing General Plan must be amended to accommodate this project. The impacts of these extensive amendments must be addressed.**
- 3. Decision makers and the public are deprived of this essential information, which is required by CEQA.**

ATTACHMENT I.

SELECTED BRIEF EXCERPTS FROM LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT

“...Unlike other LEED rating systems, which focus primarily on green building practices and offer only a few credits for site selection and design, LEED for Neighborhood Development places emphasis on the site selection, design, and construction elements that bring buildings and infrastructure together into a neighborhood and relate the neighborhood to its landscape as well as its local and regional context.

*The work of the LEED-ND core committee, made up of representatives from all three partner organizations, has been guided by sources such as the Smart Growth Network's ten principles of smart growth, the charter of the Congress for the New Urbanism, and other LEED rating systems. LEED for Neighborhood Development creates a label, as well as guidelines for both decision making and development, to provide an incentive for better **location**, design, and construction of new residential, commercial, and mixed-use developments"*

LEED ND Overview and Process

The LEED 2009 for Neighborhood Development Rating System is a set of performance standards for certifying the planning and development of neighborhoods. The intent is to promote healthful, durable, affordable, and environmentally sound practices in building design and construction.

Prerequisites and credits in the rating system address five topics:

- Smart Location and Linkage (SLL)
- Neighborhood Pattern and Design (NPD)
- Green Infrastructure and Buildings (GIB)
- Innovation and Design Process (IDP)
- Regional Priority Credit (RPC)

When to Use LEED for Neighborhood Development

The LEED for Neighborhood Development Rating System responds to land use and environmental considerations in the United States. It is designed to certify exemplary development projects that perform well in terms of smart growth, urbanism, and green building. Projects may constitute whole neighborhoods, portions of neighborhoods, or multiple neighborhoods. There is no minimum or maximum size for a LEED-ND project, but the core committee's research has determined that a reasonable minimum size is at least two habitable buildings and that **the maximum area that can appropriately be considered a neighborhood is 320 acres, or half a square mile.**

...

This rating system is **designed primarily for** the planning and development of **new green neighborhoods, whether infill sites or new developments proximate to diverse uses or adjacent to connected and previously developed land.**

Many infill projects or projects near transit will be in urban areas, which helps direct growth into places with existing infrastructure and amenities. LEED-ND also promotes the redevelopment of aging brownfield sites into revitalized neighborhoods by rewarding connections beyond the site, walkable streets within the site, and the integration of any historic buildings and structures that will give the new neighborhood development a unique sense of place.

...

Size is a defining feature of a neighborhood and is typically based on a comfortable

distance for walking from the **center** of the neighborhood to its edge; that suggests an area of 40 to 160 acres. In the 1929 Regional Plan of New York and Environs, urban planner Clarence Perry outlined a neighborhood center surrounded by civic uses, parks, residential uses, a school, and retail at the edge, all within one-quarter mile—about a 5-minute walk. This amounts to an area or pedestrian “shed” of 125 acres, or if the land area is a square, 160 acres. Although Perry’s diagram does not address many of the sustainable features of LEED-ND, such as access to multimodal transportation options, location of infrastructure, and building form, it serves as a reference point for the mix of uses and walkable scale of neighborhood development encouraged in the rating system. Most people will walk approximately one-quarter mile (1,320 feet) to run daily errands; beyond that, many will take a bicycle or car. Additional research shows that people will walk as far as a half-mile (2,640 feet) to reach heavy rail transit systems or more specialized shops or civic uses.

Since half a square mile contains 320 acres, the core committee has decided that this size should serve as guidance for the upper limit of a LEED-ND project.

SLL Prerequisite 1: Smart Location

Intent

To encourage development within and near existing communities and public transit infrastructure. To encourage improvement and redevelopment of existing cities, suburbs, and towns while limiting the expansion of the development footprint in the region to appropriate circumstances. To reduce vehicle trips and vehicle miles traveled (VMT). To reduce the incidence of obesity, heart disease, and hypertension by encouraging daily physical activity associated with walking and bicycling.

Requirements

FOR ALL PROJECTS

Either (a) locate the project on a site served by existing water and wastewater infrastructure or (b) locate the project within a legally adopted, publicly owned, planned water and wastewater service area, and provide new water and wastewater infrastructure for the project.

AND

OPTION 1. Infill Sites

Locate the project on an infill site.

OR

OPTION 2. Adjacent Sites with Connectivity

Locate the project on an adjacent site (i.e., a site that is adjacent to previously developed land; see Definitions) where the connectivity of the site and adjacent land is at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project boundary, that is adjacent to previous development. Existing external and internal intersections may be counted

if they were not constructed or funded by the project developer within the past ten years. Locate and/or design the project such that a through-street and/or non-motorized

right-of-way intersects the project boundary at least every 600 feet on average, and at least every 800 feet, connecting it with an existing street and/or right of way outside the project; non-motorized rights-of-way may count for no more than 20% of the total. The exemptions listed in NPD Prerequisite 3, Connected and Open Community, do not apply to this option.

OR

OPTION 3. Transit Corridor or Route with Adequate Transit Service

Locate the project on a site with existing and/or planned transit service such that at least 50% of dwelling units and nonresidential building entrances (inclusive of existing buildings) are within a 1/4 mile walk distance of bus and/or streetcar stops, or within a 1/2 mile walk distance of bus rapid transit stops, light or heavy rail stations, and/or ferry terminals, and the transit service at those stops in aggregate meets the minimums listed in Table 1 (both weekday and weekend trip minimums must be met). Weekend trips must include service on both Saturday and Sunday. Commuter rail must serve more than one metropolitan statistical area (MSA) and/or the area surrounding the core of an MSA.

Table 1. Minimum daily transit service

	Weekday trips	Weekend
trips		
Projects with multiple transit types (bus, streetcar, rail, or ferry)	60	
40		
Projects with commuter rail or ferry service only	24	
6		

If transit service is planned but not yet operational, the project **must demonstrate one of the following**:

- a. The relevant **transit agency has a signed full funding grant agreement** with the Federal Transit Administration **that includes a revenue operations date for the start of transit service**. The revenue operations date must be **no later than the occupancy date of 50%** of the project's total building square footage.
- b. For bus, streetcar, bus rapid transit, or ferry service, the **transit agency must certify that it has an approved budget that includes specifically allocated funds sufficient to provide the planned service at the levels listed above and that service at these levels will commence no later than occupancy of 50% of the project's total building square footage**.
- c. For rail service other than streetcars, the transit agency must certify that preliminary engineering for a rail line has commenced. In addition, the service must meet either of these two requirements: A state legislature or local subdivision of the state has authorized the transit agency to expend funds to establish rail transit service that will commence no later than occupancy of 50% of the project's total building square footage.

OR

A municipality has dedicated funding or reimbursement commitments from future tax revenue for the development of stations, platforms, or other rail transit infrastructure that will service the project no later than occupancy of 50% of the project's total building square footage."

The "Project Checklist" for LEED ND Certification lists mandatory requirements and shows the range of concerns that LEED ND addresses. All of these areas should be addressed before the Accretive project can be declared consistent with the LEED ND standard. None of this analysis has been done.

**LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT
PROJECT CHECKLIST**

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

Prerequisite 4 Agricultural Land Conservation

Prerequisite 5 Floodplain Avoidance

These are areas of focus and relative priority for LEED ND SMART LOCATION & LINKAGE points and should also be addressed

Credit 1 Preferred Locations 10

Credit 2 Brownfield Redevelopment 2

Credit 3 Locations with Reduced Automobile Dependence 7

Credit 4 Bicycle Network and Storage 1

Credit 5 Housing and Jobs Proximity 3

Credit 6 Steep Slope Protection 1

Credit 7 Site Design for Habitat or Wetland and Water Body Conservation 1

Credit 8 Restoration of Habitat or Wetlands and Water Bodies 1

Credit 9 Long-Term Conservation Management of Habitat or Wetlands and Water Bodies 1

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Walkable Streets

Prerequisite 2 Compact Development

Prerequisite 3 Connected and Open Community

These are areas of focus and relative priority for LEED ND NEIGHBORHOOD PATTERN and DESIGN points and should also be addressed

- Credit 1 Walkable Streets 12
- Credit 2 Compact Development 6
- Credit 3 Mixed-Use Neighborhood Centers 4
- Credit 4 Mixed-Income Diverse Communities 7
- Credit 5 Reduced Parking Footprint 1
- Credit 6 Street Network 2
- Credit 7 Transit Facilities 1
- Credit 8 Transportation Demand Management 2
- Credit 9 Access to Civic and Public Spaces 1
- Credit 10 Access to Recreation Facilities 1
- Credit 11 Vistability and Universal Design 1
- Credit 12 Community Outreach and Involvement 2
- Credit 13 Local Food Production 1
- Credit 14 Tree-Lined and Shaded Streets 2
- Credit 15 Neighborhood Schools 1

GREEN INFRASTRUCTURE AND BUILDINGS

These are PRE-REQUISITE criteria. Compliance is mandatory.

- Prerequisite 1 Certified Green Building
- Prerequisite 2 Minimum Building Energy Efficiency
- Prerequisite 3 Minimum Building Water Efficiency
- Prerequisite 4 Construction Activity
- Prerequisite 5 Pollution Prevention

These are areas of focus and relative priority for LEED ND GREEN INFRASTRUCTURE AND BUILDINGS points and should also be addressed

- Credit 1 Certified Green Buildings 5
- Credit 2 Building Energy Efficiency 2
- Credit 3 Building Water Efficiency 1
- Credit 4 Water-Efficient Landscaping 1
- Credit 5 Existing Building Reuse 1
- Credit 6 Historic Resource Preservation and Adaptive Use 1
- Credit 7 Minimized Site Disturbance in Design and Construction 1
- Credit 8 Stormwater Management 4
- Credit 9 Heat Island Reduction 1
- Credit 10 Solar Orientation 1
- Credit 11 On-Site Renewable Energy Sources 3
- Credit 12 District Heating and Cooling 2
- Credit 13 Infrastructure Energy Efficiency 1
- Credit 14 Wastewater Management 2
- Credit 15 Recycled Content in Infrastructure 1
- Credit 16 Solid Waste Management Infrastructure 1
- Credit 17 Light Pollution Reduction 1

INNOVATION AND DESIGN PROCESS

Credits are given for conducting an exemplary process

- Credit 1 Innovation and Exemplary Performance 1–5
- Credit 2 LEED® Accredited Professional 1

Regional Priority Credit 4 possible points

- Credit 1 Regional Priority 1–4

Lilac Hills Ranch Consistency Analysis Valley Center Community Plan

1.6.2 General Comments:

Rather than proposing a project that is consistent with the County's General Plan (GP), the applicant has simply proposed a general plan and a community plans that are consistent with the project. The purpose of a publicly vetted County GP is to build consensus in a public forum, even if it takes a decade or more. It provides direction and certainty for landowner, developers, public service providers and the County. The introduction of a new, unplanned population in the middle of an area planned for agriculture is not consistent with regional sustainable development (e.g. infill development), nor the Live Well, San Diego health goals (e.g. cleaner air).

Furthermore, approval of this project will set a precedent that will serve as a model for future developments that also wish to ignore the County's GP. Every community planning area in the unincorporated county should be acutely concerned about the impacts on their residents from future unplanned projects that may follow suit.

The applicant is using the proposed GPA as a mitigation measure to reduce major impacts to a less than significant level. The project's consistency review uses the applicant's version of the general plan and community plans to determine consistency. This is misleading and not in the spirit of full disclosure. The consistency review for each goal and policy in the Consistency Analysis Matrix (CAM) should indicate whether the project is consistent with the existing, adopted plan. The analysis should then disclose consistency under the applicant's GPA, if it is adopted.

The Community Development Model is described as a Village surrounded by areas of lesser intensity. Outside of the Village, Semi-Rural areas would contain low-density residential neighborhoods, small-scale agricultural operations, and rural commercial businesses.

Leapfrog development is defined as village densities located away from established villages or established water and sewer boundaries. The GP prohibits leapfrog development that is inconsistent with the Community Development Model. But, in practice (this project for example), isn't the Community Development Model simply village densities located away from other established villages and separated by semi-rural and/or rural lands? Thus, any project that proposes village densities in a semi-rural area (leapfrog development) would meet the criteria of the Community Development Model (a Village surrounded by areas of less intensity). Therefore, the prohibition against leapfrog development is meaningless. One might argue that a Village is more than village densities, that the Village would contain a broad range of pedestrian

scale commercial and civic uses that are connected to residential neighborhoods through a network of local roads, bicycle lanes and walkways, but if the Village or some portion (town center?) is proposed as Mixed Use with the potential to be developed as residential or commercial, the problem is solved.

The applicant has used this loophole to claim the project as an exception to leapfrog development. If the project only consisted of residences at village densities, it might be viewed as less than a Village. True, the first phase to be built will consist only of homes. The part of the project that distinguishes it as an actual village with a town center (the part that allows this whole project to qualify as an exception to leapfrog development) may or may not be built, depending on the market. If the "town center" never comes to pass, Valley Center has inherited another dense residential subdivision in the middle of the rural lands the community wanted to preserve. Because the town center is the reason that this project is being considered, there needs to be a mechanism in place to assure that the town center phase is built and that it is built within a few years of the first phase, thereby providing the civic and commercial services to the residents that makes this development a village. For example, the Specific Plan would not vest until building permits were pulled for the town center or the County could enter into a development agreement that would specify this requirement.

The GP update identified Villages by existing land use patterns. Typically the Village is identified as the heart of the community planning area where established commercial and/or civic uses had evolved and residential density is higher than surrounding lands. The Village was delineated as a compact development where uses, rather than ownership, determined the regional category. Often parcels that were not developed were included in the Village by virtue of their adjacency and similarity in features to other parcels in the Village. This also gave the Village the growth potential to support future development.

The unusual shape of the Village proposed for this project and the fact that phases 4 and 5 are only contiguous to the rest of the Village by a single corner suggest that neighboring parcels, especially those to the west of phases 4 and 5, may have a good argument for a change to their regional category as well. There are no major physical differences or even logical divisions such as waterways or roads, only ownership boundaries.

Finally, no other Village in the unincorporated County is split between two community planning areas. For issues not addressed in the Specific Plan, one portion of the Village will be subject to the Bonsall Community Plan and Sponsor Group while the rest is subject to the Valley Center Community Plan and Planning Group. This split could result in some difficult and unintended consequences.

2. Valley Center Community Plan Consistency Comments

The Valley Center Community Plan (VCCP), was crafted, refined and vetted by the people of Valley Center, including a very active Community Planning Group and Design Review Board. These participants, as required by Board Policy I-1, hammered out a community vision and devised goals and policies, consistent with the General Plan, to implement that vision.

A vital part of that vision is the integration of two villages – how to define the character and identity of each so they are compatible rather than competitive, an extremely difficult and ongoing challenge. Nowhere in that vision, was there any consideration of adding another village to the mix. Now, this applicant proposes to unilaterally commandeer that community vision and revise it to suit the project, dismissing the plans that participants spent years to develop.

3. Project Issue Checklist

A Project Issue Checklist was prepared by the County listing the issues that the project needed to resolve in order to move forward for public review. Many of the issues were deferred for resolution by allowing the applicant to address them in the EIR. Regarding conformance with the Valley Center Community Plan (VCCP), Item 13, No. 61, raises the issue that The background section of the VCCP indicates that the "2010 SANDAG estimates for population and housing in the Valley Center CPA identify a population of 17,582 with a total of 6,573 housing units." The project would further increase the population and total number of housing units within the community.

Comment: This consistency analysis is not included in the Consistency Analysis Matrix (CAM). The project description estimates that the project will add 1,746 homes with an accompanying population increase of 5,185 in an area planned for 110 units. Although the applicant will declare that the increase is consistent with the applicant's version of the VCCP, it is not consistent with the adopted plan.

4. Community Character Goals and Policies

GOAL: Preserve and enhance the rural character by maintaining a pattern of land use consistent with the following regional categories:

- A. Village: Enhance the rural village character of Valley Center's north and south villages defined by the current nodes of industrial, commercial and higher density village residential land use designation.*
- B. Semi-Rural Lands: Preserve and maintain the overall rural and agricultural character of the Semi-Rural areas.*
- C. Rural Lands: Preserve and maintain the overall rural and agricultural character of the Rural Lands area outside the Semi-Rural area.*

Policy 1: Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.

Policy 2: Prohibit monotonous tract developments.

Comment: The CAM lists the above goal but does not provide a consistency analysis. Furthermore, the goal is not stated in its entirety and excludes the portion that applies to preserving and maintaining semi-rural and rural lands. Furthermore, the Project Issue Checklist indicated that Policy 1 would be included in the CAM. It is not.

This goal is limited to two villages, the north and south. It also seeks to preserve the rural and agricultural character of the very 608 acres of semi-rural area that the project will re-categorize as a Village. The project is not consistent with this goal. The Specific Plan (SP) and RDEIR cannot avoid the clear violation of these provisions by the fiction

of merely adopting a new Map showing three Villages instead of two. The rural character of the project site, indeed all of the Planning Area, will be destroyed by plopping an urbanized area the size of Del Mar in the middle of an active agricultural area. Destruction of a designated Semi-Rural agricultural area cannot be interpreted to be “preservation.” The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

5. Land Use Goals and Policies

GOALS:

- *Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.*
- *A pattern of development that conserves Valley Center’s natural beauty and resources, and retains Valley Center’s rural character.*
- *A pattern of development that accommodates people of diverse ages, lifestyles, occupations, and interests with opportunities for Village, Semi-Rural and Rural living.*
- *Development that maintains Valley Center’s rural character through appropriate location and suitable site design.*

Comment: The Project Issue Checklist indicated that the applicant would provide an analysis of these goals in the EIR. The first goal is not included in the CAM. The analysis should be about consistency with the existing goal, not the proposed GPA. The SP and RDEIR cannot avoid the clear violation of these provisions. Adding a third Village is inconsistent with establishing two existing Villages, inconsistent with both the GP and VCCP, the Community Development Model, and the Smart Location requirements of LEED ND. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

Village Boundaries Map Comment: The SP and RDEIR cannot avoid the clear violation of the existing Map, which shows the two, not three villages, by the fiction of merely adopting a new Map showing three Villages instead of two addresses the resulting conflicts with numerous other GP and VCCP provisions. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

RESIDENTIAL LAND USE GOAL: *Preserve and enhance the rural character of the Valley Center CPA.*

Policy 4: Rural Compatibility Issues – Require new development to adhere to design standards consistent with the character and scale of a rural community. Particularly important: roads follow topography and minimize grading; built environment integrated into the natural setting and topography; grading that follows natural contours and does not disturb the natural terrain; structure design and siting that that allows preservation of the site’s natural assets; retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas.

Policy 5: Rural Compatibility Issues – Require new residential development to construct roads that blend into the natural terrain and avoid “urbanizing” improvements, such as widening, straightening, flattening and the installation of curbs, gutters and sidewalks. Follow Valley Center’s Community Right of Way Development Standards.

Policy 6: Rural Compatibility Issues -- Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space.

Comment: Neither the SP nor the RDEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, VCCP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be applicable. The many pictures, instead of clear text, clearly show urbanized design, out of scale and character for a rural community. The massive grading replaces natural hills with manufactured slopes to accommodate urban design, ignoring natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the Community Plan. The CAM does not include Policies 5 (as stated in the Project Issue Checklist) or Policy 6 for consistency analysis. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

Policy 9: Infrastructure Issues – Prohibit residential development which would prematurely subdivide land and require expansion of public utilities and service to such developments.

Comment: Even if the project site is within the boundaries of a water district or a fire protection district, the issue here is not capability to serve. The issue is the premature subdivision of land. The General Plan was specifically designed to accommodate the population projected by SANDAG through the year 2050. The consistency analysis should discuss why the proposed subdivisions are needed and are therefore not premature.

COMMERCIAL LAND USE GOAL: *Commercial uses are concentrated within the boundaries of two compact scale, "Rural Villages" that are consistent in scale and design with a low density rural residential and agricultural community.*

Policy 1: Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area. Application of the Semi-Rural Land Use Designation to currently zoned commercial properties located outside the Villages.

Comment: The CAM misstates this policy and the analysis is incorrect. Neither the SP nor the RDEIR deals with the fundamental fact that the VCCP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and VCCP to remain so. The RDEIR must, but does not, explain and analyze the discrepancy.

Policy 8: Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan.

Comment: The CAM says the project is consistent with this policy. Clearly the project is proposing commercial and civic uses outside the Villages as defined in the adopted

VCCP. The planned Villages are both just beginning to develop and are finding it difficult to attract commercial investors. In addition, pending business development on local tribal lands is also a factor. Adding a third village to the competition could potentially attract business away from the planned villages and harm their future development. The analysis should clearly demonstrate the need for these additional commercial and civic uses without resorting to the circular argument that the proposed residential components of the project require it.

AGRICULTURAL LAND USE GOAL: *Preserve and enhance existing and future agricultural uses in the Valley Center Community Plan.*

Policy 1: Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.

Policy 3: Prohibit residential development that would have an adverse impact on existing agricultural uses.

Comment: The CAM states that the project is consistent with the VCCP agricultural goals and policies because it would not have any land use conflicts with existing agricultural zoning. Yet, there are several proposed mitigation measures to ensure that no significant unmitigated impacts to existing off-site agriculture will occur. The proposal of mitigation measures refutes the statement that the project has no land use conflict with existing agricultural zoning. Furthermore, the off-site preservation of agricultural lands may mitigate the loss of agricultural acreage but there is still a net loss. Neither the SP nor the RDEIR addresses this major thrust of both the GP and VCCP to “support” Agriculture, not destroy it. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

6. Mobility Goals and Policies

GOAL: *A circulation system that achieves the combined objectives of connectivity and safety for all users and also preserves the rural character of the community.*

Policy 2: Road design shall reflect the rural character and needs unique to the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated.

Policy 4: Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing natural topography without sacrificing safety or sight distance criteria.

Comment: The CAM states that the project is consistent with the above goal and policies but then qualifies the statement by stating the necessity of modifying the very standards on which the mobility goal and policies are based. Consistency does not require modification. What happens to the consistency claim if the Clear Space Easements are not granted? The massive grading proposed seems a clear violation of the requirement for minimizing altering the landscape and following existing natural topography. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

Policy 12: Where a clear circulation need that benefits the overall community, public

roads consistent with DPW policy shall be dedicated and constructed. Future subdivisions access public roads via at least two separate access points.

Comment: As noted above, neither the SP nor the RDEIR is clear as to which design standards apply. There appears to have been no consideration of whether this Project can provide two separate LEGAL access points to public roads. Neither was there consideration of whether other public roads within the project would be needed to provide a clear circulation that benefits the entire community (to replace proposed private roads). The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

7. Public Facilities and Services Goals and Policies

GENERAL GOAL: Adopt an active program of coordination between the allowable growth of population and the infrastructure serving it to ensure at all times that the public welfare and safety are guaranteed.

Comment: This goal ensures that there is concurrency between development and the infrastructure necessary to support it. The CAM should discuss how the infrastructure to support this village will be proportionately built along with residences and businesses.

FIRE PROTECTION GOAL AND POLICIES

GOAL: Protect all life and property from fire hazard potential and minimize those elements within the natural and human made environment that pose a clear and significant fire hazard. Ensure adequate levels of fire protection.

Policy 1: All new development using imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards.

Policy 3: New site locations for fire stations within the plan area should be centrally and strategically located.

Comment: The CAM analysis for Policy 3 states that Option 1 has been identified as the most efficient and cost-effective approach. The analysis should state who made this identification and whether this approach is supported by the Deer Springs Fire District. Is this option part of the proposed project or one of the alternatives? The continuing objections of the DS Fire District to this Project negate compliance with these policies, yet the SP and RDEIR continue blithely on, as if no objections or deficiencies exist. The RDEIR must, but does not, explain and analyze the environmental effects of this discrepancy.

SCHOOL FACILITIES GOAL AND POLICIES

GOAL: Ensure the provision of adequate services and facilities to meet the educational needs of all the residents of the Community Panning Area.

Policy 1: Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding.

Comment: No school district has accepted the possible additional students generated by the Project. The residential construction will precede, not be concurrent with, school construction. The potential school site is conditioned to be turned into transferred

residences if not accepted by a school district. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

SEWAGE DISPOSAL AND TREATMENT GOAL: *Ensure the provision of sewage disposal and treatment in a manner that minimizes any adverse impacts to the health, safety and welfare of the community.*

Comment: Consistency analysis for this goal should be included in the CAM.

8. Conservation Goals and Policies

GOAL: *Preserve Valley Center's unique, natural and cultural resources while supporting its traditional semi-rural lifestyle.*

Policy 2: Restrict hillside cutting and scarring, loss of wild life habitat, loss of riparian habitat and loss of floodplains.

The massive grading proposed seems a clear violation of the requirement for minimizing altering the landscape and following existing natural topography. The RDEIR should discuss the amount of grading and how it relates to a finding of consistency with this policy.

Policy 7: Preserve oaks, sycamores, eucalyptus, olive trees, pines, and other individual specimen trees that contribute to the community character and provide wildlife habitat.

Comment: The CAM analysis discusses planting trees but does not discuss preservation of the trees listed in Policy 7.

Policy 11: Grading associated with discretionary permits shall not change natural land contours and shall be minimized to reduce erosion and siltation and damage to downstream properties.

Comment: The CAM analysis seems to infer that this policy would only be enforceable for RPO slopes. This policy applies to all permitted grading. The project is declared consistent while, in the same paragraph, stating that "Landform grading techniques will require blending and rounding of slopes, roadways, and pads to reflect the existing surrounding contours by undulating slopes and replicating the natural terrain." The Master Preliminary Grading Plan proposes four million cubic yards each for cut and fill. This project is definitely changing natural land contours. The analysis also states that the natural topography of the site would be maintained. The correct word would be mimicked.

9. Open Space Goal and Policies

GOAL: Support a system of open space that is adequate to preserve the unique natural elements of the Community, enhance recreational opportunities, conserve scenic resources and retain the rural community character.

Policy 3: Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible. Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space.

Comment: The SP only tentatively designates a 12-acre public park site. The Project

minimally meets the PLDO ordinance 3-acres per 1,000 population requirement, falling woefully short of the 10-acres per 1,000 GP goal for parks. At least 350 homes will be constructed and occupied before any parks, public or private. The SP makes no provision for construction of park amenities, just dedication of raw land. Overall Project site planning appears to destroy any existing connectivity for animal migration, instead of creating or maintaining a functional open space system. The design is to create an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with “openness and access to surrounding open space.” The Project Issue Checklist states that this policy will be analyzed in the EIR. The CAM should include it. The RDEIR must, but does not, explain and analyze the environmental effects of these discrepancies.

10. Parks and Recreation Goal and Policies

GOAL: Develop a comprehensive plan of local, neighborhood, community and regional parks and facilities directed to the needs of all age levels and which use, whenever feasible, outstanding natural features of the Community Planning Area.

Comment: See comment above under Open Space.

11. Noise Goals and Policies

GOAL: *Maintain an environment free of excessive noise by providing control of noise at its source, along the noise transmission path and at the receiver site.*

Policy 1: Develop and implement land use plans and circulation patterns that will minimize noise in residential neighborhoods.

Policy 5: Minimize traffic noise impacts by means of roadway alignment and design and the management of traffic flows.

Comment: The RDEIR demonstrates that noise generated by additional traffic, stationary operational sources and construction will be significant. Many mitigations measures are needed and many are deferred until a later time. An issue of particular concern is the impact on off-site properties. According to the RDEIR, a significant noise increase would occur along Covey Lane and future Lilac Hills Ranch, impacting existing off-site residences. "Several methods are available to attenuate traffic noise, such as noise barriers, road surface improvements, regulatory measures (such as lower speed limits), and traffic calming devices (such as speed bumps). However, none of these measures are considered to be feasible for a variety of reasons. As an example, a continuous barrier on private property would be effective. However, the need to provide openings in the wall for driveway access would make a continuous, solid barrier infeasible. In addition, some measures may not be desired by the local residents due to visual or traffic safety impacts. Other measures, such as reduced speed limits or traffic calming devices may negatively affect traffic circulation and emergency response times. Due to these reasons, mitigation of off-site impacts along Covey Lane and the future Lilac Hills Ranch Road are considered significant and unavoidable direct and cumulatively considerable impacts of the project."

How can the CAM find the project consistent with the above goal and policies when it will result in significant and unavoidable direct and cumulative impacts?

GPA for VCCP

This project proposes an enormous change to the Community Plan and yet the only text revisions are changing "two" villages to "three" and a brief description of the specific plan. The description under the Specific Plan Areas section should be as comprehensive as the other specific plans. The VCCP is part of the County's General Plan. A specific plan must be consistent with the General Plan. Therefore, the description of the specific plan in the VCCP should be very clear and detailed in order to ensure that underlying projects are implemented as promised.

The revised version of Figure 4, Valley Center Generalized Specific Plans, should show the Lilac Ranch Specific Plan which is still identified in the VCCP text.

1.8 Growth Inducing Impacts

It should be noted here that although the County said it would provide a version of the RDEIR that reflected deletions from the original DEIR using strikeout type and new material using underline type, that protocol was not followed in this portion of the RDEIR. It was necessary to compare the original DEIR to the current RDEIR in order to understand what changes were made from one version to the other. This was unduly time consuming. What was the County's purpose in not indicating all of the deleted material?

1.8. Growth Inducing Impacts

Apparently, the folks who wrote this section of the RDEIR have not lived in southern California for long, are unaware of the history of development here and/or do not understand the need to consider growth inducement. The DEIR version from July 2013 made the statement that "While the project site and surrounding areas are not identified in the General Plan for growth, it is a location where such growth is likely to occur because the project area can accommodate the growth." Such tortured, circular logic makes any reasonable explanation for the conclusion unattainable. But, it is emblematic of the kind of perverted logic that is used throughout the RDEIR in 2014. Growth can occur anywhere we choose to place it. We, as a community, make such determinations about the location and types of growth based on land use planning, zoning and community consensus. That is how we arrived at the General Plan [it took 12 years and \$18.6 million to do it]. To abandon the General Plan simply because growth can occur at a given place begs the question why have a General Plan at all? The California legislature reasonably concluded that each county must have a general plan to guide growth, hopefully logically, but at least, in an ordered way. Prospective property owners are able to go to the General Plan to determine what kind of development is likely to occur around the property they wish to buy. That kind of research is useless if the General Plan can be drastically changed before the ink is dry on its first printing.

1.8.1 Growth Inducing Impacts Due to General Plan Amendment (Increases in Density)

The proposed addition of 1746 equivalent dwelling units [EDU] could take place virtually anywhere in the County using the fast and loose logic presented in this RDEIR. Of course, maybe that is the plan: approve a general plan, any general plan, and then simply change it when it is convenient to do so. It's much less messy than debating the best course for the County's land use plan, arriving at some consensus and then defending the plan in the face of development requests that have no intention of addressing, much less complying with, the General Plan. Why is the County failing to defend the goals and policies of the General Plan when confronted with projects such as this one? Where in the General Plan does it offer a pass for projects that, like this one, fail to comply with so many of the goals and policies of the plan?

If this Project is approved, the County will be opening the surrounding 2-, 4-, 10+-acre parcels to more intense densities based on the justification that the project is at village densities, and the up-zoning of surrounding property would be a consistent 'feathering' of the higher village densities of the project outwards. It sounds circular. And, it is. The County Community Development Model requires higher densities at a village core with gradually decreasing densities as one moves to the periphery of the village. Of course, this project is not consistent with the Community Development Model itself. Dropping such a large, urban development into rural, agricultural land, which is itself the periphery of the Valley Center and Bonsall communities, defeats the concept of concentrating density at village cores. By this logic, a so-called 'Community Development Model' community could be plunked down anywhere there are a few acres of agricultural land between existing communities, regardless of the disruption it causes to existing communities. "Communities," such as the one Accretive proposes to build, on valuable agricultural land where most of the infrastructure to sustain it will have to be built for the project, subverts the intent of the Model.

The DEIR of July 2013 continues, "Approval of the Property Specific Requests could result in an increase of approximately 1598 dwelling units throughout the regional area. Therefore, the project's proposed density would not induce the growth in this portion of the county." First, basing a justification for not inducing growth on the prospect of an approval of the Property Specific Requests is fanciful. What if it is not approved? Will the project induce growth then? Second, there is no definition of what the "regional area" is, nor any analysis of how the possible addition of 1598 EDU would relieve the area surrounding this project from growth inducement. Are we to just take the County's word for it? Are not the Property Specific Requests merely an assault on the General Plan by the Board of Supervisors at the request of individual property owners trying to squeeze even more potential density out of properties designated for other uses by the consensus-built General Plan?

In the RDEIR, "...growth inducement could occur if the project and all associated infrastructure improvements directly or indirectly remove obstacles to growth, or otherwise increase the demand for additional growth in the area around the project." If

the project is approved, it will have the effect of removing the planning ‘barriers’ established in the General Plan and Valley Center and Bonsall Community Plans that reserved the Project site for agricultural use at the periphery of those two village centers. Once village densities are inflicted on the Project site, the surrounding parcels would likely be eligible for higher densities as well, in order to match or gradually transition to less than the adjacent village density. Further encroachment would justify additional development using the high densities in the adjacent village. Neither the Project nor the induced-growth it will cause are needed to augment the County’s housing inventory. The General Plan already provides enough opportunity for development to address expected population increases, and it does it in a way that preserves productive agricultural land, fulfilling another of the General Plan’s land use goals.

The Project fails to meet the criteria of a village as defined in the General Plan. It is neither compact [generally 2-miles long by 1-mile wide] nor is it, “...where a higher intensity and a wide range of land uses are established, or have been planned.” The General Plan and community plans recognize the Project site as low-density agricultural land and designate it to remain that way.

1.8.2 Growth Inducement Due to Construction of Additional Housing

The RDEIR’s discussion of housing trends is irrelevant to the discussion of growth inducement. The General Plan Update of 2011 [the presently approved General Plan] has already projected a ‘fair share’ of growth for both the Bonsall and Valley Center communities. Both of these communities will grow, according to the General Plan, at dramatically higher rates than the rest of the County between now and 2050. However, the Project under consideration here is not a part of that projection and, therefore, is not needed, nor wanted, by either community in order to meet the 2050 General Plan build out. Why hasn’t this project been relocated to the village core of either Bonsall or Valley Center or, even better, the Escondido downtown SPA? The village cores are planned for such growth. This project flouts those plans and the logic of the Community Development Model.

Housing trends are something that the development industry views in order to build houses that will sell more easily. Land use planning isn’t the same thing. Rather than rearranging land use designations and upending the General Plan, the applicant should have designed their project for land with appropriate existing land use designations.

The notion that the 90,000 square feet of commercial space could cause the construction of additional housing, that would benefit the workers employed in that commercial space, is a fatuous one. First, given the likely high costs of constructing the Project, few if any of the retail employees being considered will be able to afford to live within the Project. More likely, those employees will come from far afield since the Project is so removed from other population centers where affordable housing is available. Of course, this will complicate Traffic and Green House Gas Impacts. It is also likely that the employees will not come from areas adjacent to the Project, since many

of the neighboring property owners are retired or engaged in agriculture. And just as likely, the employees will not come from the ranks of the new residents of the Project as they will probably not be willing to work at jobs paying minimum or slightly higher hourly wages.

To speculate on where retail employees will originate is conjectural in the extreme and not worthy of inclusion in a discussion of growth inducement. Since the County conclusions for this section cite that speculation on 'potential' impacts do not comport with CEQA Guidelines for evaluation in this RDEIR, why are we talking about employee origins? How many employees could there be in 90,000 square feet of commercial space? How likely is it that employees will rush to build a house next to the Project so they can work at a minimum-wage job?

1.8.3 Construction/Improvement of Roadways

In most instances, the Project's proposed roadway improvements will not be growth inducing. In fact, they will not even support the Project's proposed 5,185 residents. None of the Project's road construction or existing road improvements is designed to do much more than save the applicant money. The applicant has asked for 10 road standard modifications that will lower the capacity and/or design speed of existing public roads [with no consequent benefit to the public] or confiscate private roads through the County's use of eminent domain to benefit, not the public, but the needs of the applicant's Project. Section 1.8.3 suggests that the applicant wants to improve Mountain Ridge Road to County private road standards with a gated entry system to minimize through traffic. However, in other sections of this RDEIR, the applicant is optioning Mountain Ridge Road as a fully public road that would have to be seized using the County's eminent domain authority in a way that harms existing easement owners for the benefit of the applicant's Project. One proposal would put a fire station along Mountain Ridge Road as a public road. So, through traffic would likely be dramatically increased along roadways not built to handle such excessive loads.

And, as the RDEIR concludes, the "...proposed on-site circulation plan and off-site road improvements would not result in removal of a barrier to additional growth in the area," but, instead would add impediments to efficient and safe transit for all residents in the Bonsall/Valley Center area.

1.8.4 Extension of Public Facilities

The Project will require the "extension" of several public services. While water for irrigation of the presently agricultural land within the Project can be converted for the Project's use, there is no existing sewer infrastructure on or near the site. The applicant is asking for a possible package plant on-site with possible connections to the Lower Moosa Canyon Water Treatment Facility some distance away. That facility will have to be upgraded substantially to tertiary treatment standards to furnish the needs of the Project. The upgrade will require a new permit from the Regional Water Quality Control Board. Growth would be induced by such an enlargement of and upgrade to the facility,

which would then be available to handle a much higher volume and could accommodate a higher density of clients along the route of the proposed pipeline from the Project.

The project, if approved, will be a part of the Valley Center Parks and Recreation District. Although the Project is presently offering one public park site, which could be dedicated to the district, the balance are smaller and scattered within various Project phases and would remain private. To the extent that the Project offers public events at the public park that attract the attention and interest of off-site crowds, it would potentially be growth inducing.

1.8.4.1 Fire/Emergency Services

Although the applicant has proposed several options for fire service [just pick one!], none of the options is feasible for or satisfactory to the Deer Springs Fire Protection District Board of Directors. The Project, by itself, will not generate sufficient funds to operate a new station at any location within or near the Project. Moving an existing station to a new location within the Project would jeopardize a significant part of the mission of DSFPD, and it is unacceptable to existing residents. There would have to be additional density off-site to help pay the cost of an additional fire station. That additional density would likely be induced growth.

Did the 'will serve' letters, from the public agencies cited, all agree to provide immediate access to the cited services? What kinds of conditions did the public agencies require to provide service? Have those conditions been met by the Project?

1.8.4.2 New Schools

Curiously, the RDEIR discussion of the provision of a new school site within the Project site is made to sound as if it solves a service problem that the Project itself will create if approved. One would think that adding potentially hundreds of children to the Valley Center Pauma Unified School District [VCPUSD] would require expansion. However, VCPUSD has a vacant school in the North Village of Valley Center. The district wouldn't be able to get state funds to purchase the site and build a new school until the vacant school is fully utilized. The SB 50 fees mentioned would not be sufficient to meet the costs of a new school [a dilemma that sounds remarkably similar to the fire service dilemma of needing more growth to meet costs of extending services].

The school site offer is uncertain in terms of the length of time the offer remains in effect, and it allows that if one or the other of two districts doesn't accept the offer, the applicant will withdraw the offer and make the acreage available for other unspecified purposes. It doesn't take a genius to understand that the school site offer is of little value to the school districts at this point. However, despite the unused school capacity within the VCPUSD school district, the applicant is proposing a new school which will induce growth at the farthest boundary of the district. How is this not growth inducement? If this project were being proposed at the Valley Center North or South

Village, the unused school would likely handle the surge of enrollment from the project without adding a new school. Why isn't the County encouraging the applicant to relocate its project to one of the village cores where school capacity already exists? Would not building an unneeded school on the project site induce surrounding growth that could take advantage of a new school while leaving unused capacity in the village core?

So, no new schools are likely to be built immediately, and thus, no growth inducement from new schools? If the Project is approved and it does induce more growth around its periphery as expected, it will result at some point in requiring a new school and that would be growth inducing. However, initially, the community will have to adjust to bussing the students across the length of Valley Center over narrow winding roads fit for rural land uses until the existing school is fully utilized. Instead of being a solution, it will add to traffic congestion at peak hours, add to Green House Gas Emissions, add to the cost of bussing for the district and cause a considerable reshuffling of the student assignments to the Lilac School and the Valley Center Elementary School. All of this occurs because the Project is proposed for an inappropriate site that lacks the necessary infrastructure to sustain it.

1.8.4.3 Water and Wastewater Growth Inducement

The County makes the Statement that the Project is a part of an existing Sewer Service Area. Please provide a copy of a current map that depicts the Project as part of the current Lower Moosa Sewer Service Area.

Growth Inducement Ch 1.8.4.3 – The County's statement below from page 1-48 is misleading and lacks disclosure of several relevant facts:

“Likewise, the Lower Moosa Canyon WRF is operating under an existing MUP that would accommodate modifications to allow wastewater from a maximum of 1,250 equivalent dwelling units to be treated.”

There are several misleading statements in this incomplete statement that the County has made or inferred here:

1). While the County issued in 1996 a Major Use Permit for the Lower Moosa Water Reclamation Facility (LMWRF) expansion, having an approved MUP is not the only permit required. The facility does not have a permit from the San Diego Regional Water Quality Control Board (SDRWQCB) for implementing this expansion, which is a large undertaking. Obtaining this permit approval take a great deal of time and will likely require the entire LMWRF to be upgraded to current Title 22 tertiary water treatment standards. Upgrade of the LMWRF likely will have Environmental Consequences far different than those assessed in 1996. The existing as built configuration of LMWRF will accommodate an approximate 450 additional equivalent dwelling units [EDU] at the current disinfected secondary treatment level of the plant. And there are other competing users for service. The Project does not have sole claim for all existing

capacity.

The County has not demonstrated that Sewer Service can be provided for the proposed Project in the time frames that the Lilac Hills Ranch Project requires service, nor has it quantified the Environmental Impact of providing Sewer service.

2). The Project claims service capacity for 1250 EDU's of the Project. As stated without considerable qualifiers, this statement is not true. It assumes improvements to LMWRF that are not currently in place. Please list the other planned Projects besides Lilac Hills Ranch that require LMWRF service and accurately restate the net available service for the Project based on today's as built physical plant and treatment standards.

GROWTH INDUCEMENT

In 2014, the County, who is Lead Agency for the Lilac Hills Ranch Project, finds that the expansion of LMWRF to not be growth inducing.

In 1996, the County sent in Public Comments to Lead Agency Valley Center Municipal Water District that the expansion IS growth inducing (Pages 131 to 133 of the 1996 EIR provided by the County)

The County stated on June 20, 1996:

"GROWTH INDUCEMENT

It is clear that the proposed project is growth inducing. In fact CEQA Section 15126 g. uses a wastewater treatment plant as an example of a project that would allow for more construction, i.e. is growth inducing. Also, CEQA identifies projects that will remove obstacles to population growth as growth inducing. Thus the RDEIR must comply with CEQA §15126 g. The current draft does not comply with these requirements."

Please answer why Sewer Expansion to LMWRF caused by Lilac Hills Ranch is not Growth Inducing, as the County found it to be in 1996?

1.8.6 Conclusion

The RDEIR sees this project as an island of self-sustaining residential and commercial uses that is removed from the necessity of engaging the world outside its boundaries. This arm's length existence will keep the surrounding properties, which are largely agriculture-oriented, from experiencing the pressure to rezone to complement the proposed project village densities. Of course, this is a fantasy that would make Disney envious. The fact is, there is very little that makes this project self-sustaining in terms of jobs, consumer commercial opportunities, or infrastructure. Once in place, this project and its population will require greater commercial options, more infrastructure, better and more roads than are being planned, and more services.

The agricultural land uses surrounding the project will not be able to operate as efficiently with the scores of sensitive receptors presented by the project limiting processes and procedures that are essential for efficient and cost competitive operation. The inefficiencies resulting from the sensitive receptors and inadequate agricultural

buffers for the project will incline the farmers to calculate the potential profit to be gained by changing the land use designation and densities for their properties and to sell out. That is growth inducement.

The RDEIR conclusion #5 states, *“The project would not result in growth inducement due to provision of public facilities. The availability of a new school site would assist the district in meeting the student enrollment demands created by the project. The proposed parks are designed to comply with state and County requirements and to serve the proposed population generated by the project.”* This is laughable.

As CEQA §15126.2 (d) notes, the addition of public facilities, such as a new school, will induce growth surrounding the new facility by removing a barrier to growth. Suggesting that a new school would only accommodate the growth caused by the applicant’s Project is naïve at best.

The community understanding of adding new parks as a condition of development is that the new parks will benefit the entire community and any growth anticipated in the Valley Center Community Plan and SD County General Plan. To say that new parks would merely satisfy the state and county requirements for the proposed population of the project misses the point of requiring parks development with new development. A community with new parks and trails is more attractive to prospective homebuyers and therefore growth inducing.

The Lower Moosa Canyon WRF has been shown to lack the capacity to accommodate the project effluent without expansion and upgrading. These expansions and upgrades are growth inducing, in that they will allow this Project to be built. Once upgraded and expanded for this Project, further additions of EDU will be more possible and thus, growth inducement continues. Could the County explain, again, how this scenario is not growth inducing?

The final paragraph of the conclusions in 1.8.5 seems to make the case that the Project will potentially cause, through the induced growth of future projects, additional adverse physical environmental effects. Those impacts would be to visual resources, air quality, biological resources, cultural resources, and noise [although significant traffic concerns are missing]. These are the same impacts noted in this RDEIR for the present Project. However, the County goes on to say that they cannot speculate on the impacts of unknown future projects that may be induced by the approval of the present Project according to CEQA. It would be speculative. It seems that speculating on the potential environmental impacts, including growth inducement, in this RDEIR is acceptable [very little data is presented to make any conclusions other than speculative ones about the impacts to visual resources, air quality, biological resources, cultural resources, and noise], but speculation about growth induced environmental impacts resulting from future projects is too risky.

In conclusion, besides being unnecessary growth that is outside the needs expressed in the General and Community Plans through the year 2050, this Project will, indeed, be

growth inducing. If approved, this Project will be cited by future projects proposed for its borders and environs as justification for extension of urban densities in the rural areas of Valley Center and Bonsall. In fact, this Project's Specific Plan cited the presence of several other clustered developments north and south of its location along the I-15 corridor as a legitimate, consistent basis for approving the Lilac Hills Ranch project.

Yes, this is how growth inducement works.

And the County finds no Growth Inducement?

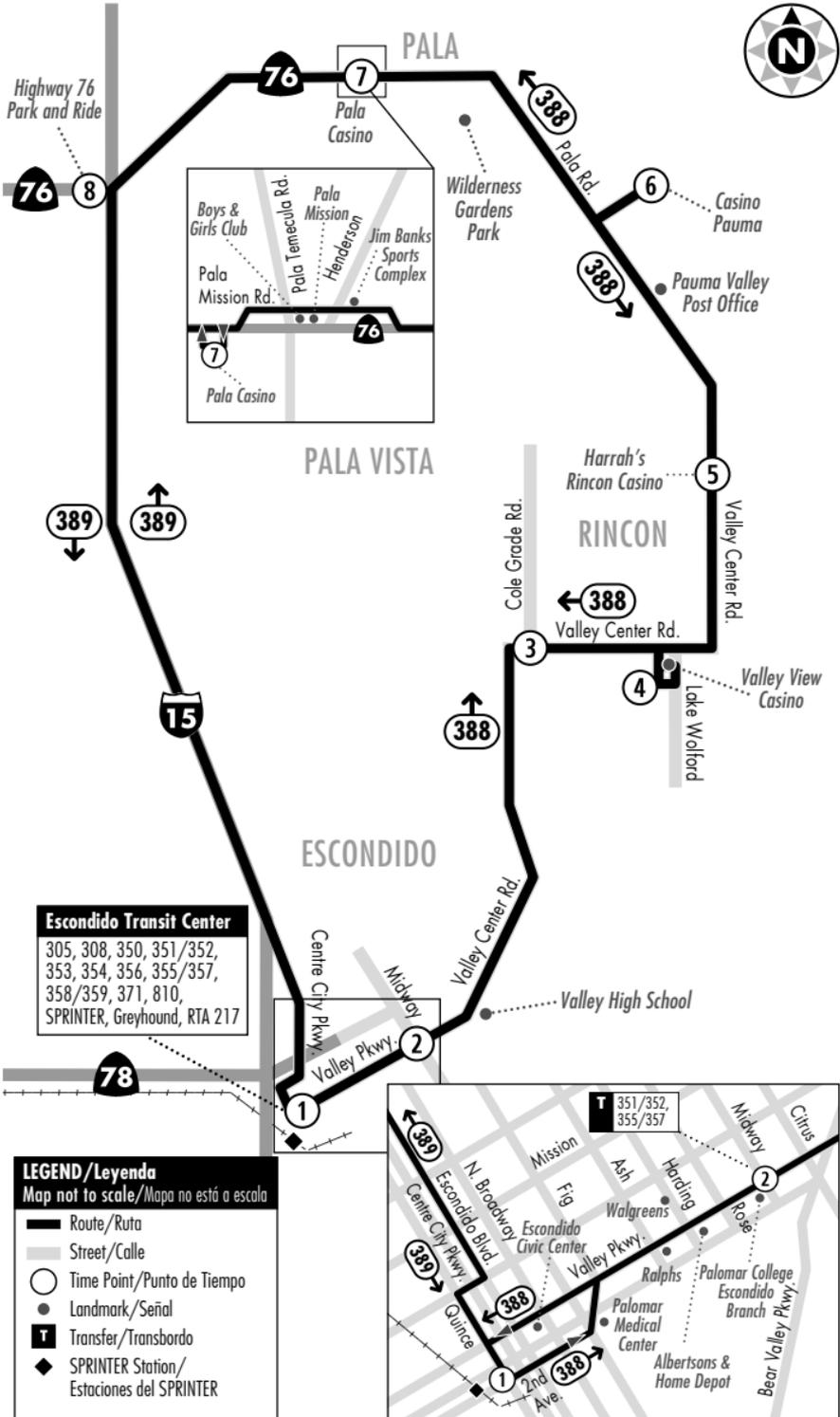
388/389

Escondido to Pala

M-F • SA • SU • H

Destinations/Destinos

- Palomar College Escondido Branch
- Regal Cinemas
- Palomar Medical Center
- Harrah's Rincon Casino
- Pala Casino
- Casino Pauma
- Valley View Casino
- East Valley Community Center
- Highway 76 Park and Ride



388/389

Escondido to Pala

Bold denotes P.M. times/Horarios en negritas son en la tarde

388 Monday - Sunday						
Northbound to Pala via Valley Center						
Escondido Transit Center	Valley Pkwy. & Midway Dr.	Valley Center Rd. & Cole Grade Rd.	Valley View Casino	Harrah's Rincon Casino	Casino Pauma	Pala Casino
1	2	3	4	5	6	7
5:03	5:17	5:33	5:44	5:53	6:07	6:28 _a
7:03	7:18	7:38	7:50	8:01	8:16	8:46
9:03	9:18	9:35	9:48	10:02	10:22	10:52
11:03	11:20	11:39	11:52	12:03	12:23	12:48_p
1:03	1:21	1:40	1:53	2:04	2:23	2:50
3:03	3:21	3:39	3:53	4:05	4:22	4:49
5:03	5:23	5:42	5:54	6:05	6:22	6:49
7:03	7:23	7:42	7:54	8:05	8:20	8:44

388 Monday - Sunday						
Southbound to Escondido via Valley Center						
Pala Casino	Casino Pauma	Harrah's Rincon Casino	Valley View Casino	Valley Center Rd. & Cole Grade Rd.	Valley Pkwy. & Midway Dr.	Escondido Transit Center
7	6	5	4	3	2	1
7:05	7:25	7:46	8:03	8:12	8:32	8:44 _a
9:05	9:25	9:46	10:03	10:12	10:32	10:44
11:05	11:25	11:46	12:03	12:12	12:32	12:44_p
1:07	1:28	1:48	2:05	2:14	2:36	2:50
3:05	3:25	3:45	4:01	4:11	4:32	4:46
5:04	5:26	5:47	6:01	6:10	6:34	6:48
7:03	7:21	7:41	7:56	8:05	8:27	8:38
9:03	9:22	9:42	9:59	10:08	10:30	10:39

Routes 388 and 389 are funded in part by a federal 5311(c) grant received by the Reservation Transportation Authority.

Las Rutas 388 y 389 están respaldadas en parte por un subsidio federal 5311(c) recibido por la Autoridad de Transporte de las Reservas Indígenas.

388/389

Escondido to Pala

Bold denotes P.M. times/Horarios en negritas son en la tarde

389 Monday - Sunday Northbound to Pala via Interstate 15		
Escondido Transit Center	Highway 76 & Interstate 15	Pala Casino
1	8	7
6:03	6:31	6:53 _a
8:03	8:31	8:53
10:03	10:31	10:53
12:03	12:34	12:55p
2:03	2:32	2:53
4:03	4:33	4:52
6:03	6:33	6:51
8:03	8:32	8:52

389 Monday - Sunday Southbound to Escondido via Interstate 15		
Pala Casino	Highway 76 & Interstate 15	Escondido Transit Center
7	8	1
7:05	7:18	7:45 _a
9:05	9:17	9:44
11:05	11:18	11:46
1:07	1:20	1:47p
3:05	3:18	3:45
5:04	5:17	5:44
7:03	7:17	7:42
9:04	9:18	9:43

Routes 388 and 389 are funded in part by a federal 5311(c) grant received by the Reservation Transportation Authority.

Las Rutas 388 y 389 están respaldadas en parte por un subsidio federal 5311(c) recibido por la Autoridad de Transporte de las Reservas Indígenas.

RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch [LHR] General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

Valley Center Community Planning Group Comments:

2.1 Visual Resources

RDEIR Subchapter 2.1 Visual Resources the County of San Diego factually understates Significant Impacts to Visual Resources in the following instances.

Comment 2.1.2.1- Issue 1: THE COUNTY HAS NOT FOLLOWED ITS OWN GUIDELINES FOR DETERMINING SIGNIFICANCE OF SCENIC VISTAS IN AN UNBIASED MANNER

The County's guidelines are below:

"According to the County's Guidelines for Determining Significance – Visual Resources (County of San Diego 2007a), a significant impact would occur if the project would **substantially obstruct, interrupt, or detract** from a valued focal and/or panoramic vista **from a public road**, a trail within an adopted County or State trail system, a scenic vista or highway, or a recreational area."

The County asserts that the I-15 view-scape will not change. This is true and irrelevant.

West Lilac Road and Circle R Drive are Public Roads.

The current view-scape of the West Lilac/Circle R Drive loop to Highway 395 is very similar to the noted Scenic State Highways. The Project will forever obstruct, interrupt and detract from the panoramic vista viewed from West Lilac Public Road. There will be significant impact to the West Lilac view-scape for which there is no Mitigation feasible.

There is Significant Impact for Issue 1 – Scenic Vista that is Unavoidable.

Comment 2.1.2.3 – Issue 3 Visual Character or Quality - THE COUNTY HAS NOT FOLLOWED ITS OWN GUIDELINES FOR DETERMINING SIGNIFICANCE OF VISUAL CHARACTER IN AN UNBIASED MANNER

The County's guidelines for Visual Character or Quality are below:

*"According to the County's Guidelines for Determining Significance – Visual Resources (County of San Diego 2007a), a significant impact would also occur if the project would introduce features that would detract from or contrast with the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with **important visual elements or the quality** of the area (such as theme, style, setbacks, **density**, size, massing, coverage, scale, color, architecture, building materials, etc.)."*

The County asserts that the I-15 view-scape will not change. This is true and irrelevant.

The dense urban features of the Project in stark contrast to the rural lands that surround the Project is a Significant Impact to West Lilac and Circle R Drive Public Road views.

There is Significant Impact for Issue 3 – Visual Character or Quality that is Unavoidable.

2.3 Transportation/Traffic

Subject: RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), RDEIR Chapter 2.3 Traffic; Traffic Impact Study of the proposed Lilac Hills Ranch (LHR) Project

We find the RDEIR Chapter 2.3 text to read as if it is an advocacy document for the Applicant. There are many general statements that are unsupported by facts and indicate to the Community that the County has not performed adequate independent critical review of Traffic and Traffic related Safety Issues.

General Comments

Overview

Traffic - Chapter 2.3 of the RDEIR and the Traffic Impact Study have failed to disclose significant impacts and have failed to mitigate previously identified impacts.

This project requires in excess of 30 acts of taking of Private Land to construct off-site road improvements. The County has not provided disclosure of these Impacts.

Additionally, the County has identified significant cumulative impacts and has claimed that mitigation is infeasible. For nine impacts, CALTRANS does not agree with the County's Infeasibility assessment. We request the County to provide comprehensive and complete justification for the County's "Infeasibility" assessment as is enumerated below.

Project Baseline

The County has not presented a Project for review. The County has presented a listing of incomplete Alternatives that cannot be reasonably assessed for Environmental Impact and Mitigations.

The County of San Diego's Baseline condition for the Traffic Study should be in full compliance with the General Plan, all applicable Road Standards, and in consonance with current Agreements with other Governmental Agencies.

The Traffic Impact study should be base-lined as follows:

- In compliance with the General Plan
- No Exceptions to Road Design Standards
- Without an additional on-site School, which is the agreement with the Bonsall and Valley Center/Pauma School Districts.

The County has used the as the baseline the Applicant's Specific Plan proposal (requiring 10 exceptions to Road Standards), with incremental partial compliance with laws and regulations analyzed as **Alternatives**. The Alternatives lack depth, linkage and integration with the Project's Impacts. The Alternatives do not fully capture even most of the possible cumulative impacts of the likely permutations of Phase implementation.

Specific Comments

1). **The need to take land for Off-Site Improvements** The Project needs in excess of 30 acts of Eminent Domain to construct the Project's proposed road improvements to the Reduced Standards that the Project requires. Further taking of private land is necessary to build the Project in compliance with County of San Diego Road Standards.

The County needs to disclose the following information so that impacts are identified and required Mitigation can be implemented.

Please provide evidence that there are adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.

A). Required Disclosure of Relevant Information regarding legal rights for construction of Off Site Improvements as well as how the Applicant intends to gain legal rights

In the RDEIR, the County has not provided adequate disclosure regarding off-site impacts of the Project and its Alternatives to surrounding property owners.

This information is necessary to demonstrate Project Feasibility that the Project can ever be legally built.

For the Project and each of its Alternatives, provide the following information regarding off-site improvements for which Accretive Investments currently holds less than full legal right of way. For each impacted parcel, indicate what the Applicant has done to attempt to secure legal rights. Disclose how the Applicant or the County intends to secure the necessary legal rights for these parcels:

<u>Parcel Number</u>	<u>Property Owner</u>	<u>Sq. ft. Right of Way required</u>	<u>sq.ft.Slope Easement</u>	<u>Total sq. ft. Encroachment</u>
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i) West Lilac Road

Scenario 1 – Construction of West Lilac Road from Old Hwy 395 to proposed new Road 3b to 2.2 C Road Standards as is the General Plan Baseline. The County for the full route of this Alternative has provided no information on offsite improvements, which is the present General Plan Mobility Element baseline.

Scenario 2 a – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2C/2.2F dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 4.3 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 2 b – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2 C dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 5.6 acres. The Study did not quantify the additional parcels

impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 3 – Impact of improvement from non-compliant 2.2F to 2.2E configuration to improve horizontal curves and provide bicycle lanes in each direction and 8-foot shoulders for West Lilac Road from Easterly boundary of Subdivision (currently near existing Lilac Walk private road intersection) to Covey Lane. This scenario is discussed further in section 2). Direct Impacts to West Lilac Road section of this section.

ii). Covey Lane/West Lilac Intersection

Scenario 1 – Impact of construction to Applicant’s proposed design **including Sight Distance Clearance and turn tapers. Please carefully analyze the need for Additional Slope Easements beyond those granted in IODs. How is the Project going to construct the improvements without further encroachment beyond easement boundaries? How is the road going to remain in service during construction for existing residents?**

iii). Mountain Ridge Private Road including Mountain Ridge/Circle R Intersection

Scenario 1 – Impact of improvement to Applicant’s proposed design **including Sight Distance Clearance and turn tapers. . How is the Project going to construct the improvements without further encroachment beyond easement boundaries? How is the road going to remain in service during construction for existing residents?**

Scenario 2 – Impact of improvement of Mountain Ridge Private Road to 30 Mph Private Road Design Speed Standards **including Sight Distance Clearance and turn tapers. . How is the Project going to construct the improvements without further encroachment beyond easement boundaries? How is the road going to remain in service during construction for existing residents?**

Scenario 3 – Impact of construction of Mountain Ridge Private Road to Public Road Design Standards **including Sight Distance Clearance and turn tapers. . How is the Project going to construct the improvements without further encroachment beyond easement boundaries? How is the road going to remain in service during construction for existing residents?**

iv). **Rodriguez private road.** Please further enumerate the all improvements proposed for Rodriguez Road as represented in Master Preliminary Grading Plan TM 5571 RPL 4 Sheet 7 of 12. Provide the legal basis of rights to construct the improvements to Rodriguez Road. Provide a copy for Public Review of document 2013-0021800 Rec. 1-11-2013. . **How is the Project going to construct the improvements without further encroachment beyond easement boundaries? How is the road going to remain in service during construction for existing residents?**

2). Cumulative Significant Impact Mitigation summarily dismissed as “Infeasible” when in fact Mitigation is Feasible.

The County has identified the following Cumulative Significant Impacts and Mitigation:

**TABLE 2.3-24
CUMULATIVE TRAFFIC IMPACTS AND MITIGATION SUMMARY**

Impact	Mitigation
Impact TR-10: <u>W. Lilac Road, Old Highway 395 and Main Street</u>	M-TR-4 and M-TR-6 (see above)
Impact TR-11: <u>Camino Del Rey, Old River Road and West Lilac Road</u>	M-TR-8: Prior to issuance of any building permit for new structures within the Lilac Hills Ranch Specific Plan, the applicant, or its designee, shall pay all applicable fees to the TIF Program, which the County should be updates to include the changes to the Land Use and Mobility Elements proposed by the project.
Impact TR-12: <u>Gopher Canyon Road, E. Vista Way to Little Gopher Canyon Road</u>	While improvement of this segment to a 4.1B classification would mitigate the project impact, such mitigation is infeasible.
Impact TR-13: <u>Gopher Canyon Road, Little Gopher Canyon Road to I-15 SB Ramps</u>	M-TR-8 (see above)
Impact TR-14: <u>E. Vista Way between SR-76 and Gopher Canyon Road</u>	M-TR-8 (see above)
Impact TR-15: <u>E. Vista Way between Gopher Canyon Road and Osborne Street</u>	M-TR-8 (see above)
Impact TR-16: <u>Pankey Road between Pala Mesa Drive and SR-76</u>	While improvement of this segment to a 4.2B classification would mitigate the project impact, such mitigation is infeasible.
Impact TR-17: <u>Lilac Road between Old Castle Road and Anthony Road</u>	M-TR-9: Prior to issuance of any building permit for new structures within the Lilac Hills Ranch Specific Plan, the applicant or its designee shall construct intermittent turn lanes at all major access locations along Lilac Road from Old Castle Road to Anthony Road, including the segment between Robles Lane and Cumbres Road, and the intersection of Sierra Rojo Road and Lilac Road.

TABLE 2.3-24
CUMULATIVE TRAFFIC IMPACTS AND MITIGATION SUMMARY
(continued)

Impact	Mitigation
<u>Impact TR-18: Cole Grade Road, between Fruitvale Road and Valley Center Road</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-19: E. Vista Way/Gopher Canyon Road</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-20: SR-76/Old Highway 395 (Caltrans)</u>	<u>While intersection improvements would reduce these project impacts to below a level of significance, such mitigation is infeasible because these intersections are under Caltrans jurisdiction.-</u>
<u>Impact TR-21: SR-76/Pankey Road (Caltrans)</u>	
<u>Impact TR-22: Old Highway 395/E. Dulin Road</u>	<u>M-TR-10: Prior to issuance of any building permit for new structures within the Lilac Hills Ranch Specific Plan, the applicant or its designee shall construct a traffic signal at the Old Highway 395/East Dulin Road intersection.</u>
<u>Impact TR-23: Old Highway 395/West Lilac Road</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-24: I-15 SB Ramps/Old Highway 395 (Caltrans)</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-25: I-15 SB Ramps/Old Highway 395 (Caltrans)</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-26: Old Highway 395/Circle R Drive</u>	<u>M-TR-5 (see above)</u>
<u>Impact TR-27: I-15 SB Ramps/Gopher Canyon Road (Caltrans)</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-28: I-15 NB Ramps/Gopher Canyon Road (Caltrans)</u>	<u>M-TR-8 (see above)</u>
<u>Impact TR-29: Miller Road/Valley Center Road</u>	<u>M-TR-11: Prior to issuance of any building permit for new structures within the Lilac Hills Ranch Specific Plan, the applicant or its designee shall construct a traffic signal at the Miller Road/Valley Center Road intersection.</u>
<u>Impact TR-30: I-15 between Riverside County Boundary and Old Highway 395</u>	<u>While there are plans to widen I-15 between Riverside County and SR-78 that would mitigate cumulative I-15 impacts, there is no secured funding for the improvement and there is no mechanism in place to provide contributions to the improvement. Ultimately, mitigation is infeasible because the I-15 is under Caltrans jurisdiction.</u>
<u>Impact TR-31: I-15 between Old Highway 395 and SR-76</u>	
<u>Impact TR-32: I-15 between SR-76 and Old Highway 395</u>	
<u>Impact TR-33: I-15 between Old Highway 395 and Gopher Canyon Road</u>	
<u>Impact TR-34: I-15 between Gopher Canyon Road and Deer Springs Road</u>	
<u>Impact TR-35: I-15 between Deer Springs Road and Centre City Parkway</u>	
<u>Impact TR-36: I-15 between Centre City Parkway and El Norte Parkway</u>	
<u>Impact TR-37: I-15 between El Norte Parkway and SR-78</u>	

The County has stated that two impacts to County Jurisdiction Roads, TR-12 and TR-16 are infeasible to mitigate. Please discuss at length the County's rationale on why it is not possible for the Applicant to contribute to mitigation of these two impacts. Include complete citation reference to all applicable County, SANDAG, and State (if applicable) regulations and Public Laws that support the County's "Infeasibility" statement. If a Fair Share Payment is proposed as mitigation, provide the calculation methodology and result and cite references to procedure and Public Law the Fair Share methodology is enumerated in.

The County has stated that impacts, TR-2, 3, 4, 20, 21, 24, 25, 27, and 28 are infeasible to mitigate, because the Intersection is under CALTRANS jurisdiction.

In the attached June 24, 2014 letter, CALTRANS completely disagrees with the County's "Infeasibility" mitigation position taken for the above impacts.

The County is required to mitigate these impacts. Please propose **specific** mitigation measures. If a Fair Share Payment is proposed as mitigation, provide the calculation methodology and result and cite references to procedure and Public Law the Fair Share methodology is enumerated in.

For the I-15 Freeway Segment Impacts TR- 30 through 37, other forms of mitigation are feasible other than I-15 lane widening. Please provide effective mitigation for this Impact of the Project.

3). Impacts have not been identified in this RDEIR. Required improvements to West Lilac Public road are based on unrealistically low estimated Project Traffic loads, without consideration of the Safety Hazards in the 'as built' configuration of the road.

The General Plan Mobility Element plans an upgrade to 2.2C with added turn lanes from the intersection of Proposed Road 3 westerly to Old Highway 395. We do agree with the County that there is likelihood that Road 3 may not be built.

We strongly believe that fairly evaluated traffic loads generated by this Project and existing substandard 'as built' configurations of the road require West Lilac Road to be improved from the Project's eastern boundary to Circle R Drive.

Existing limited visibility curves, and no shoulders, do not safely transport Vehicle, Bicycle and Pedestrian traffic from this Urban Project. There is the potential requirement for turn lanes to service intersecting private roads. This is a direct impact of this Project.

We concur with the Applicant that Road 3 segment from Lilac Road to West Lilac is unlikely to be built.

However, the Applicant's proposed Project would place such an increased load on this section of road that it needs to be upgraded to accommodate the increased load safely.

Additionally, the Applicant has projected below normal vehicle traffic because their "Project design encourages alternate transportation such as bicycles and walking."

How can people safely ride bikes or walk on this section of road in its existing condition with limited visibility due to curves, zero bike lanes and next to zero shoulder??

How can the many residential driveways and private roads safely intersect with West Lilac without significant safety hazards and incidents??

This segment of West Lilac Road **requires** improvement from the Project's Western entry to Circle R Drive with reduced horizontal curves, Class II bike lanes, and 8 foot shoulders as a minimum. The County should also carefully evaluation private road and driveway intersections to determine whether turn lanes are necessary. Whether this is a conforming 2.2F or 2.2E road doesn't matter, it just needs to be of adequate capacity and of a safe design.

Requested Action - Please list the Assessor Parcel Numbers and number of existing residential driveways and private roads that intersect directly with West Lilac Road from Old Highway 395 to Circle R Drive. Perform a Safety Review that assumes that there will be 100-bicycle trips/day

and 50 pedestrian trips/day on the shoulders of this road. Discuss safety hazards associated with weekly trash collection pick up on West Lilac and daily School Bus pick-up/drop off. Propose Road redesign to safely mitigate all hazards. Disclose all off site improvements required.

4). Impacts have not been identified in this RDEIR. Required improvements to Circle R Drive Public road are based on unrealistically low estimated Project Traffic loads, without consideration of the Safety Hazards in the 'as built' configuration of the road.

We strongly believe that fairly evaluated traffic loads generated by this Project and existing substandard 'as built' configurations of the road require Circle R Drive to be improved from West Lilac Road to Old Highway 395.

Existing limited visibility curves and zero shoulders do not safely transport Bicycle and Pedestrian traffic from this Urban Project. There is the potential requirement for turn lanes to service intersecting private roads. This is a direct impact of this Project.

This segment of Circle R Drive requires improvement reduced horizontal and vertical curves, sight lines, Class II bike lanes, and 8 foot shoulders as a minimum. The County should also carefully evaluation private road and driveway intersections to determine whether turn lanes are necessary. Whether this is a conforming 2.2F or 2.2E road doesn't matter, it just needs to be of adequate capacity and of a safe design.

Requested Action - Please list the Assessor Parcel Numbers and number of existing residential driveways and private roads that intersect directly with Circle R Drive from West Lilac Road to Old Highway 395. Perform a Safety Review that assumes that there will be 100-bicycle trips/day and 50 pedestrian trips/day on the shoulders of this road. Discuss safety hazards associated with weekly trash collection pick up on Circle R Drive and daily School Bus pick up/drop off. Propose Road redesign to safely mitigate all hazards.

5) Safety of Intersection Design – Covey Lane/Rodriguez Private Road and West Lilac Road

The intersection is not designed to County standards (not within 10 degrees of perpendicular), no turn taper is provided, and the sight distance is inadequate. There are intersection spacing requirements that are not met by the County's proposed design configuration

Additionally, a Two Way Stop control is inadequate at this intersection for the Project's traffic volumes. At this intersection, Rodriguez Road shares in a nonstandard 5-way intersection and there is a proposed 15X increase in vehicle, bicycle and pedestrian traffic for the Project.

Staff has explained that Rodriguez Road is an existing roadway and is not proposed as access for the project and would only be used for emergencies. Even if Rodriguez Road is only used for Emergencies and an injury accident attributable to intersection design occurs, **does the County really NOT want to review this intersection for hazards??** Please have County Counsel refer to *West v County of San Diego 37-2008-00058195-CU-PO-NC*.

Requested Action – Based upon fair and unbiased Traffic projections that include Project vehicle, bicycle and pedestrian traffic, perform a Safety evaluation of the design of this intersection. If there are any improvements required, provide a plan that indicates construction details, including details of off-site improvements required. Process (yet another) Exception Request if necessary.

6) Safety of Intersection Design – Covey Lane (proposed to be Public) and existing Covey Lane Private Road

The proposed intersection of the two roadways is not designed to Standard. No exception request has been processed.

Requested Action – Analyze the intersection and either propose construction to standard or prepare (yet another) Exception Request.

7) Safety of Intersection Design – existing Covey Lane Private Road and Lilac Hills Ranch Road (LHRR) (LHRR route across APNs 128-290-78 and 129-010-69)

We requested a review of the limited sight line of this intersection, and to include intersection design details in August 2013 for compliance with standards.

This information, its related Impacts and Mitigation potential has not been assessed in the EIR.

Information has been provided about a different intersection of Lilac Hills Ranch Road and a new proposed and not yet built Covey Lane Private Road all within the boundaries of the proposed subdivision within the boundaries of current APN 129-010-69. We have no questions about this intersection.

Requested actions – Provide off-site grading plan details of Lilac Hills Ranch Road across APN 128-290-78 to 129-010-69. Provide intersection details of the intersection of 'as built' existing Covey Lane private road and Lilac Hills Ranch Road. Analyze the intersection for conformance to design standards and process (yet another) Exception Request if necessary.

8) Safety of Intersection Design – Mountain Ridge Private Road and Circle R Public Road

The Applicant's March 8, 2011 instrumentation of Circle R Drive at Mountain Ridge recorded an 85th percentile speed of 49 Mph Eastbound and a 47 Mph Westbound. This intersection likely needs additional intersection control beyond a Stop Sign on Mountain Ridge at the levels of increased traffic the Project proposes.

Requested Action – Perform intersection Traffic Safety analysis and recommend compliant intersection designs in conformance Public Road Design Standards. If this has been done, perform a Critical Review of the analysis and share it with the Public.

9) Estimate of Student Population and its impact on Traffic – The Project has arbitrarily used non-standard estimating factors to project the number of Students, and therefore has understated the Student population and directly related Trip Generation.

The table below recaps how the Applicant has excluded the 468 Senior Dwelling Units from a Student Population Factor.

APPLICANT'S CALCULATION		K-8 Students		High School Students		ADT/Student Factor		Total Student ADT Generation		Total ADT
Dwelling Units (DU)		DU	Students	DU	Students	K-8	9-12	K-8	9-12	
Non- Senior	1278	0.5	639	0.2	256	1.6	1.3	1022	332	
Senior	468	0	0	0	0	1.6	1.3	0	0	
Total	1746		639		256			1022	332	1355
SCHOOL DISTRICT CALCULATION		K-8 Students		High School Students		ADT/Student Factor		Total Student ADT Generation		Total ADT
Dwelling Units (DU)		DU	Students	DU	Students	K-8	9-12	K-8	9-12	
Non- Senior	1278	0.5	639	0.2	256	1.6	1.3	1022	332	
Senior	468	0.5	234	0.2	94	1.6	1.3	374	122	
Total	1746		873		349			1397	454	1851
										496
UNDERSTATEMENT OF ADT										

The San Diego County Office of Education has explained that the ratio of Students/Dwelling Unit is based on current San Diego County total Housing demographics, including Senior Housing. ALL Dwelling Units need to be multiplied by the Student/DU factor.

Requested actions- The Project has understated its ADT generation by 496. Increase the Trip Generation by 496. Increase the Student Count and rerun the Traffic simulation.

10) Traffic Impact of On Site v. Off Site Schools – The Project TIS baseline was run with the assumption that there would be an on-site K-8 school. There is no agreement from either Bonsall or Valley Center Pauma School Districts to place a School on site.

The on-site school assumption yielded a total Project ADT of 19,408 total trips, 15,151 external.

The offsite Alternate School TIS analysis represents a revised total Project ADT of 18,334 total trips, 14,932 external.

This analysis does not appear to be correct.

The on-site School likely would have been attracting some trips from outside the Project, but the on-site school was a major part of the Project’s argument for lower than standard external trip distribution.

The off-site school scenario with car trips to Bonsall and bus and car trips to Valley Center should produce HIGHER external trips.

Requested action- Please provide a comprehensive explanation of the why external trips did not increase for the “No School” Alternative Chapter 12 in the TIS.

11) Project Trip Generation - Trip Generation was challenged in Aug 13 at 19,428 as being 12% low. Accretive’s response after comments is 19,406 ADT. Respond in detail to each question raised in the attached August 2013 comments on the Traffic Impact Study by an independent certified Traffic Engineer.

The County has accepted on THE APPLICANT’S UNILATERAL assessment of the trip generation of the commercial land uses, even though a licensed Professional Traffic Engineer

found that the Trip Generation should be 21,744 ADT, nearly 12% higher.

The Applicant's top level qualitative argument "because the project does not propose the type of high traffic generating, high turnover type land uses that in part characterize the commercial uses utilized by SANDAG in calculating the 40/1,000 SF SC/SR rate, the proposed project land uses are expected to generate less traffic than what the SANDAG defined commercial uses would generate (as described above) and therefore the SR/SC rate is the most appropriate for this analysis."

This argument is nothing other than arm waving without substance.

Figure 1.4a in Chapter 1 identifies the same store as "Anchor Grocery." The appropriate trip generation metrics for this use should be "Grocery Supermarket." The Project argues that "their pedestrian-friendly" design will facilitate people walking to the "General Store. The Project's Trip Generation argument is unsupported by facts.

Requested Action – At the Applicant's expense, have an independent licensed Traffic Engineer selected by a DPW selection team that is "firewalled" from contact with any representative of the Applicant or any County of San Diego employee involved with the Project. Allow the 3d party Traffic Engineer to analyze the disparity in Trip Generation and fairly and equitably adjudicate the difference.

12). Internal Capture – was challenged as being high at 22% in August 2013 and without support. AM peak has climbed to 30% with even less substantiation.

Requested Action – At the Applicant's expense, have an independent licensed Traffic Engineer selected by a DPW selection team that is "firewalled" from contact with any representative of the Applicant or any County of San Diego employee involved with the Project. Allow the 3d party Traffic Engineer to analyze the disparity in Internal Capture and fairly and equitably adjudicate the difference.

13) Mountain Ridge, Covey Lane, and Rodriguez Road traffic (Where did 780 trips go?)-

The table below analyzes the difference in TIS Project Traffic ADT at Covey Lane and Mountain Ridge. Rodriguez Road information is not provided, and the TIS insists that Rodriguez is only used for Emergency Access.

	PROJECT + EXISTING ADT ESTIMATES BUILDOUT (from Table 7.2 TIS)		
	Jun-13 TIS	Jun-14 TIS	Increase/ (Decrease)
Mountain Ridge Pvt Road	2260	1190	(1070)
Covey Lane Pvt Road	1100	1390	290
Total ADT			(780)

So, where did the 780 trips go? The only other way out other than Rodriguez Road is Lilac Hills Ranch Road to Main Street, and the Traffic did not increase correspondingly at those locations. And the Applicant insists Rodriguez is only used for Emergency Access.

Requested Action – Answer this question. Also please detail the **precise** conditions under which Rodriguez Road would be used for “Emergency Access” and by whom.

14) Mountain Ridge Project Grading and Environmental Impacts

Another interesting “oh, by the way” disclosure in Table 7.2 of the TIS is the fact that the Project proposes grading improvements on Parcels 129-300-31 and 129-300-36 to lengthen vertical curves.

Please provide evidence that there are adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.

Please also discuss where in the RDEIR the Environmental Impacts of these proposed off site improvements are analyzed. We have yet to locate any of the Impacts related to Construction disruption, noise, and other encroachment impacts.

2.4 Agricultural Resources

2.4.1.1 Regulatory Framework

DEIR: Subchapter 2.4 Agricultural Resources

- Prime Farmland has the most favorable combination of physical and chemical features, enabling it to sustain long-term production of agricultural crops. This land possesses the soil quality, growing season, and moisture supply needed to produce sustained high yields. In order to qualify for this classification, the land must have produced irrigated crops at some point during the two update cycles prior to Natural Resources Conservation Service (NRCS) mapping. **The project site does not contain any land designated as prime farmland.**
- Farmland of Statewide Importance possesses minor shortcomings when compared to Prime Farmland, such as greater slopes and/or less ability to store moisture. In order to qualify for this classification, the land must have produced irrigated crops at some point during the two update cycles prior to NRCS mapping.

Comment: It would be wise to update the definition of "prime farmland" in this area of San Diego County. It is clear that many farm operations are now employing greenhouse and nursery operations, which require a much lower amount of irrigation as well as existing on-property soil quality. Imported soil amendments and tents are frequently used. A year-round growing season, characteristic of San Diego County, brings this land much closer to "prime farmland" as compared to farmlands in more inhospitable climates.

Comment: In addition, this project will not be build for several-to-many years, particularly in its later phases. The nature of agriculture in America in general and San Diego County in particular will have changed and evolved by that time and so will the classification of the land. The usefulness of all lands in and near the LHR project will have "improved." It would be wise for the developer and those involved in this project to provide a wide-reaching study—regional, State, National & International—to demonstrate how others rate and use their farmlands.

Comment: Does "prime farmland" have a relative definition? The flatness of the mid-west and San Joaquin Valley obviously adds to the number of acres of "prime." So does the drainage aspect of the San Joaquin. However, San Diego County is rolling and hilly, leaving it a poor comparison to US "breadbasket" areas. I would like to see a more detailed report that would redefine "prime farmland" relative to San Diego County. Please include how other entities--regional, State, National & International—view and

define their "prime" farmland.

DEIR: Subchapter 2.4 Agricultural Resources

- Unique Farmland is of lesser quality soils used for the production of the state's leading agricultural crops. Unique Farmland includes areas that do not meet the above stated criteria for Prime Farmland or Farmland of Statewide Importance, but that have been used for the production of specific high economic value crops during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods.

Comments: *Under the current trends towards nursery and greenhouse crops, all of the lands in this area would likely qualify as "Unique Farmland." The LHR project could dilute the effect and hamper the production of neighboring farmlands. In addition, since these types of productions are fairly new, it would be unwise and unproductive to consider past use alone, if at all. This area has the potential to continue to grow into a large and thriving industry of locally grown products. Please provide modern and wide-reaching studies—regional, State, National & International--of the characteristics of such operations nationally and internationally as well as the effect of dilution/disruption in urban and suburban proximate areas.*

Comment: *Rather than rating along the lines of history of having irrigated crops, would not it be more relevant to rate these lands in terms of proximity to other farmlands? Please expand your study to include other agricultural areas, nationally and internationally, and how they rate their multi-use farmlands, particularly in proximity to urban and suburban areas as well as the effect of having farmland uses grouped together vs. atomized.*

Comment: *Various reports and documents rate Valley Center's agricultural resources as important to the local economy. Please provide a further broad-reaching study depicting the potential disruptive and dampening effect this project will have economically on the VC area and SD County. Please give detailed justification for the likelihood that support of the LHR project contradicts the SD County Board of Supervisor's assertion that VC agriculture is important for the County economy.*

Comment: *It is difficult to know what future agricultural operations could begin in areas that surround this project. Limitations and restrictions of pesticide use could make many agricultural operations more costly or impossible. Considering current and future uphill agricultural battles such as the importation of overseas infestations and foreign competition, the existence of LHR in this area could severely inhibit this area economically. A much more detailed study must be done that encompasses any reasonable restrictive scenario, its instrumental and economic impact upon all potential agricultural operations and, in turn, its impact upon the broader area. Please include regional, national and international scenarios.*

Comment: *Are effects of the project considered generally for surrounding areas: immediately, community & regionally? Please provide a study regarding this topic.*

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The County has completed a contract with American Farmland Trust to help develop the Farming Program. The Farming Program is intended to create the framework for an economically and environmentally sustainable farming industry for San Diego County.

The program, when adopted, **will include land use policies and programs to keep land available and affordable for farming** on a voluntary basis. It will also include economic development tools to help improve farm profitability.

Comment: *What is the AFT's evaluation of this project and its effects upon the viability and continuance of this area for profitable farming into the future? Are there implications in this document of the potential effects of the LHR project?*

Comment: *With a dense residential and multi-use project, restrictions on pesticide use will undoubtedly become more stringent, possibly crippling agriculture in the surrounding area. A detailed study*

documenting the likely restrictions on pesticide use for surrounding agricultural operations would be wise.

2.4.1.2 Existing Agricultural Resources

State pesticide regulations prohibit discharging pesticides directly onto a neighboring property, without the consent of the owner or operator of the property. There are also regulations and label requirements that prevent or minimize “drift” during aerial applications. Drift is the airborne transportation of residual pesticides, during or after pesticide application, via aerial or ground spraying, onto adjoining properties or onto roadways, trails or other routes traveled, by the general public.

Comment: This new addition to the REIR underscores the inherent incompatibility of such a large residential project and the conduct of viable agricultural operations. Please demonstrate how State pesticide regulations will not hamstring agriculture in this region.

2.4.2.2 Issue 2: Land Use Conflicts

Guidelines for the Determination of Significance

Based on the County of San Diego Guidelines for Determining Significance – Agricultural Resources (County of San Diego 2007c), the project would have a significant impact if it:

Note: The following passage was struck from the original DEIR. If the same proposal for the LHR project still includes a school, the same concern stands. Proposes a school, church, day care, or other use that involves a concentration of people at certain times within **one mile of an agricultural operation** or land under Contract and as a result of the project, land use conflicts between the agricultural operation or Contract land and the project would likely occur and could result in conversion of agricultural resources to a non-agricultural use;

*The report later goes on to deem the impact of the proposed LHR school as insignificant: “Because the project design locates the school site away from the project boundary (325-feet), and state regulations prevent aerial pesticide “drift” onto neighboring properties; indirect impacts associated with the proposed school would be **less than significant**. In addition, the future school site would include fencing and security gates to prevent unauthorized ingress or egress and eliminating associated trespass/vandalism conflicts.”*

Comment: *Regulations require schools to be further than 1 mile from agricultural operations. This school site is 325 feet from an existing operation. Avocado & Citrus are vulnerable to known and unknown (future) infestations. Inhibiting the freedom to spray pesticides, herbicides and fungicides could doom their operation or endanger the vulnerable population using the school site. Please provide more detailed studies concerning the proximity of “vulnerable” sites such as schools and agricultural operations from regional to international examples and the effects upon the surrounding agricultural operations and vice versa.*

Group residential or (GR) would include “Group Care” land uses with units for independent living, assisted living, and dementia care. With approximately 200 units within a 6.5-acre site, this land use type would be considered a sensitive receptor. The GR area borders off-site estate residential land uses to the east. The remaining three sides are internal to the project site: biological open space lies to the south; and SFS (age restricted single-family detached) is to the north and west. The nearest active agricultural operation to the GR would be approximately 2,400 feet to the southeast or 2,900 feet to the east. As shown on Figure 2.4-4, neither of these agricultural operations is subject to aerial spraying. Because of the distance between these land uses and the fact that no aerial spraying has historically occurred; **no significant impacts** are anticipated.

Comment: *Still, within 1 mile. This would inhibit aerial spraying if a future such agricultural operation were proposed for this area. As requested above, please justify why the County is not requiring LHR to consider possible future uses as well as past.*

Hazardous Materials Storage, p. 2.4-20 Such regulations would include an on-site ban on aerial pesticide spraying, restrictions on the types of fertilizers that could be used, and limitations on the types of equipment and hours of operation of maintenance activities. All pesticide and hazardous materials

storage, on- or off-site would be required to comply with the state requirements and the applicable regulations enforced by the County Agriculture Weights and Measures. Notwithstanding storage protection measures and regulatory compliance, **significant impacts** could occur along the AAs identified above (**Impact AG-12**).

Comment: The restrictions upon proper cultural practices for grove management would endanger the viability of these LHR on-site agricultural operations. If these operations would cease (i.e. kill or damage the trees) because of these onerous restrictions, wouldn't the usefulness of these zones as barriers for this and other use conflicts be removed? Please study this possibility carefully and provide a respectful answer that this important matter deserves.

Pathogens/Diseases, p. 2.4-20

Comment: The shot-hole borer is currently moving towards San Diego County from the north. It is lethal to citrus trees and has no cure, only careful agricultural cultural practices to prevent and manage its spread. The general public knows little about its spread or prevention. This makes management of these and any potential future pests nearly impossible. Please provide a study, which compares its spread to agricultural operations from adjacent urban vs. rural and agricultural areas.

Nighttime Lighting p. 2.4-20

Comment: How could future possible agricultural lighting practices be affected by LHR? Please provide studies demonstrating various scenarios: effects of lighting incompatibilities from both directions.

2.4.3.1 Issue 1: Direct Conversion of Agricultural Resources, p. 2.4-23

As discussed in the General Plan EIR, agricultural acreage within the County has been in decline since at least 1984 due to pressures on agriculture, such as high land values, urban/agricultural interface conflicts, and high economic costs (water costs). While the types of farming occurring in San Diego (small acreage - high value crops) allow San Diego farmers to continue economically viable operations; agriculture is a vital part of the San Diego County economy. Further, the cumulative loss of farmland is a concern to both the state and nation.

2.4.3.3 Issue 3: Indirect Conversion of Agricultural Resources, p.2.4-26

Cumulative impacts related to farmland conversion could also result from edge effects, including trespassing, pilfering of crops, and damaged farm equipment. The pressure, inconvenience, and increased costs of operating remaining farms in areas converting to other uses may render continued farming infeasible or, at least, heighten the attractiveness of selling other farms for development.

Comment: The economic engine for this region has great potential, but is fragile. Dilution of actual land uses could further endanger the feasibility of the potency of this engine. Wouldn't it be wiser to encourage other uses that are compatible with agriculture instead of inhibitory ones such as the LHR project? Compatible uses could be: agriculture, solar wind generation, breweries and wineries, and other food-processing and production operations.

Comment: Considering the importance of agriculture to the entire region, could a study of agricultural vitality comparing the saturation of agricultural-compatible vs. agricultural-conflicting actual and potential land uses be undertaken?

2.5 Biological Resources

RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP):
Biological Resources

2.5.1.2 Vegetation Communities

The Biological Resources Report [the Report] identifies three sensitive plant species

present on-site: Engelmann oak, prostrate spine flower, and southwestern spiny rush. All three are on the County's List D of sensitive plant species and all three are reported as relatively small numbers of individuals. Do listed plants have to be represented on-site in large numbers to gain significance? Does not the incremental elimination of small numbers of individuals of a species, already judged to be very limited in number, amount to a significant loss?

The County's standard for significance of D list species is that on-site populations are significant if the project would impact the local long-term survival of a County List D plant [local in this case being defined as north San Diego County].

Is there quantitative data available to the County to know whether the population sizes found on-site are significant within the north San Diego County region? Such information would be crucial for determining long-term survivability.

If not, how is it determined that a local population is insignificant?

Aren't rare, threatened or species of concern logically less numerous in most plant formations?

The Report references a work by Reiser (2001) to justify the determination that the three species cited above are not populations that are regionally significant. Investigation of that reference reveals that Reiser's treatment of these species does not include population data for any of these species within the North San Diego County 'region'. Reiser's information lists 'known sites' where these species have been found in the past, but does not quantify the populations at each site, nor does Reiser offer any judgment about which, if any, of the known site populations are significant and which are not. Further, the Report seems to confuse species range with population size, suggesting that species with "broad" ranges are abundant and do not have locally significant populations. Is that the County's conclusion? Did the County compare the losses of such species on other project sites within north San Diego County to arrive at this conclusion? Or, does the County agree that a broad species range has no bearing on local population sizes within that range? And, does the County agree that a species' range is merely the geographical area within which 'local' populations of a species are generally found in a particular part of the year? And does the County agree that even species with broad ranges can have total populations that are small and so fragmented and dispersed [particularly by human habitation and transportation corridors] within that range, that the local populations may seem small but retain their significance?

The Report claims these three species are "abundant" without any data to support that claim. Reiser also does not offer an opinion, or any data, on what the parameters of a "significant regional population" are. Please explain how the Report came to the conclusion that these three species have insignificant, on-site populations based on the work of Reiser (2001). What other references were used to confirm a lack of significance? Were population size studies conducted on-site outside of the brief, and ill timed, surveys referenced in Table 1 of the Report?

From Table 1 of the Report, it appears that about 50 man-hours of effort were expended in search of rare plants on the 608-acre site. However, that total is diluted by the fact that, except in one instance on 11 June 2011 where no time interval was recorded, all the rare plant surveys also involved other survey efforts such as general biology, least Bell's vireo,

and burrowing owl surveys. One can reasonably conclude that far fewer man-hours than 50 were actually devoted to looking for the anticipated rare plants. Were all portions of the site surveyed or just those areas expected to have rare plant populations? Allowing that all 50 man-hours listed in Table 1 were completely devoted to rare plant surveys, can the County explain what level of confidence they have in the results of surveys that were conducted over 608-acres that spread approximately 2-miles north to south and a mile east to west by so few man-hours? [50 man-hours / 608-acres = less than 5-minutes per acre].

Also, of the five dates listed for rare plant surveys in Table 1 of the Report, the earliest in the critical spring growth season was May 27, 2011 with the others conducted on June 2, 3, 8, & 11, 2011. For *Chorizanthe procumbens*, June is the end of the flowering season during years with average rainfall [P.A. Munz, *A Flora of Southern California*, 1974]. The years 2011 and 2012 were drier than normal and likely would have cut short the flowering period and life cycle for prostrate spinyflower and other annual plants. Can the County explain what level of certainty they have in rare plant surveys of annual plants that are conducted at a time of year when most annual plants have already shriveled and died or remained dormant rather than germinate under poor rainfall conditions? Surveys that expect to find rare annual plants would more likely be successful in the period February to April in years with average rainfall, but, especially in very dry, drought years like the past several. In fact, according to Table 1 of the Report, only 114 man-hours of the total of 304 man-hours recorded for all field surveys were conducted in that February to April time frame. How can the County have confidence in fieldwork done at a time that is at the extreme margin of the life cycle of target annual plants and have certainty that the surveys dependably represent the presence, density and significance of target populations?

2.5.2 Analysis of Project Impacts and Determination of Significance

2.5.2.1 – Special Status Species

The Biological Resources Report [the Report] of the RDEIR lists 13 federal/state species of special concern or Group 1 species of animals that would be impacted by the development of the Lilac Hills Ranch project [the Project] ranging from orange-throated whiptail lizards to southern mule deer. Reptiles and small mammals are judged to be at greatest risk for direct impact because they move more slowly and likely would suffer greater losses during construction activities, while larger mammals and birds are more mobile and could possibly escape to somewhere else more easily. Is the RDEIR saying that reptiles, amphibians and small mammals would likely be sacrificed for this Project given their relative immobility?

What are the population densities of amphibians, reptiles and small mammals that are likely to be extirpated by construction operations?

To where would birds and larger mammals be dispersed?

What are the territorial ramifications and chances of survival for individuals of these displaced or relocated species?

For some of the anticipated species that were not observed during the directed surveys, e.g. the coastal California gnatcatcher, it appears that the timing of the directed surveys took place during the less than optimum periods of July and August, the extreme end of the season. Although still within the survey guidelines, the surveys were conducted during a very dry year, which minimizes the chance of sighting such species on-site at that time of

the year.

The surveys were also compressed into a two-week period [3 surveys on three consecutive Tuesdays], which diminishes the chance of observing the gnatcatchers. Why were such directed surveys conducted so late during a dry year? Why were the surveys scheduled in such a compressed time period at the end of the season?

While reviewing the Attachment 1, Post-Survey Notification of Focused Surveys for Least Bell's Vireo [LBV] for the I-15/395 Master-Planned Community MPA of the RDEIR circulated in July-August 2013, it was noticed that Figures 1, 2, & 3 indicate a much reduced Project area and boundary for the least Bell's vireo survey than is expected for the present Project. This seems to indicate that the survey was completed on a Project site that significantly differs from the present Project. How can the cited survey be appropriate and complete for the present Project?

New, more representative maps showing the present project site have been substituted into those older documents to replace the maps submitted with the DEIR of July-August 2013. When will new surveys be completed on the entire project site? When will those new surveys be available for public review?

The addition of considerable acreage since the May, June, & July 2011 LBV surveys means that the additional areas were not properly or adequately surveyed for least Bell's vireo. Will the applicant re-survey these new areas included in the present Project during the appropriate breeding season and under more optimum conditions? The wetlands that are appropriate habitat for this species extend into the subsequently acquired acreage not represented on the submitted map with the July-August 2014 RDEIR.

Further, the Project boundaries shown to include the survey areas mapped in the Biological Resources Report of the DEIR circulated in July-August 2013 for the coastal California gnatcatcher do not match the present Project boundaries. The survey maps [Figures 1, 2, & 3 of Attachment 2, Post-survey Notification of Focused Survey for Coastal California Gnatcatcher, I-15/395 Master Planned Community MPA] indicate a much reduced Project area and boundary for the gnatcatcher survey than is expected for the present Project. This seems to indicate that the survey was completed on a Project site that significantly differs from the present Project. How can the cited survey be appropriate and complete for the present Project?

The addition of considerable acreage since the July/August 2011 gnatcatcher surveys means that the additional areas were not properly or adequately surveyed for gnatcatchers. Will the applicant re-survey these new areas included in the present Project? When will new, more complete surveys be available for public review?

There is little mention of Stephens Kangaroo Rat [*Dipodomys stephensi*], a federally listed species, in the discussion of field surveys and impacts to listed species. Given that the project site is well within the range of the species, and its presence within the County [particularly north San Diego County] is acknowledged, why were no trapping studies done to determine the extent of its presence? Given that the diurnal surveys, both directed and general, spent an average of 4.9 minutes per acre of project site, how is the County's consultant able to state that none are present? Stephens Kangaroo Rat is nocturnal. The best hope of identifying a population or individuals is with a trap line sampling approach. Of course, complicating the problem is the overlapping range of Merriam's Kangaroo Rat.

But, neither species is accounted for with surveys that took place in daylight hours.

Another nocturnal listed species that is not adequately addressed by the field studies is the mountain lion [*Felis concolor*]. The surveys conducted would scarcely be expected to determine the presence of the species given its nocturnal and stealthy habits and the daylight extent of the surveys. Are the County's consultants qualified to ascertain the presence of mountain lion? How does the County deal with the large territory required for a single individual and the potential loss of 608-acres of foraging area to this species? What are the territorial implications of losing 608-acres on-site, especially the drainages to be set aside for open space that will be plagued by edge effects? How has the County determined that the local population [the population in and around the Project site] is insignificant and not worth mentioning? What is the regional population of this species that the County is comparing any loss to?

In regard to all nocturnal species such as great horned owls, barn owls, screech owls, pygmy owls, myriad mice, voles, rats, ringtails, raccoons, gray foxes, bobcats, desert woodrats and the crepuscular blacktail jackrabbit, scant attention was paid during the daylight surveys. Why is the County not addressing these species?

The Report suggests that although the listed, anticipated species, and others not listed in the Report, would be impacted by habitat loss caused by grading, construction, and human occupation, it finds that the impacts would be:

"...less than significant given the wide ranges of the species and the fact that the project does not contain a regionally significant population of these species."

The County's analysis fails to:

1. Demonstrate with data, or even suggestion, what a regionally significant population for any of the cited species is
2. Does not present, or even estimate, the on-site population density of any of the cited species to allow a comparison of the site to the region
3. And, does not explain how the scope of a species' range can exempt the loss of a local population. The loss of local populations or portions of local populations within a species' range does not affect the notional range of the species necessarily, but does have significance in reducing the regional population of a species within the notional range boundaries. This Project and the other cumulative projects cited are eroding, bit by bit, the regional populations of listed and threatened species, not to mention species still regarded as abundant. At what point will the County judge the erosion to be irreversible, and extirpation inevitable? And, with what data will that judgment be made? Is the County relying on anecdotal offerings from biologists hired by the applicant for the purpose of trying to arrive at conclusions of "no or mitigable significance?"

Do the ranges referred to for the cited species include urban as well as undeveloped areas, agricultural as well as natural areas, and what is their extent and density?

Within cismontane San Diego County, most habitats and wildlife populations have a mosaic distribution as a result of human occupation and transportation corridors. To what extent has the historical range of all of these species already been severely diminished, making even small, local populations, like those on-site, significant?

On what basis was the determination made that on-site populations of the 13 species

were not consistent with other significant local or regional populations? Where would those significant populations be found within the County?

Given the mosaic distribution of those 13 species within the county and southern California, how does the Report distinguish the Project's on-site populations as being insignificant compared to other off-site populations that may be deemed significant?

There was no data presented that showed any quantitative or qualitative measure of the significance of the on-site population sizes of the 13 species, or their relationship or linkage to nearby off-site populations. The fact of their presence suggests that there is some significance. With the paucity of data presented can we reasonably conclude that 'on-site populations' are not a significant part of a larger, more dispersed regional population?

The edge effect impacts noted by the RDEIR (i.e., noise, lighting, invasive plants, grading encroachments, proximal human presence, etc.) to these 13 sensitive species are stated to:

"... be less than significant considering the number of individuals of each species to remain after implementation of the project would be low."

However, since the Report has not quantified:

1. The existing on-site population densities;
 2. The population density thresholds that are deemed significant;
 3. Or, the expected on-site population densities after construction of the Project,
- How can the Report establish that the impacts are "less than significant?"

Are there data that have not been reported?

Should not the Report have presented an objective basis for the threshold of significance?

The Project would directly impact eucalyptus woodland, orchards, and oak woodlands. This would result in the direct loss of functional nesting habitat for raptors. The Project could also indirectly impact nesting raptors that remain on-site or adjacent to the Project through edge effects, such as close human occupation, noise and lighting.

Further, construction operations also have the potential to disrupt nesting and breeding among raptors. Raptors are protected, as a group, by California Fish and Wildlife codes. The RDEIR suggests that this disruption could be mitigated by scheduling construction outside of raptor breeding season, implementing some sort of noise attenuation measures or conducting surveys to impose construction avoidance measures.

Would the applicant, or the County, seriously consider limiting construction to the August to December portion of the year? What are the limits of effectiveness of the hinted at attenuation measures? And, since phase one of the Project surrounds the principle open space and raptor nesting corridor being proposed for the Project, would the applicant actually limit construction near that nesting area? Or, would the applicant mitigate the mitigation by trying to survey the potential impact out of existence?

Will the blasting component of the grading be timed to avoid nesting periods of raptors?

Blasting activities are likely to have a much more dramatic affect on nesting birds at a much greater distance than the apparently less significant rumbling of bulldozers and earthmovers. Despite a lack of data to inform the public on the decibel contours that raptors find irritating enough to preclude breeding, the RDEIR reaches the conclusion that, “raptor nesting impacts would be **less than significant**. This is incongruent with the information presented. How is this done?

The RDEIR addresses raptor foraging areas saying,

“Almost all of the on-site habitats are suitable for raptor foraging. The project would directly impact 538.29 acres of the 610.76-acre site [reportedly, it is 608-acres], which is 88% of the raptor foraging habitat on-site. This would result in the direct loss of foraging habitat for raptors. The project could also indirectly impact foraging habitat that remains on-site or adjacent to the project through edge effects...” [Emphasis added]

The RDEIR goes on to say that the impact of the Project to the raptor foraging area is more than 5% of that foraging habitat on-site. And yet, this declared significant impact to 538-acres of forage area would be mitigated by phasing the purchase or designation on-site of mitigation acreage based only on the native vegetation lost to the Project [about 81-acres or 15% of the total], not the agricultural lands to be sacrificed to the Project.

As the RDEIR says, raptors make significant, and productive use of the orchards, vineyards and row crops present on the Project site for foraging. Why would the applicants not have to mitigate the loss of forage area represented by the agricultural lands on-site as well?

Is the applicant saying that raptors, with 608-acres on which to forage, can ‘get by’ with a small percentage of the present foraging acreage at a new mitigation site somewhere in north San Diego County?

Will the edge effects caused by the presence of the Project on-site (i.e., noise, lighting, proximal human presence, dogs, cats, etc.) render any attempted on-site mitigation of foraging area loss within the planned 102-acres of open space less than significant?

The RDEIR says such edge effects may compromise on-site mitigation. And if that is true, how will such effects be monitored and mitigated once the project is built and no longer under the scrutiny of County inspectors?

And, do these types of edge effects render the planned designated open spaces ineffective for the purposes they are being set aside? Will lapses in monitoring or maintenance render the mitigation areas useless for that purpose without restoration plans in place? Who specifically will be responsible?

The on-site restoration of wetlands may be seen as possible and acceptable mitigation by the applicant and the county, but since the entire 608-acres has been functioning as raptor foraging area heretofore, the idea that any of the 608-acre Project site could be used to mitigate the loss of that same foraging area is an exercise in double-counting.

Table 1-4 in Chapter one of the RDEIR shows the grading quantities by phase to be cut and filled. According to this table, the first two phases will have deficits of fill compared to the amount to be cut in each those phases. Since the applicant claims that more than 4-

Million cubic yards of earth to be moved on the Project site will not require import or export to or from the site, borrowing from future phases will be necessary. Will the applicant adjust the timing and purchase of mitigation acreage to accommodate the borrowing of fill from future phases that will prematurely impact raptor foraging during the earlier phases?

Will that grading activity in future phases adversely affect raptor nesting in the earlier phases as well as the future phase that is to make up the fill deficit?

Black-tailed jackrabbits were observed on-site. While a 'species of concern', the RDEIR suggests that the impact to this species is less than significant, largely because it is judged [without data] to have a less than significant local population. Finding a black-tailed jackrabbit anywhere in northern San Diego County is becoming exceedingly rare. To suggest insignificance for this species, the authors of the RDEIR should cite census data showing that the individuals observed on the Project site are not the last remaining members of the species in the north county region. It is possible that the population on the Project site is among the last within the region.

It is noted that the Project will be pumping ground water from existing wells on-site. Since the open space riparian woodlands that run nearly the length of the Project and transect it at several points are dependent on adequate ground water to support the oaks, willows and other riparian species, how will the applicant manage the long term ground water levels in the open spaces?

The applicant is proposing to hand off those riparian open spaces to another agency of some sort [still unnamed]. Will that eventual agency share responsibility and authority over the wells that will have a direct impact on the ground water availability for the riparian habitats?

In the event of a drought, will the managing agency be able to restrict ground water pumping for the benefit of the open spaces?

What will be the mechanism of implementing such a restriction?

Will the managing agency have priority on ground water for irrigation to benefit the created and restored wetlands being offered as mitigation for the destruction of other wetland areas after the five-year establishment period?

2.5.2.2 – Issue 2: Riparian Habitat or Sensitive Natural Community [M-Bio-2]

The RDEIR's analysis of the impacts to riparian habitat or sensitive natural communities concludes that there will be significant impact and recommends that a Resource Management Plan [RMP] be prepared before the issuance of grading permits.

Are there unknown factors that prevent the RMP from being prepared for release along with the RDEIR and related documents beyond a conceptual treatment? So much of what is presented in the Specific Plan for this Project are conceptual or optional choices among several alternatives, that it is difficult to consider a conceptual RMP as anything more than a suggestion.

The wetland restoration and development areas [= open spaces] are biologically surveyed and mapped. Why is the plan not already developed beyond a conceptual state?

The applicant has a penchant for putting off the preparation of necessary plans until some time after the Project is approved and out of the reach of the public and the entitlements are awarded. This is like buying a pig in a poke. Is this the standard County policy?

The RDEIR is to relate meaningful, specific information in a way that the public can understand and to which it can respond. Delaying the final development of the RMP until after Project approval hides the resolution of a significant impact from the public until there is much less, if any, chance of commenting meaningfully.

Further, the RDEIR is not clear on what entity will own and manage the proposed open space easements on which important habitat creation or restoration will take place, suggesting the possibility of a private conservancy, the County, or some other experienced entity. Which is it?

How will these easements be financed into the future? The RDEIR is indefinite about endowments or Community Facility District formation or some other finance mechanism. Bonding for infrastructure or biological open spaces and their maintenance should be a pre-requisite for obtaining any building permits.

How will the applicant ensure the financial stability of the open space easements in perpetuity without burdening County taxpayers?

2.5.2.4 Wildlife Movement and Nursery Sites

The analysis of the County regarding animal movement within the Project open space corridors is optimistic. The establishment of paths within the LBZ and a mere 50-feet from the open spaces will add to the indirect edge effects that are a serious concern. Further, dependence on culverts with a diameter of 30-inches or less for a large majority of the under-road crossings will scarcely benefit small mammals and, as the County notes, will not benefit large mammals at all. The widths of the roadways under which the culverts will pass are too wide to provide satisfactory passage, even for small mammals, especially after culverts have been silted. Relegating the large mammals to taking their chances crossing road surfaces in a dense, urban setting is tantamount to a death sentence, which can be witnessed along any number of roads in the urban north county. Large mammals should be given a chance to pass under roadways in culverts sized to accommodate them, 48- to 54-inches.

The County, despite their satisfaction with the designated open spaces proposed, states "The project site does not support nursery sites for wildlife and would have no impact to nursery sites." This leads one to wonder if the proposed open spaces are indeed satisfactory for the purposes they are established? I think the County would agree that riparian habitats, even orchards, are often preferred nesting sites for a variety of birds [woodpeckers, towhees and others]. Those areas also accommodate a significant number of small mammals [mice, wood rats, raccoons, pocket gophers] as well as snakes, lizards, and insects. And, that's not counting the non-riparian native habitat on-site. It is reasonable to expect those kinds of animals are procreating and using those areas as nurseries for their offspring. So, the blanket statement that there are no nursery sites for wildlife supported on the Project is curious. How does the County respond? Has the County a special definition of nursery site that excludes the animals found on-site?

2.5.3 Cumulative Impacts

The cumulative impacts to which this project is expected to contribute were evaluated on the basis of “*past, present, and future projects within the cumulative study area.*” The cumulative study area is small considering the long distance movement habits of wildlife, especially the larger mammals [which are not particularly addressed in the biology technical study – probably because the field work was mostly done from 8am to 4pm, a time period during which there is less likelihood of spotting crepuscular and nocturnal mammals].

The 12 study sites are similar to the Project site in that they are developed to some extent and have some agriculture and some native vegetation. However, the largest of the 12 is 24-acres and only two of the 12 are over 20-acres. While useful for a RDEIR comparison, consideration should be given to all the projects undertaken in the past ten years and expected to be undertaken in the next ten years in order to have some meaning. Further, if the cumulative study area were broadened by 1-2 miles in radius to better account for the movements of the largest mammals, the anticipated Miriam Mountain Project would be included with its hundreds of acres and its prospective substantial losses of habitat. Why wasn't Miriam Mountain added to the cumulative impact study area? Is the County concerned about mammals other than those that are listed? Will the County require the applicant to restudy the Project site during crepuscular and nocturnal hours to assess the presence of large and small mammals?

It's worrisome that the cumulative project sites were selected based on other documents and aerial photos rather than surveys on the ground. At the less than 5-minutes per acre rate used on the Project site, it would have taken very little time to survey the 12 cumulative project sites. Why was this not done?

Table 2.5-5 seems rather useless for the purpose of understanding cumulative impacts since the species listed for each site are entirely speculative. We cannot ascertain if there are listed species, other than those speculated to occur, that might have occurred on one or more of them or even if the species in the table occurred on these cumulative project sites. What is the value of such tabular information to the understanding of how the Project and these selected cumulative projects might be impacting the populations of listed or unlisted species collectively within the study area or the entire county?

It is an exercise in distressed logic to conclude on the basis of the fictional ‘study’ of cumulative impact project sites that the three listed plant species found on the Project site would not suffer significant cumulative impacts. There is no factual basis for making that determination from the highly speculative “information” derived from the MSCP and photo studies. The entire north San Diego County area has the “potential” to have many or all of the species speculated. Apart from allowing the County to check off a box on the requirements for a RDEIR, there is no value to the conclusions presented.

The loss of the listed species on the Project site combined with similar losses occurring on off-site projects does threaten the long-term survival of these species. Every incremental loss of habitat and local populations diminishes the remaining entire population of the listed species [which are recognized to be severely diminished, or limited, just to be put on one of the federal, state or local lists]. It is not death and extirpation by just a single project, such as Lilac Hills Ranch, but death and extirpation by the thousands of projects that have preceded it and those that will follow as well. At this point, especially without the present adoption of the MSCP for north San Diego County, there is no tangible expectation of survival of these species in the north county with the procession of projects like this

Project.

The notion that the habitat remaining outside of the Project site and the cumulative project sites is substantial and could easily accommodate the displaced populations from these project sites is ludicrous. Birds [like raptors], small and large mammals, and reptiles are more or less territorial with preferred size foraging areas. To suggest that if we take significant acreage away from foraging wildlife they will simply share what is left is naïve, or wishful. Loss of habitat more correctly leads to loss of population size.

There is a direct impact to these listed species and others not listed from the loss of habitat on the Project site and there are indirect impacts of proximal human occupation to the habitat that remains and both are significant to the long-term survival of the species. With due respect to the County's code enforcement efforts, little is done to monitor sensitive habitat incursions after construction unless or until a complaint is received. Much of such activity occurs out of sight of the public, so it becomes difficult for even the public to monitor. The Project's conceptual plan to establish an entity to be responsible for policing indirect impacts to biological open spaces provides too few hours for a meaningful or effective program. It is suspected that the cumulative projects have similar less-than-effective plans. So, to draw the conclusion that indirect impacts are less than significant is questionable at best. What assurances can the County provide that conceptual plans for monitoring indirect impacts to remaining habitat on the Project will be effective?

2.5.5.2 Jurisdictional Waters and Waterways [M-BIO-3 and M-BIO-4]

The RDEIR identifies significant impacts to jurisdictional waters caused by the Project and proposes to mitigate that loss with restoration of degraded wetlands and creation of new wetlands adjacent to the existing wetlands on-site in open space areas.

The arcane formula that establishes how each jurisdiction determines how sacrificed wetlands will be mitigated and to what extent, apparently results in a straw drawing contest, and the agency that presents the longest straw sets the required acreage for mitigation, they are not additive.

The re-vegetation plan presented as M-BIO-4 is not clear regarding its success criteria. That plan requires 80% transplant/container plant survival in year 1. Is the allowance of 20% plant failure in year 1 made up in year 2 with replanting?

Is the required native plant cover percentage in year 2 based on percentage of total plant cover, including non-native species? Or, is it a requirement that 50% of the total surface area must be covered with native species?

Similarly, is the 50% diversity requirement in year 2, diversity of native species versus non-native species? Perhaps a better question is how does one arrive at a percentage of diversity?

And, what is the meaning of the density percentage compared to the cover percentage?

What is the proposed methodology for determining these parameters? Quadrats? Transects? Estimation? The Biological Resources Report is uncertain which would be employed.

Shouldn't this plan be presented in a more complete and understandable form?

The Report acknowledges that the open space areas within the Project would be largely confined to the drainage courses that the Project will avoid [Biological Resources Report 3.2.8, p. 81]. The Report describes the open space areas as "...narrow and mostly surrounded by development except along the western and southern boundary of the project." The Report also suggests that significant edge effect impacts on the proposed open space areas of the Project would result from increased human access, potential increases in predation/competition on native wildlife from domestic animals, potential increases in invasive plant species or other domestic pests, alterations to natural drainage patterns, potential noise effects and potential effects on wildlife species due to increases in night time lighting. These significant impacts would most affect sensitive riparian birds, but the RDEIR says,

"...habitat quality, functions and values would likely decrease also."

So, shouldn't the Report and RDEIR also conclude that species other than birds [mammals, reptiles, amphibians, etc.] would suffer from the degraded habitat quality and propose mitigations directed at those other species?

Surprisingly, the Report asserts, that a 50-foot buffer around the preserved wetlands in the on-site biological open spaces can mitigate significant edge effects. A 50-foot buffer poses little challenge to domestic animals, children or adults, night lighting, invasive plant species or other domestic pests. Adding fencing and signage is only marginally helpful. How will the applicant ensure the integrity of the preserved wetlands and open space in the face of these significant impacts?

How will the mitigation of these impacts be monitored and adequately enforced?

Why is there no definitive plan described in the RDEIR or the Report that addresses how these preserved wetlands will be secure from the reported threats?

What was the basis for dismissing the significant impacts by simply adopting a 50-foot buffer? Is the County assuming complete compliance by new residents and their children, pets and gardeners? What is the County's record of public compliance with signage and rules for other similar restricted open spaces within the County? What are the penalties and what is the record of the County in prosecuting, either by citation or in court, violations of the rules governing open spaces in private developments?

There will be trails within the limited building zone [LBZ]. How will the LBZ address the edge effects cited?

2.5.5.3 Wildlife Movement and Nursery Sites

The RDEIR says that the impacts to wildlife movement and wildlife nursery sites would be less than significant and no mitigation is required. However, riparian woodland and wetland corridors are the conduits for movement of many animal species. The principal drainage for the Project and its surrounding area runs along the western edge of the Project site with multiple tributary drainages running through the Project in southwesterly directions toward the principal drainage. This drainage system, and its associated

wetlands and riparian woodlands, offers transit corridors for the animals inhabiting the Project site as well as neighboring properties.

However, the Project is proposing culvert pipes under the roads that transect the wetland corridors that will range from 18-inches to 54-inches in diameter. Of the seven riparian crossings, six are proposed to have culverts of 18- to 30-inches diameter. These culverts are too small to allow effective transit by wildlife and will impose barriers to movement or, more likely, funnel wildlife onto the road surfaces where there will be encounters with automobiles. To be effective transit elements under the roads crossing the wetlands and to permit wildlife to avoid crossing the surface of the roads, such culverts should be a minimum of 40- to 54-inches to accommodate larger mammals. As the biology technical report notes, southern mule deer are relatively common and three were seen on-site. Further, animals that are more nocturnal than the deer seen diurnally by Recon, such as gray fox, coyote, striped and spotted skunk, raccoon, bobcat, mountain lion, and long tailed weasel, are more likely to use larger diameter culverts than the small ones proposed [all of these species are known to be in the area and to have ranges that are cited as such by W.H. Burt and R.P. Grossenheider, *Field Guide to the Mammals*, 1964]. What is the basis for proposing smaller culvert pipes? Is it for the convenience and cost-avoidance of the applicant? Bridging should be considered for several of the crossings.

While these corridors have not been 'designated' in the draft MSCP/PAMA plans for the County, they perform the same function in the area of the Project site as the corridors delineated in the MSCP/PAMA plan, only on a more local, or secondary scale. To say that their destruction is less than significant must depend on whether the on-site and nearby off-site populations can be quantified as significant or not. That has not been done. The significance of these on-site corridors remains to be determined.

However, given the scope of the Project, likely any local value of these drainage wetlands as transit corridors will be compromised by the edge effects caused by the Project and the direct impacts caused by road crossings within the Project. What objective assessment has been done to determine the significance of these impacts, if any?

As for nursery sites, of the 13 Group 1 species observed on-site, 6 are reptiles or mammals. The seven bird species would likely nest in the riparian woodland or orchard areas. Why is this not significant? Further, small mammals are likely to favor sites near watercourses for nesting as well. Why did the County dismiss the usefulness of the open spaces and attendant buffer zones, not to mention orchards, as nurseries?

2.5.5.4 Local Policies, Ordinances, Adopted Plans

The RDEIR suggests that the Project would comply with several County, State and Federal policies and laws relating to biological resources. However, the RDEIR notes that under the Natural Community Conservation Plan [NCCP] for coastal sage scrub [CSS] vegetation, there is no *de minimis* limit for significance. Yet, there is no data to support the conclusion that the 17-acres of CSS to be removed by the Project is insignificant, even in the face of the California Department of Fish and Wildlife's estimate that in the five county southern California region covered by NCCP, approximately 85 to 90 percent of the historically occurring CSS has been extirpated. The RDEIR seems overly casual about designating this 17-acres of CSS as insignificant. And, interestingly, the NCCP plan for San Diego County will be manifested in the still draft MSCP/PAMA.

So, what are the ramifications for mitigation if the draft MSCP/PAMA is not approved?

Will there be a significance threshold established in the MSCP/PAMA for CSS if it is approved?

Doesn't the nibbling away of CSS, even when in small stands, inexorably work against the principles of the NCCP CSS program?

At what acreage does a stand of CSS become significant without a delineated animal species observed on-site?

It seems the Project will comply with the Valley Center Community Plan and the San Diego County General Plan only after they have been changed to meet the requirements of the Project. That is a strange form of compliance.

Cumulative Effects

The Report and RDEIR pay little attention to the cumulative effects of the Project on regional biological resources. The Report and RDEIR focus on effects within the boundaries of the Project with little acknowledgement of the ramifications of this Project on the County as a whole or the Valley Center Planning Area. The Report cites 12 projects that were compared and evaluated against the proposed Project. The review asserts that the majority of the impacts generated by this collection of historic, current and planned projects were to agricultural lands, with little to no impacts to native upland or riparian habitats.

Of course, the Report makes that statement with some satisfaction, apparently not realizing that the loss of agricultural land is contrary to one of the County's General Plan Guiding Principles, as well. Further, all twelve of the referenced properties in Table 2.5-5 [p.46] are much smaller than the proposed Project, the largest being 44.2-acres and the smallest 5-acres. All are within a few miles of the proposed Project and all are planning parcels larger than 2-acres, some as large as 4-acres in compliance with the present county General Plan and the Valley Center Community Plan. The proposed Project does not comply with the county's General Plan or the Valley Center Community Plan in this regard.

The comparison doesn't seem an apt one for analyzing regional cumulative effects. If we take San Diego County as the 'region' or even North San Diego County as the region, we should be looking at the historic extent of coastal sage scrub, southern mixed chaparral, southern coast live oak riparian woodland, coast live oak woodland, southern willow scrub, southern willow riparian woodland, and wetlands within that area compared to what exists today. We should then ask to what extent have these vegetation communities been extirpated and to what extent the remaining examples of those communities have significance. Comparing proposed destruction in one project with destruction that has or will result in a handful of other smaller projects isn't an effective measurement of cumulative effects. Will the county examine meaningful cumulative effects within the entire county or, at least, within the northern part of the county?

2.6 CULTURAL RESOURCES

1. The Technical Report (TR) and DEIR address the cultural features individually. In very important ways, It seems to fail to view the Project area overall. DEIR Section **2.6.3 Cumulative Impact Analysis** states:

“the confluences of drainages are often major habitation site locations” and that “the San Luis Rey river valley comprised a major travel corridor and its confluence with Horse Ranch Creek was a focus of prehistoric habitation.” It further states, “that Tom-Kav (CA-SDI-682; the Pankey Site) is documented in that area.” The DEIR goes on to say that *“a similar situation is found at the confluence of Moosa Canyon and the South Fork of Moosa Canyon, near Gopher Canyon. CA-SDI-5072 and associated sites have been suggested as the Luiseño village of Moosa.”*

The documented presence of artifacts and sites seem to support the richness of the Project site and surrounding areas. The proposed mitigations and preservation procedures appear to be piecemeal for a project as large and transformative as LHR.

If approved with a determination of less than significant impact, would not the Project cause the loss of individual sites with their information, as well as the basic integrity of the cultural significance of the larger area? This could squander the opportunity for future generations to study and appreciate this area and what it could potentially yield.

How does the Project plan to determine if such a large center of civilization existed in the Lilac Hills Ranch (LHR) project area?

How will the Project address further necessary consultation given the size (as well as location) of this Project?

How will piecemeal mitigations and procedures be avoided to assure accurate and complete overall evaluation of the Project?

2. The following is stated in the DEIR (**2.6.5.1 Archaeological Resources M-CR-1**):

“In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources.”

What measures will be used to determine the monitor’s credentials and objectivity?

Will leading and properly trained tribal members from all local bands of Luiseno native Americans be consulted: 1) to determine who the monitor will be; and 2) when a potential finding is recognized?

How might this broad consultation mechanism be put into place?

These concerns seem particularly relevant in light of the fact that the TR states that this is an area which has the potential for rich archeological findings and that many diverse tribes could have inhabited this and surrounding areas, many with different types of settlements, yet to be discovered.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

3. **2.6.5.1 Archaeological Resources M-CR-1:**

Prior to approval of a Final Map, the applicant shall implement the data recovery program prepared by Mary Robbins-Wade (Affinis 2013) for site CASDI-20436. The data recovery program shall be

implemented prior to the commencement of any grading and/or improvements. All data recovery shall include a Luiseño Native American monitor.

Who will the monitor be and will that monitor be acceptable to at least a majority of the tribes involved and affected?

REIR Changes: The credentials of the Native American Monitor have still to be addressed. Please do so.

4. Under **2.6.1.3 Methods** (DEIR), Appendix H-1. Walking parallel transects spaced 10 meters to 15 meters apart appears to be inadequate under the circumstances. What is the justification for such a 'wide net'?

If review of the justification by the local tribes shows the methodology to be inadequate, describe and submit a more rigorous search methodology.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

5. Under 2.6.1.4 Records Search Results:

CA-SDI-4808 was originally recorded during the archaeological survey for the proposed I-15. It was described as a "small milling site, which may be considered a branch of CASDI-4807. CA-SDI-4808 was tested in 1978 to determine site boundaries and evaluate significance. The report concluded that the assemblage appears to be much too limited to make a case for any type of site, which would be distinct from the two villages during San Luis Rey II times. The previous survey concluded that no hypothesis can be made at this time regarding its function during a possible earlier occupation."

The 1978 study is quite old and likely limited. What is the justification for not requiring a more contemporary study that is properly and thoroughly conducted?

If review of the justification by the local tribes shows the study to be inadequate, describe and submit a more rigorous research approach.

A separate village site from those already known and from a different era could be a significant finding. New light would potentially be shed from an up-to-date study.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

6. 2.6.1.4 Records Search Results

The TR and DEIR propose to use studies that are nearly 35 years old. Should they be re-examined by today's standards and in the light of additional information?

In addition, local tribes have advanced significantly in American society in terms of: finance, poverty/wealth and education. Many more Native Americans have been schooled in archeology in particular. A more contemporary study, properly and thoroughly conducted would likely yield significantly different results. A prime example of the benefits of a more current study would be to shed some light upon the potential separate village site, apart from those already known.

Isn't it likely that the involvement of more tribes with members who have more sophisticated archeological skills could shed new light upon the current cultural resource picture?

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

7. 2.6.1.5 Summary of Survey and Testing Results

“Eight houses within the project site are potentially over 45 years old based on maps and aerial photographs.”

Could this area be considered an historic district because of the sheer amount of properties over 49 years old?

How have these types of settlements been treated regarding archeological significance in other circumstances: regionally, in California and in other parts of the United States?

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

Additions to the REIR from the original DEIR

2.6.2.2 Issue 2: Archeological Sites

“The project includes proposed trails that are located in proximity to sensitive cultural resources. In general, existing dense vegetation would keep trail users away from these sites. In order to further discourage trail users from wandering off the trails, the project includes fencing in select areas, barriers to keep out vehicles, and signs noting that users have entered an environmentally sensitive area. Signs would be posted at regular intervals along the trails indicating the presence of environmentally sensitive areas and reminding users to stay on the trail. The signs would not in any way point out the locations of cultural resources.

Pursuant to the Specific Plan Section IV, the project would provide for ongoing monitoring and maintenance of the signage and fencing that would provide ongoing protection of the sensitive cultural resources. With the inclusion of these project features, the proposed trails would have a less than significant impact to known cultural resource sites.”

Who will be doing the monitoring? Artifact scavengers are known for their persistence and tenacity. Effective monitoring of a lengthy trail and the maintenance of its signs comes with a cost. How much would this add to the price of a unit and monthly maintenance fees along with other very costly construction and infrastructure expenses? Considering LHR's less than luxurious location, it looks to be pricing itself out of the market, resulting in an unrealistically encumbered large piece of land. On the other hand, ineffective monitoring is less costly, but has the price of endangering important cultural artifacts.

2.7 Hazards and Hazardous Materials

2.7.1.1 Regulatory Setting

Among other federal and state regulations, the County of San Diego's General Plan Safety Element sets goals for safety, particularly as they relate to land uses, planning, hazardous materials, and human safety. Goal S-11 reads:

Controlled Hazardous Material Exposure. *Limit human and environmental exposure to hazardous materials that pose a threat to human lives or environmental resources.*

Among the policies intended to achieve that goal is Policy S-11.5:

Development Adjacent to Agricultural Operations. *Require development adjacent to existing agricultural operations in Semi-Rural and Rural Lands to adequately buffer agricultural areas and ensure compliance with relevant safety codes where pesticides or other hazardous materials are used.*

Given the density of the proposed Lilac Hills Ranch development [the Project] [from 2.9 to 20+ dwelling units per acre on 608-acres], and given the intimacy of the proposed Project with the existing productive agricultural operations on the thousands of acres that surround it, why is there no discussion of the buffering requirements needed to separate prospective residents of the Project from the on-going spraying of fumigants, pesticides, and fertilizers on agricultural lands that border the Project?

Human safety, in these particular circumstances, would seem to warrant not only a discussion of buffers to existing agricultural operations, but also an actual plan to buffer. Is there a buffering plan?

The present plan appears to ignore buffering of neighboring agricultural operations completely. This Project is replete with sensitive receptors such as schools, parks, homes, a church and a senior assisted living facility. Does the applicant anticipate that the County will impose buffer areas on the surrounding agricultural operations after approval of the Project?

Have the surrounding agricultural operations been notified that their operations may be significantly impacted if buffering is imposed on them rather than the applicant?

Policy S-11.5 seems to put the burden of buffering on the applicant, not the existing agricultural operations. Will this be one of the General Plan policies that will be changed to accommodate the Project at the expense of established agriculture?

A reasonable analysis of the buffering requirement would conclude that buffering surrounding agricultural operations from the Project presents a significant impact to existing agriculture. The applicant's "Analysis of Project Impacts and Determination of Significance," [2.7.2] points to how significant this impact is:

The project would result in a significant impact if it would:

1. Hazardous Substance Handling: Create a significant hazard to the public through the use of hazardous substances.

While the applicant's intention was to discuss the applicant's proposed on-site handling of hazardous materials, that discussion should have also included the issue of buffering the application of pesticides, herbicides, fungicides, amendments and fertilizers by existing agricultural operations. More than one operation adjacent to the Project uses helicopters to apply agricultural chemicals to broad swaths of orchards and fields. Overspray could be an issue if not properly buffered. How will the applicant address this CEQA mandatory finding of significance?

2.7.2.1 Hazardous Substance Handling

In the discussion about hazardous materials in connection with the Wastewater Recycling Facility [WRF], the RDEIR states:

Based on conformance with the described requirements for hazardous materials, the project would result in less than significant impacts related to use of hazardous substances.

It seems to be saying that if all the rules are followed there is little risk of an accidental

release of a hazardous material like chlorine gas. And yet, there was just such a release at the Escondido water treatment facility last year. That facility was operating under the same strict federal, state, and county controls that are being cited here.

This suggests that the risk of such accidents is real and not zero probability, even under strict control. One might conclude that even with Best Management Practices, the risk is real and likely significant. Given that the proposed school site is a mere 686-feet from the WRF and homes only 250-feet away, and down wind most days, isn't the conclusion that the risks from the use of toxic, hazardous chemicals are less than significant, overly optimistic?

And, if not, what is the calculated probability of such an event using risk analysis techniques?

Also regarding the WRF, in the early phases of the Project before the WRF is constructed, sewage will be trucked to an off-site location for disposal. That same trucking issue will continue after construction is complete and the WRF is operational, in order to dispose of waste solids screened from the influent. What impact would the 2-3 times weekly truckloads of sewage and/or waste solids have on the safety of residents in the Project?

Will there be a plan in place to deal with an accidental sewage or sludge spill?

What impact will those same frequent trips have on the traffic flow to and from the Project?

2.7.3 General

The entire Hazard section identifies a single Hazard Impact HZ-1 Fuel Management Zones, and proposes ineffective mitigation of HZ-1.

The Deer Springs Fire Protection (DSFPD) has not agreed to any of the four Options that the County has cited as valid solutions to provide 5 minute Fire and Advanced Life Support (ALS) Service to the Project. In fact, the DSFPD has certified on the Project Availability Form that it can provide **an average seven-minute response time** to the Project.

Fire Protection response time

As of this date, DSFPD has disagreed with all four Fire Protection Service Options listed in Subchapter 2.7 Hazards. DSFPD has responded that it intends to serve the Project from the existing Station 11 at Circle R Drive and Old Hwy 395.

Using Station 11 to serve the Project, response times for the furthest area of the Project is 9.5 minutes, and DSFPD has assessed "average" service at 7 minutes on the Project Availability Form.

This creates a Significant Impact – Failure to meet 5-minute response time, which has not been mitigated. Counter to the County's statements in the RDEIR this is a **Significant Unmitigated Impact** until Mitigation measures are agreed to.

Fuel Management Zone (FMZ) Impact HZ-1

We agree with the County that the Project has not provided the FMZ that Fire Codes require. Refer to Chapter 1 Figure 1- 6 Fire Protection Plan. The mitigation offered by the County is that property owners surrounding the Project provide an FMZ by managing fuel loads on their own private lands for the benefit of the Project.

This mitigation offered by the County is ineffective, and requires continuous and uniform maintenance by **property owners outside the project that do not have a requirement to provide the Project's FMZ.**

The effective mitigation is for the Project to apply a uniform FMZ to Fire Code requirements on the Project's property exclusively. Please amend the Project's Tentative Map and Site Plan to reflect this and remove the Impact.

Evacuation Route Comments

The County concludes the following:

"Through implementation of the project design features included in the Evacuation Plan, impacts associated with the adequacy of an evacuation process would be **less than significant.**"

This is an unsubstantiated comment by the County. We find an Impact that is not mitigated effectively.

Having read the Evacuation Plan for the proposed Lilac Hills Ranch Project for 1746 residential units and a 200 bed memory care facility, we have concerns that the 5185 persons residing in this proposed project can be safely evacuated in an emergency scenario. The Hunt and Dudek Study concludes that the likely Evacuation Population for the Project is 8200 persons – far greater than the traffic network evaluated.

The Evacuation Plan dated May 1, 2014 focuses nearly entirely on development of plans.

Evacuation Planning is important.

However, the Evacuation Plan does not adequately address the fundamental Evacuation issue for this proposed Project – capacity of available Public Roads for Evacuation.

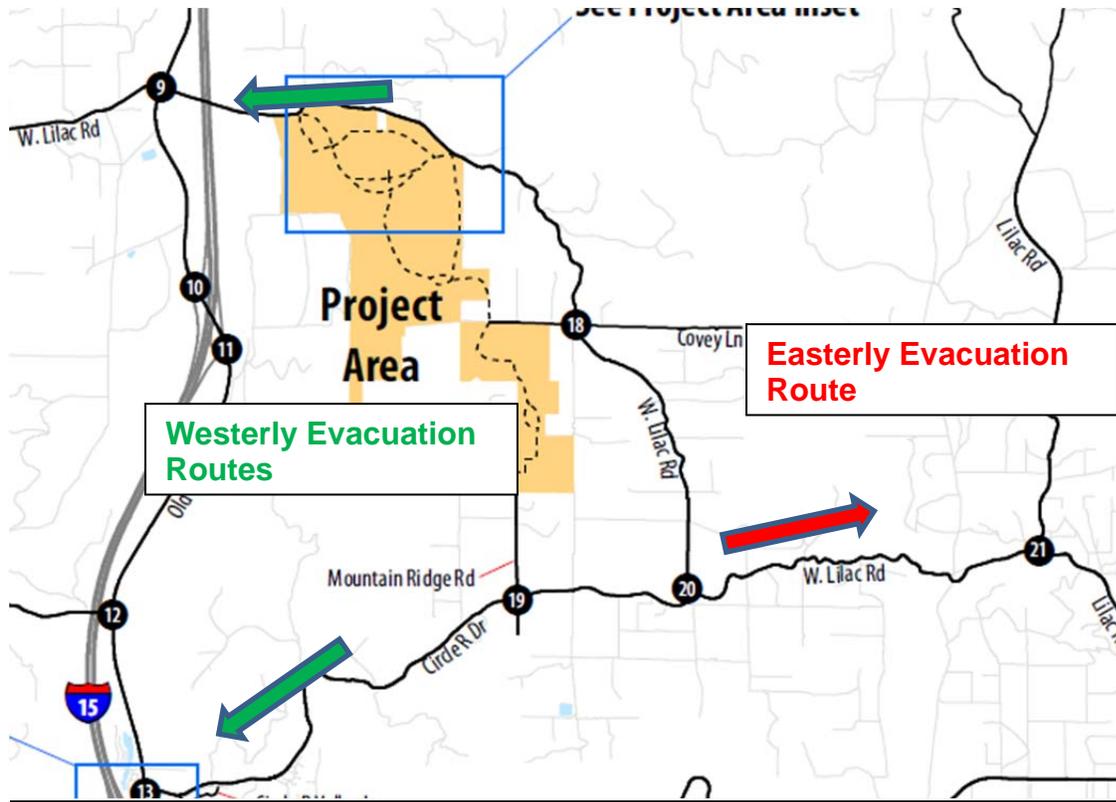
There are only two exits to the West from the Project

Only West Lilac and Circle R roads provide ingress and egress to the Project. Both are 2-lane 2.2F roads built to below standard conditions. The Project does not plan any lane additions or other improvements beyond upgrading West Lilac from the Project's Westerly entry to Old Highway 395. This limited improvement will not improve the ability for the population to safely evacuate in a Wildfire Evacuation scenario.

There is only one exit to the East from the Project

West Lilac to Lilac Road is the only Public Road to the East. This road has Horizontal and Vertical Curve radii that make it very marginal in an Evacuation scenario in which not only thousands of cars need to exit the area, but also first responders need ingress.

Westerly and Easterly Evacuation Routes



In several of the May, 2014 fires, notably the Cocos fire, there were significant Urban Populations in Subdivisions with steep terrain and limited ingress and egress.

The Lilac Hills Ranch Project has similar terrain, fuel loads, and Wildfire Hazard risks.

The County has found that the impacts of Wildfire Hazards are Less than Significant **without any effective mitigation measures.**

We request that the County carefully consider the Evacuation difficulties encountered in the May 2014 Wildfires before approving the Lilac Hills Ranch Project. We then find that reasonable and unbiased analysis will assess this as an Impact for which Mitigation is required.

Because of the Human Safety aspects of these impacts, we request that the County retain a third party expert at the Applicant's expense to review the impacts and propose effective mitigation measures:

- **Ability for W. Lilac and Circle R to safely evacuate the area population as well as populations to the east for a westerly evacuation scenario.**
- **Ability of West Lilac to safely evacuate the area population for an easterly evacuation scenario.**

Primary and Secondary Access use of Private Roads by the Project

The County's following statement on Page 2.7-31 is not true and is confusing:

"Successive proposed phases of development will include two access points via Covey Lane

and an additional gated emergency ingress/egress via Mountain Ridge Road and Rodriguez Road. Mountain Ridge Road is accessed from Circle R Road, and Rodriguez Road is accessed via Covey Lane.”

This statement infers that Rodriguez Road is used for internal circulation of the Project. It is also inconsistent with the Evacuation Route Map on Page 16 of the May (no date) 2014 revision to the Evacuation Plan.

Mountain Ridge Private road and Covey Lane appear to be used as internal circulation roads for some mysterious and confusing portions of the Proposed Project. The Project represents that it intends to use Rodriguez Road exclusively for Emergency Access. However, there are conflicting statements made throughout the EIR regarding the Project’s use of all three of these private roads.

Please specifically state in an accurate and complete manner the Project’s use of Covey Lane, Mountain Ridge, and Rodriguez Road for purposes of the Project, including a straightforward thorough explanation of the use of gates to limit access to some roads. Demonstrate that whatever usage of these roads is correctly reflected throughout all REIR Project documentation.

2.7.3.5. – Vectors

The RDEIR reports,

“Based on the County’s Guidelines for Determining Significance – Vectors (San Diego County 2009b), a significant impact would occur if the project substantially increased human exposure to vectors capable of spreading disease by:

b. Proposing a vector breeding source, including but not limited to, composting or manure management facilities, confined animal facilities, animal boarding/breeding/training operations”

The RDEIR goes on to say that the Project would not involve any manure management or manure management facility. And yet, the Wastewater Reclamation Facility [WRF] will have standing water stored in hydro-modification ponds that could facilitate breeding of mosquitoes. Further, the preliminary screening process will remove human manure from the influent sewage and place it into a storage bin that would be removed only two or three times a week.

While the RDEIR asserts that the applicant will take measures to reduce the storage bin’s attraction to flies, rodents and other vectors, it doesn’t elaborate on what those measure would be.

Is it too preliminary to ask how the applicant will control vectors among the storage bins at the WRF?

And, what measures would be implemented to control vectors during the transfer of the bins off-site for disposal?

What are the assurances that the measures taken would be effective?

This is particularly interesting considering the proximity of the school site to the WRF [within

686-feet]. These potential impacts are judged less than significant only if all protocols are followed routinely.

2.8 Noise

In General, RDEIR Subchapter 2.8 Noise the County of San Diego factually understates Significant Impacts and offers ineffective Mitigation of the Noise Impacts that the County concedes are Significant.

Comment 2.8-1: THE COUNTY'S NOISE STUDY DOES NOT ASSESS THE IMPACTS TO EXISTING OFF SITE RESIDENTIAL STRUCTURES

The RDEIR Noise Study Chapter does not reasonably disclose factual impacts to the existing residential housing located off Mountain Ridge Private Road and other offsite existing residential structures at other locations.

The modeled results in Table 12 of Appendix M, Noise Report for APN 129-430-13 (Receptor R-150), conflict with the 60 and 65 CNEL noise contour presented in FIGURE 6-b in Appendix M. We challenge the County's representation that future cumulative noise level at 57 CNEL for location R-150, since the residence is in the path of the 65 CNEL contour in FIGURE 6-b.

Offsite noise contours need to be graphically disclosed in the RDEIR in a consistent manner with On-Site Noise Contours – refer to FIGURE 6-b from Appendix M- Noise Report. The County of San Diego has not fairly represented to the Public the Off-Site Noise Impacts of the Project upon existing Off-Site Residences in its RDEIR.

Comment 2.8-2: THE COUNTY'S PROPOSED MITIGATION IS INEFFECTIVE IN MITIGATION OF IMPACTS TO EXISTING OFF-SITE RESIDENTIAL STRUCTURES

The mitigations proposed by the County; Mitigations MN1 through 20 (excepting Impacts 3 and 17 which are admitted to be Unavoidable) are pedantic discussions that do nothing to mitigate the Noise Impacts evaluated as significant. A key theme of these laughable mitigations is future non-specific promises of performance for which there is no guarantee. Mitigation needs to be specific and certain.

The proposed Mitigations offer theoretical approaches, with no applied solutions that reduce noise below the thresholds of Significance.

Therefore, Impacts N-1, 2, 4, 5,6, 7,8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20 remain Significant and Unmitigated.

Comment 2.8-3: THE COUNTY'S PROPOSED MITIGATION M-N-1 IS INEFFECTIVE

How does the County propose to acquire "Noise Protection Easements" for the Project's Offsite Noise Impacts on (proposed) Covey Lane Public Road, Mountain Ridge Private Road, Rodriguez Private Road, West Lilac Public Road and Circle R Drive Public Road? We believe that this mitigation is infeasible and the Impacts remain **Significant and Unmitigated**.

7.9 IRREVERSIBLE EFFECTS

RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

2.9 Significant Irreversible Environmental Changes Resultant from Project Implementation – Comments

The proposed Project [Lilac Hills Ranch] will, indeed, cause significant, irreversible, and, in most instances, immitigable impacts to the Project site, to the Valley Center and Bonsall communities and their community plans and to the County of San Diego and its General Plan. The Project will require significant amendments to the General Plan, its principles, policies, and regional land use designations and to the Bonsall and Valley Center Community Plans, or, at least, a severely disfigured interpretation of all of them.

The Revised Draft Environmental Impact Report [RDEIR] focuses on the grading of the Project site, on the use of fuels [energy] to prepare the Project site and manufacture construction materials, on the consumption of construction materials [wood, concrete, asphalt, drywall, etc.], on subsequent energy and natural resource consumption by the eventual residents, and on the amount of time to construct the project. It touches lightly on the loss of biological habitat [504-acres of the 608-acres lost to development].

All of this is true and expected for a Project of such proportions with the exception of the loss of biological habitat, and the severe gouging of the land. Habitat loss and gouging are not always required for such projects. That is one of the reasons why the U.S. Green Building Council's standard for Leadership in Energy and Environmental Design – Neighborhood Development [LEED ND] was created. That standard sets, as a prerequisite among others, appropriate site selection. LEED ND cites as key smart growth strategies the building on previously constructed development sites or 'infill' sites [surrounded or mostly surrounded by previously developed land], and, certainly not on agricultural lands.

Does the County think the Project site comports with the LEED ND prerequisites for site selection and linkage?

Given that this Project is classic Leap Frog development, why hasn't the County provided an analysis of the Project's consistency with LEED ND prerequisites for site selection and linkage, or any equivalent standard? Why doesn't the RDEIR analyze the Project's consistency with the other LEED ND prerequisites and construction requirements?

Why hasn't the County pressed the applicant to elaborate how the Project meets the LEED ND standard prerequisites for site selection in the case of this Project?

Shouldn't there be an analysis in the Specific Plan to assure the County that LEED ND standards, or their equivalent, are being met?

When a truly smart growth site is selected, there is no additional loss of biological habitat or excessive land gouging. For this Project, LEED ND was not observed nor respected. Oddly, the County General Plan recognizes the importance of LEED ND criteria and cites them as part of its principles. But, the County's RDEIR and the applicant would subvert them, or ignore them, in this case.

Why does the RDEIR not analyze the Project in terms of its consistency with LEED ND given that, as a "leapfrog development, it must be certified as consistent with LEED ND requirements or its equivalent" in order to be approved?

Does the County believe that the Project can be certified at any level of LEED ND if built on

the presently proposed site?

If the County is using an equivalent standard for certification, what is the equivalent standard?

How does this Project qualify under any other standard if that standard is the equivalent of LEED ND?

The RDEIR is correct to cite environmental changes to the Project site based on the 4+-million cubic yards of cut and fill proposed for the site. That is nearly 1.5 cubic yards of cut and fill for every single square yard of the Project site. Of course, some square yards will be treated more drastically than others. Some will be blasted to a depth greater than 50-feet. This significant disruption of the natural surface of the land is one of the greatest irreversible changes that will take place, and it is irretrievable once performed.

Does the County truly think that the blasting and movement of 4+-million cubic yards of earth is consistent with the local community character? Is mitigation possible?

And, it will take an enormous amount of extra energy and effort to move the 4-million cubic yards of earth around the site to make it conveniently buildable for so many densely packed dwelling units and so much commercial space.

Aside from transforming the land surface, moving so much earth and rock to accommodate the development of the Project will also permanently eliminate the Project site as biological habitat for native vegetation, wildlife and agriculture. Comments related to subchapter 2.5, Biological Resources, address the loss of foraging and breeding habitat and the beneficial interaction of wildlife with agricultural lands. State and federal laws address the losses of wildlife habitat.

Again, the General Plan recognizes the importance of natural habitats to the County, but the RDEIR suggests that losses of natural habitat can be mitigated by forcing wildlife, that is able, to move to other undeveloped lands in the County and by sacrificing native vegetation with the understanding that the losses caused by this individual Project are not significant.

Of course, the RDEIR does not adequately address the cumulative impact of scores of such individual losses caused by multiple projects and the irreversible loss of the majority of such habitat in the aggregation of these individual losses. Viewed incrementally, these individual project losses can be rationalized as minor and insignificant, but viewed collectively over the course of 50-years and on the scale of the entire County, they add up to a very significant majority of natural habitats [the California Department of Fish and Wildlife cites the loss of an estimated 85-90% of the historical extent of coastal sage scrub habitat in the state's Native Community Conservation Plan (NCCP) – Coastal Sage Scrub]. An acre here, an acre there, it all adds up.

Why does the RDEIR not address these cumulative irreversible losses of habitat within the County as a whole, or within the five-county southern California region, and the additive effect of large projects such as this Project?

The RDEIR also fails to adequately discuss the loss of agricultural land to this Project. The agricultural operations on and around the Project site are locally significant and typical of the operations that propel agriculture in San Diego County. The County's General Plan provides

for the preservation of existing farmland as a key goal and principle. LEED ND standards discourage development on agricultural lands.

The County's land surface is finite. At what point does the loss of 504-acres of farmland in a Project like this one push the County over the edge to a completely urban County?

Beyond the irreversible impacts and losses of land features and biological habitat are losses to the structure of governance. After over 12 years of discussion, revision, and compromise; thousands of hours of citizen volunteer effort; and, the expenditure of nearly \$20 Million in taxpayer funds, the San Diego County General Plan, approved in August 2011, became, in the words of the California Supreme Court, "the constitution for future development." Citizens purchasing property could look to the County's General Plan to apply diligence regarding future land uses surrounding the property they wished to buy and make a judgment on the value and appropriateness of such a purchase. Will the County defend the General Plan from the depredations of Projects like this one?

Moreover, this Project would subvert the intention of the state legislature to have every county adopt "...a comprehensive, long term general plan" [Calif. Gov. Code §65300; emphasis added]. For, in order to be approved, this Project would require the County to radically amend its general plan after only three years of existence to accommodate this Project. This Project was conceived as the present General Plan was being finalized and the applicant could have sought inclusion in it. The applicant did not.

Consequently, to be approved, this Project will require the County to substantially revise the General Plan's approved land use designations for the Project's site, and cause the County to strenuously distort the interpretation of the General Plan's goals, principles and policies [or to simply amend them to fit]. These actions will subvert the General Plan and throw the Bonsall and Valley Center Community Plans into disarray. This is not what the legislature had in mind.

Nor should a single commercial applicant be able to overturn the intent and authority of the General Plan to finagle approval for a single project that is inconsistent with that plan.

Similarly, the Bonsall and Valley Center Community Plans, extensions of the San Diego County General Plan, will have to be amended to accommodate this Project. This Project will mangle the hard-won compromises on land use designations for both communities. Both communities were planned using the Community Development Model defined in the General Plan. Both communities adopted land use and zoning plans that gradually diminished densities from their core villages to the limits of their planning areas, consistent with the model. The present Project undermines those plans with no particular benefit to either community.

Further, moving so much ground and building so many structures will irreversibly change the view-scape for owners of surrounding properties as well as others living in or passing through Valley Center and Bonsall. The proposed Project will diametrically convert extensive native vegetation, agricultural fields and orchards into a sprawling urban/suburban view-scape, quite out of place with its surroundings. In the process, it will have a similar urbanizing and growth-inducing effect on the I-15 corridor to the west.

Admittedly, the losses to the structure of governance are ultimately reversible. However, given the long-term expectation for general plans, perversion of the present General Plan by

such projects as this one will have effects that may outlast the lifetimes of many of the residents of Valley Center and Bonsall. Given those effects, irreversibility does not seem too much of a stretch.

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

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June 24, 2014

Mr. Mark Slovick
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92026

11-SD-15
PM 43.28
Lilac Hills Ranch Revised EIR

Dear Mr. Slovick:

The California Department of Transportation (Caltrans) has reviewed the Lilac Hills Ranch Draft Revised Environmental Impact Report (DREIR), located near Interstate 15 (I-15). Caltrans does not agree with the following statements identified for the mitigation measures within Caltrans jurisdiction:

M-TR-2, 3: Language was added in the revised EIR that the applicant or designee would be required to install traffic signals at the I-15/Gopher Canyon Road intersection, or Caltrans would agree to install signals provided funding by the applicant equivalent to the cost of installation. It should be noted that Caltrans would most likely not be involved in installing direct impact mitigation for a land development regardless of it being funded by others.

Caltrans does not agree with mitigation language throughout the EIR, whereby mitigation is determined to be infeasible and would remain significant and unavoidable because the impacts are within the jurisdiction of Caltrans, or there is no project, fund or program to contribute fair-share for cumulative impacts. It is the Lead Agency's responsibility to determine and disclose under CEQA the feasibility of implementing a mitigation measure. Stating that Caltrans does not have an identified project at a location identified to have an impact as justification for not mitigating does not meet the intent of CEQA. Furthermore, Caltrans does have a mechanism or program to collect fair-share contributions for cumulative impacts on Caltrans facilities.

June 24, 2014
Mark Slovik
Lilac Hills Ranch Revised EIR

If you have any questions, please contact Marisa Hampton at (619) 688-6954.

Sincerely,

JACOB ARMSTRONG, Chief
Development Review Branch

Subject: RDEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), RDEIR Chapter 3.1.4 Land Use Planning

Valley Center Community Planning Group Comments:

3.1.4 Land Use Planning

I. General Plan Inconsistency Overview

In comments submitted over the last two years, the Valley Center Community Planning Group and the Valley Center Design Review Board have challenged the proponent's assertions that this Specific Plan/General Plan Amendment ("SP/GPA") is consistent with the adopted County General Plan ('GP'), or with Valley Center's Community Plan ('VCCP'), or with Valley Center Design Guidelines.

These previous comments, which are attached hereto as Exhibits 1-2 are incorporated herein by reference, submitted as part of the public comments on this RDEIR and require a response. These previous comments have also challenged the logic exhibited throughout the Specific Plan and now in the RDEIR: that amending a particular GP regional Category to suit the Project somehow also reconciles the Project's inconsistencies with a wide array of General and Community Plan Goals and Policies.

The proposed SP/GPA is inconsistent in broad and fundamental ways with the San Diego County General Plan and the Valley Center Community Plan. Further the RDEIR fails to disclose and analyze these broad and fundamental inconsistencies and their environmental consequences, as CEQA requires. The RDEIR is derelict in concluding as it does that: "*Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be **less than significant***" (RDEIR Chapter 3 Environmental Effects Found Not To Be Significant p.3-65) As explained below, the project presents multiple inconsistencies with the GP and VCCP and a "reasonable person" could not find this project to be consistent with either the GP or the VCCP. See *No Oil v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 242; *Mitchell v. County of Orange* (1985) 165 Cal.App.3d 1185.

This RDEIR fails to perform the analyses required for decision makers to understand the parameters of this proposal, and to appreciate the nature and reach of its impacts. The RDEIR does not even have a rudimentary analysis of Consistency with the General Plan.

California State Law requires internal consistency of all County General Plans in California. Therefore, in considering a Specific Plan, particularly one that requires

amendments to an adopted General Plan, it is crucial to understand exactly where the Specific Plan is inconsistent with General Plan regional categories, land use designations and road classifications, principles, elements, goals and policies.

A Specific Plan is an implementation vehicle. Approval requires compliance with CEQA. An RDEIR must examine consistency issues including the web of interconnected and mutually supporting elements, goals, policies and maps of the County General Plan. 14 Cal. Code Regs. Section 15125(d). Inconsistency requires denial of the project, redesign of the project or amending the General Plan to fit the Specific Plan – the tail wagging the dog.

Making major changes to, for example, the Land Use, Mobility and Safety Elements in the San Diego County General Plan to achieve consistency with the proposed Specific Plan will require revisiting the environmental impacts of the entire San Diego County General Plan. Specific amendments, if not pursued with great caution, would possibly invalidate the entire San Diego County General Plan based upon internal consistency defects.

These are all of course very serious issues for the entire County. Accordingly, both the law and sound public policy require that the RDEIR for the SP/GPA analyze specifically and individually the General Plan Vision and Guiding Principles and the reflection of these in the Community Development Model, as well as specific goals, policies and relevant maps across the GP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise. The goals and policies of the Bonsall and Valley Center Community Plans must also be considered.

Once inconsistencies are disclosed there are only three ways to resolve them: reject the project, re-design the project, or re-build the County General Plan to suit these applicants. Inconsistencies with General and Community Plans, Design Guidelines and other ordinances and policies are NOT subordinate to this project's Specific Plan, as the Specific Plan asserts.

California Government Code Section 65454 "Consistency with General Plan" provides:

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan

As detailed below, the Accretive Lilac Hills SP is inconsistent with multiple principles, goals and policies of the County General Plan and the VCCP. These inconsistencies must be fully identified, analyzed and cured.

II. GP AMENDMENTS NECESSARY TO ACCOMMODATE THIS SP/GPA WILL REQUIRE REJECTING THE GP'S FOUNDATIONAL VISION OF SMART GROWTH AND ELIMINATING MANY GP POLICIES SUPPORTING IT.

It is manifestly not the intention of the San Diego County General Plan to drop “new villages” into semi-rural areas. To the contrary, the County General Plan is rooted in its “Smart Growth” intention. Smart Growth is a two-sides concept. On the one hand, Smart Growth locates future development in areas where infrastructure is established; and on the other hand, Smart Growth also retains and/or enhances the County’s rural character, economy, environmental resources, and unique communities. These are integrated, co-dependent concepts. They work together.

The proposal to drop a dense, from scratch 608-acre Village of 5000 people into several thousand acres of infrastructure-lacking, Semi-Rural and Rural land is fundamentally inconsistent with the County’s commitment to “sustainable development.” This foundational concept is described at length in the introduction to the County General Plan; and it is expressed across the web of interdependent GP Guiding Principles, Goals and Policies that have been put in place to bring about the County’s Smart Growth Vision. To reject this Vision now will, in essence, require an entirely new County General Plan.

III. PARAMOUNT AMONG THE PROJECT'S GP INCONSISTENCIES IS ITS FAILURE TO COMPLY WITH LAND USE GOAL LU-1 AND POLICY LU-1.2

Consistency with Land Use Goal LU-1 and with Policy LU-1.2 is especially crucial for this project’s approval. These provisions speak directly to the requirements for establishing NEW villages in San Diego County. They emphasize the primacy of the Land Use Element and the Community Development Model, and prohibition of Leapfrog Development.

Land Use Element Goal LU-1: Primacy of the Land Use Element. *A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.*

Land Use Element Policy LU-1.2: 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 consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED- Neighborhood Development Certification [LEED ND] 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. (See applicable community plan for possible relevant policies.)

The RDEIR for this SP/GPA asserts that the project is consistent with GP Policy LU-1.2. But, this is clearly not the case. The SP/GPA fails in the most fundamental ways to respect the County's commitment to sustainable development.

- A. The project is inconsistent with the GP Community Development Model,
- B. The project is inconsistent with LEED ND standards,
- C. The project is inconsistent with the 3rd requirement for waiving the prohibition on leapfrog development: provide necessary services and facilities. Among other impacts, the project requires (at least) ten (10) modifications to the County road standards to REDUCE capacities to sub-standard levels. Traffic impacts are significant and deemed immitigable by the RDEIR and the project fails to meet 5-minute response times for Fire and Emergency Medical Services.

The project also fails to present a legal and viable point design for sewage and wastewater treatment and there is insufficient, unavailable right of way for private roads into and out of the proposed development.

A. The Accretive SP/GPA is Inconsistent with the GP Community Development Model

The proposal, by definition, is inconsistent with the Community Development Model because consistency can be achieved only by amending the General Plan to fit the project. The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): *"The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses, such as estate-style residential lots and agricultural operations to Semi-Rural areas ... To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands..."*

First, as the above statement in the County General Plan makes clear, **the Community Development Model is not a moveable abstract concept**. If this were true then Village "puzzle pieces" could be dropped into Semi-Rural and Rural lands anywhere in the County and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the whole system of the General Plan's Regional Categories. Amending a Regional Category, therefore, require

also amending the network of planning concepts that the category implements, for example:

1. The General Plan states (pp. 3-7), *“Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact higher density development that is located within waling distance of commercial services, employment centers, civic uses, and transit when feasible.”*
2. The proposed site is designated not for Village development but for large semi-rural parcels (SR-10 and SR-4). This SP/GPA proposes to place a high density Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development. This action requires AMENDING the Community Development Model. Instead, with no discussion or analysis, the SP/GPA and the RDEIR all assert that consistency with the Community Development Model is achieved with a simple change to the Land Use map.
3. The site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model **requires** a “feathering “ of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth. (GP pp.2-8 through 2-9) The Accretive SP/GPA is inconsistent with the concept of feathering which is reflected properly in the current pattern of land use designations in Valley Center’s central valley.
4. This SP/GPA is located many miles from areas that the Community Development Model designates for Village development and miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
5. Regarding infrastructure, there are few existing roads in the area. They are built and planned to service Semi-Rural and Rural development, as in the current General and Community Plans. Despite proposing intense Village development, the proponents also propose to retain or **reduce** capacities of these roads. Water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.
6. The intent of the Community Development Model is to intensify development in **existing** Villages – not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed-use core to meet the Semi-Rural designations. Twenty-five percent (25%) of the community’s future development is now planned for the “Village” area in the center of the Valley Center Planning Area, at the community’s traditional “crossroads” where road, water and wastewater infrastructure, as well as schools, churches, shops, and businesses are **already** in place.

7. A key component of including a Community Development Model in the General Plan with “integrity” was to create a framework for future growth in and around existing villages. The RDEIR ignores this GP concept by concluding that a high density project placed in a semi-rural and rural area would not be growth inducing. This conclusion defies reality and contradicts the General Plan, which identifies existing villages as the hubs for growth.
8. The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the Accretive SP/GPA. Into the future, these landowners will likely seek similar higher density treatment. The County has a long track record of approving General Plan Amendments that increase density using the density of adjacent properties as justification. The RDEIR claims that this would not occur, but history and reality have proven otherwise.
9. The RDEIR refers to the Property Specific Request (PSR) General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. This suggestion is misleading. The outcome of the PSR/GPA process remains to be seen. Approval is not a foregone conclusion and processing will be lengthy. More likely is that approval of the Accretive Lilac Hills project would usher approval of the PSRs/GPAs in Valley Center, thus inducing unplanned growth of this area.

Second, the project design defies the GP principles, goals and policies for Village development and for Village expansion, which the Community Development Model reflects.

1. The 608-acre project site, only a portion of which is actually owned by the applicant, sprawls 2 miles N-S, and 1 mile E-W across several thousand acres, largely in active agriculture. These surrounding acres are owned by people whose dreams and ambitions for their rural properties are in accord with the Community Development Model’s Regional Category assignment: Semi-Rural and Rural.
2. The sprawling site creates some 8-miles of edge effects that will threaten surrounding agriculture, horticulture, and animal husbandry that the GP Community Development Model protects by designating this area for Semi-Rural and Rural development. This sprawling shape also increases the likelihood that the proposed project will be growth inducing as previously mentioned.
3. With 1746 units and 90,000 SF of commercial on 608-acres, there is insufficient land available for “feathering” residential densities as the Community Development Model intends and describes.
4. The site requires 3 separate commercial nodes to support the “walk-able” claim. The project cannot be characterized as a “walk-able Village” when it is, in fact, three circles of dense housing. Two of these housing areas are

- at least a mile from what the Community Development Model would characterize as Village amenities. The LEED Neighborhood Development standard (LEED ND) for “walking distance” is ½ mile, the GP also cites ½ mile (GP, p.3-8)
5. This is not the “walk-able” compact Village it purports to be. The faux Town Center is more than one and half miles from the ½ mile standard required by LEED ND and cited in the General Plan.
 6. The proximity of Rural Lands to the project presents wildfire threats, which the applicant’s Fire Protection and Evacuation Plans recognize. However the threats are not adequately mitigated. In addition to wildfire, the Accretive project adds the additional hazards of Urban Multi Story Structure Fires and nearly two orders of magnitude increased volume and complexity of Emergency Medical Services (EMS). The Accretive Fire Protection Plan barely mentions the Structures and EMS hazard potential, and does not provide reasonable mitigation plans. The Deer Springs Fire Protection District (DSFPD) has gone on the record three times (6/12/2012, 3/5/2013 and 8/7/2013) stating that DSFPD has major issues with the Project as proposed. Accretive has glossed over these issues raised by a Public Safety agency and the County has allowed the Project to proceed in the General Plan Amendment process. The RDEIR needs to specifically address the issues raised by the DSFPD.

B. The Accretive SP/GPA is inconsistent with LEED Neighborhood Development Certification standards

Compliance with LEED Neighborhood Development Certification standards is a second critical requirement for this project. Without meaningful the analyses required by CEQA, the RDEIR merely asserts compliance with the LEED-Neighborhood Development requirement.

The RDEIR is required to comprehensively address the numerous and exacting requirements of LEED Neighborhood Development Certification (“LEED ND”). If the County is not applying LEED ND but an “equivalent standard” as policy LU1.2 allows, the RDEIR analysis must name the standard and show how it is equivalent.

We believe there is no recognized equivalent to LEED ND.

Referenced here as Exhibit “3” are key excerpts from the booklet, ***LEED 2009 for Neighborhood Development*** [refer to materials submitted in comments in August 2013]. However, the RDEIR, in analyzing consistency, should consider the entire publication where these exacting standards are discussed and illustrated in detail. The booklet is published by the U.S. Green Building Council and is available on its website, USGBC.org

As the referenced excerpts make clear, to obtain LEED ND Certification, certain location, conservation and design criteria are mandatory. This means that, regardless of how many “points” are accumulated for “green” amenities, LEED ND Certification cannot be achieved without meeting essential standards in particular categories.

GP LU Policy 1.2 provides that the Accretive SP/GPA must comply with all essential standards that are required for LEED-Neighborhood Development Certification. These standards include the following:

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

Prerequisite 4 Agricultural Land Conservation

Prerequisite 5 Floodplain Avoidance

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Walkable Streets

Prerequisite 2 Compact Development

Prerequisite 3 Connected and Open Community

Accretive’s SP/GPA fails to meet fundamental requirements for LEED ND Certification for the following reasons:

1. **The site is not a “Smart Location.”** (See p. 1 *LEED 2009 for Neighborhood Development* [“LEED 2009” attached hereto as Exhibit 3]). The RDEIR concludes that the project is consistent with LEED ND but completely overlooks its mandatory site selection requirements. Further, the RDEIR does not address how this site selection aspect of LEED ND can simply be overlooked when the LEED program was specifically designed to “place emphasis” on site selection. A fundamental premise of Smart Growth is to lower automobile dependency as compared to average development. The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip. The SANDAG average miles/trip for unincorporated San Diego County is about 13 miles/trip, which is why the region is directing growth to the incorporated cities and existing villages. Accretive is proposing an automobile based urban sprawl community that even with exceedingly high and unsubstantiated internal trip rate estimates (see traffic analysis submitted under separate cover) is 47% higher than the San Diego County average (8.5/5.8) trip distance.
2. **The site is too large (exceeds the 320-acre maximum size).** (See p. xvi LEED 2009) This maximum area is based on critical factors such as providing the appropriate density of services and neighborhoods within a

compact community and achieving walkability. The RDEIR fails to address how the project is still in compliance with the LEED ND program when it exceeds a standard that was determined by the “core committee’s research.”

3. The proposed SP/GPA fails to meet LEED ND standards for a “walkable” neighborhood. (See p. xvi LEED 2009). The RDEIR repeatedly asserts that the proposed project will be “walkable.” However, the only “evidence” provided of “walkability” consists of three circles on a map and a suggestion that someone could walk to someplace within any circle. This does not provide evidence or constitute a walkable community. The LEED ND standards were developed through research of a core committee which suggests that a walkable neighborhood is no more than 320 acres and all services, civic uses, employment, and high density housing are contained within that 320 acres.

Describing the proposed project as walkable is unsubstantiated and misleading. Further, technical analyses that rely on the unfounded and unsubstantiated premise that the project is walkable have impacted the assessment of impacts and thereby likely underestimated the impacts of the project on traffic, air quality, and greenhouse gas emissions.

4. **The proposed project is neither an infill site nor a new development proximate to diverse uses or adjacent to connected and previously developed land. It is sprawl placed into a functioning agricultural area, with no existing infrastructure.** (See p. 1 LEED 2009) The objectives of the LEED ND program are clearly compatible and in alignment with the guiding principles of the County of San Diego’s General Plan and with the siting of “new green neighborhoods.” As a result, the LEED ND program was integrated in to the Leapfrog development policy of the General Plan. Any proposed deviation from LEED ND, such as ignoring siting criteria, size restrictions, and density guidelines, should be carefully scrutinized for significant environmental impacts.
5. **Because a site design is not available for the Town Center area we have no way of knowing whether this area itself complies with LEED ND standards.** The Specific Plan claims compliance, but this claim is not substantiated.
6. **The site is not served by existing water infrastructure that is adequate to serve urban density.** Water infrastructure is designed for agricultural users and needs significant revision for high density Urban uses. There is no wastewater infrastructure.
7. **No water or wastewater service is planned to serve urban development of this area.** (See p. 1 LEED 2009) The General Plan and the VCMWD’s plans do not currently call for expansion of the infrastructure required for a project such as this. The project clearly must provide new water and wastewater infrastructure but it cannot do so because Accretive does not own sufficient easements for sewer and

wastewater lines. (See Letter from Kevin K. Johnson APLC regarding Wastewater Management Alternatives Study submitted to the County on August 9, 2013).

8. **The Project description demonstrates that the SP/GPA cannot satisfy ANY of the 3 OPTIONS for the Smart Location REQUIREMENT.** (See p. 1 LEED 2009):
- a. It is not an Infill project.
 - b. It is not an Adjacent Site with Connectivity [does Not have at least 90 intersections/square mile as measured with a ½-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project) boundary that is adjacent to previous development.
 - c. The site is not designed as a Transit Corridor or Route with Adequate Transit Service. The only mass transit consists of two bus routes located 4 miles north of the Project, which run the circuit of the four Indian Casinos on SR-76.
 - d. None of the LEED ND significant public transit service requirements are met by the proposed circulation system.
 - e. The only transit mentioned by the Specific Plan and/or the RDEIR is that NCTD might consider a bus stop serving part of the project. This is inadequate.

On RDEIR page 3-88 of Chapter 3, *Impact found not to be Significant*, the County asserts:

“The project is designed to meet the LEED for Neighborhood Development Certification or an equivalent program and was planned by Calthorpe and Associates in order to create a new urban village consistent with these principles.”

1). Provide certification from Calthorpe and Associates over the seal and signature of a Licensed California Professional Engineer certifying that Calthorpe and Associates have provided the Design of the Lilac Hills Ranch Urban Village as presented in the current version of the Lilac Hills Ranch Specific Plan.

Or remove this comment from the RDEIR.

2). National Expert, and LEED-ND author, Kaid Benfield has rated the Lilac Hills Ranch Project using a structured analytical approach that analyzes the purported sustainability of the proposed Project.

a). Please read again Kaid Benfield’s analysis of the Lilac Hills Ranch Project at: (<http://www.citylab.com/design/2013/09/sprawl-still-sprawl-even-if-its-green/6756/>). The Endangered Habitats League presented this information to the County as a Public Comment on September 3, 2013.

The RDEIR ignores its existence.

The County's requirement is to present unbiased information to Decision Makers. Please answer why substantiated opposing viewpoints were not incorporated into the RDEIR and their conclusions not made aware to Decision Makers. Also answer why factual information was not evaluated when establishing Impact and evaluating Significance.

C. The Accretive SP/GPA fails to provide necessary services and facilities for the intense urbanization being proposed.

1. ROADS. Traffic impacts are significant and the applicant has proposed no acceptable mitigation measures.

Accretive proposes Village development of a rural area but it **does not propose** Village capacity roads necessary to accommodate the traffic that will be generated by the Village project.

One key purpose of the General Plan Mobility Element and County Road Standards is to specify road standards and automobile capacities that are necessary to serve the surrounding land uses throughout the County. Land Use and Mobility Elements are coordinated and interrelated. Village-capacity roads are specified as necessary to serve Village land uses. Degrading road capacity standards will likely cause a variety of known and unknown environmental impacts.

In essence, the applicant proposes to compromise standards that are employed uniformly across the County in order to win for themselves entitlements to urbanize land uses – without responsibility for urbanizing road capacities. Specifically, they propose to add 20,000 Average Daily Trips to Mobility Element roads, and to pass the real costs of improving these roads on to the taxpayers. They seek “consistency” with County planning standards not by complying with them, but by relaxing them.

For example, their proposal is to **Downgrade** West Lilac Road from its current Class 2.2C to a reduced-capacity Class 2.2F (RDEIR Ch. 2.3, p. 2.3-23) They further propose that two segments of West Lilac Road and one segment of Old Highway 395, which will operate at unacceptable Levels of Service E and F as a result of the Project, be sanctioned as official “exceptions” to the County standard for minimum Level of Service. TIF fees of approximately \$5 Million are utterly inadequate to afford the road reconstruction necessary to service this development's traffic. The Valley Center Road widening five years ago cost in excess of \$50 Million.

In remote places road improvement costs are often enough to make projects infeasible. Here the project applicant argues against improving roads to capacities that are functional and safe because it:

- Is too difficult and costly
- Will require rights-of-way that are unobtainable
- Will be time consuming to construct
- Will be disruptive to off-site property owners
- Will face opposition from existing neighbors
- Will require condemnation of right-of-way
- Will impact biological open space

These are, of course, the exact reasons why the San Diego County General Plan and LEED ND both direct urban development away from undeveloped sites like this one into areas where infrastructure, necessities and amenities required for urban dwellers are already present. In other words, the clear goal is to avoid sprawl.

The proposed SP/GPA will add 5000 urban residents to country roads while reducing road widths, reducing road design speeds and ignoring other standards established for safe, efficient transportation. The proposal:

- Fails to provide necessary services and facilities
- Is inconsistent with GP premises that development will pay for itself
- Is inconsistent with the GP minimum standard for LOS D on County roads
- Compromises the safety, comfort and quality of life of prospective residents as well as the other residents of Valley Center who depend on these Mobility Element roads.

Sanctioning the requested road standard exemptions will create significant long term SAFETY and liability issues for the County of San Diego.

2. **Intersections.** Additionally, in order to meet County Road Standards, two out of four secondary access intersections (Covey Lane and Mountain Ridge Road) with public roads will require the use of County prescriptive rights (for continual brush clearance) and eminent domain (to secure land from unwilling property owners). Accretive Investments has filed Sight Distance Analyses on these two intersections that confirm the above assertion.
3. **RESPONSE TIME.** The SP/GPA fails to meet 5-minute response time for Fire and Emergency Medical Services. The Deer Springs Fire Protection District has commented in writing that none of the proposed

options listed in the Specific Plan and Fire Protection Plan are feasible solutions for the District to meet the 5-minute emergency response requirements for Lilac Hills Ranch.

4. **WASTEWATER TREATMENT.** The project fails to present a legal and viable point (site location and sewage and wastewater treatment functional description) design for sewage and wastewater treatment. The preferred option listed by the applicant lacks legal right of way for offsite sewer and recycled water pipelines.

IV. THE ACCRETIVE SP/GPA IS INCONSISTENT WITH THE PURPOSE, INTENT AND GUIDING PRINCIPLES OF THE COUNTY GENERAL PLAN.

- A. Purpose of the General Plan.** Chapter 1 of the General Plan contains in its Introduction and Overview an array of highly relevant directives that the RDEIR fails to discuss.

The General Plan must be referred to in its entirety, including separately bound portions (such as the community plans). While the General Plan is internally consistent, some issues are addressed through multiple policies and some receive refined and more detailed direction in community plans. (GP at p. 1-4)

- 1) Policies cannot be applied independently.
- 2) If you are a SD County resident or property owner, the General Plan indicates the general types of uses that are permitted around your home and changes that may affect your neighborhood, and the policies the County will use to evaluate development applications that might affect you or your neighbors. The Plan also informs you regarding how the County plans to improve mobility infrastructure, continue to provide adequate parks, schools, police, fire, and other public services, protect valued open spaces and environmental resources...
- 3) Future development decisions must be consistent with the Plan
- 4) The essence of the Plan lies in its goals, policies, and implementation programs.
- 5) Policies provide guidance to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action. (GP at p.1-5)

- B. General Plan Guiding Principles.** These Guiding Principles are intended to Guide development and conservation in San Diego County.

Advance Planning Staff worked with hundreds of stakeholders-citizens, property owners, real estate developers, environmentalists, agricultural organizations, building industry representatives, and professional planners

for years to create a General Plan that would build what is reasonably needed, and to conserve what we must. These Guiding Principles gave birth to the Community Development Model, and to the systematic method through which planning principle, and the County's commitment to authentic sustainable development, was transferred from human hearts and minds to the ground.

The RDEIR should, but does not, thoroughly discuss and analyze the GP Guiding Principles (GP pp. 2-6 through 2-15), but merely cursorily sets them out, and in some cases, without analysis of the factual aspects of the Accretive project, asserts compliance.

The following discussion reviews several key **San Diego County General Plan Guiding Principles**, their application to the proposed project and reveals the project's failure to comply with these guiding principles.

Guiding Principle 1: Support a reasonable share of regional population growth. (GP p.2-6)

The RDEIR fails to note that the GP forecasts Valley Center to have 9,796 residential housing units at the end of 2030, the General Plan planning horizon. (GP Housing Element Update Report p.41). At the average Valley Center persons/house factor of 2.97 persons, this equates to a residential population at build out of 29,094, not the 41,000-plus that would result from this project's placement of a new city in the middle of a well-functioning agricultural area. This discrepancy is not recognized or analyzed. Additionally, the General Plan already accommodates more growth than SANDAG projects for 2050. In this context, the RDEIR fails to justify the need for 1,746 additional homes and 90,000 additional SF of commercial.

There are significant environmental and planning consequences from providing an excess of housing and employment in a rural area that are not addressed in the RDEIR:

1. As a region, with SANDAG providing coordination, we have been trying to steer growth to incorporated cities where transportation investments are occurring and goods, services, and employment are in abundance. The proposed project undermines this effort. It contradicts growth principles that all jurisdictions have developed through SANDAG, and conflicts with the Regional Transportation Plan and Sustainable Communities Strategy (SCS).
2. The SCS is the region's strategy for addressing GHG emissions targets for land use and transportation yet the

- RDEIR fails to address the consequences of the proposed project conflicting with it.
3. By providing a glut of housing in a rural area, the proposed project throws a wrench in the region's growth strategy. The provision of more homes in Valley Center will reduce demands for homes elsewhere. Generally, it has been the incorporated cities that have needed to plan for more homes to accommodate future regional growth. The proposed project will redistribute that need by 1746 homes. If built in the incorporated cities pursuant to regional plans, these homes would have shorter vehicle trip lengths, be closer to transit, jobs, and services, and use less water and electricity. The RDEIR fails to address these consequences.

There are also impacts of providing excessive commercial uses. The proposed project plans for commercial uses in excess of local and regional forecasted needs. There are two possible consequences of this situation:

1. The commercial space in the proposed project will remain vacant and the town center will not function as intended
2. The proposed project will pull commercial uses from other existing commercial areas nearby such as Valley Center and Bonsall town centers. This will result in vacancies and blight in these established village centers and will undermine their growth strategy and vision.

The RDEIR need to include a comprehensive economic study of the proposed project and its economic viability within the context of community and regional plans. The results of such a study will reveal grounds for the evaluation of additional environmental impacts of the project.

Guiding Principle 2: Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in compact pattern of development. (GP p. 2-7)

As previously discussed the Accretive project site lacks both existing and planned infrastructure. Infrastructure proposed by the project cannot be provided at a level consistent with County standards. The proposed project is not a compact pattern of development. It sprawls over 2 miles and has to include 3 town centers rather than 1 to try to support the claim that it is "walkable" and thus, presumably, compact.

The project and RDEIR fail to analyze this inconsistency with Guiding Principle 2 (and its implementing Goals and Policies) and attempt to avoid

it with the fiction that adopting a map with different land use designations for 608 acres will create compliance with the County General Plan.

The GP and VC Community Plan currently embody and comply with Guiding Principle 2, with the design for then central Villages and the feathered-out supporting semi-rural and rural designations. The Accretive project is inconsistent with and would destroy that design and compliance.

Guiding Principle 3: Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. (GP p. 2-9)

The Accretive project does not comply with or implement this Principle. The RDEIR fails to recognize Valley Center's two existing villages or analyze the impact of the Project on the existing and proposed central Village economy and character. In its inadequate discussion of the key CEQA issue whether the project will physically "Divide an Established Community" the RDEIR states that "Since the site currently does not serve as a connection point between community areas, the project would not significantly disrupt or divide an established community," (RDEIR Ch. 3, section 3.2.4, p. 3-171) and thus there is no need to address this issue in the RDEIR. The central valley villages will be economically affected by a competing commercial center in western Valley Center, and they are where the GP and CP plan Valley Center's future growth consistent with the General Plan. Consistency with Guiding Principle 3 must be fully analyzed in the RDEIR.

Guiding Principle 4: Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance. (GP p. 2-10)

The Project fails to comply with this principle and proposes bulldozing over 4 Million cubic yards of natural hills to make manufactured slopes to accommodate an urban-style city in an active and productive agricultural area.

Guiding Principle 5: Ensure that development accounts for physical constraints and the natural hazards of the land. (GP p. 2-11)

In contrast to this principle, the Project proposes bulldozing over 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active and productive agricultural area.

Guiding Principle 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. (GP p. 2-11)

The RDEIR indicates that NCTD might be interested in a bus stop. The project is isolated from existing villages and entirely car-dependent. If approved, there are no assurances that commercial amenities, schools, and parks will be built until phase 3, 6-8 years or more after building phase one houses in an area entirely removed from public transportation. The Project does not have easement rights for the required ingress and egress to the planned homes. If the homes were constructed, they would undermine rather than enhance existing connectivity by the applicant's request to downgrade a portion of West Lilac Road from a 2.2C Circulation Element road to a 2.2F Circulation Element road.

In short, by adding 5,185 residents in an automobile dependent commuter community with no access to public transit and with a degradation in road standards, the project will degrade emergency ingress and egress for fire law enforcement and evacuation in the event of fire and detract from, not support, community development patterns in the existing central Villages.

Guiding Principle 7: Maintain environmentally sustainable communities and reduce green house gas emissions that contribute to climate change. (GP p. 2-12)

The Project claims it is environmentally sustainable, but ignores fundamental requirements for sustainable building where substantial investments have already been made in urban infrastructure and amenities. Moreover, the project replaces agricultural operations and functioning rural lands that genuine "sustainable development" would preserve and protect. The characterization of the project as "sustainable" is without factual support and undermines the ability of the public and decision makers to reasonably evaluate the project and its impacts.

Guiding Principle 8: Preserve agriculture as an integral component of the region's economy, character, and open space network. (GP p. 2-13)

The Project conflicts with this principle by removing 504-acres of productive agricultural lands from use and replacing this valuable acreage with an urban city. The RDEIR relies on an inappropriate model to devalue existing productive agriculture and ignores the reality that the project site and surrounding area contain some of the most unique and valuable agriculture operations in the region.

Guiding Principle 9: Minimize public costs of infrastructure and services and correlate their timing with new development. (GP p. 2-14)

The SP and implementation plan are inconsistent with this principle and are geared to increase public infrastructure costs while minimizing the applicant's infrastructure costs, in an area currently devoid of infrastructure.

Guiding Principle 10: Recognize community stakeholder interests while striving for consensus. (GP p. 2-14)

This applicant has had only very minimal contact with the Valley Center community and the Valley Center Community Planning Group throughout the planning process. No changes or attempts to reach consensus were ever made in response to community comments and concerns.

The project is inconsistent with and fails to fulfill the foregoing guiding principle.

V. COUNTY PLANNING STAFF IDENTIFIED 121 GP POLICY CONFLICTS IN THE SCOPING LETTER. THESE CONFLICTS ARE NOT ANALYZED IN THE RDEIR OR THE SPECIFIC PLAN

On June 13, 2012, County staff issued a "Project Issue Checklist" listing (on 350+pages) more than 1000 project "issues" regarding the project and its planning documents. The list included Major Project Issues (with GP Policies) as well as GP and CP Policies that posed potential conflicts.

The staff directive to the applicant at that time was, *"Please immediately review the policies and indicate to the staff how you would propose to revise these policies or if you disagree with staff's analysis. If policy revisions are required to the County's General Plan, then the project's EIR must also analyze the impacts to the County's General Plan."* In subsequent edition, the Checklist refers the reader to other documents – in some instances to a GPAR (General Plan Amendment Report), in others to the Land Use Section of the RDEIR. However, a review of these resources shows there is no policy-by-policy discussion of consistency. This level of analysis must be provided.

The June 13, 2012 version of the Project Checklist is among the submissions to the administrative record made in August 2013. The RDEIR should discuss in detail each of these GP and CP consistency issues.

VI. THE LIMITED CONSISTENCY ANALYSIS THAT DOES APPEAR IN THE RDEIR IS INCOMPLETE AND INSUFFICIENT

The RDEIR (in Section 3.1.4.1, pp.3-78–3-86) lists what it calls the “relevant policy and regulatory framework” for the project. But this list is not the detailed analysis that CEQA requires; instead, under the rubric of “Existing Conditions” this section is mainly a summary of applicable planning documents.

RDEIR Section 3.1.4.2 (p.3-86) is titled “Analysis of Project Impacts and Determination of Significance.” In the subsection entitled “Impact Analysis” specifics are either missing or inadequate, and replaced with brief descriptions of the project followed by unsupported assertions. Select examples follow:

1. The RDEIR fails to identify the array of GP policies that would have to change in order to approve the proposed SP/GPA. Instead, the RDEIR merely asserts the unsupported conclusion that *“The proposed project includes a General Plan Amendment, which if approved, would result in the project being consistent with the General Plan.”*
2. In the RDEIR there is a brief recitation of LEED ND characteristics and an airy claim that the Project meets the principles and standards for LEED ND certification [although it points out that it is not necessary to actually be certified – and it definitely couldn’t be with the present site location]. However, there is no analysis of the site location and linkage requirements of LEED ND, simply a claim that the Project meets the criteria. The RDEIR goes on to address “Smart Location” as required by the County’s General Plan by citing its relationship to services and the I-15 corridor. It fails to address the LEED ND requirement for site selection that prohibits agricultural locations and instead urges in-fill sites within existing urban areas or adjacent to developed areas. LEED ND also requires appropriate linkage to existing nearby employment, shopping, commercial, and transit facilities, none of which is adequately analyzed in the RDEIR.
3. The GP Community Development Model continues to be presented as if it is no more than an arrangement of densities rather than a reflection of a whole complex of interdependent ideas about sustainable development. Nevertheless, the RDEIR asserts, without any substantiation, *“the proposed project would be consistent with the Community Development Model of the County General Plan and designed to meet the LEED Neighborhood Development Certification of an equivalent.”*
4. In the few cases where specific GP policies are cited, the evidence for consistency with the policy is in some cases asserted by merely repeating the language of the policy itself. For LU-1.2: *“the project is not “leap frog development” because it is designed to conform to the*

Community Development Model, provides necessary services and facilities, and would be designed to meet the LEED Neighborhood Development Certification or an equivalent.” For LU-3.1, LU-3.2, and LU-3.3: *“The project likewise provides ‘a complete neighborhood’ to include a neighborhood center within easy walking distance of surrounding residences (LU-3.3) while providing a mixture of residential land use designations and development regulations that accommodate various building types and styles (LU-3.1 and LU-3.2).”*

5. In a few cases where the SP/GPA proposes amendments to Mobility Element road classifications or acceptable LOS, the RDEIR asserts that the SP/GPA is not inconsistent with GP because relaxing the standards makes it consistent. Again, the tail is wagging the dog and consistency is achieved only by amending the General Plan to fit the project. Specifically, under RDEIR section 3.1.4.2 (4), “Other Relevant General Plan Policies” (RDEIR p. 3-91–3-92) the claim is made that by merely listing a number of road segments surrounding the Project on Mobility Element Table M-4 [which identifies road segments with road classifications that could result in LOS E/F but do not merit extra lanes because of the adverse impacts of adding them] that the burden of the added 20,000 ADT from the Project is put aside.
6. The RDEIR (Section 3.1.4.2, “Other Relevant General Plan Policies,” p. 3-92) asserts, incorrectly, that, “A discussion of the project’s conformance with other General Plan policies is detailed in the General Plan Consistency Analysis (see Appendix W). Overall, the project would be consistent with the General Plan; therefore, land use impacts associated with policy inconsistencies would be **less than significant.**”
7. In its ‘evaluation’ of Growth Inducement (RDEIR 1.8.3, Construction/Improvement of Roadways, p. 1-46 –1-47) The RDEIR suggests, *“Therefore, the project’s proposed on-site circulation plan and off-site road improvements would not result in the removal of a barrier to additional growth in the area.”* These road improvements provide the type of improvements that CEQA acknowledges remove barriers to growth, not merely satisfying the Project’s growth. Additionally, the statement in RDEIR (1.8.4.2, New Schools, p.1-48) the County suggests that the addition of a new school would be, *“...growth accommodating, and not growth inducing.”* The County fails to discuss the presently vacant school in the North Village of Valley Center [adjacent to the elementary school] and the lack of interest by both the Bonsall Unified School District and the Valley Center Pauma Unified School District in a new school on the Project site. Left to either school district to decide, students in the Project would have to be driven or bussed to school off-site. The County’s analysis of the ‘new school’ is inadequate. It is gratifying to note the improved stance of the County on growth inducement relative to this Project. Where, in the earlier version of the DEIR the County took the position that the Project

was located in a site that, while not zoned for growth, could accommodate it and that none of the typical obstacles to growth such as a lack of services and infrastructure were present on the Project site. The County is now more realistic in its assessment in some of those areas and is citing growth inducement from General Plan Amendments to density, extension of fire service and expansion of water and sewer infrastructure. It still needs to rethink road improvements.

8. The RDEIR should also discuss and analyze the growth inducing impact and precedential effect of approving this project's notion that the Community Development Model is simply a "Village" puzzle piece that any developer can drop anywhere in San Diego County's rural countryside.
9. There is no General Plan Amendment Report (GPAR). Historically, a GPAR present the details of a GPA and discusses its consistency, or lack of consistency, with all GP elements, but this Specific Plan text does NOT include a General Plan Amendment Report even though the SP at page 1-12 states that, "*Section V of this Specific Plan text and Chapter 4 of the General Plan Amendment Report and Appendix A provides detailed analysis regarding how and why this Specific Plan is consistent with the goals and policies of the County General Plan.*" There is neither a GPAR nor an Appendix A dealing with the Specific Plan and General Plan! [Appendix A is a 1000 scale vicinity map]. This is a fundamental problem requiring a rewrite and reissuance of the RDEIR. This same problem was cited for the DEIR of August 2013 and has not been addressed.

VII. ADDITIONAL APPLICABLE GENERAL PLAN GOALS AND POLICIES NOT DISCUSSED OR ANALYZED IN THE RDEIR INCLUDE:

A. Land Use Element

LU-1.4 Village Expansion: *"Permit new Village Regional Category designated land uses **only where contiguous** with an existing or planned Village and where all the following criteria are met:*

- *Public facilities and services can support the expansion without a reduction of services to other County residents*
- *The expansion is consistent with community character, the scale, and the orderly and **contiguous** growth of a Village area."* (Emphasis added)

Comment – INCONSISTENT: If there was an existing or planned Village in western Valley Center, Accretive could try to use this provision, instead of being prohibited by the Leapfrog Development provisions of LU-1.2. However, the only "existing or planned Village" in Valley Center is the Village in the central valley where north and south nodes are separated by a dramatic escarpment and Moosa and Keyes Creeks. This area has existed

as a “Village,” has been planned for expansion for more than 50 years and was designated a SANDAG Smart Growth Opportunity area with the recent update of the County General Plan. The area has sewers and has received a large grant from the state of California to expand wastewater facilities. Valley Center Road, which traverses this area and connects to Escondido and Pauma Valley, was improved to Major Road standards only a few years ago in anticipation of expanded development here. The Valley Center Community Planning Group has increased residential densities in this area so that about 25% of the community’s growth can be accommodated in the “vibrant, compact Villages” the community has envisioned.

This provision is a clear companion and complement to the other GP goals and policies designed to intensify development in existing Village areas and avoid leapfrog development by permitting new Village uses only where contiguous with an existing Village. The Project cannot satisfy this foundational requirement and fails to meet the additional criteria: Its construction would clearly reduce services to all Valley Center residents outside the development by taking away from the economic viability of the existing two Villages, as well as blocking emergency evacuation ability for current residents. Its urban pattern is totally out of ‘character and scale’ with Valley Center’s vision. A new Regional Category Village is simply not authorized if this Land Use policy is to be given effect according to its plain meaning.

LU-2.3 Development Densities and Lot Sizes: *“Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.”*

Comment – INCONSISTENT: This is another example of the interrelated and internally consistent fabric of the GP. Densities and lot sizes reflect community character. Valley Center’s community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-2.4 Relationship of Land Uses to Community Character: *“Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in Addition to the General Plan Guiding Principles.”*

Comment – INCONSISTENT: Requiring projects to comply with the applicable Community Plan is the most effective way to meet the GP Goal LU-2, to maintain the county’s rural character. Valley Center’s community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. This Project is inconsistent with the Semi-

Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

LU-5.3 Rural Land Preservation: *“Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations.”*

Comment – INCONSISTENT: The proposed Project fails to ensure the preservation of this rural area. The proposed project destroys open space, agricultural lands, wildlife habitat and corridors, and watersheds with its urbanized design, density and size. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-6.1 Environmental Sustainability: *“Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.”*

Comment – INCONSISTENT: There have been thirteen (13) Group 1 animal species of concern observed on the Accretive project site. (RDEIR Subchapter 2.5.1.3). They include lizards, snakes, raptors, small mammals, large mammals and passerine birds. Most of the wildlife surveys conducted focused on the proposed open space areas, functionally ignoring the environmental value for foraging and habitat of the considerable land area devoted to agriculture. Of the 608-acres on the Project site, 504-acres will be graded, cut and filled, for the construction of the Project.

The RDEIR acknowledges the impacts to these 13 species [and presumably to other species numerous enough not to be of concern], and particularly the significant impacts to the foraging habitat of the raptor and cathartid species [white-tailed kites, Cooper’s hawk, turkey vulture] due to the loss of 504-acres of foraging area [including agricultural areas]. (RD EIR Subchapter 2.5, p.18-34). The RDEIR dismisses this loss with 81.7-acres of on- and off-site mitigation area (DEIR Subchapter 2.5-38) [presumably already populated by members of these species with whom the impacted Project species will have to compete] and a substantial differential from the entire 608-acres actually impacted by the Project. Many of the individuals of the 13 species will be killed during the construction operations, particularly the smaller, less mobile animals. Those surviving the construction impacts will be forced into new territory.

The Project is not consistent with this policy and fails to require the protection of sensitive natural resources with the exception of riparian wetlands. Such practices of building urban density projects in rural and even agricultural areas will ultimately decimate the natural environment.

LU-6.4 Sustainable Subdivision Design: *“Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.]”*

Comment – INCONSISTENT: The Accretive Project instead proposes the minimum required open space, eliminates existing and imperils adjacent agricultural operations, and substantially worsens fire safety and defensibility, as shown by the Deer Springs Fire District comments. Instead of reducing impervious footprints, it proposes 1746 residential units and commercial development, covering 504 of its 608-acres. Trumpeting “sustainable” development practices, it completely ignores the fundamental requirements of LEED ND to have a Smart Location and preserve Agriculture. The public amenities necessary to support this proposed city in the country, such as parks, schools and sewers, are all couched in “conceptual” terms, with built-in defaults to convert more acres to residences. If, for example, the school or park sites (proposed without school and park amenities or facilities) are not accepted, the SP provides for their easy conversion to residential uses.

LU-6.6 Integration of Natural Features Into Project Design: *“Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.”*

Comment – INCONSISTENT: Over four million cubic yards of grading destroys natural features and creates “manufactured” hills suitable only for urbanized residential construction. Native vegetation habitats will be destroyed and mitigated off-site. Animal populations will be destroyed or shoved to the remaining riparian set-asides or off-site. Avoidance of sensitive environmental resources is minimal. Destruction of this area’s natural features and mitigation elsewhere are the preferred approaches for this Project and are inconsistent with this policy and Valley Center planning objectives.

Lu-6.7 Open Space Network: *“Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.”*

Comment – INCONSISTENT: This Project has reserved minimal open space along wetlands and riparian areas that are protected by federal, state, and county laws. The continuity of the open space will be broken by multiple road crossings with culverts mostly inadequately sized for safe wildlife passage. Intensely urban development will dominate the presently rural agricultural and natural vistas with rows of dense urban rooftops. The open spaces being set aside are not coordinated with the draft Multiple Species

Conservation Program/Pre-approved Mitigation Area (“MSCP/PAMA”) and will not connect with any similar open space uses off-site. While the Project is within the draft MSCP boundary it is not a part of a PAMA.

LU-6.9 Development Conformance with Topography: *“Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent possible.”*

Comment – INCONSISTENT: The destruction of natural features proposed by this Project’s over four million cubic yards of grading is clearly inconsistent with this policy. The Project does not limit grading in a manner consistent with this policy. The Project proposes to significantly alter the dominant physical characteristics of the site.

LU-9.6 Town Center Uses: *“Locate commercial, office, civic, and higher-density residential land uses in the Town Center of Villages or Rural Villages at transportation nodes...”*

Comment – INCONSISTENT: As previously pointed out in the comments on the Project’s failure to meet the LEED ND Smart Location Requirement, the Project is not designed as a Transit Corridor or Route with Adequate Transit Service. It is not a “transportation node.”

LU-9.11 Integration of Natural Features into Villages: *“Require the protection and integration of natural features, such as unique topography or streambeds, into Village projects.”*

Comment – INCONSISTENT: This provision was included in the GP because Valley Center required the developers of the north Village to do exactly that, making the streambed there an open space centerpiece of their design in their cooperative plans for their adjacent projects. Accretive instead proposes to obliterate the natural beauty for their entire project site, grading over four million cubic yards of “natural features” into faux hills.

LU-10.2 Development-Environmental Resource Relationship: *“Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.”*

Comment – INCONSISTENT: This Project does not respect nor significantly conserve the unique natural flora and fauna of the site, nor does it conserve the rural character of the site. This Project will destroy a mosaic of natural vegetation habitats that are interspersed among agricultural uses. The current mix of natural habitats, orchards and row crops provides distinctive opportunities for a variety of faunal species [several of them sensitive], benefits the local hydrology by restraining and filtering run-off, and presents a pastoral view-shed that is historically characteristic of north San Diego County. The Project will create severe

hydrology issues with the addition of hundreds of acres of impermeable road and rooftop surfaces that will cause excessive run-off. Run-off, that would otherwise enter the water table and help to stabilize levels vital to the riparian habitats down-slope, will be impounded and/or dispersed on the surface.

The Project will be composed of dense urban village configurations that are completely at odds with rural and semi-rural areas and the natural habitats and populations they support.

B. Mobility Element

M-12.9 Environmental and Agricultural Resources: *“Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans.”*

Comment – INCONSISTENT: Presently, the trails proposed for the Project will intrude into the buffer and Limited Building Zone (“LBZ”) areas adjacent to the designated biological open space as well as the open space itself. The fences proposed to separate and protect segments of the open space from the edge effects created by the Project [human intrusions, domesticated cats and dogs, invasive plant species, etc.] will also create barriers to the movement of wildlife. Instead of treating the biological open space as retreats and corridors for the movement of wildlife, the trails proposed would become parks for humans and their pets. This will have an adverse affect on the value of the open space for wildlife.

C. Conservation and Open Space Element

Goal COS-2 Sustainability of the Natural Environment: *“Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development.”*

Comment – INCONSISTENT: The Project will eliminate 504-acres of mixed native and agricultural lands that provide foraging area for numerous animal species identified in the biological resources report. This represents an incremental loss of habitat and ultimately a loss of local wildlife populations within the County and the Project site. The removal of the project site from the inventory of rural lands to create an urban village will constitute an irreversible loss and opposes the intent of sustainable development. It will result in growth inducing pressure on surrounding properties as the rural and natural characteristics of the land disappear.

COS-2.1 Protection, Restoration and Enhancement: *“Protect and enhance natural wildlife habitat outside of preserves as development occurs*

according to the underlying land use designation. Limit the degradation of regionally important Natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.”

Comment – INCONSISTENT: This Project proposes to set a devastating precedent for the intrusion of urban development into rural lands. While the Project site is within the MSCP boundary, it is not a part of PAMA. The site is presently designated for estate housing and agricultural uses but would be modified to allow urban village densities, which would diminish rural and natural lands within the MSCP area and likely induce similar densities on surrounding properties. Such creeping higher densities within the MSCP would ultimately impact the neighboring PAMA areas through edge effects and compromise the value of those native habitats and the intent of the MSCP/PAMA program.

COS-2.2 Habitat Protection through Site Design: *“Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.”*

Comment- INCONSISTENT: Like GP Goal COS-2.2, the prerequisite of the LEED ND standard also is to place development in smart growth locations, such as urban infill and brown fields or adjacent to urban areas where there is easy access to infrastructure and job centers. This Project fails to meet those goals and, consequently, it will cause significant destruction of biological assets in an area that should be spared under the criteria for a smart growth location.

COS-3.1 Wetland Protection: *“Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.”*

Comment – INCONSISTENT: The Project is preserving and restoring the on-site wetlands, habitats that are in shortest supply regionally, but the upland components will be subjected to severe grading, and fuel modification to accommodate the development. Rather than retaining any opportunity for preservation or enhancement, the upland areas will be deprived of any continuing value for both flora and fauna.

COS-3.2 Minimize Impacts of Development: *“Require development projects to:*

- Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and*
- Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydro-modification, land and vegetation clearing, and the introduction of invasive species.”*

Comment – INCONSISTENT: The Project proposes to mitigate the loss of wetlands caused by new road crossings by restoring or creating wetlands on-site adjacent to existing wetlands. The value of mitigating

wetland losses on-site is questionable given the edge effects caused by human intrusion, domestic cats and dogs, invasive plant species, trash, etc. that cause mitigation efforts to be diminished. The trails plan exacerbates these edge effects by establishing trails within and adjacent to the biological open spaces.

Further, the Project's storm water run-off from the construction of hundreds of acres of impermeable surfaces will impact the water regime within the biological open spaces. Adding too much or, conversely, removing too much water from the water table can have adverse effects on the survivability of the riparian habitat.

D. Housing Element

H-1.9 Affordable Housing Through General Plan Amendments:

"Require developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible."

Comment – INCONSISTENT: There appears to be NO discussion anywhere in the RDEIR or SP regarding Affordable Housing or Goal H-1 and Policy h-1.9 except the briefest of mentions in the SP regarding the responsibility of developers of large scale projects to provide an affordable housing component per state law and county ordinance and that it would be a part of the mixed use segment in the town center. There is NO discussion of the extent of the affordable housing component or any of the parameters surrounding it. The RDEIR should more explicitly discuss this component and provide an analysis of it in the context of the entire Project.

H-2.1 Development That Respects Community Character." *Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element. [See applicable community plan for possible relevant policies.]"*

Comment – INCONSISTENT: Requiring projects "not to degrade or detract from the character of surrounding development consistent with the Land Use Element" explicitly ties housing back to the bedrock Land Use Element, the Community Development Model, and the LEED ND Smart Location Requirement. Placing an urban project the size of Del Mar into a rural, predominantly agricultural area designated for Semi-Rural uses, is a significant degradation and detraction from the "character of surrounding development." This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

VIII. VALLEY CENTER COMMUNITY PLAN (VCCP) INCONSISTENCIES

A. Community Character Goals

Preserve and enhance the rural character of Valley Center by “*maintaining a pattern of land use consistent with the following regional categories: A. **Village.** Enhance the rural village character of Valley Center’s north and south villages...B. **Semi-Rural Lands:** Preserve and maintain the overall rural and agricultural character of the semi-rural areas...*”

Policy 1. “*Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.*”

Policy 2. *Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require Site design that is consistent with rural community character. (VCCP p. 4)*

Comment – The RDEIR and SP cannot avoid the clear inconsistency with these provisions by the fiction of merely adopting a new Map showing three Villages instead of two. Placing an urbanized area the size of Del Mar in the middle of an active agricultural area will destroy the rural character of the project site, indeed all of the Planning Area. Destruction of a designated Semi-Rural cannot be interpreted as “preservation.” The RDEIR must, but does not, explain and analyze the environmental effects of this patent inconsistency.

B. Land Use Goals

“Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses are contained. A pattern of development that conserves Valley Center’s natural beauty and resources, and retains Valley Center’s rural character...”

“Development that maintains Valley Center’s rural Character through appropriate location and suitable site design.” (VCCP p.8)

Comment – The SP and RDEIR cannot avoid the clear inconsistency with these provisions which recognize only the two existing Villages, do not contemplate additional villages and are consistent with both the GP and VCCP, the Community Development Model, and the Smart Location requirements of LEED ND. The RDEIR must, but does not, explain and analyze the Project’s inconsistency with these provisions or environmental effects of these inconsistencies.

C. Village Boundaries Map (VCCP p. 9)

Comment – The SP and RDEIR cannot avoid the clear violation of the existing Map, which shows the two existing villages, not three villages. Merely adopting a new Map showing three villages instead of two fails to address the other resulting conflicts with the numerous identified GP and VCCP provisions. The RDEIR must, but does not, explain and analyze the environmental effects of these multiple inconsistencies.

D. Rural Compatibility Policies (VCCP p. 11)

4. *“Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important: Roads that follow topography and minimize grading; Built environment integrated into the natural setting and topography; Grading that follow natural contours and does not disturb the natural terrain; Structure design and siting that allows preservation of the site’s natural assets; Retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas.”*
5. *“Require new residential development to construct roads that blend into the natural terrain and avoid “urbanizing” improvements such as widening, straightening, flattening, and the installation of curbs, gutters, and sidewalks. Follow Valley Center’s Community Right of Way Development Standards.”*
6. *“Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space.*

Comment – Neither the SP nor the RDEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, VCCP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be acceptable. The many pictures clearly show urbanized design, out of scale and character for a rural community; the massive grading replaces natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the VCCP. The RDEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

E. Commercial Goals (VCCP p. 13)

Commercial uses should be concentrated within the boundaries of these two Village[s].”

Policies:

1. *“Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area.*
9. *The Application of Land Use Designation Semi-Rural 2 and regional category of semi-rural lands are proposed for those properties that are currently zoned commercial and located outside of the Villages.”*

Comment – Neither the SP nor the RDEIR deals with the fundamental fact that the VCCP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and SP to remain so. The RDEIR

must, but it does not, explain and analyze the environmental effects of these inconsistencies.

F. Agricultural Policies (VCCP p. 15)

1. *“Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.”*
3. *Prohibit residential development which would have an adverse impact on existing agricultural uses.”*

Comment – Neither the SP nor the RDEIR address this major focus of both the GP and VCCP to ‘support’ Agriculture, not destroy it. The RDEIR must, but it does not, explain and analyze the environmental effects of this inconsistency.

G. Mobility Policies (VCCP p. 52-53)

2. “Road design shall reflect the rural character and needs unique to the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated.”
4. “Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing, natural topography without sacrificing safety or sight distance criteria.
5. “Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines.”
12. “Where a clear circulation need that benefits the overall community can be demonstrated, public roads consistent with Department of Public Works policy shall be dedicated and constructed. Where appropriate, future subdivisions shall be required to access public roads via at least two separate access points.”

Comment – As noted above, neither the SP nor the RDEIR is clear as to which design standards apply. There appears to have been no consideration of: (1) whether this Project can provide two separate LEGAL access points to the public roads; or (2) whether public roads within the Project would provide a clear circulation need that benefits the entire community. The massive grading proposed appears to violate the requirement to minimize altering the landscape and follow existing natural topography. The RDEIR must, but it does not, explain and analyze the environmental effects of these inconsistencies.

H. Fire Protection Policies (VCCP p. 54)

1. *“All new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards.”*

Comment – The continued objections of the Deer Springs Fire Protection District to this Project undermine conclusions regarding compliance with this policy. The RDEIR must, but does not, explain and analyze the environmental effects of this inconsistency particularly when viewed in conjunction with objections from the Fire District.

I. Education Policies (School Facilities) (VCCP p. 54)

1. *“Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding.”*

Comment – No school district has accepted the possible additional students generated by the Project. The potential school site will be converted to residences transferred from within the Project if not accepted by a school district. The RDEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.”

J. Open Space Policies (VCCP p. 62)

2. *“Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible.*

5. Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space.”

Comment – The SP only tentatively designates a temporary 3.2-acre private park site that may be built up to 5 years after the final map is recorded for Phase 1. The 13.5-acre public park In Phase 3 may be built up to seven years after the final map is recorded for Phase 1. The Project minimally meets the Park Lands Dedication Ordinance requirement of 3-acres per 1,000-population requirement, and at about 5-acres of public and private parks per 1000 new residents the Project falls woefully short of the 10-acres per 1,000 population GP goal for parks.

Overall Project site planning appears to destroy any existing connectivity for animal movement, instead of creating or maintaining a functional open space system. The Project design creates an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with “openness and access to surrounding open space.” The RDEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

IX. CONCLUSION

The Accretive Lilac Hills Ranch RDEIR fails to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan. The SP and RDEIR fail to substantiate the limited GP consistency discussion with facts and evidence and fail to justify exemption from the clear prohibitions against Leapfrog development exemplified by this Project. These informational shortcomings deprive the public and the decision-makers of essential information required by CEQA. Under the circumstances, the RDEIR must be rewritten and recirculated for public review and comment.

3.1.6 Recreation

Because the Project is located within the Valley Center Parks and Recreation District boundaries, at recordation of the final map for phase three which includes the Irrevocable Offer to Dedicate a public park within the Lilac Hills Ranch project, it seems more reasonable for the applicant to dedicate all 13.5 acres of park land to The Valley Center Park & Recreation Special District rather than the County Parks and Recreation Department. And, any funds that the HOA would make available for maintenance of that park should also be channeled through the Valley Center Parks & Recreation District.

3.1.7.2 Analysis of Project Impacts and Determination of Significance – Waste Water Treatment Systems

The County has proposed four Sewer and Reclaimed Water Pipeline Routes in public and 'proposed' public rights of way. Three appear infeasible. The ROW is questionable and Significant Impacts and Mitigation were not identified for Alternative 4.

A SIGNIFICANT UNMITIGATED IMPACT IS CAUSED BY THE PROJECT'S CONSTRUCTION OF SEWER AND RECYCLED WATER IN PUBLIC RIGHT OF WAY

The County's statement below from Chapter 1, Introduction and Objectives page 1-26 is inaccurate in two areas:

“As detailed in the Wastewater Alternatives Report, all sewer line alternatives would be located entirely within existing improved/graded roadways, within public right-of-way and/or VCMWD easements and there would be adequate spacing available within the existing trenches in each of those routes to fit all required sewer service lines. No new trenching outside the existing right of way would be required.”

This statement is inaccurate as follows:

- 1). Only the Alternate 4 pipeline route potentially has legal right of way for construction. Alternates 1, 2, and 3 are infeasible because the Project factually does not have legal right of way to construct Sewer and Recycled Water Pipelines on route Alternates 1, 2, and 3.
- 2). Even Alternate 4 has the need for pipeline improvements outside the existing right of way. The Project proposes running sewer and recycled water pipeline along a future County right of way grant for a currently non-existent Covey Lane Public Road.

It is questionable whether the County is accurate in representing that Alternate 4 is feasible. Please refer to RDEIR Appendix S – Waste Water Management Alternatives- Figure 3-4 B Covey Lane Utility Cross Section. The pipeline route

depicted in the drawing does not have legal rights for sewer and recycled water for westerly access parcel across APN 129-010-81 beyond the westerly boundary of APN 129-010-69. Please discuss how legal access of this route is feasible.

Also, please enumerate the legal basis of the right of the Project to run sewer and recycled water pipelines from the eastern boundary of APN 128-290-84 to the centerline of West Lilac as depicted in Figure 3-4 B Covey Lane Utility Cross Section.

EVEN IF the County can demonstrate legal right of way to construct sewer and recycled water pipeline Alternate 4, there remain two unaddressed Significant Issues – Impact of Pipeline Construction, and Impact of total consumption of right of way.

Impact of Pipeline Construction - The construction of Alternate 4 will cause a Significant and Unmitigated Impact by disrupting traffic flows and limiting access of Emergency Responders on West Lilac Road, Covey Lane Private Road, (proposed) Covey Lane Public Road, and Circle R Drive for an extended period of time – likely to be months. Based on the current configuration of these roads, construction of these pipelines will create a Hazard for months.

Impact of total consumption of right of way - Pipeline Alternate 4 creates another Significant and Unmitigated Impact. The placement of sewer and recycled water pipeline effectively consumes the total right of way available on West Lilac Road and Circle R Drive Public Roads for much of the route to Lower Moosa Treatment facility. There is no remaining room for any future underground utility.

The only effective mitigation for this Significant Impact would be acquisition of additional right of way by the Project or County.

Include these Significant Impacts in RDEIR Chapter 2 and remove Waste Water Treatment Systems from Chapter 3.

DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

Valley Center Community Planning Group Comments:

Chapter 4: Draft Environmental Impact Report (DEIR) Project Alternatives

The County's Project Alternatives Analysis in Chapter 4 of the Lilac Hills Ranch DEIR is grossly defective in meeting CEQA requirements in five areas that are summarized below:

1. The DEIR Objectives against which the Alternatives are judged for Environmental Impacts are biased and should be changed to equitable Objectives, from which compliance against can be fairly measured.
2. The Project does not meet its own Objectives, when fairly assessed.
3. There is a valid offsite Alternative – the Downtown Escondido Specific Plan Area (SPA) that needs to be included as an Alternative.
4. The Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid are not valid Alternatives. These three "Alternatives" are density variations of the Project. These Alternatives are also not described in enough detail to provide informed Environmental Impact Analysis.
5. The Alternatives were not fairly assessed in the DEIR by the Applicant.
6. When all seven Alternatives are fairly assessed, the Downtown Escondido SPA meets more Objectives than the Project or any Alternatives.

Overview

The Lilac Hills Ranch Project Alternatives from Chapter 4.0 of the DEIR are below:

1. No Project/No Development Alternative
2. No Project / Existing Legal Lot Alternative (49 EDU + no commercial)
3. General Plan Consistent Alternative (110 EDU + no commercial)
4. Reduced Footprint Alternative (1251 EDU + 6 acres of commercial)
5. Reduced Intensity Alternative (881 EDU + 5.6 acres of commercial)
6. 2.2C (Hybrid) Alternative (1365 EDU + 15.3 acres of commercial)
7. Roadway Design Alternative
8. Mountain Ridge Road Fire Station Alternative

There are no issues with either the selection as an Alternative or analysis performed for the No Project/No Development Alternative, No Project / Existing Legal Lot Alternative, and General Plan Consistent Alternatives.

There is a full Environmental Impact for these Alternatives provided by the San Diego County General Plan dated August 3, 2011. All three of these alternatives were in the baseline (or close enough for measurement error) for the General Plan. The relevant

Environmental Impact has been disclosed and analyzed in sufficient detail as part of the recent General Plan process.

The Communities of Bonsall and Valley Center support the General Plan Consistent Alternative as the proper land use and zoning for this Project. The 110-unit residential density with A70 zoning is the maximum density land use that the Circulation Element Road Network will support without Direct Development Impact.

1- DEIR Objectives are biased and should be changed

The legal adequacy of selecting many of the seven Project Objectives does not conform to the requirements of the California Environmental Quality Act (CEQA). Our detailed analysis is found in Valley Center Community Planning Group Comments, Chapter 1, pp. 1-10.

2 - The Project does not meet its own Objectives, when fairly assessed

Consistency with Objective One – **THE PROJECT IS INCONSISTENT WITH OBJECTIVE ONE**

The full text of Objective One is below:

“Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County’s Community Development Model for a walkable pedestrian-oriented mixed-use community.”

The proposed Lilac Hills Ranch Subdivision is a classic urban sprawl development. All of the transportation will be via automobiles, and the existing and proposed Project post-construction road infrastructure does not support the 9-fold increase in traffic and related Direct Development Impact the Project generates to the public road network.

A fundamental premise of Smart Growth is to lower automobile dependency as compared to average Development. The Accretive proposed Lilac Hills Ranch Development does not comply with Smart Growth Principles.

The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip.

The Accretive Urban Sprawl (AUS) project is proposing an automobile based urban sprawl community that even with exceedingly high internal trip rates is 47% higher than the San Diego County average (8.52/5.8) trip distance.

How is the Lilac Hills Ranch proposed development Smart Growth?

The ONLY mass transit that exists is the North County Transit District (NCTD) Bus Routes 388 and 389. The closest access is at SR 76 and Old Highway 395, a minimum 4-mile trip north from the project site. These routes run eight times a day and mainly link

the Pala, Pauma, Rincon and Valley View Casinos to the Escondido Transit Center. If you are going to a regional shopping center or work center, you must take a 30-minute bus ride to the Escondido Transit Center and transfer to another route. The mass transit system only works if you are a Casino patron.

This Project is not consistent with the San Diego County Community Development Model. It is Inconsistent with the Community Development Model which a subset of the San Diego General Plan. Why does the first Objective ignore the balance of the General Plan? Because the Proposed Project is patently inconsistent with the San Diego County General Plan, as well as the Community Development Model within the General Plan.

Consistency with Objective Two – **THE PROJECT IS INCONSISTENT WITH OBJECTIVE TWO**

The full text with comment areas is below:

“Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.”

“in a manner that encourages walking and riding bikes” - With 10 Exceptions to Road Standards, the Covey Lane/West Lilac and Mountain Ridge/Circle R intersections, and the traffic load the Project will throw on internal and external roads, **who is going to risk taking a walk or riding a bike? The project reduces the safety aspects of the local roads for the current level of bicycling activity, as the project does not address improving the local roads that encompass the development. Significant safety degradation will occur on Circle R and West Lilac and on West Lilac between Circle R and Old Castle with the lack of bicycle lanes and turnout areas.**

“public services and facilities that are accessible to residents of both the community and the surrounding area” – There are two issues with this statement.

The first issue: what are the public services and facilities in this Project? A vague statement about a K-8 school site without any commitment to financing or endorsement by the School District, a vague description of the minimum acreage of Parks the County requires? Does the undefined Commercial content include a Supermarket or community market? A restaurant of any kind? A retail gasoline service station?

The second issue: “accessible to residents of both the community and the surrounding area” – Accretive’s Traffic Impact Study does not show an influx of non-residents to the area. **Is this because the Applicant is overly optimistically portraying the true Traffic Impact and related Direct Development impact of this Project?**

Consistency with Objective Three – **THE PROJECT AND ALL ALTERNATIVES INCLUDING THE OFF-SITE ALTERNATIVE ARE EQUALLY CONSISTENT WITH**

OBJECTIVE THREE

The full text is below:

“Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.”

All Alternatives are required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) that must comply with this Objective.

Consistency with Objective Four – **THE PROJECT IS INCONSISTENT WITH OBJECTIVE FOUR**

“Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff.”

There are three issues with this Objective. The first issue is that the Objective is **so vague and subjective that compliance is not measurable.**

The second issue is with the statement: “Integrate major physical features into the project design, including major drainages, and woodlands”

How is taking 608 acres of Rural Land primarily involved in Agriculture, disturbing 504 acres, and creating large areas of impermeable surfaces consistent with this Objective? The Project includes 83 acres of road surface and 68 acres of manufactured slopes. **Is it desirable to increase storm water runoff volume and velocity with impermeable surfaces? Does introduction of large quantities of urban surface water runoff Total Dissolved Solids and Pathogens benefit the woodlands? In addition, the large quantities of urban surface water runoff Total Dissolved Solids and Pathogens will flow down to Moosa Creek and then into the San Luis Rey River and watershed, and finally out to the ocean.**

The third issue is with the statement that follows: “creating a hydrologically sensitive community in order to reduce urban runoff.”

Accretive is proposing disturbing 440 acres of 608 total acres of rural farm land and populating a high percentage of the 440 acres with impermeable surfaces. **Is this what a hydrologically sensitive community is?**

Consistency with Objective Five – **THE PROJECT AND ALL ALTERNATIVES INCLUDING THE OFF-SITE ALTERNATIVE ARE CONSISTENT WITH OBJECTIVE FIVE**

The full text is below:

“Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area.”

Any Project required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) must comply with this Objective.

Consistency with Objective Six – **THE PROJECT IS CONSISTENT WITH OBJECTIVE SIX BECAUSE THE OBJECTIVE IS BIASED IN FAVOR OF THE PROJECT**

The full text with comment areas highlighted is below:

“Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing.”

In this Objective, **the County re-brands dense Urban Sprawl as a desired attribute.** The General Plan Alternative does not meet this objective, because it does not have Urban Density mixed use.

This Objective is another example of where **the County has structured the Objectives of the EIR so narrowly with an intended bias such that only the Lilac Hills Ranch Project as proposed by the Applicant can fulfill the Project Objectives.** This approach leads to a self-serving and biased environmental analysis.

Consistency with Objective Seven – **THE PROJECT AND MOST ALTERNATIVES INCLUDING THE OFF-SITE ALTERNATIVE ARE CONSISTENT WITH OBJECTIVE SEVEN**

The full text is below:

“Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.”

Developing the Project at General Plan densities and preserving agriculture and residential based businesses (such as the existing Accretive Agricultural Operations Office located on 32444 Birdsong Drive) on the same or nearby Parcels achieves this Objective **perhaps better than the Proposed 1746 EDU Accretive Urban Sprawl Project.**

3 - 4.1.1.1 Alternative Location – the Downtown Escondido Specific Plan Area (SPA) has been deficiently ignored.

The County of San Diego has wrongly excluded qualifying Alternative locations presented by the Public

I) THE DEIR DOES NOT INCLUDE THE DOWNTOWN ESCONDIDO SPA ALTERNATE SUBMITTED BY PUBLIC COMMENT VIA LETTER [Ltr. 8-19-13 Project Alternatives] OR REASONABLY STATE WHY IT WAS EXCLUDED FROM CONSIDERATION.

II) THE COUNTY'S RATIONALE FOR ALTERNATIVE SITE EXCLUSION IS BIASED, INTERMINGLES RATIONALE FOR EXCLUSION OF VALLEY CENTER VILLAGES WITH THE ESCONDIDO DOWNTOWN SPA, AND MOST IMPORTANTLY IS UNSUBSTANTIATED.

a). On page 4-5 the RDEIR states:

"With respect to an off-site location, there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village, close to I-15, in the Valley Center-Bonsall area. The location of the project within the I-15 corridor is important to meet the first project objectives due to the proximity of the freeway and other infrastructure and services needed to serve the residents of the project."

This statement has three elements that are either misleading or patently false:

1. "there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village"

The Downtown Escondido Specific Plan Area (SPA) has availability for Development, at higher densities than the Project. The relevant measure should be Equivalent Dwelling Units, not raw acreage. The Downtown Escondido SPA site has more available capacity for the residential and commercial land uses the Project proposes and already IS a compact village. The Downtown Escondido SPA also has superior access to mass transit than the Project does.

2. "close to the I-15"

The Downtown Escondido SPA is **closer** to the I-15 than the Project.

3. "in the Valley Center-Bonsall area"

WHERE DO THESE SELECTION CRITERIA COME FROM? The relevant objective is Objective 1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community. **THE OBJECTIVE STATES "northern San Diego County," not Bonsall-Valley Center. Escondido is in northern San Diego County. The Downtown Escondido SPA meets the County's Objectives.**

b). On page 4-5 and 4-6 the DEIR states:

"This project would create a new Village, providing an additional location within the VCCP area with services and housing opportunities. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would which ultimately connect with freeway ramps to I-15. Placing the project in another

location may result in additional issues related to traffic and services.”

With respect to the Downtown Escondido SPA, this statement is incorrect as is substantiated below:

1. “Placing the project in another location may result in additional issues related to traffic and services.”

The Downtown Escondido SPA is a superior location for traffic and services, generating far fewer Vehicle Miles Traveled than the Project. This argument is without merit.

c). On page 4-6 the RDEIR states:

“Further, the applicant already owns the project site and cannot reasonably acquire an alternative site. Thus, in accordance with CEQA Guidelines Section 15126.6(f), the acquisition of an alternative location would be considered infeasible.”

With respect to the Downtown Escondido SPA, this statement is incorrect. The County’s rationale lists only two of the seven **non-exclusive factors** contained in CEQA Guidelines Section 15126.6(f). The Downtown Escondido SPA Alternate is consistent with the majority of the seven non-exclusive factors included in of CEQA Guidelines Section 15126.6(f) **and an analysis of the Downtown Escondido SPA Alternate must be included in the Project DEIR.** Refer to the entire discussion on page 3 of Ltr 8-19-13 Project Alternatives (attached),

d). on page 4-6 of the RDEIR, the County concludes:

“Therefore, an alternative location was considered but rejected because of the (1) lack of a suitable-sized site, (2) lack of a site located in proximity to I-15 and existing service areas, (3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts, and (4) that the proponent cannot reasonably acquire an alternative site.”

This conclusion has no substance for any of the four arguments presented in favor of the Project. Substantiation of this statement is below:

(1) lack of a suitable-sized site – **The Downtown Escondido SPA Alternate has more capacity than the Project in each of its land use categories.**

2) lack of a site located in proximity to I-15 and existing service areas- **The Downtown Escondido SPA Alternate is in closer proximity to I-15**

(3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts – **The Downtown Escondido SPA Alternate has far fewer VMT, GHG emissions, and traffic impacts**

(4) that the proponent cannot reasonably acquire an alternative site – **The statement may or may not be true, but by itself it is not sufficient rationale to exclude the**

Downtown Escondido SPA Alternate.

In conclusion, the County of San Diego **MUST INCLUDE IN THE RDEIR A REASONABLE ALTERNATE – THE DOWNTOWN ESCONDIDO SPA AND EVALUATE THE ABILITY OF THE ALTERNATE TO SATISFY PROJECT OBJECTIVES.**

4 - 4.1.8 Road Standard Design Exceptions –THE COUNTY SHOULD NOT ACCEPT ANY OF THE ROAD EXCEPTIONS

There are potential safety Hazard issues with of these Exceptions. The County has not performed and shared with the Public any Hazard analyses on nine of the proposed Road Exceptions.

The County has only performed and disclosed to the Public Hazard Analysis on a single Exception – Exception # 7 Mountain Ridge Design Speed. The “analysis” consists of less than a page on page 11 of the Traffic Impact Study, and this analysis has many unsubstantiated assertions. The “hazard analysis of Exception #7 Mountain Ridge Design Speed is discussed below.

The Applicant asserts the following on page 11 of the Traffic Impact Study (TIS):

“ii. HAZARDS DUE TO AN EXISTING TRANSPORTATION DESIGN FEATURE

Mountain Ridge Road is a residential serving road with several vertical curves and design speed as low as approximately 5 mph along certain sections. Since the road is not currently built to County private road standards, an assessment according to Section 4.6 of the County

Guidelines was completed considering the following factors:

- 1) Design features/physical configurations of access roads may adversely affect the safe movement of all users along the roadway.
- 2) The percentage or magnitude of increased traffic on the road due to the proposed project may affect the safety of the roadway.
- 3) The physical conditions of the project site and surrounding area, such as curves, slopes, walls, landscaping or other barriers, may result in conflicts with other users or stationary object.
- 4) Conformance of existing and proposed roads to the requirements of the private or public road standards, as applicable.

The following is a discussion of each of these four individual factors:

- 1) There are several vertical curves along Mountain Ridge Road, some of which have

grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, it is concluded that the current road may adversely affect the movement of users.

2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.

3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item.

4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

Public Comments regarding this purported “Hazard analysis of Road Exception #7 – Mountain Ridge Design Speed

THE APPLICANT AVOIDS DISCUSSION OF MEASURABLE METRICS IN THE PRIVATE ROAD STANDARDS AND USES “Section 4.6 of the County Guidelines” TO CONSTRUCT ARGUMENTS BASED ON GENERAL VAGUE OBJECTIVES, RATHER THAT MEASUREMENT AGAINST A STANDARD.

Provide a complete reference to “Section 4.6 of the County Guidelines” – there is no such section in County Private or Public Road Standards.

Below are specific questions regarding the “Hazards Analysis”:

“1) There are several vertical curves along Mountain Ridge Road, some of which have grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, **it is concluded that the current road may adversely affect the movement of users.**”

When a structured quantitative analysis is performed, the more appropriate

statement is:

IT IS A SAFETY HAZARD. Please answer why an analysis of the multiple driveway/road intersections was not done. Many of the driveways have blind intersections, and vehicles might be backing into the road in reverse. Please also comment with a quantitative analysis on safety of design at full Emergency Access traffic loading in an Evacuation Scenario with all Access gates open.

“2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.”

As we have commented in RDEIR Subchapter 2.3 Traffic, there is required substantiation from the County on why the build out Project traffic estimate on Mountain Ridge changed from 2260 ADT to 1190 ADT. The County has yet to explain where the 1070 ADT traffic load went. The only conclusion supported by facts is that in reality, Project traffic loads are considerably higher than the as yet unsupported 1190 ADT.

The County has again not assessed Hazards at Emergency/Evacuation traffic loading.

THERE ARE SIGNIFICANT HAZARDS WHEN QUANTITATIVE FACTORS ARE OBJECTIVELY ANALYZED

“3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item.”

When a structured quantitative analysis is performed, the more appropriate statement is:

IT IS A SAFETY HAZARD. Please answer why an analysis of the many driveway/road intersections obscured by trees and bushes was not done.

“4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

We take issues with several statements made here. First of all, the County has not performed a Hazards Analysis against Private Road Standards consistently.

This “table” does not analyze conformance with Sight Distance Lines at Intersection with Public Roads. Mountain Ridge Road as proposed does not meet Sight Distance Line requirements at the intersection with Circle R Drive Public Road.

Another interesting “oh, by the way” disclosure in Table 7.2 of the TIS is the fact that the Project proposes grading improvements on Parcels 129-300-31 and 129-300-36 to lengthen vertical curves. Please **provide evidence that there are adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.**

CONCLUSION

A REASONABLE AND UNBIASED EVALUATION FINDS THAT THERE IS A SIGNIFICANT HAZARD SHOULD ROAD EXEMPTION # 7 MOUNTAIN RIDGE REDUCED DESIGN SPEED RECEIVE APPROVAL. APPROVAL SHOULD BE DENIED FOR ALL ROAD STANDARD DESIGN EXCEPTIONS.

COMMENT III - 4.1.9

***Mountain Ridge Fire Station Public Road Alternate* –THE COUNTY SHOULD NOT CONSIDER THIS ALTERNATE FEASIBLE.**

The Deer Springs Fire Protection District (DSFPD) does not accept this location as a solution for Fire Service for the Project, and has stated so in its June 2014 Public meeting, which is recorded in the meeting minutes.

This Alternate is being proposed by the County to provide the logic for taking Right of Way Rights via County Condemnation proceedings from private citizens to enable the Project to construct an Access Road in compliance with Road Standards and also to provide Pipeline Access to the Lower Moosa sewer facility.

This Alternate does not meet the requirements of Board Policy J-33, since it proposes encroachment on three residential structures and does not meet other J-33 requirements.

Conclusion

ALTERNATE 4.9 MOUNTAIN RIDGE FIRE STATION PUBLIC ROAD ALTERNATE IS NOT FEASIBLE AND SHOULD BE ELIMINATED AS AN ALTERNATIVE TO THE PROJECT.

5 - The Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid are not valid Alternatives

These three “Alternatives” are density variations of the Project. These Alternatives are also not described in enough detail to provide informed Environmental Impact Analysis. Table 1 below displays all of the information provided in the DEIR with the exception of a one-page map for each Alternative:

Table 1 -Scant Attributes of 3 Alternates Provided								
Land Use	Project		Reduced Footprint		Reduced Intensity		2.2 C (Hybrid)	
	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.
Single Family Detached	158.8	903	142.1	783	275.5	881	177.0	792
Single Family Senior	75.9	468	71.1	468	0		75.9	468
Single Family Attached	7.9	164	0		0		4.3	105
Commercial/Mixed Use	15.3	211	6.0		5.6		15.3	
Water Reclamation	2.4		2.4		2.4		2.4	
RF/Trailhead	0.6		0		0.6		0.6	
Detention Basin	9.4		5.4		5.5		5.5	
School Site	12.0		9.0		0		12.0	
Private Recreation	2.0		0		0		2.0	
Group Residential/Care	6.5		0		0		6.5	
Institutional	10.7		10.7		10.7		10.7	
Park - HOA	11.8		10.0		3.0		11.8	
Park - Dedicated to County	12.0		6.0		9.0		12.0	
Biological Open Space	103.6		168.8		102.7		103.6	
Non-circulating Road	45.7		45.7		41.5		43.1	
Circulating Road	37.6		37.6		21.5		30.0	
Common Areas/Agriculture	20.2		20.2		65.0		45.0	
Manufactured Slopes	67.5		67.5		65.0		50.0	
Other/Accretive Math Error*	8.1		5.5		0		0.3	
Total	608.0	1746	608.0	1251	608.0	881	608.0	1365
* Table 4-1 from DEIR Chapter 4 Project Alternatives has the indicated arithmetic errors								
sq. ft. = Square Feet								
HOA = Homeowner's Association								

The major observation from independent experts is that these three Alternatives are linear scaled variants of the project with inadequate detail to assess Environment Impact.

These Alternatives are described inadequately. The Applicant's information has multiple math errors (refer to Attachment B – Table 4-1 from DEIR Chapter 4 Project Alternatives). The only other information provided is a one page Map that in two Alternatives did not even perform lot allocation (Attachment C- Reduced Footprint Map and Attachment D- Reduced Intensity Map).

This is a deficient level of detail to assess Environmental Impact. There is no definition

of Commercial uses and zoning. Despite the naïve arm waving in DEIR Chapter 4, traffic impacts are not linear mathematical relationships. And the list of similar issues to Traffic is very long.

In the interest of brevity, **this is inadequate information to make an informed Environmental decision.**

6 - The Alternatives were not fairly assessed in the RDEIR by the Applicant.

Table 2 below rates scoring of Alternatives **against the Applicant's biased seven Objectives**. The rationale for assessing the Project is contained in Item 2. The three variant Alternatives are scored the same as the Project, except for the 2.2C Hybrid Alternative. The 2.2 C Hybrid Alternative includes Senior Housing, so it scores one Objective higher than the other two.

TABLE 2 - COMPARISON TO PROJECT OBJECTIVES								
Objectives	Project	Alternates						
		Downtown Escondido SPA	No Project/No Development	No Project/Legal Lot	General Plan Consistent	Reduced Footprint	Reduced Intensity	2.2 C Hybrid
1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community	No	Yes	No	No	No	No	No	No
2 - Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area	No	Yes	No	No	No	No	No	No
3 - Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers	Yes	Yes	No	No	Yes	Yes	Yes	Yes
4 - Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff	No	Yes	No	No	No	No	No	No
5 - Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area	Yes	N/A	No	No	Yes	Yes	Yes	Yes
6 - Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing	Yes	Yes	No	No	No	No	No	Yes
7 - Provide the opportunity for residents to increase the recycling of waste	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
8 - Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Total Number of Objectives Met	5/8	7/8	2/8	2/8	4/8	4/8	4/8	5/8

Clearly, the least Environmental Impact ***even to these biased Objectives is the Downtown Escondido SPA Alternative.***

In addition, impacts associated with the fire service time are increased due to DSFPD not being able to service the project within the County required time. DSFPD would not staff the proposed fire station as the project does not generate sufficient revenues for an additional station, nor will DSFPD relocate their station to the project which would cause a significant decrease in the service levels to their area along I-15 / Old 395.

Evacuation due to natural disasters such as Brush fires and has not been adequately addressed or at all. As recent as May 2014, the brush fire north of Lilac / Old 395 caused significant traffic congestion on the Lilac Bridge that crosses I-15, such that Lilac was completely blocked for several hours with access to Old 395.

The Proposed Mountain Ridge Road Fire Station alternatives and the Mountain Ridge Road improvements to a public road does significantly impact the view shed of the properties and residences nearby. In addition, the report does not adequately address the impacts of Traffic, **Air Quality (noted as a Net Increase and Significant and Unavoidable Impact)**, Noise and Lighting that will impact the off-site properties along Mountain Ridge Road.

Summary and Conclusion

The County's Project Alternatives Analysis in Chapter 4 of the Lilac Hills Ranch DEIR is grossly defective in meeting CEQA requirements.

Objectives 1 and 6 need to be changed to eliminate the bias that the Applicant has intentionally created.

Additional information and studies need to be performed on the Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid Alternatives.

The Downtown Escondido SPA Alternative accomplishes the same Objectives as the Project with orders of magnitude less Environmental Impact. This Alternative is fully informed in the City of Escondido Downtown SPA Specific Plan and related documents.

The Project Alternatives do not adequately address the needs for emergency response times for DSFPD. In the event of a brush or wild land fire or other natural disaster, the development may create a significant and dangerous blockage of important evacuation routes.

The Project Alternatives do not adequately address the impacts to the properties along Mountain Ridge Road as to the Proposed Mountain Ridge Road Fire Station alternatives and the Mountain Ridge Road improvements.

Reference A: Escondido Downtown Specific Plan Area

<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Attachment A: DEIR Project Objective Issues letter dated July 29, 2013

Attachment B – Table 4-1 from DEIR Chapter 4 Project Alternatives

Attachment C – 1251 EDU Reduced Footprint Map

Attachment D – 881 EDU Reduced Intensity Map

Attachment E – 1351 EDU 2.2 C Hybrid Map

Valley Center Community Planning Group Comments Chapter 4 Attachment A

DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP),

EIR Project Objectives

The County's Project Objectives from the DEIR for the proposed Accretive Investments Lilac Hills Ranch Subdivision are

CHAPTER 1.0 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

1.1 Project Objectives

The proposed project is based on a wide range of reports that studied the different constraints and opportunities involving the project in concert with the County of San Diego and local community issues. The general components of the proposed project were determined using the project objectives described below.

1. Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community.
2. Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.
3. Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.
4. Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff.
5. Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area.
6. Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing.
7. Provide the opportunity for residents to increase the recycling of waste.
8. Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.

below:

The County has structured the first Objective of the EIR so narrowly that only the Lilac Hills Ranch Project as proposed by the Applicant can fulfill the Project Objectives, preventing analyses of alternative sites that meet San Diego County General Plan objectives and leading to a self-serving and biased environmental analysis. (*Insert CEQA and Case cites here*)

The substantiation of this assertion is provided below.

Objective 1 – The full text of Objective One with comment areas highlighted is below:

“Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County’s Community Development Model for a walkable pedestrian-oriented mixed-use community.”

Develop a community within northern San Diego County in close proximity to a major transportation corridor – The County General Plan, approved just two years ago, already accommodates more growth than SANDAG projects. There is no requirement to convert land that is designated by the Community Model for agriculture, large animal keeping and estate residential in order to accommodate an additional Village with urban densities in Northern San Diego County.

The City of Escondido **SINCE 2007** has been developing an infill redevelopment mixed use Downtown Specific Plan Area (SPA) less than 14 miles south from the proposed Lilac Hill Ranch project. The Escondido Downtown SPA has a target Equivalent Dwelling Unit increase (EDU) of from 2,000 to 5,000 EDU.

Unlike the Accretive Project, the Escondido Project **meets Smart Growth and LEED-ND location requirements**, because it is an infill development with requisite infrastructure **truly within walking distance of the Escondido Transit Center** which has access to the Sprinter Train as well as being a hub for North County and Metropolitan Bus lines. Additionally, this location is less than a mile from access to I-15.

The Escondido Downtown SPA also provides a more viable solution for senior living facilities, including Assisted Living, because it is within two miles from the two Palomar Hospitals and major medical facilities.

The Escondido Downtown SPA document is available at the following link, that is also provided as Reference A.
<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Please also compare the Escondido Downtown SPA level of specificity and completeness of design to that of the Accretive Lilac Hills Ranch Specific Plan.

Accretive also makes an unsubstantiated assertion that the Valley Center’s Village, designated by SANDAG as a “Smart Growth Opportunity Area” is not in close proximity to a major transportation corridor – **this is patently false**. Both the North and South Village nodes are traversed by Valley Center Road which was improved at a cost of \$50 Million to facilitate intensified commercial and residential development of Valley Center’s central valley. A traditional crossroads since the late 1800s when Valley Center was homesteaded, the Community Plan has designated this area for compact village development since the first community plan in the 1960s. Valley Center Road is a 4 lane road with raised medians, specifically a Circulation Element 4.1A Major Road from Woods Valley Rd south to the city of Escondido, and from Lilac Rd. to Miller Rd. The

other segments of Valley Center Road through the North and South Villages are 4.2A Boulevard roads. This slightly lower classification reflects the traffic impacts of interconnection with North and South Village traffic flows.

The proposed Lilac Hills Ranch Project contemplates overburdening 2.2 E and F two lane, narrow winding country roads to Level of Service E and F and requests **ten Exemptions to County Road Standards** for the 1 ½ to 3 miles the Project needs to connect the 25,000 plus trips for this automobile based urban sprawl project with I-15.

Accretive does not have legal right-of-way to use Mountain Ridge and Covey Lane private roads for the purposes that Accretive proposes for the Project.

Accretive does not own legal right of way, nor can they achieve legal right-of-way without the use of Eminent Domain, to build the proposed Covey Lane/West Lilac Road intersection in compliance with minimum County Sight Distance Line standards.

Accretive does not have legal right of way for offsite sewer and recycled water pipelines that they indicate on their Preferred Route 3 to the Lower Moosa Water Reclamation Facility.

For the County to state that this Project is in close proximity of a major transportation corridor without an analysis of the ability of this Project to safely manage its traffic burden and pay for the direct off-site impacts of the Project's congestive Level E and F Level of Service that the Project will directly cause **is misleading at best and not in compliance with CEQA and related State and County policies and Regulations.** *(Insert State CEQA and Subdivision Map Act issues; County Subdivision Ordinance and DPW Public and Private Road Design Standards)*

As is discussed below, in the new General Plan, unincorporated communities including Valley Center and Bonsall already accommodate more than their fair share of County growth. In keeping with the "Smart Growth" vision and guiding principles that are essential foundations for the entire County General Plan, growth in these communities has purposefully been re-directed to enlarged Village areas where road and sewer infrastructure is in place. Conversely, the new General Plan directs growth away from the more rural countryside.

The new County General Plan has applied this two-part vision to ensure that Valley Center and Bonsall absorb more than a fair share of San Diego County General Plan growth -- without overdeveloping green field areas.

The General Plan growth in housing units across the entire County of San Diego is summarized in Table 1-1 below.

Table 1-1 San Diego County General Plan Housing Unit Forecast 2010-2050

CPA	Housing Units				Percent Change			
	2010	2020	2030	2050	2010-2020	2020-2030	2030-2050	2010-50
Alpine	6,535	6,690	7,875	9,157	2.4%	17.7%	16.3%	40.1%
Barona	202	170	170	170	-15.8%	0.0%	0.0%	-15.8%
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	19.5%	58.7%
Central Mountain	2,182	2,305	2,589	2,735	5.6%	12.3%	5.6%	25.3%
County Islands	614	607	607	635	-1.1%	0.0%	4.6%	3.4%
Crest-Dehesa	3,562	3,677	3,926	3,978	3.2%	6.8%	1.3%	11.7%
Desert	3,546	3,453	4,337	6,923	-2.6%	25.6%	59.6%	95.2%
Fallbrook	15,929	16,535	18,559	20,387	3.8%	12.2%	9.8%	28.0%
Jamul-Dulzura	3,234	3,372	4,398	5,263	4.3%	30.4%	19.7%	62.7%
Julian	1,711	1,748	1,884	2,015	2.2%	7.8%	7.0%	17.8%
Lakeside	27,575	28,517	30,339	30,915	3.4%	6.4%	1.9%	12.1%
Mountain Empire	3,023	3,056	3,903	5,108	1.1%	27.7%	30.9%	69.0%
North County Metro	16,114	19,548	24,090	25,946	21.3%	23.2%	7.7%	61.0%
North Mountain	1,527	1,759	2,002	2,388	15.2%	13.8%	19.3%	56.4%
Otay	7	490	2,035	2,156	6900.0%	315.3%	5.9%	30700.0%
Pala-Pauma	1,980	2,285	3,037	4,399	15.4%	32.9%	44.8%	122.2%
Pendleton-De Luz	7,531	8,533	8,684	8,797	13.3%	1.8%	1.3%	16.8%
Rainbow	708	750	881	963	5.9%	17.5%	9.3%	36.0%
Ramona	12,376	12,692	14,107	15,140	2.6%	11.1%	7.3%	22.3%
San Dieguito	10,993	11,053	11,924	13,601	0.5%	7.9%	14.1%	23.7%
Spring Valley	20,533	20,939	21,837	21,952	2.0%	4.3%	0.5%	6.9%
Sweetwater	4,670	4,657	4,732	4,732	-0.3%	1.6%	0.0%	1.3%
Valle De Oro	15,543	15,648	16,022	15,968	0.7%	2.4%	-0.3%	2.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	36.9%	102.0%
Unincorporated Area	170,608	180,431	202,882	222,890	5.8%	12.4%	9.9%	30.6%
San Diego County	1,158,076	1,262,488	1,368,807	1,529,090	9.0%	8.5%	11.6%	32.0%

SOURCE: SANDAG Profile Warehouse: 2050 Forecast

Please note that the Lilac Hills Ranch project is a General Plan Amendment, and is not included in the estimate of projected Housing Units in Table 1-1, which is based on the August 2011 San Diego County General Plan.

For the entire County of San Diego Housing Units are increasing 32 % from 2010 to 2050.

Valley Center Housing Units as reflected in the August 2011 General Plan are growing 102% from 2010 to 2050, **more than 3 times** the rate of the County overall. This growth is largely in the North and South Villages, which are located where suitable infrastructure is (Roads, Sewers, Schools) located in Valley Center. There are no provisions in the General Plan to provide the requisite infrastructure in the remote proposed site of Lilac Hills Ranch to support urban village land use densities. The two central Villages in the San Diego County General Plan and the Valley Center

Community Plan located in the traditional town center is the logical place for Valley Center to provide more than its fair share of housing for the County.

Bonsall Housing Units as reflected in the August 2011 General Plan are growing 59% from 2010 to 2050, **nearly 2 times** the rate of the County overall. Growth is also planned at the traditional town center, close to the intersection of SR-76 and Mission Road, where necessary infrastructure for dense, urban development is in either on the ground or planned (and funded) to be added shortly.

The combined composite effects of adding Lilac Hills Ranch in addition to General Plan growth is provided in Table 1-2 below:

Table 1-2 Bonsall and Valley Center Composite Housing Unit Analysis

	<i>Housing Units</i>				% Growth from 2010		
	2010	2020	2030	2050	2010 to 2020	2020 to 2030	2010 to 2050
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	58.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	102.0%
Subtotal General Plan	10,513	11,947	14,944	19,562	13.6%	25.1%	86.1%
Lilac Hills Ranch (LHR)		746	1,746	1,746			
Total with LHR included	10,513	12,693	16,690	21,308	20.7%	31.5%	102.7%
Reference: SD County growth	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	32.0%

Accretive states that the Project is “in close proximity” to the I-15 freeway. Reality is that the granite hills require a twisting, slow 1 ½ mile trip to I-15 south and 3 miles north to I-15 North, from the closest northern point of their development.

From the south at Circle R Drive it is 3.0 miles of the lowest grade of public road in the County to reach I-15 at Gopher Canyon.

The proposed Lilac Hills Ranch Subdivision is a classic urban sprawl development. All of the transportation will be via automobiles, and the road infrastructure does not support the 9 fold increase in traffic.

The ONLY mass transit that exists is the North County Transit District (NCTD) Bus Routes 388 and 389 (Attachment A). The closest access is at SR 76 and Old Highway 395, a minimum 4 mile trip north from the project site. These routes run eight times a day and mainly link the Pala, Pauma, Rincon and Valley View Casinos to the Escondido

Transit Center. If you are going to a regional shopping center or work center, you must take a 30 minute bus ride to the Escondido Transit Center and transfer to another route. The mass transit system only works if you are a Casino patron.

consistent with the County's Community Development Model – This Project is not consistent with the San Diego County Community Development Model. **It is Inconsistent with the Community Development Model which a subset of the San Diego General Plan. Why does the first Objective ignore the balance of the General Plan? Because the Proposed Project is patently inconsistent with the San Diego County General Plan, as well as the Community Development Model within the General Plan.**

The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): *“The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses such as estate-style residential lots and agricultural and agricultural operations to Semi-Rural areas To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands ...”*

First, as the above statement in the County General Plan makes clear, the Community Development Model is not a moveable abstract concept. If this were true then Village “puzzle pieces” could be dropped into Semi-Rural and Rural lands anywhere in the County and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the General Plan's Regional Categories. It is the assignment of a particular Regional Land Use Category to a particular piece of land that this SP/GPA proposes to amend. The proposal therefore is inconsistent with the Community Development Model. Again, consistency would be achieved only by amending the General Plan to fit the project.

- In the General Plan (p 3-7) *“Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit.”*
- The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This proposal to plopp a Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development requires AMENDING the Community Development Model.
- Further, the site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model, which has been applied in Valley Center's central valley and

which this proposal defies, requires a “feathering” of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth.

- This SP/GPA is located many miles from areas that the Community Development Model designates for Village development: miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
- As for infrastructure, there are few existing roads in the area and they are built and planned to service Semi-Rural and Rural development, as is the current plan. Despite proposing intense Village development, the proponents also propose to retain or reduce capacities of these roads. Water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.
- The intent of the Community Development Model for Villages is to intensify development in existing Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. The majority of the Valley Center community’s future development is now planned for the “Village” areas in the center of the Valley Center Planning Area, at the community’s traditional “crossroads” where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are already in place.

a walkable pedestrian-oriented mixed-use community. There are two issues with this part of Objective 1. The first issue is that the Specific Plan is so NON-SPECIFIC on what the Commercial, Schools, and Parks content of this Project is that **one cannot assess whether anyone walking would reach a desired service of any kind.**

The second issue is that “walkability” is usually defined a ½ mile one way trip. The large majority of the Commercial zoning is in the Northern town center, which is a 1 ½ mile one way trip from the Southern boundary of the Project. People in the South (1 ½ mile) and Middle (1 mile) of this project won’t walk to the town center, and the two small commercial areas planted in the Middle and South to create a façade of “a walkable pedestrian community” are not credible walkable destinations. In fact, this creates Urban Sprawl internal to the Lilac Hills Ranch Subdivision.

Summary and Conclusion – Objective One

The County has structured the first Objective of the EIR so narrowly that only the Lilac Hills Ranch Project can fulfill the Project Objectives, leading to a self-serving and biased environmental analysis.

(CEQA and Case cites that back the conclusion statement)

Objective 2 – The full text with comment areas highlighted is below:

“Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area.”

in a manner that encourages walking and riding bikes - With 10 Exceptions to Road Standards, the Covey Lane/West Lilac intersection, and the traffic load the Project will throw on internal and external roads, **who is gonna risk taking a walk or riding a bike?**

public services and facilities that are accessible to residents of both the community and the surrounding area – There are two issues with this statement.

The first issue: what are the public services and facilities in this Project? A vague statement about a K-8 school site without any commitment to financing or endorsement by the School District, a vague description of the minimum acreage of Parks the County requires? Does the undefined Commercial content include a Supermarket or community market? A restaurant of any kind? A retail gasoline service station?

The second issue: “accessible to residents of both the community and the surrounding area” – Accretive’s Traffic Impact Study does not show an influx of non-residents to the area. **Is this because the Applicant is overly optimistically portraying the true Traffic Impact of this Project?**

Summary and Conclusion – Objective Two

The project does not meet its own Objective for Objective Two.

Objective 3 – The full text is below:

“Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers.”

We do not have any issues with this Objective other than to state that **any Project required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) would have to comply with this Objective.**

Objective 4 - The full text with comment areas highlighted is below:

“Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff.”

There are three issues with this Objective. The first issue is that the Objective is **so vague and subjective that compliance is not measurable.**

The second issue is with the highlighted statement: **“Integrate major physical features into the project design, including major drainages, and woodlands”**

How is taking 608 acres of Rural Land primarily involved in Agriculture, disturbing 440 acres, and creating large areas of impermeable surfaces consistent with this Objective? The Project includes 83 acres of road surface and 68 acres of manufactured slopes. Is it desirable to increase storm water runoff surface water velocity in concrete channels that increase siltation in the runoff? How does this benefit the woodlands?

The third issue is with the highlighted statement that follows: **“creating a hydrologically sensitive community in order to reduce urban runoff.”**

From our analysis of the Accretive Hydromodification Design, we find the analysis is marginal; requiring rainwater collection and storage from rooftops and a total of 23 acres of permeable paving to meet Hydrology requirements with the indicated preliminary design. The truth of the matter is that Accretive is proposing covering large areas of rural farm land with impermeable surfaces. If the Hydro design is compliant, it achieves compliance only in the most optimistic scenarios with scant margin. **Is this what a hydrologically sensitive community is?**

Summary and Conclusion – Objective Four

The project does not meet its own Objective for Objective Four

Objective 5 – The full text is below:

“Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area.”

We do not have any issues with this Objective **other than to state that any Project required to have a Discretionary Permit approved (including a Map approval for the General Plan Compliant Alternative) would have to comply with this Objective.**

Objective 6 – The full text with comment areas highlighted is below:

“Accommodate future population growth in San Diego County by providing a range of diverse housing types, **including mixed-use and senior housing.**”

The mixed-use and senior housing are included in the Project to achieve the densest possible development yield. The applicant has added a 200 bed congregate care facility on top of the 1746 Equivalent Dwelling Units, stating that because there is only one communal kitchen, the huge facility technically doesn't add EDU's.

In this Objective, **the County re-brands dense Urban Sprawl as a desired attribute.** The General Plan Alternate does not meet this objective, because it does not have Urban Densities.

This Objective is another example of where **the County has structured the Objectives of the EIR so narrowly with an planned bias that only the Lilac Hills Ranch Project as proposed by the Applicant can fulfill the Project Objectives, leading to a self-serving and biased environmental analysis.**

Objective 7 – The full text is below:

“Provide the opportunity for residents to increase the recycling of waste.”

We do not have any issues with this Objective other than to state that having an on-site recycling facility is not the only opportunity to increase recycling of waste; with the huge amounts of waste the **Accretive Urban Sprawl (AUS)** creates one is necessary to marginally comply with Traffic Standards on trash day.

All of the Alternatives comply with this Objective equally

Objective 8 – The full text is below:

“Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses.”

Developing the Project at General Plan densities and preserving agriculture and residential based businesses (such as the existing Accretive Agricultural Office located on 32444 Birdsong Drive) on the same or nearby Parcels achieves this Objective **perhaps better than the Proposed 1746 EDU Accretive Urban Sprawl Project.**

Summary

The County has structured the Objectives of the EIR in aggregate so narrowly that only the Lilac Hills Ranch Project as proposed by the Applicant can fulfill the Project Objectives, leading to a self-serving and biased environmental analysis. *(re- insert CEQA and Case cites here)*

Sincerely,

(Your Name)
(Your Street Address)
(Your City, State, and Zip)

Reference A: Escondido Downtown Specific Plan Area
<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Attachment A: North County Transit District Breeze Bus Routes 388 and 389

Attachment B – Table 4-1 from DEIR Chapter 4 Project Alternatives

TABLE 4-1
LILAC HILLS RANCH CEQA ALTERNATIVES

Land Use	Project		Alternative												
			1		2		3		4		5		6		
	Gross Acreage	Units/ Sq. Ft.	No Project - No Development		Existing Legal Lots		GPU Consistency		Reduced Footprint		Reduced Intensity		2.2C (Hybrid)		
		Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.	Gross Acreage	Units/ Sq. Ft.
Single-family Detached	158.8	903	608	16	608.8	49	351.4	110	142.1	783	275.5	881	177	792	
Single-family Senior	75.9	468	0	0	0	0	0	0	71.1	468	0	0	75.9	468	
Single-family Attached	7.9	164	0	0	0	0	0	0	0	0	0	0	4.3	105	
Commercial/Mixed-use	15.3	211	0	0	0	0	0	0	6	0	5.6	0	15.3	0	
Water Reclamation	2.4	0	0	0	0	0	0	0	2.4	0	2.4	0	2.4	0	
RF/Trailhead	0.6	0	0	0	0	0	0	0	0	0	0.6	0	0.6	0	
Detention Basin	9.4	0	0	0	0	0	0	0	5.4	0	5.5	0	5.5	0	
School Site	12.0	0	0	0	0	0	0	0	9	0	0	0	12	0	
Private Recreation	2.0	0	0	0	0	0	0	0	0	0	0	0	2	0	
Group Residential/Care	6.5	0	0	0	0	0	0	0	0	0	0	0	6.5	0	
Institutional	10.7	0	0	0	0	0	0	0	10.7	0	10.7	0	10.7	0	
Park - HOA	11.8	0	0	0	0	0	0	0	10	0	3.0	0	11.8	0	
Park - Dedicated to County	12.0	0	0	0	0	0	0	0	6	0	9.0	0	12	0	
Biological Open Space	103.6	0	0	0	0	0	256.6	0	168.8	0	102.7	0	103.6	0	
Non-circulating Road	45.70	0	0	0	0	0	0	0	45.7	0	41.5	0	43.1	0	
Circulating Road	37.6	0	0	0	0	0	0	0	37.6	0	21.5	0	30	0	
Common Areas/Agriculture	20.2	0	0	0	0	0	0	0	20.2	0	65.0	0	45	0	
Manufactured Slopes	67.5	0	0	0	0	0	0	0	67.5	0	65.0	0	50	0	
TOTAL	608.0	1,746	608	16	608.0	49	608.0	110	608	1251	608	881	608	1365	

sq. ft. = square feet

HOA =homeowners association

Attachment C – 1251 EDU Reduced Footprint Map

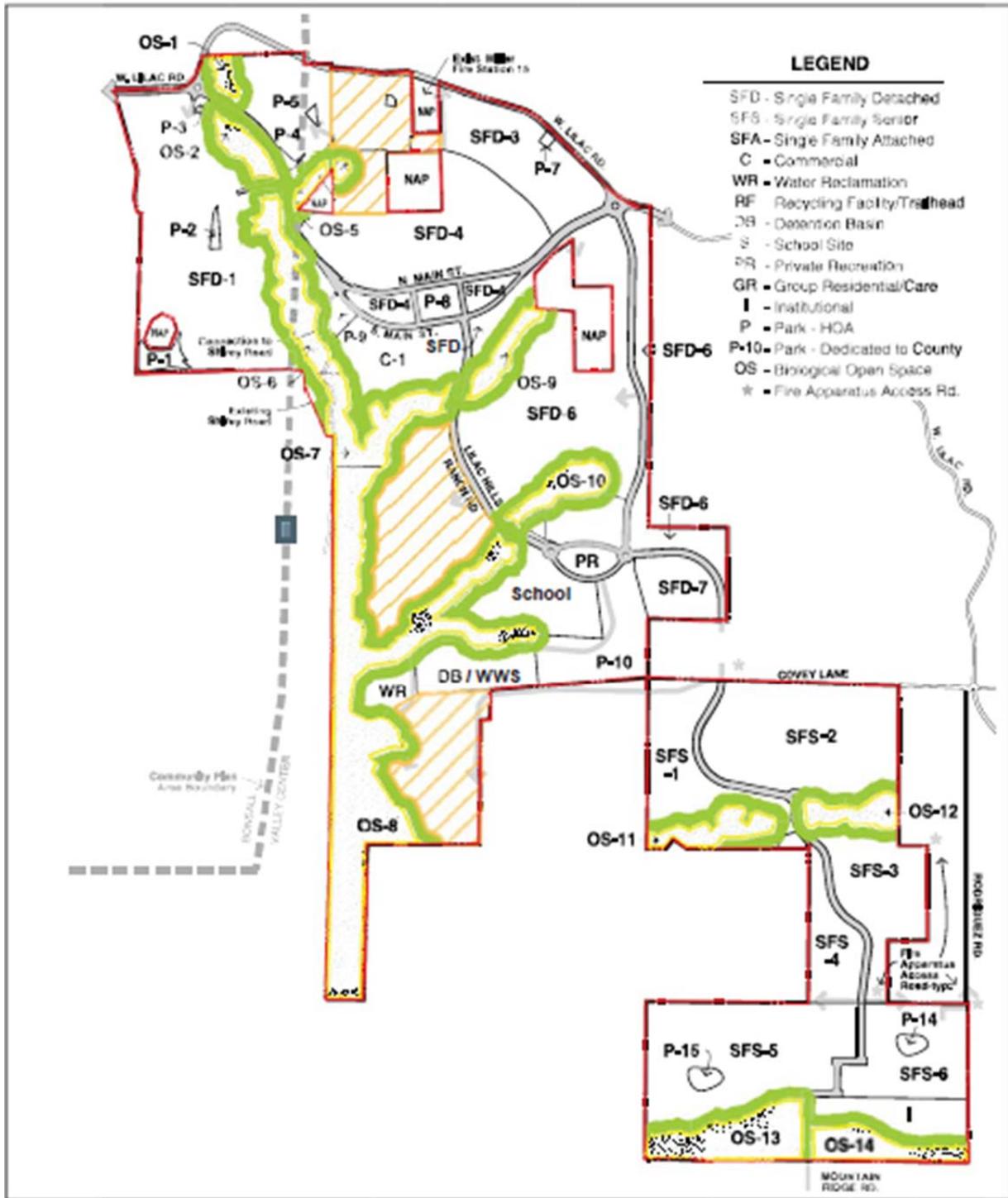


FIGURE 4-3
Reduced Footprint Alternative

Attachment D – 881 EDU Reduced Intensity Map

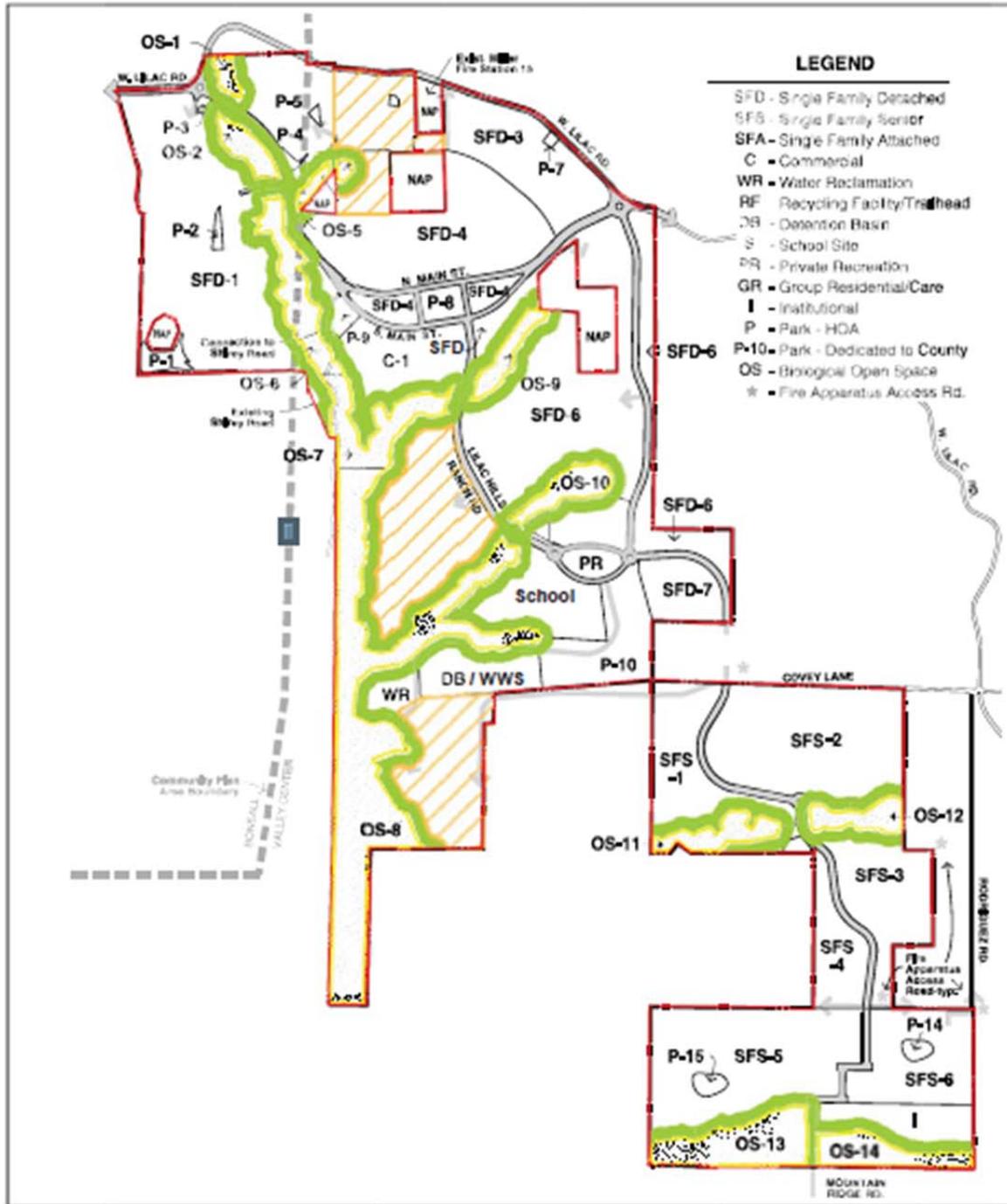


FIGURE 4-3
Reduced Footprint Alternative

Attachment E – 1351 EDU 2.2 C Hybrid Map

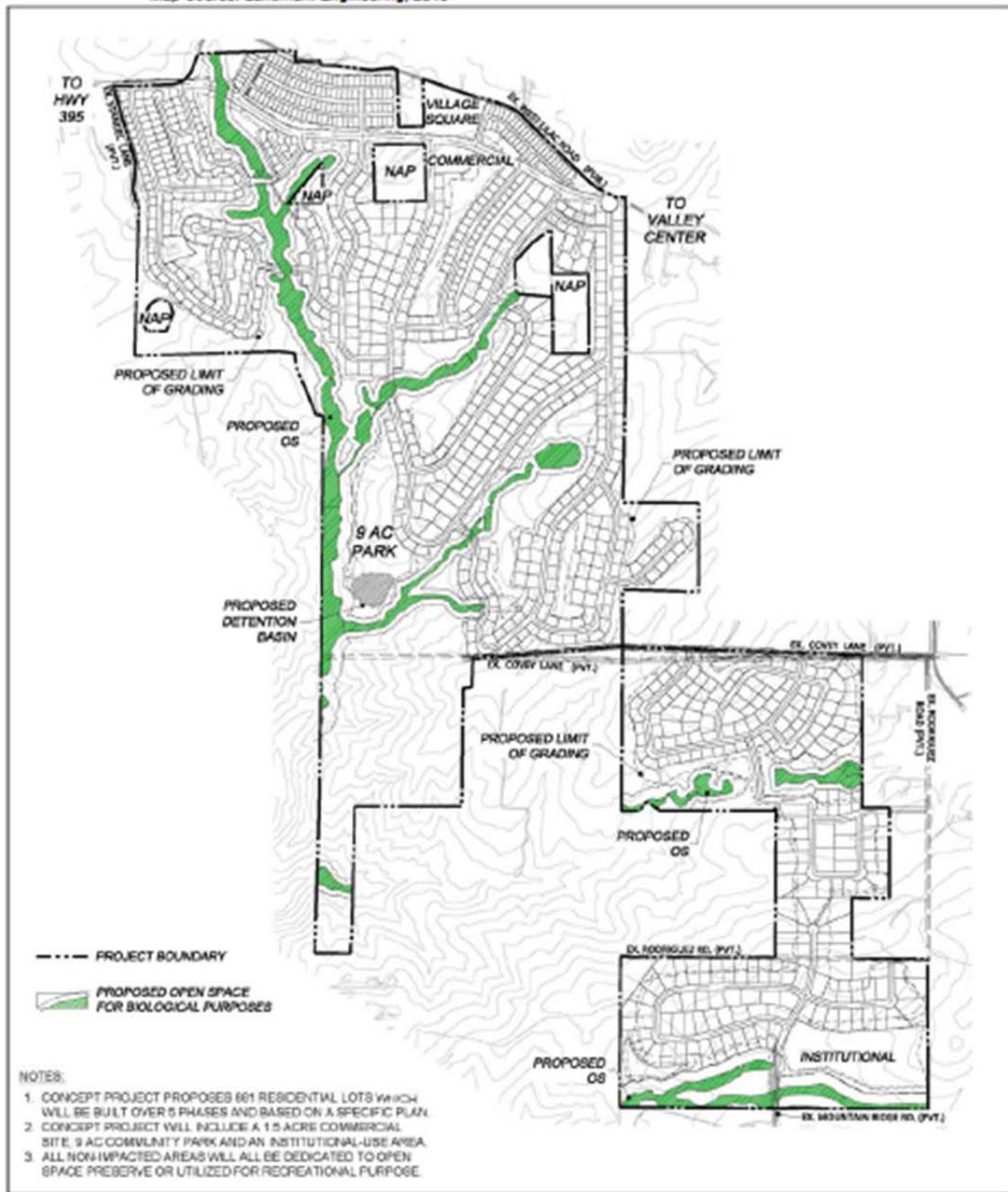


FIGURE 4-4
Reduced Intensity Alternative

DEIR Public Comment on the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP)

Valley Center Community Planning Group – Comments

Lilac Hills Ranch Specific Plan

Introduction

This set of comments is the fifth prepared for the Lilac Hills Ranch Specific Plan in little over two years. Typically, that would mean that there has been a healthy exchange of ideas and concerns between the community and the Project applicant over the course of that time. And, such an exchange would result in a project that more closely resembles what the community says it wants in the General Plan and Valley Center Community Plan. However that is not the case. Instead, the applicant has chosen to be insulated from the public forums established by the Valley Center Community Planning Group, choosing to select supporters to attend private, invitation-only promotional meetings, and calling them public. This has resulted in a Project that is at odds with the vision for the community expressed by the community in the San Diego County General Plan and Valley Center Community Plan.

According to the “Community Design and Operation Goals” (p.11-2) of the Specific Plan, this project intends to

“Ensure the orderly and sensitive development of land uses within Lilac Hills Ranch Specific Plan to safeguard and enhance the appearance, quality, and value of development in the Valley Center and Bonsall Community Planning Areas.”

The language is lofty and seemingly respectful of the community that surrounds the project. However the actions outlined contradict the lofty speech—a style that abounds throughout the text. Rather than respect the productive agriculture of the area, or the remaining natural habitat of the area, or the community’s vision for the area, the applicant is focused on land uses and development that degrade them. They have chosen to ignore the County’s General Plan for the area and the specific Valley Center and Bonsall Community Plans that purportedly govern land use and development in the area.

This flagrant disregard for the General Plan and the community plans comes only three years after the 12-year, nearly \$20 million effort to implement them. Have conditions in north San Diego County have changed so much in three years that major changes could conceivably be warranted? We would argue that nothing substantial has changed since the General Plan and community plans were adopted.

This plan—to create a major leapfrog development in San Diego County--would bring major and devastating change and remove many protections put in place by the General Plan. If approved, the project would set a precedent that would reverberate throughout the unincorporated countryside of the County. The precedents set would allow developers almost unlimited license.

Questions: Will the County grant the developer the extensive exceptions to the General Plan that it requests? How will land use in San Diego County be governed in the years ahead if most limits on density, leapfrog development, the integrity of private roads—to name but a few issues—are not applied?

In the section of the Specific Plan titled, “Community Design and Operation Policies,” (p. II-2) the applicant continues to feign respect for the General Plan while planning to undermine it.

“Limit development to those uses permitted by and in accordance with development standards contained in the County of San Diego Zoning Ordinance, the County General Plan, the Lilac Hills Ranch Specific Plan and future detailed approvals and permits for the property. The Lilac Hills Ranch Specific Plan is intended to further implement the policies and development standards set forth in the County General Plan, and the Valley Center and Bonsall Community Plans provided however, in cases where there are discrepancies or conflicts between the Lilac Hills Ranch Specific Plan and the County’s development regulations or zoning standards, the provisions of the Lilac Hills Ranch Specific Plan shall prevail.”

This comment continues the developer’s use of Orwellian language. It promises development in accordance with the standards of the San Diego County Zoning Ordinance and the County General Plan. ***However, the development will be in conformity with county documents and standards only AFTER Accretive has significantly altered them to fit their own Specific Plan and its urban – rather than rural – standards.*** Their plan will usurp the authority of the General Plan and Zoning ordinance and allow their Specific Plan to supersede them. Most property owners in the County would like to be able to supersede the General and Community Plans from time to time, but, instead the entire unincorporated area of San Diego County came together and agreed to update the General Plan in a way that applies to everyone equally – or so we thought.

Questions: What rationale would be used to allow the developer to amend the 2011 General Plan so extensively that this Specific Plan would, in many areas, become the new standard? What public process, comparable to that involved in the creation of the General Plan, would support such a change?

Under “Specific Plan Goals,” (p.II-3) the applicant states the desire to:

“Create a mixed-use pedestrian oriented sustainable Community for an area on the outer boundaries of the Bonsall and Valley Center community planning areas. This new Village will augment the several other large scale projects adjacent to this section of I-15 between Escondido and Fallbrook by introducing new mixed-use pedestrian oriented land uses with a

variety of housing types and create employment, retail and service opportunities that are not currently present.”

The words “mixed-use, pedestrian-oriented, and sustainable” are charming until the realization sets in that ‘mixed-use’ means urban densities where rural ones exist; that ‘pedestrian-oriented’ makes little sense given the vertical curves, elevation changes and distances within the Project; and that ‘sustainable’ was added because it pleases planners not because the 5000+ residents of the Project will be able to find well-paying jobs or adequate recreational or educational opportunities for their children within the Project.

This Project straddles Bonsall and Valley Center planning area boundaries. Both Bonsall and Valley Center are identified in the General Plan as established rural communities with large lot zoning and agricultural uses that support their rural designation. Adding this urban Project is an attempt to encroach on agricultural lands that have low-density land use designations. Such encroachment will result in growth inducement as well as in undermining the planned town centers for both communities. Housing, retail employment, and service opportunities are not currently present within the Project area because General Plan already accounts for those things in the town centers of Bonsall and Valley Center.

Questions: How can the Specific Plan available for public inspection be allowed to so mischaracterize the project as “pedestrian oriented” “sustainable” or as a project that will create “employment, retail and service opportunities” when it is none of these things? Many comments directed at earlier versions of the Specific Plan have pointed out these mischaracterizations but they appear version after version without correction. Why would a city the size of Del Mar, but one with virtually no services, be constructed in two of San Diego’s most rural communities?

Finally, “Specific Plan Goals” (p. ll-3) summarizes:

“Overall, the specific plan seeks to balance population and housing needs with open space, agricultural land use, and the development of infrastructure for the Community.”

Housing needs and population are already in balance in Valley Center. The General Plan accounted for projected population growth and housing needs over the next 20 years within both Bonsall and Valley Center **without** this project. There is no additional housing need to be met. This Project will essentially destroy or disrupt 608-acres of open space and agricultural land. According to the General Plan Principles, such trade-offs between development and agriculture/open space is to be avoided.

Questions: Does the county recognize that Valley Center has more than met its share of planned housing growth without the construction of these 1,746 homes? In what way does the project contribute to Accretive’s goals of “open

space, agricultural land use” and “infrastructure”? Is it not the case that it reduces open space and agriculture while having a negligible or even negative impact on infrastructure?

Once again, we have listed our concerns below, as we have listed them four times before. Our hope is that these concerns will be addressed in a way that is consistent with the Valley Center Community Plan and the County’s current General Plan. We emphasize that these present concerns should be understood to include the previously submitted concerns of July 9, 2012, October 22, 2012, March 11, 2013, and August 2013 where they still apply.

Question: Does the County recognize that there are not one or two problems with the project but rather there are at least a dozen? Some of the problems cannot be remedied (its location, its size, its impact on agriculture and on the rural nature of the community and its conformity to the general plan) or remedied only with very costly and difficult actions (its roads, its access to right of way, its fire prevention and emergency services, its school, and its waste removal, to name a few)?

Major Concerns

1. The Lilac Hills Ranch Project is too large and too dense for Valley Center and it is improperly located- Placing 1,746 homes and 5,000+ people on 608 acres with densities as high as 20+ dwelling units [DU] per acre is simply incompatible with the rural, agricultural location in which the project has been sited. The addition to the project of a 50-room hotel and a residential care (or assisted living) facility for an unspecified number of senior citizens further enhances the urban nature of the project.

Question: Are there no locations in other urbanized communities like Escondido or San Diego where such an enormous urban project could more appropriately be located?

2. Roads and Traffic- The nature of the roads that must carry traffic generated by Lilac Hills Ranch is one of the most fraught and difficult topics associated with this Project. The area has been able to move cars across winding, two lane roads that pass through hilly landscape only because of its present low, rural density. With the addition of 1,746 homes, extensive new road construction plus considerable widening and straightening of existing roads will be required to safely and efficiently handle the additional 5,000+ individuals who will populate the development. The County’s very limited road construction budget is already over-taxed, and unlikely to provide for the huge influx of automobiles created by the project. Questions of the cost of off-site road construction, evacuation needs, and acquisition of rights-of-way over existing private roads by the applicant, are also extremely challenging.

The addition of the assisted living facility adds another dimension to road issues. There will be frequent need for emergency vehicles to get into and out of the development. Their ability to do so may be a matter of life and death. A weak and congested road structure cannot handle the needs of emergency vehicles in addition to the demands of commuters who will live in the project and must transport children to school and commute to work. This combination of needs for road usage will intensify response and rescue problems.

An additional major issue adds a potentially devastating impact to securing traffic flow for this project: The specter of eminent domain or the involuntary taking of private property. Accretive/Lilac Hills Ranch does not have legal right of way to many of the roads that they talk about improving and, in fact, must improve to facilitate the large amount of traffic the project generates. From the first iteration of the Specific Plan to this one, Accretive has made little progress in acquiring right of way.

Questions: Does the project intend to rely on eminent domain to obtain the rights of way they must have in order to build the project? Does the county intend to permit eminent domain to be used in this way to benefit a private developer? Will eminent domain be used to secure right of way on all of the roads that Accretive must have in order to build the development? Is it acceptable to the county for 20 to 50 property owners to lose portions of their property in separate takings—all of which will be fought and objected to by those owners? Will the county disclose information about legal rights to roads required for off-site improvements and information about how the applicant intends to get these legal rights? If so, when will they disclose this information?

3. Compliance with the General Plan—The Accretive/Lilac Hills Ranch Project's Specific Plan will overturn virtually every element in the County's new General Plan adopted in 2011 after 12 years of discussion, compromise and community involvement, nearly \$20 million in government expenditures and countless hours of effort on the part of local citizens. Approval of this Project will impose damaging changes to the General Plan and the Valley Center and Bonsall Community Plans. These changes will be growth inducing, particularly in the western portion of Valley Center.

Questions: If the Project is allowed to proceed, one has to question if there is any development that would be rejected because it violated the principles and policies of the General Plan and Community Plans. Would the General Plan minus the policies allowed under the Accretive/Lilac Hills Ranch SPA become the new General Plan? Is the General Plan anything more than a placeholder until the next developer proposes another drastic change? If a General Plan Amendment of this magnitude is allowed to proceed, what would a project need to propose to be rejected?

4. Services and Infrastructure - Water, Schools, Fire, and Waste Treatment- Infrastructure is expensive. Putting in new roads, adding additional lanes to a bridge, building a fire station, putting up a new school, installing sewer and waste treatment plants and building trails all cost large amounts of money. A principal reason why the General Plan Update strongly favors “compact, town center developments” while stating that it intends to limit “growth in areas without adequate roads, water and sewer service” is because of the demands on the public purse for building and then maintaining these infrastructure items over and over.

This project is seeking to build a city the size of Del Mar, CA that will require an almost entirely new infrastructure—new roads, schools, sewer systems, fire stations and a broad range of other infrastructure items. These infrastructure expansions are why the Valley Center Community Plan designates the north and south villages at the core of Valley Center for such housing and commercial densities. The Community Development Model also directs that kind of concentration of density and infrastructure be located not at the outer edge of the Valley Center community as this Project proposes, but at the Valley Center core.

Circulation. The issue with circulation was commented on above. Creation of adequate roads and widening of the bridge across 395 (which would surely be required) seems like a massive and extremely costly project, complicated by the lack of clear title to areas where roads would be built or widened.

Elementary School and other educational services. A school, even an elementary school, in the project seems vaguely described and fraught with difficulty. With both Valley Center and Bonsall encountering declining enrollments neither school district is willing to open and run an additional school. The 2014 Specific Plan indicates that students living in homes built in phase 1 and 2 homes would attend the Bonsall schools because these homes are located in the Bonsall School District. No mention is made of the difficult roads between the project and Bonsall but presumably parents would transport children over these roads daily and bring them home after school. A site suitable for a K-8 school will be included in the development’s plans and the developer asserts that once it is built (in time for the project’s phase 2, 3, 4) students will attend the on-site school. No mention is made of high school students who would logically attend Valley Center High School. Again, the trip from the site of Accretive’s Lilac Hills Ranch project to the Valley Center High School is a difficult one. There is also no clear definition of who will manage the school Accretive may build and how staffing will be paid for. For a project that has been in development as long as this one has, the level of detail is unacceptably low and does not allow reviewers to adequately understand how education will be provided for children living in the project.

Fire. When discussing Fire Protection, the developer notes that “structural and wild land fire protection is provided by the Deer Springs Fire Protection District” in

association with CALFIRE. However, legally required fire response times cannot be met without the addition of a new fire station (or the substantial expansion of a small but existing one) much closer to the project. The Fire District has indicated that they cannot move to a new location closer to the project without adversely affecting the area that they currently serve and that they do not have the resources to operate an additional fire station. The project presents (p. III-49-50) a list of ways in which the project will reduce fire risk but they do not clearly answer the fundamental question about who (which fire department) will provide fire protection and what response times will be and how those response times will be related to narrow and slow roads.

The two additional issues are important when considering fire. One is the possibility, of great concern to the Valley Center community, that wildfires like the ones faced in 2003 and 2007 will happen again. In such a case, the 5,000 or so people in Lilac Hills Ranch will slow evacuation—possibly with devastating consequences—of the many people who must travel down Lilac Road to I-15—the principal exit route from Valley Center—to escape. Lilac Hills Ranch residents will act like a cork or a bottleneck. The presence of so many new people with no substantial improvement, widening or increase in roads greatly increases the risk to everyone should a major fire occur.

Second, locating an assisted care facility within the project also increases risk to those who are being cared for. Fire and emergency vehicles response will be slowed by the road system and at this point likely will not meet county standards. In addition, hospitals and good medical care are at some distance.

Waste Treatment. The Wastewater Recycling Facility will not be built during the early phases of the project. During the early phases sewage will be trucked off site and for the life of the project waste solids screened from liquid waste will continue to be removed in that manner. The wisdom and safety of this approach is highly questionable. The possibility of spills—and over time the near certainty of a spill—would create hazards for residents.

Phasing. An additional problem is phasing. There is no guarantee that later phases of the project will be built. The County has not required bonds or other assurance that these basic sanitation issues and the major road issues will be dealt with should the developer decide not to build later phases which trigger most sophisticated waste treatment and road improvements.

Questions: The Valley Center Community Planning Group asks the County to require the developer to solve the problems that plague every area of service and infrastructure development and to provide the community with information about these solutions. Without knowing what the developer will actually do, it is impossible to assess impacts on the schools, the fire services, evacuation, waste treatment and other issues. What assurance is there that a school will be built? If it is not where will students attend school and how

prepared are local school districts and local roads to handle the influx? How will people from central Valley Center evacuate in case of fire and what expansion of roads is required to make that a safe process? How will waste be managed if later stages of the project are not constructed?

5. LEED-ND/Sustainable and Walkable Community This project has not meaningfully addressed the requirements for LEED-ND development. The Specific Plan states that “The Lilac Hills Ranch planning and design applies...sustainable development principles to site selection, compact and efficient development footprint...clustered development... conservation of wildlife habitat and subordinating dependence on the automobile”. (p. V-9) It is hard to believe that these words are not meant in jest. A massive leapfrog project built on rural and farmland, covering 608 acres currently available as habitat for a variety of species, could not reasonably be considered LEED-ND compatible. There is no LEED-ND equivalent program like this one anywhere in the United States. The project fails to meet any of the site location and linkage requirements listed in the LEED-ND prerequisites and standards. It is leap-frog development pure and simple built many miles from the roads, schools and libraries that are needed to sustain a project of this size and that were purposely constructed in other Valley Center locations to support planned areas of growth. See: [\[https://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf\]](https://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf).

The Project also cites its consistency with the Guiding Principles and the Community Development Model in the General Plan for San Diego County. However, even a cursory examination of those principles and the model show that, rather than being consistent, the Project is inconsistent with both the Guiding Principles and Community Development Model. For example, Guiding Principle 2 requires a project to promote sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development” (p. V-1). While the project is near I-15 it lacks all other infrastructure and must create it anew. To argue that Lilac Hills Ranch meets the standard of this Guiding Principal (or virtually any of the others) is ludicrous.

The proposed addition of the Lilac Hills Ranch project in the far western portion of the Valley Center community flouts the Community Development Model by establishing high-density development away from the community center, away from needed infrastructure, and in a designated agricultural area. The Project is leapfrog development and it does not qualify as a LEED-ND community under any reasonable interpretation of those standards.

The claim is made that all 1746 dwelling units will be within one-half mile or a 10 minute walk of at least one of the three proposed commercial nodes in order to support the concept of ‘walkability’. (p. V-2). However, the three commercial services areas are not of equal size, and will not have equivalent services available. The bulk of the commercial services will be available only in the northern node with

substantially fewer services available in the other two nodes. In addition, the changes in elevation from one end of the Project to the other will tend to discourage walking, especially for senior citizens. Thus, residents in the central and southern sectors will likely still drive the one to two miles north for more than convenience store services. In the absence of major grocery and drug stores most residents will do their primary shopping off site.

Questions: The VCCPG would like the County to clarify what standards they will use to determine if the Accretive development is LEED-ND qualified and how they understand the project to meet any of the Guiding Principles in the San Diego General Plan. From our perspective, their claim to meet these standards represents a very tortured use of language. The County should apply scrutiny to terms like LEEDS-ND compliant if Accretive continues to use them. The public needs to be reassured that the language that is in the SPA carries the content normally associated with terms Accretive uses.

6. Agriculture- The General Plan Update adopted in 2011 set aside the area where the project is currently planning to build 1,746 homes as a place for agriculture and other rural and semi-rural uses. The area of the project is not characterized (as the specific plan indicates) by *historical* agricultural activity. It is a present-day agricultural area with a long, continuous history of growing and farming. Avocado, citrus, cactus, flowers, commercial nurseries and other farm operations are located in and around the Project areas. These agricultural uses attract insect and fungal infestations, which mean that aerial spraying is often necessary. Spraying could pose a danger to schools, churches, senior centers, parks and homes in the area. On the other hand, prohibiting spraying would make farming nearly impossible. Building the project at the planned site would greatly damage many currently productive and successful agricultural operations. [See Table 1 and Figure 1]

While this iteration of the Specific Plan no longer denies that the site is important to agriculture, the mitigation measures proposed are trivial. “The Agricultural Resources Report prepared by Recon Environmental...concludes...the site is considered an important agricultural resource due to its moderate rating for soil quality and a high rating for climate and water resources. Mitigation would be implemented, requiring the purchase of 43.8 acres of agricultural land or in-lieu credits through the County’s PACE program” (P. V-4) Why would this project be built and allowed to destroy the lives and farms of individuals with deep roots and long tenure in the area? Why built Lilac Hills Ranch at all when it is not needed to meet housing projections and suffers from so many almost irresolvable problems—from roads, to fire danger, to school location to name a very few?

Questions: Given the careful protection of agriculture in the 2011 General Plan, what would lead the county to approve destruction of a traditional agricultural area in Valley Center in order to build homes that are not needed to house projected population growth? If this project is built, what compensation will be available to farmers who lose their livelihood and/or

are driven from use of their land by restrictions on spraying to control pests? Is this considered a violation of the property rights of farmers located near the project?

7. Twists of meaning and lack of clarity in the plan– One of the most difficult aspects of the Project’s Specific Plan is the extent to which it makes misleading claims. Accretive would have us believe that they are building a LEED-ND or equivalent development even though the project violates nearly all LEED-ND standards for site selection and linkage; that adding 5,000 residents to a rural, agricultural area actually improves traffic over narrow, winding rural roads; that grading and moving 4.4 million cubic yards of earth (enough to build a path 4-feet wide around the equator of Earth) preserves natural resources and habitat for animals.

In addition, after criticizing four previous iterations of the Specific Plan, this version continues to use conditional and indefinite language to describe aspects of the Project that should be, at this stage, unconditional and definite. It seems as if the applicants want us to review and approve a suggestion, or an idea that could easily change during construction rather than comment on a definitive plan that correctly describes their intentions. Even issues like public transportation are described conditionally. After explaining that public transportation “could be” an important planning consideration for reducing traffic, the Specific Plan says that “As Lilac Hills ranch is populated, North County Transit District *may* (emphasis added) adjust routes and services to meet the needs of the growing community.” (p. 11-29) At what point can the planning group expect to review a Specific Plan that explains clearly what will and will not be done?

Questions: Why are the Accretive/Lilac Hills Ranch developers not required to be clear about what they propose? After so many iterations of the plan, why does the clarity and specificity of the plan not improve? Can the county encourage or require the developer to answer the questions that the community repeatedly asks?

8. Phasing-One of the final major concerns about the project is the uncertainty that surrounds phasing and how this uncertainty is related to infrastructure the project will be required to build. The school and the Waste Treatment plan and some of the public road improvements are scheduled for relatively late phases. Other features such as internal roads may be delayed until the project is built out or nearly so. Mitigations for traffic impacts are tied to events that may not happen.

Questions: What certainty does the community have that promised improvements—even those promised in relatively late stages of the project—will be built if the developer does not complete the project through the later stages? Is bonded indemnification an appropriate approach? Why or why

not? Who would pay for necessary improvement to sewage removal or roads if the developer did not follow through to build later stages?

Other Concerns

Distribution of Land Uses

Table 1. The County General Plan Conservation and Open Space Element established goals of 10 acres of local parkland and 15 acres of regional parkland per 1,000 persons. The little over 20 acres proposed for public and private parks in this Project falls well short of this goal.

Water Resources

While the Specific Plan notes that imported water usage by the proposed project will be equal to or less than the usage by the present agricultural uses, the proposed imported water usage will not produce a significant amount of agricultural products. So water consumption will be about the same but production will be drastically lower.

General Plan Conformance

The Project's Specific Plan, in several sections, addresses the General Plan and Valley Center Community Plan. Yet the Project's Specific Plan fails to adequately acknowledge the fact that both of these thoughtfully constructed governing documents intend a completely different set of uses for the Lilac Triangle of west Valley Center, and fails to provide justification for the dramatic changes it proposes. The area was zoned for and intended to accommodate agricultural activities and large-acreage residential uses. The proposed Project is clearly incompatible with these intended uses. Both the General and Valley Center Community Plans designate other areas for land-uses such as the Project proposes. If one were to propose and construct a residential project of this magnitude that would be useful to society in general and this region in particular, they would apply their efforts to the central village area of Valley Center. The current Project, as proposed, is a cynical endeavor.

The applicant plans to locate up to 2.9 units per acre on land that currently allows, under the new County General Plan, 1 dwelling unit per four acres (for 400 of the acres) or 1 dwelling per 10 acres (for 132 of the acres). Thus the land on which the applicant wishes to build 1,746 homes is reserved in the General Plan for **much** lower density. The applicant would increase the density more than 13 times the present allowable density. Thirteen times the allowable density indicates callous disregard for community character and community concerns.

Consider the 10 guiding principles that the San Diego County General Plan outlines for development:

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.

Can anyone who has read the Project's Specific Plan submission believe that it does not violate at least 8 or 9 of them? It requires the development of new roads, a new sewer system, and new water sources—all of them described vaguely and many of them resources to which the applicant does not have clear title or a well-developed plan for acquiring. It moves over 4 million cubic yards of earth by grading and by blasting. It is far from the heart of Valley Center where denser development is being accommodated.

Parcel Size Distribution.

The applicant suggests (p. l-11) that the Lilac Triangle is already more densely developed than housing in the project Accretive proposes would be. In the One-mile Radius (figure 6), the applicant suggests that 81% of lots are smaller than the General Plan allows. This use of percentages is misleading and incorrect.

Thirty-six percent of all the lots in the One-mile radius [according to the applicant's analysis] are 2 to 4-acres and are consistent with the previous General Plan minimum parcel size. Additionally, by the applicant's analysis, 46% of parcels are larger than 4-acres, many much larger. And, viewed another way, 73% of all lots are 2-acres or more within the one-mile radius of the Project. The present General Plan was adopted two years ago, and many of the smaller lots were "allowed" under previous plans.

Most of the acreage in the Lilac Triangle is in parcels larger than 4-acres. That fact provides a more appropriate way to assess neighborhood character. The present General Plan intentionally reduces density in this area (over what was previously allowed) in an effort to retain existing agricultural land, most of which is represented by fewer, larger parcels. This is consistent with the Community

Development Model, since higher density development is focused at the Valley Center community center along Valley Center Road.

Some of what the applicant chooses not to recognize is that, in the Five-mile Radius (figure 5) many of the developments cited are clustered developments with an underlying density of 1 dwelling unit (DU) per 2-acres [i.e. Circle R Ranch, Lake Rancho Viejo] and not developments with lots as small as or smaller than those proposed for the project. Further, developments like Welk Resort are not single-family developments, but resort/timeshare clustered developments, also with an underlying one dwelling unit per 2-acres density. The present distribution of parcel sizes should not be misused to justify the proposed development.

It should be remembered that the recently adopted General Plan and the associated community plans are the defining factors in describing the desired plan for the community rather than the parcel size analysis of the applicant.

Question: Will the county confirm that neighborhoods surrounding Lilac Hills Ranch are, as this analysis asserts, much less dense than Accretive claims and thus cannot provide a rationale for a development with a 2.9 dwelling unit per acre development?

Relationship to General Plan

One of the more outrageous claims made by Accretive is that the project they propose is consistent with the general plan and with the Valley Center Community Plan (p.l-12) (“Appendix A provides detailed analysis regarding how and why this Specific Plan is consistent with the goals of the County General Plan.”) The project will be in conformity to the general plan **IF** the SPA is approved and becomes part of the governing documents for the County. A plan that is far from the center of town, lacks basic infrastructure and is unable to explain clearly how that infrastructure will be created and operate, destroys local agriculture and creates housing that is not needed to account for Valley Center’s share of projected housing growth is **NOT** in conformity with the general plan.

They ask (p.l-13) that the Land Use Element in the Valley Center Community Plan be changed to replace semi-Rural (SR-4) and (SR-10) designation with the Village Core/Mixed Use (C-5) designation and the VR2.9 designation, among many other changes. How is this consistent with the General Plan? The change proposed by this Project will grossly change the character of the existing rural, agricultural area of the Lilac Triangle and destroy the rural nature of the communities of Valley Center and Bonsall.

Question: We ask the County produce an analysis of where the Lilac Hills Ranch project conforms to the General Plan and where it deviates? Such an analysis would provide an “official” basis for this discussion of general plan conformity to proceed.

Leapfrog Development

Accretive argues that its project does not constitute leapfrog development (p. V-7) because it conforms to the Community Development Model (a conclusion which is challenged earlier in this analysis), that it provides necessary services and facilities, is designed to meet the LEED-Neighborhood Development Certification or an equivalent and is within established water and sewer boundaries.

Again, the Valley Center Community vehemently disagrees with these conclusions. The lack of fundamental services and facilities is a major problem with the development, which Accretive seems unable or unwilling to explain. How will it provide a circulation plan, emergency evacuation in the event of a disaster, sewage removal, schools or fire protection? They still assert that they will implement **one of four**—fire service strategies, (increased from one of three in the previous iteration of the Specific Plan) (p. V-14). After years in development and four iterations of the plan there still is not clarity about fire service to the area. Further, the project meets no known LEEDS or equivalent standards. While it is within established water and sewer service boundaries, the sewer service to the project remains problematic.

The community of Valley Center and the Valley Center Community Planning Group assert that the Accretive/Lilac Hills Ranch **is Leapfrog development** and is therefore prohibited.

Question: Before the project is allowed to go forward to seek approval will the applicant or the County spell out clearly how these basic services will be provided so that the community can comment on and evaluate actual plans? Will the County comment on whether the Lilac Hills Ranch project is or is not Leapfrog Development and explain their reasoning?

Development Approvals Needed

Apart from the need to amend the General Plan, and the Valley Center and Bonsall Community Plans, the applicant is asking for approval of a site plan for “V” and “D” special area regulations. (p.11-14) Setback designator “V” allows for very close urban spacing of buildings, spacing that is grossly inconsistent with the General Plan as it relates to Valley Center and, consequently, the Valley Center Community Plan. Special Area Regulator ‘D’ has several Site-Plan criteria that this project fails to adequately address:

*“a. **Building Characteristics.** The dimensions, color, architectural design of the proposed buildings and structures shall be compatible and in keeping with those existing in the designated area.”*

The proposed Project intends to inject a sweepingly new architectural treatment to the designated area. The types, dimensions, densities and architectural design being proposed are not consistent with the Lilac Triangle.

“b. Building and Structure Placement. *The placement of buildings and structures shall not detract from the visual setting or obstruct significant views.”*

The density and heights of proposed buildings and other architectural features will dramatically and adversely impact the present rural, natural and agricultural setting of the area. This impact cannot be mitigated under the provisions set forth in this specific plan and will irrevocably deprive existing residents of their expectation of a rural, natural life style and environment.

“c. Landscaping. *The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area and shall harmonize with the natural landscaping. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections “d” and “e” of this section and shall not obstruct significant views, either when installed or when they reach mature growth.”*

The Project proposes to excavate and fill over 4 million cubic yards of earth in pursuit of building sites and common areas on a total of 582.2 acres. Nearly all of the native and agricultural vegetation will be removed and existing agricultural areas will be severely diminished and completely altered on those acres as a result. The proposed plan will leave narrow strips, of so-called, biological open space that will be of little or no use to wildlife due the edge effects of human intrusion, invasive plants, night lighting, domestic dogs and cats, and fuel modification zones.

“d. Roads, Pedestrian Walkways, Parking and Storage Areas. *Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.”*

The roadways proposed do not provide adequate ingress and egress for the proposed housing and commercial areas. The applicant has failed to provide substantive documentation of legal rights to develop adequate access routes for evacuation requirements. Further, the trail network proposed appears to depend on access along Covey Lane, a private easement for which the applicant has demonstrated no legal right.

“e. Grading. *The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view by landscaping and plantings*

which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.”

As noted earlier, the Project proposes to move ***nearly four and a half million cubic yards of earth*** on the 608-acre site, with blasting required for about 20% of that total. Obviously, this will not result in minimal alteration and it will detrimentally affect, in the grossest way, the visual setting of this rural, agricultural area.

Question: This appears to be an excessive and egregious amount of earth movement. Can the County limit earth movement on the project site?

“f. Signs. The number, size, location, and design of all signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the site plan review and approval, any alteration to signs other than general maintenance shall be subject to a new Site Plan or an Administrative Permit.”

The only reference to signage found concerns the monuments at the entrances to the Project and a standard for other signage is not defined except as to possible locations. The monuments description in the specific plan is more nearly marketing language than specific details about construction design and materials. A conceptual design is provided, but it is merely suggestive and provides no assurance that it is consistent with the Valley Center Design Guidelines. Clearly, the Specific Plan should defer to the existing Valley Center Design Guidelines, and those guidelines should be acknowledged in this plan to direct the implementation of signage for the Project as a whole, but especially for the commercial areas within the Project.

“g. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.”

Since the designated area is presently rural and agricultural and subject to the Valley Center Design Guidelines, the Project and its specific plan should recognize those guidelines as the authority for all lighting implementation. Generally, little lighting is used in this area presently, so any change will be a significant departure from what exists and will severely challenge the present conditions. It will also exacerbate the light in the night sky that is such a challenge for the Palomar Observatory and their 200-inch telescope, a national asset. No matter how “sensitive” such street, architectural and signage lighting attempts to be, it all adds to the light “noise” in the night sky, obscuring views of the stars, and creating an urban atmosphere where a

darkened rural one should exist.

Waste Water

The applicant is again deferring to the judgment of the Valley Center Municipal Water District [VCMWD] for a wastewater treatment plan and the need or no-need for an on-site wastewater treatment facility. (p. 11-32) The Specific Plan, quite non-specifically, offers two alternative concepts for such an on-site treatment plant. The first is an on-site water reclamation facility with solids treatment. The second is a scalping plant that skims water from the sewage, while the remaining sewage liquid and solids would be piped off-site. VCMWD apparently prefers another alternative, which is to transport sewage through a forced main a few miles to the south to its Lower Moosa Canyon treatment facility. This facility is capable of only secondary-treatment, so any reclaimed water would be percolated back into the ground rather than applied to golf courses or other landscaping, unless the plant is upgraded. *A significant problem for this approach is the fact that sufficient right-of-way does not currently exist to construct the sewage forced main or recycled water lines.* This Specific Plan should specify which approach is to be undertaken rather than offer options, especially options fraught with intractable hurdles.

Biological Open Space.

An approval needed by the applicant is for the vacation of two existing biological open space easements totaling 3.64 acres. These two easements were at one time considered important set-asides for maintaining regional biological resources – resources that cannot be turned on and off and still retain significance. The applicant will be setting aside 104.1 acres of open space for the same purpose. It would seem prudent and reasonable to include the two existing easements in addition to the proposed easements for this Project. And again (p.11-23) the applicant proposes dedicating biological open space in phases.

Question: What is the impact of vacating two existing biological open space easements totaling 3.64 acres on various species of wildlife living within the Lilac Ranch Hills footprint?

Specific Plan Goals

The applicant suggests that their Project will “augment” several other large-scale projects along I-15 between Escondido and Fallbrook. A thoughtful analysis of the referenced projects will show that the only other project that compares with this Project is Lake Rancho Viejo at Highway 76, a clustered development with an underlying density of 1 DU per 2 acres. The other projects were approved under an older General Plan and the two largest projects, Castle Creek and Lawrence Welk Resort, are actually clustered developments with an associated open space component of about 40% of the total acreage, unlike this Project, which is currently expressing only a 16% open space component.

That being said, a guiding principal of the current General Plan [principle #2] is to permit high-density development within or next to already developed property so that the infrastructure requirements can be more easily met. The goal is not to spread dense development to outlying rural areas where infrastructure must be extended and expanded to meet those needs, as is the case with this Project.

As a leapfrog type of development, the proposed Project must meet the LEED-ND certification or equivalent requirements as specified in the General Plan, which it fails to do. Clearly, the County's Community Development Model applies to, and is consistent with, the present General Plan and Valley Center Community Plan for the entire Valley Center community. ***It is a misrepresentation*** of the intent of the General Plan and the Community Development Model to suggest that the proposed project conforms to those concepts, models and plans. The proposed project is ignoring the Valley Center community in order to focus attention within its boundaries.

Sustainable Community Goals/Policies

In this iteration of the specific plan the applicant has chosen to diminish their commitment to sustainability by making some of their once 'earnest' goals and features decidedly optional. The recycling facility will be "provided and implemented based upon feasibility" (p. II-5). However, later in the Specific Plan (p.II-33) the recycling facility is discussed as if its construction and operation is a certainty. Shouldn't the Specific Plan decide and clearly state feasibility in such cases? It is a hollow feature otherwise.

Circulation Plans and Policies

The applicant is asking for road standard modifications to downsize rights-of-way, road, and lane widths required for off-site and on-site roads. They seek to "provide multi-modal roads that are narrower, with slower speeds" (p.II-6). These amendments are moving in the wrong direction for safety. Further, the five restricted gated access points are problematic for safe egress from the southern portion of the Project. The Valley Center Community Evacuation Route Study determined that locked gates on proposed evacuation routes were too unreliable in an emergency situation when there is a shortage of firefighting and sheriff's department personnel available to open gates.

The maps contained within the Specific Plan show an off-site location for a private road ostensibly to be used for internal, on-site circulation purposes. It extends roughly from the western end of Covey Lane westward across land that is outside the Project boundary.

Questions: Does the applicant have rights to use that path for the road? Also, the road from the eastern edge of the central part of the Project south to Covey Lane continues to be unexplained. Does the applicant have rights to that route? Does the applicant own that route? If the applicant owns that route, which County records seem to indicate, why is it not included within the Project boundaries?

County Land Use Regulations

The applicant has not justified their proposed general plan amendment to amend the Regional Land Use Element Map changing the Regional Category Designation of their property from Semi-Rural to Village and Commercial designations. To build what the applicant proposes, it is necessary for the designation to change, but they have offered no compelling justification for the change. Such changes to the County's General Plan as well as the Valley Center Community Plan and the Bonsall Community Plan should be justified. The point of such plans is to guide development in a direction that is consistent with the community's desires and the communities' commitments to the County for growth. The present General Plan, Valley Center Community Plan, and Bonsall Community Plan were written to address the needs for anticipated future growth within the County and in particular Valley Center and Bonsall. The proposed Project is not needed to fulfill growth commitments in either community.

Question: What justification can the applicant offer for the change to the Regional Land Use Element Map moving from Semi-Rural to Village and Commercial designations in their development?

Development Standards and Regulations/Design Concept

The applicant's Specific Plan suggests that the Project will help support the area's reasonable share of projected population growth. However, that is a specious assertion given that Valley Center's reasonable share of growth is 905 dwelling units. More than that number of units has been accounted for in the plans for the North and South villages within Valley Center. There is no apparent need for the 1746 units being proposed by the applicant, especially as they are proposed for an area remote from community infrastructure.

Question: Why is the applicant continuing to claim that the project is in support of the area's reasonable share of population growth when housing for that growth is accounted for in the existing General Plan?

Land Use Plan

The Land Use Plan shows some considerable change based on the shifting acreages among the different types of land uses in the project. However, the descriptions of the project's phasing continue to be very conceptual rather than specific. The question continues to be: at what point will the specific plan become specific rather than merely suggestive, contingent or conceptual? There continues to be only one Tentative Implementing Map—associated with phase one while maps for phases 2 through 5 are not scheduled to appear for some length of time after approval of the Project. This is rather like buying a pig in a poke.

Question: Can the County provide the community with greater specific information about the implementation for Phases 2 through 5? This information would allow for more informed decisions about the Specific Plan.

Distribution of Land Uses/ Parks

Table 1 – Land Use Summary- shows that proposed public parkland in the Project decreased from 21 acres in a few public parks to 13.5 acres of park land since the previous iterations of the specific plan. Private parkland increased from 4.4 to 10.1 acres in 14 small and pocket parks and a private recreation center. (p. I-5) The County General Plan Conservation and Open Space Element established goals of 10 acres of local parkland and 15 acres of regional parkland per 1,000 persons.]. The Project proposes adding over 5000 new residents, which should generate 50 acres of local parks and 75 acres of regional parks. Neither goal is close to being achieved by this specific plan. It seems the numbers are moving in the wrong direction. Further, larger parks would serve the Project better than the multitude of pocket parks described.

Questions: Will the project be required to meet the established goals of 10 acres of local parkland and 15 acres of regional parkland per 1,000 people? What will the configuration of those parks be?

Town Center/Neighborhood Centers

The bed and breakfast of earlier specific plans has become a substantially sized, 50-bed Country Inn. Commercial Mixed-use square footage has been increased from 75,000 sq. ft. to 90,000 sq. ft. (see Table 1) Rather than make changes to the project for rural compatibility as the VCCPG has suggested in previous comments, the current specific plan is expanding and extending commercial and office areas. The language used to describe these ‘centers’ continues to be vague and loose and non-specific.

Question: What is the role of a 50 bed Country Inn and 90,000 square feet of commercial space in a rural area? Valley Center already has much more commercial zoned area that it can develop. Why add so much more? Are their reasonable limits to how much commercial the county will allow?

Residential Component

In the first two drafts of the specific plan, the applicant claimed an overall density of 2.9 dwelling units per acre (du/ac), which is apparently the smallest applicable category the County recognizes for overall density [the calculation is 1746 du divided by 608 acres—a figure which leaves 200 individuals in group residential care out of the calculation). But, that density has been revised in the current draft, and reported to be an overall density of 2.36 du/ac [the result of dividing 1371 dwelling units on 582.2 acres]. However, that density yield seems specious. The 582.2 acres used in that calculation include open spaces, roads, parks and schools, areas that do not play much of a role in the perception of density. Oddly, the 582.2 acres does not include the areas with the C-34 designation or the 375 du that are a part of it.

Question: Why has the density calculation changed and why is open space included and 375 dwelling units not counted?

Looking at the 375 dwelling units in the Project that occupy 23.8 acres in the C-34 zoned areas, reveals urban densities in excess of 13 du/ac and, of that total, nearly 8 ac would have an urban density in excess of 20 du/ac. And those densities exclude the 200-bed assisted living facility that does not factor into the number of dwelling units.

As we noted in earlier comments, densities of this magnitude [13.8 du/ac and 20.75 du/ac and even the overall density of 2.9 du/ac] are more comparable to large urban centers than the rural, agricultural areas that surround the project property.

Senior Citizen Neighborhood

Although not discussed by the applicant, the designation of 468 dwelling units for an age-restricted Senior Citizen Neighborhood with an additional 200-bed assisted living/care facility could present a significant problem for prospective residents of those units who may need emergency health care. Presently, emergency services cannot respond to the Project within the guidelines required for such service. In addition, the nearest hospital is about 17 miles distant. To have a neighborhood facility for such a potentially fragile population without emergency medical services close at hand may prove problematic and will likely add significantly to the volume of emergency service calls to the Deer Springs Fire Protection District.

Earlier versions of the Project's Specific Plan called for the 200-unit assisted living facility to provide a kitchen for each unit. That proposal would have run afoul of the definition of a dwelling unit and increased the density of the Project to 3.9 DU/a. However, even without the kitchens, these units are a density deception.

Question: What detailed plans does the applicant have for providing emergency care for older individuals and those in assisted living who almost certainly will have needs greater than those of younger adults and children? The community would like to know the particulars of those plans.

Open Space/Conservation Policies

The Project's conservation goal of sparing the most sensitive habitats on the property presents itself well on first hearing. However, as laudable as saving sensitive habitat is [and it is a goal required by the County], the Project will be excavating and mounding the remainder of the Project site [that's about 1.5 cubic yards of earth moved for every square yard of the Project property]. Further, the applicant will have to develop any off-site mitigation of sensitive habitat somewhere in the County, but not necessarily in Valley Center or Bonsall. This will leave enormous destruction in its wake with no intention to repair it within project boundaries. It appears that restoration of habitat could occur almost anywhere else but the project site or its immediate neighborhood. This prospect is dismaying in that the destruction of habitat in Valley Center may lead to restoration of habitat elsewhere in the county without benefit to Valley Center. The

applicant should be required to mitigate losses of biological resources as close to the Project site as possible.

Questions: Could the applicant be limited in how many cubic yards of earth can be moved to construct housing and commercial areas? Could mitigation and restoration on or adjacent to the project site be required?

Community Recreational Elements

The trails network is somewhat changed from previous versions of the specific plan, but the trail standards for the various types of trails continue to be an issue. The Project should be required to comply with the standards and guidelines set forth in the county's Community Trails Master Plan, including those applicable to the Valley Center Planning Area. Pathways and trails should be a minimum of 12 feet wide unless topographically impossible. The standards for the Project's 'public' trails allow the tread area to narrow to as little as 3 feet, an unacceptable width for new trails.

Question: Will the applicant be required to construct trails that conform to the standards and guidelines in the Community Trails Master Plan?

Circulation Goals & Policies/Street System

The circulation goals/policies have changed in a few significant ways from the previous version of the specific plan. The idea of forcing convenient road improvements through the use of eminent domain is alluded to in the plan although it is not explicitly named. West Lilac Road "is designed to comply with County Mobility Element standards for public streets and with the Valley Center Community Right of Way Development Standard which provides standards for public road improvement..." Because the road is very narrow and winds quite a lot-- it was built to service a low density, rural area-- it will be widened and perhaps straightened. This process will impinge on the private property of many residents along the road. Private property will be taken in order for Accretive to build Lilac Hills Ranch. It will also make exiting from private driveways along this roadway more dangerous and problematic.

Although only West Lilac Road is named, other roads in the area are private are similarly narrow and residents along them may experience the same taking. Birdsong Road will be utilized as a public road until Phase 1 is completed.

Question: Is the County willing to exercise eminent domain along West Lilac Road—and other roads like Mountain Ridge Road and Birdsong Road--to alter the road system to conform to the needs of Accretive and Lilac Hills Ranch?

The Community street system in Phases 1 through 3 will be available to the public traveling from the adjacent public road system except during public events (p.II-26). The Community street system in phases 4 and 5 is gated and not open to the public except during emergencies. Both figures 14 [Specific Plan Map] and 24 [Project Internal

Circulation Map] show what is available of the internal road system, but continue to fail to show residential private roads in any of the residential phases. The maps are unclear about the connection of the two halves of the Lilac Hills Ranch Road in the vicinity of Covey Lane. The maps also show a residential private road arrow traversing over property outside the Project boundary with no explanation of right of way.

West Lilac Road forms much of the northern border of the Project and is a county mobility element road. The current specific plan changes the West Lilac Road Mobility Element Classification from a 2.2C light collector to a 2.2F light collector. It is unacceptable to make that change to accommodate the aims of the applicant to divert traffic through their commercial center along 'Main St.' without regard to the existing community. The 2.2C light collector classification provides better traffic flow and greater traffic capacity because it includes dedicated turn lanes. These are essential characteristics for a mobility element roadway. The 2.2F light collector classification has a reduced two-foot shoulder, a rolled curb with graded pathway and a narrow right of way. Figure 25 of the specific plan shows a street section for the proposed change to West Lilac Road with an 8-foot minimum meandering pathway alongside. However, the standard should be a 10-foot minimum pathway.

The same concerns generated by earlier versions of the specific plan regarding roads that are graded to the natural contours with minimal disturbance to the natural terrain continue in this version. The lack of rural compatibility and sensibility in this specific plan extends to the residential architectural standards as well as the roads.

Question: When will Accretive or the County address the difficult road situation that is provoked by Lilac Hills Ranch and show explicitly what will be done and how it conforms to existing regulations. To what extent will exceptions be made for the project like the use of eminent domain or the substitution of a 2.2c light collector for a 2.2F light collector or a narrowed pathway?

On-site Water Reclamation Facility

There continues to be ambiguity concerning the water reclamation facility being proposed by Accretive for Lilac Hills Ranch. The specific plan states that Valley Center Municipal Water District will direct trucking of wastewater to an off-site treatment facility for the first phase of development. (p.11-33), and that during phase one wastewater from up to 100 dwelling units may be trucked off-site on a regular basis. However, phase one consists of 350 units, which may necessitate additional trucking of wastewater over narrow twisting roads.

The Project will not build a wastewater treatment plant during the initial phase of development but it is not clear from the specific plan when the facility is to be built. The current version of the specific plan has reverted to an earlier proposal of collecting and trucking the effluent to an off-site facility for treatment, making it unavailable for irrigation. This procedure will add numerous daily trips to and from the Project, trips

that could go on for a lengthy but undetermined period. The last proposal was to construct a temporary 26,000-foot [5 miles] four-inch force main sewer line where effluent would be pumped from a temporary pumping station. While the current specific plan mentions treating the trucked effluent, it does not mention if the reclaimed water would be transported back to the Project, which would double the daily trips to and from the Project.

The specific plan has not defined the proposed Project's wastewater management system beyond a platitudinous discussion of top-level options. But, it does appear that a wastewater reclamation plant for recycling of wastewater is proposed on-site at some point to serve the Project.

Questions: Precisely when will a wastewater treatment plant be constructed on site at Lilac Hills Ranch to reclaim water? In what location and to what level will sewage treatment occur? How will residual solids be managed in the long and short run, especially if other agencies are involved in solid waste handling?

Services and Infrastructure-Water

The applicant asserts that it is "looking at" four sources of water to meet the Projects needs in addition to Valley Center Municipal Water District [VCMWD] water, including "ground water, rain water harvesting, grey water and reclaimed water." (p.II-32). Apart from the ten existing water wells on-site for ground water, which will be subject to VCMWD guidelines, the applicant is vague about the other sources and specifically how they will be employed. The applicant says cisterns and roof collection systems are "allowed" on single-family dwellings, but *does not commit to employing them* although the applicant comments "up to 35 AFY of rain water could be harvested by single family homes in the project"—presumably when all 1746 homes are complete.

Grey water systems are an "allowed use", but there is no commitment to employ them although approximately 91 AFY a year could be realized from this source. (p.II-32). The applicant suggests that reclaimed water will be obtained from the VCMWD, although the VCMWD has no off-site easements for recycled water from its Lower Moosa Canyon treatment plant. This is all too fuzzy for a Specific Plan.

Question: Accretive should be explicit about sources of water and how various sources will be combined to meet the needs for potable and non-potable in Lilac Hills Ranch. Can the level of ambiguity about what will be done in areas of ground water, rainwater harvesting, grey water and reclaimed water be reduced? Can the County clarify these issues?

Services and infrastructure-Schools

The issue of which school districts will be serving the proposed Project continues to be unresolved. The latest Specific Plan proposes a twelve-acre site for a K-8 school, but there is no Project Availability Form from Valley Center-Pauma Unified School District, or Bonsall Union School District agreeing to manage the school although homes in phase 1 and 2 in the Bonsall school district and most of those in phase 3 are in VCPUSD.

Question: Will the students attend the schools whose district they live? Are those school districts prepared to accept the influx of new students? What, then, is the role of the K-8 school that may be constructed within Lilac Hills Ranch?

Further, the applicant has excluded the Fallbrook Union High School District from their current specific plan even though the project is still partially within that district and potentially will be served by that district. The issues of school location and school district choice matter because it fundamentally affects the Project's required traffic study. Are students to go to school in Valley Center and be bussed or driven over that set of highly impacted roads or are they to go to school in Bonsall or Fallbrook and be transported that way? Where traffic will be directed affects where roads will be impacted and need improvement.

Neither Bonsall nor Valley Center has presently indicated a willingness to manage an additional school. How, then, are the community or other decision makers to know which roads will be impacted and by how many children (will we need to consider K-12 or just high school students) or how to evaluate the data provided in the traffic study?

Question: Will the county clarify where students will attend school and what the role of the K-8 school on the Lilac Hills Ranch plan may be? What is planned for high school students who may be as numerous or more so than younger students? How will these plans affect traffic flow?

Sign Plan

The Project's sign plan should incorporate standards already in place in the Valley Center Design Review Board's guidelines. A single standard should be in use throughout Valley Center.

Sustainable Community Design

The applicant cites General Plan Guiding Principles #2 & #9 in the course of a discussion of conformity to both the General Plan and its Guiding Principles, but fails interpret them correctly or to provide the context of the other eight guiding principles.

Guiding Principle #1 states “Support a reasonable share of projected regional population growth. The Community Plans of Bonsall and Valley Center, which are integral to the County’s General Plan, already provide for their share of the projected growth well into the future, without the Project.

Guiding Principle #2 (already discussed) is meant to bear on the entire community of Valley Center, not merely the boundaries of the project. This project, as proposed, is isolated in an area designated for large parcel agriculture in contradiction to this guiding principle. Rather than concentrating density at the center of Valley Center as the General Plan does, this Project will hopscotch density into an area where it is not intended, defeating this principle.

Guiding Principle #3, which states, “Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.” The proposed Project does not reinforce the existing community, but instead reduces community vitality by attempting to establish a competing town center.

Guiding Principle #4 states, “Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance.” This Project will remove natural and agricultural habitat from the swiftly diminishing inventory in San Diego County.

Guiding Principle #5 states, “Ensure that development accounts for physical constraints and the natural hazards of the land.” This project is proposing to cut and fill nearly four and half million cubic yards of earth and rock to support the development of buildings and infrastructure. There is no recognition of, nor deference to, the hilly and sometimes steep, topography of the site.

Guiding Principle #6 states, “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.” While the Project does have a system of trails and roads, most of these are private and internal to the Project with only very limited connection to the existing public trails and roads of the Valley Center community.

Guiding Principle #7 states, “Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.” The Project’s Traffic Study strains unsuccessfully to make the greenhouse gas emissions generated by the Project to fit into the standard established by the State of California.

Guiding Principle #8 states, “Preserve agriculture as an integral component of the region’s economy, character, and open space network.” This Project destroys agricultural lands and urbanizes them. The claims that the Project will preserve certain

remnants of orchards is more of a nod to a landscaping theme than a serious interest in preserving agriculture.

Guiding Principle #10 states, “Recognize community and stakeholder interests while striving for consensus.” There has been minimal exchange between the applicant and the Valley Center community on this Project, despite numerous public planning group and subcommittee meetings devoted in whole or in part to this project. On all the previous versions of the Specific Plan for this Project, very little concession has been made to the concerns of the elected officials representing Valley Center—despite repeated Planning Group comments and criticisms, virtually nothing has changed and little clarification has emerged. So-called “public meetings” organized by the applicant have been by invitation only and only invited a very thin segment of the Valley Center community.

Question: Will the County review these ten guiding principles with Accretive, considering the views of the community that the project meets almost none of them? Can Accretive’s conformity or non-conformity to the ten principles be clarified so that the developer and the community will understand how County staff and planners are receiving these claims?

The General Plan requires *Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND)* certification or equivalent to allow the leapfrog development this project represents. The prerequisite for such certification requires that site location and linkage be done on brown fields or infill sites, not green field, rural or agricultural sites. While the applicant may eventually build houses and buildings with LEED-ND building standards, they fail to meet the critical prerequisite of good site selection. The applicant continues to tout the Project’s town center as consistent with the Community Development Model, ignoring the surrounding community of Valley Center and its consistency with the Community Development Model and General Plan.

Question: What does the county accept as the necessary conditions to establish LEED-ND equivalence? Can the County explain whether or not they consider this project to meet those essential conditions and how they reach that conclusion?

Development Standards and Regulations: On/Off-site Circulation Plan.

Changing a portion of West Lilac Road along the northern boundary of the Project, a public road, from a 2.2C to a 2.2F light collector will impede traffic on the mobility element system in Valley Center unnecessarily. The 2.2C design is necessary at General Plan build-out and should not be waived for the convenience of the applicant. It is a crucial element of the Community Evacuation Route Study [CERS] plan for emergency evacuations. We have noted the poor interconnection of the Project’s roads, both public and private, and have commented separately on the road standard modification requests made by the applicant, all of which provide economic benefit to the applicant and reduced design speed and safety to the public.

The Project internal circulation map [fig. 24 and others] indicate an IOD [irrevocable offer to dedicate] at the northern end of the Project from the project entrance on West Lilac Road easterly to the boundary of the Community Plan Areas. This IOD, if exercised, would transit an open space, taking a substantial swath of the space and rendering it even less effective for its biological purpose. This IOD would also complicate the local circulation of traffic in non-project areas.

Question: What is the purpose of this IOD? Why is it allowed when it complicates local circulation in non-project areas and detracts from important biological space?

The Rights-of-way, or street lots, for the Main Street have been reduced in width since earlier versions of the Specific Plan.

Question: What is the explanation for this reduction, especially given that the trend in road development seems to be to widen rights-of-way to more easily accommodate wider travel lanes, bike lanes, trails, medians and shoulders?

Figure 24 shows an internal private road that exits the Project boundary at approximately the western end of Covey Lane and transits, in a westerly direction, property that is not a part of the Project before re-entering the Project boundary.

Question: Does the applicant have development rights satisfactory to the County to build that road?

Development Standards and Regulations: Existing Structures to Remain

The sixteen parcels with existing structures should be included in the 1746 dwelling unit total. Even if they are eventually demolished, they likely will be replaced with other dwellings, and therefore should be added to the 1746 dwelling count. These structures should be counted no differently than the new ones being built.

Question: Should these 16 existing homes legitimately be added to the count of 1746 dwellings that are planned for construction? How will adding these homes affect the density of the project?

Implementation. Public Facilities Finance Plan and Finance Plan

This “plan” is no more than a description of options. (p.iv-17) There is nothing specific about it. It is merely a list of recommendations.

Questions: Could Accretive be asked to clarify which of the financing plans they intend to pursue? What assurances can they offer that neighbors in the area will not be asked to help pay for roads or face increased state taxes to cover other services that must be created to facilitate the Accretive project?

Conclusion

The Valley Center Community Planning group recommends that the Accretive' Lilac Hills Ranch Specific Plan be denied. It tramples far too much on the General Plan and the Community Plans to be approved. The County should instruct Accretive to revisit plans for this project and bring them into conformity to local and county planning documents. The applicant's General Plan Amendment and Specific Plan—which deviates so greatly from existing planning law—would, if approved, set a range of new precedents in San Diego County land use policy, override the intent of the 2011 General Plan and severely diminish the authority of the Valley Center and Bonsall community plans.

If the plan is ever re-submitted for additional consideration, the VCCPG wishes to receive more specific, detailed information about the project and to see changes that make it consistent with the requirements of State mandated Specific Plans. It must provide far more clarity and offer details that allow the planning group a greater ability to fully evaluate what is intended. Much of what we have been presented so far is suggestive, contingent or conceptual with few specific.

In addition, far too few of the substantive issues requiring resolution that were identified in the October 22, 2012 Valley Center Community Planning Group comments, the December 10, 2012 Planning and Development Services letter to the applicant, or the March 11, 2013 or the August 2013 Valley Center Community Planning Group comments, have been adequately addressed. Any future re-submission or re-issue of the Specific Plan should address the comments already made

Those of us who have read iteration after iteration of the Project's Specific Plan are mystified. We are interested in reviewing a project that conforms to the existing General Plan and the Valley Center and Bonsall Community Plans. We believe, on the basis of the information presented, that this project will brutalize 608-acres of agriculture and open space by inserting urban development into a rural landscape. It is not a good fit with either Bonsall or Valley Center and would destroy the community character of both. We want the Project to show respect for the General Plan and its principles. We want a project that will not destroy Valley Center, the lives of our neighbors and the entire planning process in the County.



August 8, 2013

Mr. Mark Wardlaw, Director
County of San Diego
Planning & Development Services
5510 Overland Ave., Suite 110,
San Diego, CA 92123

Comments on Draft EIR – Lilac Hills Ranch Master
Planned Community

Dear Mr. Wardlaw:

Pursuant to the County of San Diego's July 3, 2013 NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT, DRAFT HABITAT LOSS PERMIT, GENERAL PLAN AMENDMENT AND SPECIFIC PLAN, the Valley Center / Pauma Unified School District (VCPUSD) offers this written comment to the draft Environmental Impact Report in accordance with the California Environmental Quality Act along with a General Plan Amendment and Specific Plan for the following project: PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), HLP XX-XXX LOG NO. 3910 12-02-003 (ER); SCH NO. 2012061100 LILAC HILLS RANCH MASTER PLANNED COMMUNITY.

The Lilac Ranch Planned Community entails a legislative action by the County Board of Supervisors and as such the proposal does not have prescriptive development rights. The Valley Center Pauma Unified School District has every right and expectation to request for full mitigation of impact the proposal, if approved, will have on schools. This is the same treatment that is afforded law enforcement, public services, parks and recreation as well as the county public works department.

The VCPUSD has repeatedly and clearly expressed detailed concerns about the mitigation of impacts of the proposed Lilac Hills development to this school district. Please reference and consider as repeated comments the letters and email communications of July 20, 2010, November 29, 2010, August 2010, December 2010, February 28, 2011, including the July 25, 2012 response to Notice of Preparation of EIR also provided as comments to this draft EIR.

Superintendent
Dr. Lou Obermeyer

Board of Trustees
Karen J. Burstein

Lori A. Johnson
Donald L. Martin

Mary Polito
Michael T. Robledo

The developer provided written mitigations that are in direct conflict with the draft EIR mitigations for schools, and the draft EIR leaves all issues previously mentioned still unresolved. The VCPUSD wishes to voice ongoing concerns with the lack of response to previously submitted issues and wishes to oppose the approval of this draft EIR until and unless our concerns are addressed within the document.

The concerns remaining unaddressed by this EIR are:

1. School Location approval
2. Shared approach to proposed K-8 school
3. School Fees as complete mitigation
4. Transportation impacts due to available school attendance locations

In detail, we provide the following:

1. School Location approval: The Executive Summary on page S-1 and elsewhere in the document specifically uses the word 'may' when referring to providing for a school in the new community. Considering their acknowledged impact of over 1,000 students in an area where the students would need to be bussed or drive themselves out of the neighborhood to attend the VCPUSD, the lack of conviction to provide an identified site is confusing and causes concern.

VCPUSD has repeatedly requested the identification of the specific 12 acre site upon which the developer intends to allow placement of the proposed K-8 school so that appropriate feedback can be provided. The developer has clearly identified the space for a church, the place for a senior center, specific park sites and walking trails (Page 1-8), but has not bothered to show the proposed school location. This lack of a specific site will not allow either district involved to use this EIR to support any future action to build a school in this development.

As Lead Agency, the County of San Diego should, at minimum, require the developer to identify the school site location showing the net useable 12 acres and provide appropriate studies of that location sufficient to assure that the site will meet the requirements of the California Department of Education, Title 5 for K-8 facilities, following the School Site Selection Guide at <http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp> .

Without an identified location, how can school traffic be studied, need for available utilities and roads be addressed or any reasonable review of how their proposed school site would meet the needs of the students and allow VCPUSD to serve those students?

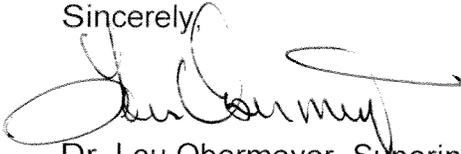
2. Shared approach to proposed K-8 school: On page 3-82, the document describes an offer to 'reserve' a 12 acre site, "for possible acquisition by a school district". On page 1-7 it describes this as, "The two local school districts would have an opportunity to acquire the site based on their independent assessment of their facility needs. It is also possible that a private school would acquire the site. If neither a public or private entity obtains the site, it may be considered for an alternative use." The draft also states that the site will be held up to a point dictated by law, but doesn't mention how long or what legal basis would be used to allow utilization of the set aside school site for an alternative, possibly more lucrative, use by the developer.

The offer of an undisclosed site, for an unknown period of time to an unidentified third party who would have to vie for the site in an undetermined manner cannot be deemed as acceptable to VCPUSD. The students within the VCPUSD attendance boundary will be the most impacted by the need to transport great distances of an hour or more each way. A reasonable and responsible method of prioritized offering of any school site should be negotiated and identified within the EIR, along with a determined schedule of time that the both impacted districts can be assured of the acreage's availability and cost basis.

3. School Fees as complete mitigation Page 3-83: As developers and school districts in the State of California are well aware, we are in an unprecedented time of fiscal crisis. A legislated stay on Level III schools fees is in place which blocks school districts from collecting the maximum share of local dollars needed to fully fund school impact costs associated with new communities. Additionally, the State is cannot provide matching funds at this time and will not be able to do so unless a future statewide bond measure is passed. The impact of this development is not anticipated to be covered by statutory fees, as acknowledged in written correspondence from the developer, yet the draft EIR ignores that correspondence and offers of assistance and stands on the State's damaged statutory fees as a basis of full mitigation. The privilege of building a new community must come with the responsibility of providing appropriate and required infrastructure and the VCPUSD's ability to build a new school of any size within the community is not fully mitigated by statutory fees.
4. Transportation impacts due to available school attendance locations: Neighborhood schools are vital to a well designed community. The cost during the life of the community of not having their kids attending a school within walking distance of their home is great on both the environment and the health of the students. There is inconsistency in the student estimates used in the Traffic

Study of Appendix E and the assumptions on page 3-82. There was no discussion of the drive times involved in student bussing and the long term impacts on student education and family life. The VCPUSD has an interest in serving our student population in an effective, efficient and healthy manner and cannot support new development that does not address the whole student and family impacts of the action proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Obermeyer", written in a cursive style.

Dr. Lou Obermeyer, Superintendent

Valley Center-Pauma Unified School District

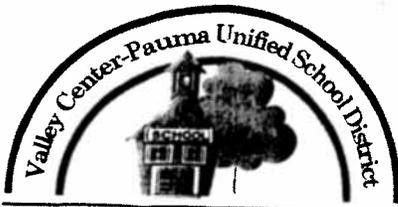
Encl: Letters and email communications mentioned herein.

C: Darren Gretler, Assistant Director, County of San Diego Planning & Development Services

Mark Slovick, County of San Diego Planning & Development Services

J. Branch – San Diego County Office of Education

Oliver Smith – Chairperson, Valley Center Planning Group



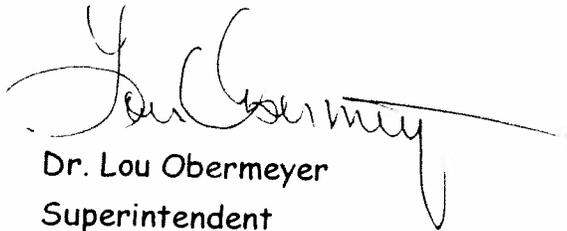
July 20, 2010

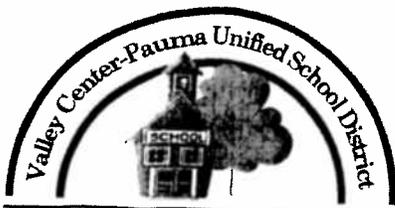
County of San Diego
Cheryl Jones
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Ms. Jones:

Enclosed please find a letter for the San Diego Planning Commission regarding the proposed Accretive project in Valley Center. Please forward this letter to the members of the planning commission and please include the letter as part of the Public Hearing scheduled for August 6, 2010 regarding the Accretive project.

Thank you for your assistance,


Dr. Lou Obermeyer
Superintendent



July 20, 2010

County of San Diego
San Diego Planning Commission
Attention: Cheryl Jones
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Members of the San Diego Planning Commission:

I am writing this letter to you with the intent to provide accurate information about the proposed Accretive project in the Valley Center area. As superintendent of the Valley Center-Pauma Unified School District I am neither supporting nor opposing the Accretive project; however, I want to insure that you are provided with accurate information about the proposed new school(s) included in the Accretive project.

On November 9, 2009, I met with Accretive representatives, Randy Goodson and Jon Rilling so they could present information about their proposed project which is located within the Valley Center-Pauma USD attendance boundaries. The presentation included information about proposed school sites, either 1 or 2 schools, with configurations to be determined (i.e. K-8, middle or elementary). After listening to the information, I asked them how they intended to pay for the schools, explaining that the school district does not have sufficient funds to build additional schools. I explained that the State School Facilities program funds about 40% for new school facilities (if district's meet State criteria), developer fees fund an additional 20 - 30%, so a potential 30 - 40% fund gap would exist. To fully fund new school facilities in the proposed Accretive development, I suggested that Mr. Goodson consider a Mello Roos or CFD to fill the funding gap. Mr. Goodson's suggestion was to have the school district pass a general obligation bond

Superintendent
Dr. Lisa Obermeyer

Board of Trustees
Douglas C. Dechard, MD

Don A. Johnson
Donald L. Martin

Barbara H. Garcia
Henry P. van Nyk, DVM

to fill the funding gap. I explained that the district has no interest or intent to ask community members to pass a bond to build a school due to the economy. I further explained that, due to declining enrollment in our school district for the past 7 years and the State's current fiscal condition which has cut education funds significantly, the school district closed an elementary school in 2008.

I further explained that, since the school district would not be able to build new school facilities, students in the proposed development would attend school in existing schools and would be transported via school bus (an approximate hour ride). In fairness to prospective homebuyers, parents would need to be made aware that students would attend existing schools in Valley Center-Pauma USD.

Mr. Goodson mentioned that, should the Valley Center-Pauma USD not build a new school, he would seek a change of attendance boundaries so students would attend school in a neighboring school district.

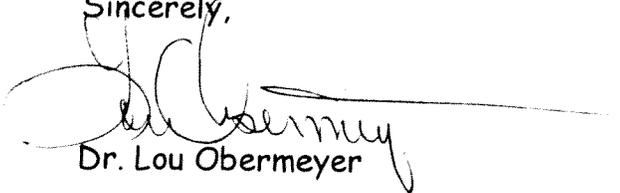
To summarize my concerns, I offer the following information:

- Valley Center-Pauma USD closed an elementary school in 2008. Prior to building another school the elementary school would be re-opened.
- To meet criteria for State funding, current facilities would need to be at capacity.
- Students would attend existing schools with an approximate hour-long ride to school.
- Accretive has a responsibility to be transparent with prospective homebuyers informing them that students would attend existing schools.
- The Valley Center-Pauma USD has no intentions to ask community members to pass a general obligation bond to fund a new school since current school buildings are vacant.
- Changing school district attendance boundaries is a lengthy and expensive process, needing approval by affected school district boards' of education, the county office board of education, and CDE approval.

I fully understand that SB 50 limits a school district's ability to impose additional developer fees to fully fund new school facilities and an EIR does not include mitigation for school facilities. Therefore, it is important for you to have the above information as you make your determination about the future of a proposed development that includes the promise of new school facilities.

Again, this letter is not submitted to you in support for or opposition against the proposed development; it is submitted to allow you to be informed about a proposed development in our school district's attendance area.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Obermeyer", with a long horizontal flourish extending to the right.

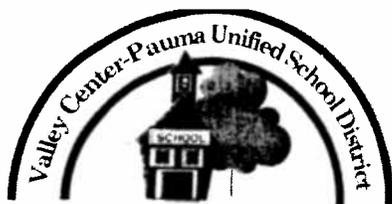
Dr. Lou Obermeyer

Superintendent

Cc: Sandy Smith, Vice-Chair of the VCCPG Mobility Subcommittee

Dee Dee Ortega

From: Dee Dee Ortega
Sent: Tuesday, July 20, 2010 2:08 PM
To: 'Cheryl.Jones@sdcounty.ca.gov'
Subject: Letter of Planning Commission
Attachments: 2010_07_20_14_06_54



November 29, 2010

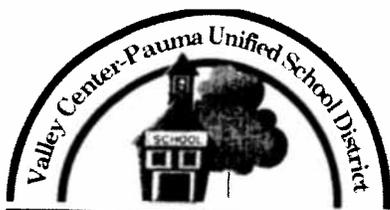
County of San Diego
Cheryl Jones
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Ms. Jones:

Enclosed please find a letter for the San Diego Planning Commission regarding the proposed Accretive project in Valley Center. Please forward this letter to the members of the planning commission and please include the letter as part of the Public Hearing scheduled for December 17, 2010 regarding the Accretive project.

Thank you for your assistance,

Dr. Lou Obermeyer
Superintendent



November 29, 2010

Dear Members of the San Diego Planning Commission:

It is my understanding that a public hearing regarding the Accretive project has been scheduled for December 17, 2010. Please include this letter as part of the public hearing scheduled for December 17, 2010.

The intent of this letter is to update the Planning Commission on communication with Accretive representative Jon Rilling after the public hearing on August 6, 2010.

As I stated in my July 20, 2010 letter, as superintendent of the Valley Center-Pauma Unified School District, I am neither supporting nor opposing the Accretive project. However, I again want to be sure you have accurate information about the proposed new school (s) included in the Accretive project and the communication I've had with Accretive representative, Jon Rilling.

Funding for School (s): On August 11, 2010, Jon Rilling communicated with me via email (enclosed) to schedule a meeting to "outline how we can help support your district's goals as we plan for our future in the community". My response on August 23, 2010, after checking with Mark Slovick in an effort to ascertain the Planning Commission's request/directive to Accretive at the August 6, 2010 public hearing, was to clarify how Accretive will fund school (s) in their planned development. You will see from Mr. Rilling's email reply that the funding for new school (s) is not included in his information, other than to state that a general obligation bond would not be used (I have stated previously that our school district does not have an interest in pursuing a general obligation bond for construction). It is important for the Planning Commission to understand that funding for new school construction, beyond mandatory developer fees would need to come from a general obligation

Superintendent
Dr. Lou Obermeyer

Board of Trustees
Douglas C. DeChairo, MD

Mark Johnson
Donald L. Martin

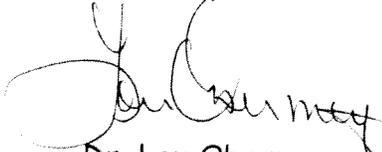
Arthur P. Hines
Henry P. Van Wyk, DVM

bond, Mello-Roos Community Facilities bond or additional developer fees. The school district will not be eligible for state construction funds from the State School Facilities program because we have an empty school (Valley Center Upper School). This is the information that I have sought from Mr. Rilling, and, to date, have not received. Again, it is important to know how Accretive will fund a new school (s). Otherwise, prospective homebuyers, and in particular, parents, would need to know that students would be transported to existing schools in our district.

Bussing Regulation: On page 15 (enclosed) of the minutes of Planning Commission minutes dated August 6, 2010, first paragraph, please not the comments by Randy Goodson, "...and then the high school solution is that we would have a dedicated bus. It's a half-an-hour trip; the hour bus ride reflects—the bus—school buses are allowed to stop 30times; they're not allowed to stop more than 30 times but they typically—given budget constraints—go to that limit." I am unfamiliar with the regulation that Mr. Goodson must be referring to in his comments to the Planning Commission about a limit to the number of stops a bus can make. I checked with the school district's Director of Transportation and the CHP and neither knew what regulation Mr. Goodson was referring to in his comments. It would be helpful and important for Mr. Goodson to let the Planning Commission and school district know what he if referring to so that this might be cleared up.

Thank you for your time and consideration.

Sincerely,



Dr. Lou Obermeyer

Cc: Oliver Smith, Valley Center Community Planning Group

PAA 09-007, Agenda Item 1:

Randy Goodson: ...and then the high school solution is that we would have a dedicated bus. It's a half-an-hour trip; the hour bus ride reflects-- the bus-- school buses are allowed to stop 30 times; they're not allowed to stop more than 30 times but they typically-- given budget constraints-- go to that limit. So, when you have a school bus that starts and stops 30 times and then continues the journey to school, that really stretches out the length. So for students in and around our community, we would offer a direct bus ride that would really streamline the commute and get it back to 30 minutes and then ultimately with Road 3 and the ultimate condition, that would certainly be the optimal and would reduce the length of bus rides for everybody in the northwest portion of Valley Center.

Comm. Woods: Okay, then my last question and I'll let my other colleagues weigh in-- water: where are-- where do you expect and how long of a run do you have to achieve with, I'm assuming, the Valley Center water district or are you going north or what?

Randy Goodson; I apologize. I wanted just to grab an Exhibit. If you wish, I can show you an Exhibit. With water, the reason that we are paying to continue to replant dead and dying groves-- some trees were let to die before we acquired them or we weren't able to revive them when we turned on the water. We lose about \$300,000 a year watering because we maintain our water allocation. When we combine our-- and I have the specific numbers if you'd like to look at a chart, but when our water allocation from the Valley Center municipal water district to our onsite production of water-- we have 109% of the water needed on a net basis for our community, and the net basis means after recycling because under State law-- I mean, we'll recycle anyway-- but we'll provide recycling not just for our own common areas, but also we'll have extra recycling available for the golf courses. Of the three golf courses that are within two miles of and downstream from the sewer treatment facility, the two golf courses at Lawrence Welk are already purple piped. Don Fredericks, the owner, grandson of Lawrence Welk, spoke here in favor on March 5th and mentioned that he would like the access to recycled water, because its also discounted.

Comm. Woods: Okay, I'll let my colleagues continue.

Chairman Brooks: Thank you. Further questions of applicant? There being none, thank you.

Randy Goodson: Thank you.

Subject: RE: Following Up

Date: Friday, August 27, 2010 9:22 AM

From: Slovick, Mark <Mark.Slovick@sdcounty.ca.gov>

To: Lou Obermeyer <obermeyer.lo@vcpusd.k12.ca.us>

Cc: "Grunow, Richard" <Richard.Grunow@sdcounty.ca.gov>

Hi Lou,

The Planning Commission's motion did include a request for technical studies and additional information on traffic, water, waste water and schools. However, the Planning Commission did not direct the applicant to meet with the district. As stated below, the minutes are draft and have not been formally approved by the Planning Commission. The commission is scheduled to review the minutes at their September 3rd hearing. Please let me know if you have any other questions.

Thanks,

Mark

From: Lou Obermeyer [mailto:obermeyer.lo@vcpusd.k12.ca.us]

Sent: Thursday, August 26, 2010 8:32 AM

To: Slovick, Mark

Subject: FW: Following Up

Hi Mark,

Thanks for reviewing

Lou

From: Jon Rilling [mailto:jon@accretive-group.com]

Sent: Wednesday, August 25, 2010 10:29 AM

To: Lou Obermeyer

Subject: RE: Following Up

Dear Lou,

I appreciate you looking into this. I have included for your own information, the draft minutes and transcript of the last part of the Planning Commission hearing from Friday August 6. On page 30, Commissioner Day's Motion, stated:

"I would make a motion to continue this hearing, to return the end of November and to request technical studies on traffic, water, waste water and schools."

The minutes of the meeting are still draft until the Planning Commission formally approves them, however based on this recommendation, we want to work with you to come up with a plan that achieves the district's goals in harmony with our concept of a residential mixed-use neighborhood. Schools and education are paramount to building a successful community and its our goal to help enhance the educational environment in the Valley Center school district, not detract from it.

I would propose the following agenda and topics for discussion:

1. The District's goals & objectives:

- a) Accretive's ideas and commitments to a long term partnership in helping VCPUSD achieve its goals;
- b) Future student attendance projections;
- c) Preference towards enrollment increases or decreases;

2. A possible school mitigation agreement (SMA) to include:

- a) Attendance boundaries and the coordination of proposed project boundaries;
- b) Student generation;
- c) A potential onsite school facility and opening schedule;
- d) Funding for school construction - without using District funds (and no General Obligation Bonds);
- e) Funding for school operation – If opened prior to break even based on ADA funding formula;
- f) Transportation to and from any offsite schools;
- g) Other

3. Coordination with Bonsall and Fallbrook Districts

- a) How to allow children in the same grade level within our community, to attend the same

schools;

b) Opportunities relative to Bonsall Sullivan Middle School (2.3 miles from the project);

4. Next Steps

We are certainly happy to approach this any way that you feel most comfortable.

Jon Rilling

The Accretive Group of Companies

Email: Jon@accretive-group.com

Website: www.accretive-group.com <<http://www.accretive-group.com>>

12275 El Camino Real, Ste. 110

San Diego, CA 92130

Direct Tel: 858-345-3644

MainTel: 858-546-0700 Ext: 134

Fax: 858-546-0770

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Please consider the environment before printing this e-mail.

From: Lou Obermeyer [<mailto:obermeyer.lo@vcpusd.k12.ca.us>]

Sent: Monday, August 23, 2010 3:40 PM

To: Jon Rilling

Cc: Lou Obermeyer

Subject: RE: Following Up

Hi Jon,

I told you I'd let you know when I received additional information or clarification from Mark Slovick. He called last week and said that the Planning Commission didn't say that the developers had to meet with any agencies such as the school district regarding facilities. However, when you have information about how you plan to fund school facilities in your project, other than a general obligation bond, please send the information to me and we can schedule time to review your ideas.

Lou

From: Jon Rilling [mailto:jon@accretive-group.com]
Sent: Monday, August 23, 2010 11:03 AM
To: Lou Obermeyer
Subject: RE: Following Up

Thanks Lou.

Jon Rilling
The Accretive Group of Companies
Email: Jon@accretive-group.com
Website: www.accretive-group.com <<http://www.accretive-group.com>>

12275 El Camino Real, Ste. 110
San Diego, CA 92130

Direct Tel: 858-345-3644
MainTel: 858-546-0700 Ext: 134
Fax: 858-546-0770

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From: Lou Obermeyer [mailto:obermeyer.lo@vcpusd.k12.ca.us]

Sent: Monday, August 16, 2010 11:32 AM
To: Jon Rilling
Cc: Lou Obermeyer
Subject: RE: Following Up

Hi Jon,

I've been in contact with Mark Slovick, Project Manager with the county in an effort to clarify what the commission has requested. He will let me know in the next few weeks what the next steps are regarding the Planning Commission's request and whether or not a meeting with you is needed or appropriate at this time.

Lou

From: Jon Rilling [mailto:jon@accretive-group.com]
Sent: Wednesday, August 11, 2010 3:23 PM
To: Lou Obermeyer
Subject: Following Up

Dear Lou,

As I'm sure you are aware, the Planning Commission voted 5-1 to continue our project hearing until after the County-wide General Plan Update is heard by the Board of Supervisors in October. In addition, the Planning Commission recommended that we work with County Staff, the Community and the various Districts (School, Water, Sewer, etc) to study the technical feasibility of our concept. This type of study/analysis typically takes place after the PAA application is authorized, however the Commission sought more information and directed us to bring back technical details and answers.

I know that your super busy with getting school going, but I would like to see if there is any available time in your schedule over the next few weeks to have a follow-up meeting to discuss our project and the direction of the Planning Commission. I think it would be very beneficial for both of us to reconnect and outline how we can help support your district's goals while we plan for our future in the community.

Thanks,

Jon Rilling
The Accretive Group of Companies

Email: Jon@accretive-group.com

Website: www.accretive-group.com <<http://www.accretive-group.com>>

**12275 El Camino Real, Ste. 110
San Diego, CA 92130**

Direct Tel: 858-345-3644

MainTel: 858-546-0700 Ext: 134

Fax: 858-546-0770

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<http://www.eset.com>

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Subject: Re: response to PC letter

Date: Monday, December 6, 2010 3:20 PM

From: Lou Obermeyer <obermeyer.lo@vcpusd.net>

To: Randy Goodson <randy@accretive-group.com>

Dear Mr. Goodson,

Thank you for your communication. To clarify, this is the first time you have said that Accretive will pay for or build a school. Contrary to your email below, you did propose a general obligation bond when we met. Also, this is the first time you have mentioned or offered to pay for student transportation. It would be helpful to know what regulation(s) you cited when you said at the public hearing, "...they're not allowed to stop more than 30 times ..." referring to school busses.

Lou Obermeyer

On 12/6/10 2:29 PM, "Randy Goodson" <randy@accretive-group.com> wrote:

Dear Dr. Obermeyer,

I have reviewed the letter that you sent to the County Planning Commission dated November 29, 2010 regarding PAA 09-007 that would allow my company the ability to submit a detailed application for a development project. Let me recap what we discussed in person and have reiterated in our subsequent correspondence:

1. Accretive has offered to provide (pay for or build) a K-8 school to serve our future neighborhood. I understand it is not possible to begin discussions regarding a comprehensive mitigation agreement at this time but we are committed to reaching an acceptable comprehensive mitigation agreement with Valley Center-Pauma Unified School District and any other affected districts. This agreement would provide mitigation for student impacts from our future neighborhood well in excess of the payments mandated by State Law.
2. Accretive has never proposed, nor utilized, a General Obligation Bond of any kind to fund school improvements or pay school mitigation fees for any project we have developed. As we have committed many times, we will not seek nor utilize a General Obligation Bond for this project. I understand and agree with your assessment regarding the unavailability of state construction funds and agree that funding will likely come from additional developer fees.

3. Accretive will work with all school districts to provide, pay for, and/or operate necessary transportation between offsite schools and our future neighborhood.

In closing, we recognize the difficulty in dealing with these issues prior to a development application being filed. There are many project details that have not been defined until after the approval of a PAA and the submittal of the General Plan Amendment application. To be clear, we have not even completed a project design and do not have student generation calculations or a facility needs assessment. I understand that you do not want to meet to further discuss the project and potential mitigation solutions at this time and remain available should you change your mind.

I look forward to having a constructive working relationship based upon the "*Values & Beliefs*" of the District that we also share.

Sincerely,

R. Randy Goodson
CEO
Accretive Investments, Inc.

12275 El Camino Real, suite 110
San Diego, CA 92130
Office: 858-546-0700 x133
Direct: 858-345-3643
Fax: 858-546-0770

Subject: following up

Date: Friday, December 10, 2010 1:35 PM

From: Randy Goodson <randy@accretive-group.com>

To: Lou Obermeyer <obermeyer.lo@vcpusd.net>

Cc: Jon Rilling <jon@accretive-group.com>

Dear Dr. Obermeyer,

I really look forward to a time when we can work together constructively to provide the best future for the students of your District. Further, I truly regret that it has taken us so long to get on the same page.

However, I'm glad we're now on the same page then. Prior to the approval of a PAA we will not have a land design or student generation calculations, but we're ready to meet when you feel it is appropriate.

As for your transportation question, that number was derived from my experience with school districts and discussions with our traffic engineer, but I did not intend it to be viewed as a regulation or specific to your school district. Further, I did not intend nor expect to offend the District by my comments relating to school buses making more than 30 stops. The basis is that many districts wish to limit school bus trips to one hour and also estimate the cycle time for a pick-up or drop-off of a student rider to 2 minutes each. Therefore, a bus that stops 30 times will have spent one hour ($30 * 2 \text{ minutes} = 60 \text{ minutes}$) on stops without any additional travel time. As I said in my previous email, Accretive will work with all school districts to provide, pay for, and/or operate necessary transportation between offsite schools and our future neighborhood so that the total bus trip is limited as closely as possible to the 30 minute travel time from our neighborhood location to your High School.

Thank you for your time and attention.

Randy Goodson

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(20101210) _____

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<http://www.eset.com>



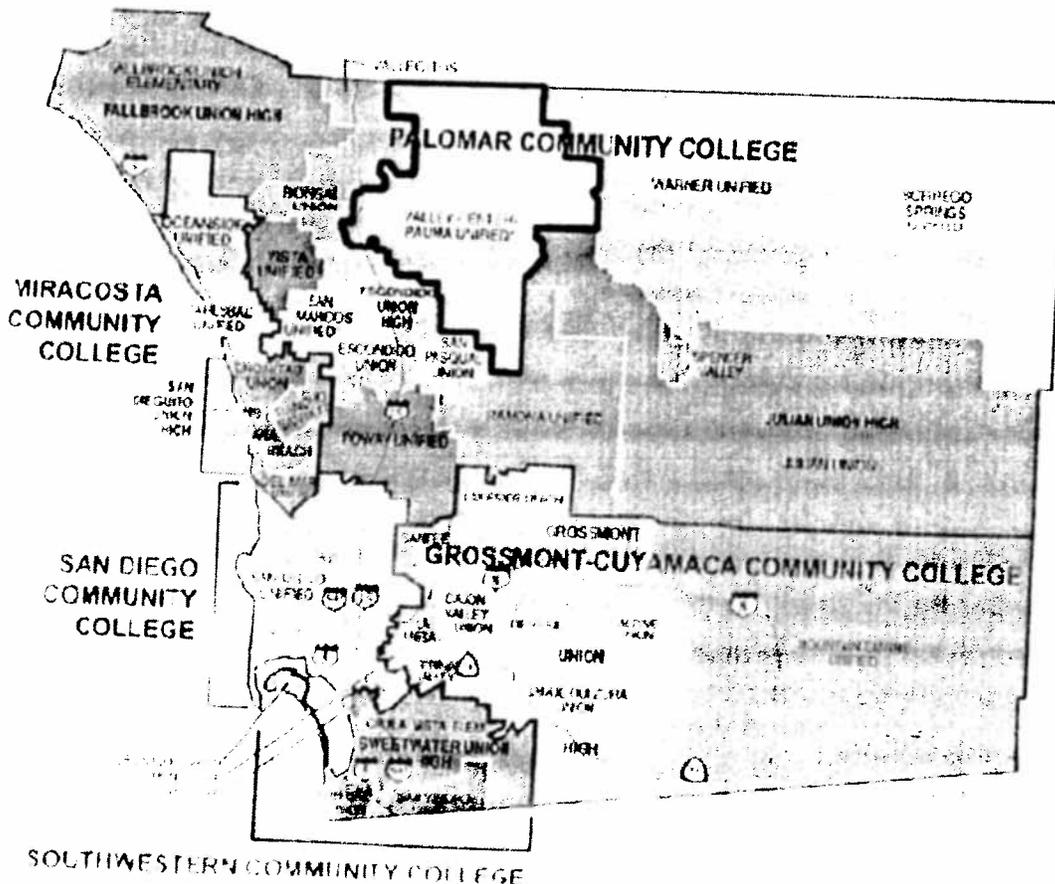
February 28, 2011

Mr. Eric Gibson
Director, County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Subject: Valley Center Pauma Unified School District Response to I-15/395 Master Planned Community Major Pre-Application: Case Number 3992-10-025 MPA Accretive Investments, Inc.

Dear Mr. Gibson:

Thank you for the pre-application summary of the I-15/395 Master Planned Community that is proposed by Accretive Investments, Inc. Valley Center Pauma Unified School District is responsible for the education of children in grades kindergarten through twelfth grade. We also educate pre-school, continuation high school, and special education students. The diagram below shows the location of the District within San Diego County.



11

Superintendent _____
Board of Trustees _____

The proposed project is located within the Valley Center Pauma Unified School District's attendance area. According to the pre-application summary it may also lie within the Bonsall and the Fallbrook Union High School districts. Therefore, the proposal must clearly identify how much of the planned community will lie within Valley Center Pauma's District boundaries. It must also show the proposed land uses so that the District's planners can identify what the impact to schools will be.

Lilac School, a Kindergarten through Fifth grade school, is closest to the proposed development; Valley Center Middle School serves grades six through eight, and Valley Center High School educates high school students in grades 9 through twelve. Without specific information on the number and type of housing that is in the project, we can't determine the impact to the capacity at these schools. What we can say is that 1,746 new dwellings will most likely result in over 800 new students requiring classroom space.

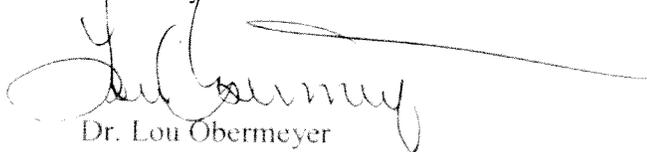
In reading the pre-application summary it is clear that the applicant is contemplating providing a new school. A great deal of planning and coordination with state and local entities are required before a new school site is constructed. In addition to the District's input, communication from local fire fighting, law enforcement and parents will be solicited. On the state level, the California Department of Education's School Facilities Planning Division will need to be involved in reviewing and approving the site. The Department of Toxic Substance Control will also be required to give its approval of the site.

The Valley Center Pauma Unified School District insists that the applicant fully mitigate the cost for land acquisition, professional services required for planning, designing and obtaining state approvals, and the cost for construction. Options for mitigation can be discussed when the project is more refined.

At this point in time the District cannot support the proposal until more land use detail and a location map that clearly shows the percentage of the project that is within the Valley Center Pauma boundaries is provided.

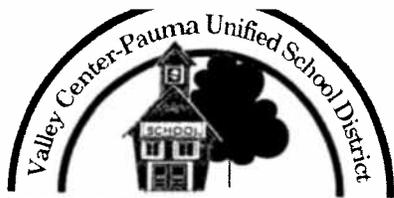
I look forward to a response to this letter.

Sincerely,



Dr. Lou Obermeyer
Superintendent, Valley Center Pauma Unified School District

c: Joanne Branch, San Diego County Office of Education
LO/ts/jb



March 25, 2011

Mr. Goodson
The Accretive Group of Companies
12275 El Camino Real, Suite 110
San Diego, CA 92130

Dear Mr. Goodson:

In your email to me dated December 6, 2010, you said that you were committed to reaching a comprehensive mitigation agreement with our district regarding your development. The Valley Center-Pauma USD has retained Mr. Adam Bauer, Fieldman, Rolapp & Associates, to represent us in the development of a comprehensive mitigation agreement. Please contact Mr. Bauer at your earliest convenience to schedule a meeting. Mr. Bauer can be reached at 949-660-7303.

Sincerely,

Dr. Lou Obermeyer
Superintendent

cc: Adam Bauer, Fieldman, Rolapp & Associates
Joanne Branch, San Diego County Office of Education
Oliver Smith, Valley Center Planning Committee
Mark Slovic, San Diego County Department of Planning and Land Use



July 25, 2012

Mr. Eric Gibson
Director, County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Valley Center-Pauma Unified School District Response to
Notice of Preparation of an Environmental Impact Report for the Lilac Hills Ranch
Master Planned Community

Dear Mr. Gibson:

In response to the Notice of Preparation of an Environmental Impact Report for the Lilac Hills Ranch Master Planned Community, the Valley Center-Pauma Unified School District, as the education agency responsible for providing K through Grade 12 education, is strongly opposed to the project for the following reasons:

1. The proposal is for a maximum of 1,745 dwelling units.
 $1,745 \times .5$ (factor from California Department of Education-CDE) = **873 Elementary School Students** – potentially 2 elementary schools or one very large campus. Please see the Site Development Guidelines from CDE:
<http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>

At $1,745 \times .2 =$ **349 High School Students** – possibly 1 small high school, or growth and impact mitigation at existing high school campuses, including at least 9 new classrooms, increases to administration, additional physical education space, and other minimum essential facilities and parking mitigation. Growth at the existing high school may require land acquisition. Please see the Site Development Guidelines from CDE:
<http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>

The locations of the sites must be contingent on CDE approval and take into consideration the requirements of Title 5, Code of Regulations:
<http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>

Superintendent
Dr. Lou Obermeyer

Board of Trustees
Karen J. Burstein

Lori A. Johnson
Donald L. Martin

Barbara P. Rohrer
Mavany Calac Verdugo

Mr. Gibson, DPLU

July 25, 2012

Page Two

2. School site development must include all associated onsite and offsite environmental mitigations, storm water compliance, traffic mitigation, and similar development issues. Please note in the Initial Study on:
 - A. Page 6: I. Aesthetics a), b), c), d) all show Potential Significant Impacts
 - B. Page 21: VII. Hazard and Hazardous Materials show a) and b) Potential Significant Impacts
 - C. Page 35: XIV. Public Services shows Potential Significant Impacts

The District wants the EIR to review the impact to be able to bring levels of impact on the above to "less than significant" levels.

We would like to add that the project's land use plan should include a prospective location for the new facilities. The location should be where the District wants it and not the developer.

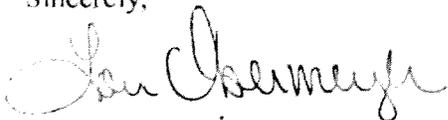
This project appears to possibly be in the Bonsall Union School District as well. We hope you are also requesting their input.

In addition to our concerns listed above, we are including communications from 2009 to 2011 that the District has had with the Developer and the DPLU in regards to potential impacts and issues.

At this time the District cannot support the project proposal until a comprehensive mitigation agreement can be reached. The district is open to further discussions with the developer so that appropriate school facilities will be available for students as the homes are developed.

Please contact us if you have need for further response.

Sincerely,



Dr. Lou Obermeyer
Superintendent
Valley Center-Pauma Unified School District



**COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE: Zoning
PROJECT FACILITY AVAILABILITY FORM, School**

Please type or use pen
(Two forms are needed if project is to be served by separate school districts)

Owner's Name: Accetive Investments Inc. Phone: (619) 546-0700

Owner's Mailing Address: 12775 El Camino Real, Suite 110 Street

City: San Diego State: CA Zip: 92130

ORG _____

ACCT _____

ACT _____

TASK _____

DATE _____

ELEMENTARY _____

HIGH SCHOOL _____

UNIFIED _____

Sc

SECTION 1. PROJECT DESCRIPTION DISTRICT CASHIER'S USE ONLY
TO BE COMPLETED BY APPLICANT

- A LEGISLATIVE ACT**
- Rezones changing Use Regulations or Development Regulations
 - General Plan Amendment
 - Specific Plan
 - Specific Plan Amendment
- B DEVELOPMENT PROJECT**
- Rezones changing Special Area or Neighborhood Regulations
 - Major Subdivision (TM)
 - Minor Subdivision (TPM)
 - Boundary Adjustment
 - Major Use Permit (MUP), purpose: _____
 - Time Extension... Case No. _____
 - Expired Map... Case No. _____
 - Other _____
- C**
- Residential Total number of dwelling units 1,746 max.
 - Commercial Gross floor area _____
 - Industrial Gross floor area _____
 - Other Gross floor area _____
- D** Total Project acreage _____ Total number lots 1,746 du max.

Assessor's Parcel Number(s)
(Add extra if necessary)

numerous - refer to PAs exhibit -
may include additional property

Thomas Bros. Page 1069/1079 Grid B1, C1, B2, C2, C3

NW corner of Valley Center Street

Valley Center Zip 92026

Community Planning Area/Subregion _____

Applicant's Signature: _____ Date: _____

Address: _____ Phone: _____

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT

District Name: Valley Center-Pauma USD

If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance: Elementary: **VC Upper Elem. miles 11.8

Junior/Middle: VC Middle miles 14.8 High school: VC High School miles 14.9

- This project will result in the overcrowding of the elementary junior/school high school. (Check)
 - Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.
 - Project is located entirely within the district and is eligible for service.
- The project is not located entirely within the district and a potential boundary issue may exist with the Bonsall school district. It is our understanding that this project is also in the Bonsall School District.

Authorized signature: [Signature] Print name: Dr. Lou Obermeyer

Print title: Superintendent Phone: 760-749-0464

On completion of Section 2 by the district, applicant is to submit this form with application to:
Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123



**Valley Center Elementary Upper School is closed at the present time. We would have to re-open the school. The closest school site to this area is Lilac School and it would be impacted.