

Letter C1d

Chapter 2: Significant Environmental Effects of the Proposed Project 1

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.

C1d-1

C1d-2

C1d-1 This comment pertains to the significance criteria utilized in the visual analysis of the project. To clarify, the 2007 visual resources County guidelines state:

The following significance guidelines should guide the evaluation of whether a significant impact to visual resources will occur as a result of project implementation. A project will generally be considered to have a significant effect if it proposes any of the following, absent specific evidence to the contrary. Conversely, if a project does not propose any of the following, it will generally not be considered to have a significant effect on visual resources, absent specific evidence of such an effect:

3. *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.*

As indicated in FEIR subchapter 2.1, I-15 is a County Scenic Highway and, therefore, it is important to address the project's impacts to views from I-15.

As detailed in FEIR subchapter 2.1, a viewshed analysis (FEIR Figure 2.1 2) was completed to determine the impacts of the project upon the visual aesthetics from existing roadways. As shown, the site is not visible from Circle R Drive but is visible from West Lilac Road where it is adjacent to the site only for approximately 0.5 mile. This portion of West Lilac Road is not a designated scenic route or panoramic vista. The views from this short segment of West Lilac Road adjacent to the site are generally limited to the local area, and consist of the roadway and immediate adjacent landscaping, orchards, disturbed native vegetation, driveways, and structures. As stated in the FEIR subchapter 2.1.2.1, the project impact to scenic vistas would be less than significant and no mitigation would be required.

LETTER

RESPONSE

	<p>C1d-2 To clarify, the 2007 visual resources County guidelines state:</p> <p>“The following significance guidelines should guide the evaluation of whether a significant impact to visual resources will occur as a result of project implementation. A project will generally be considered to have a significant effect if it proposes any of the following, absent specific evidence to the contrary. Conversely, if a project does not propose any of the following, it will generally not be considered to have a significant effect on visual resources, absent specific evidence of such an effect:</p> <ol style="list-style-type: none">1. 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.) or by being inconsistent with applicable design guidelines.” <p>Subchapter 2.1.2.3 analyzes key viewpoints considered in the FEIR analysis related to the project viewshed. I-15 is a County Scenic Highway, and as such was considered a key viewpoint and addressed accordingly in the FEIR subchapter 2.1.2.3.</p> <p>As previously discussed in response to comment I51c-3, the site is not significantly visible from Circle R drive and views of the site from West Lilac Road are limited to the approximately 0.5 mile segment along the northern project boundary. The FEIR subchapter 2.1.2.3 identifies that the project would result in a significant visual character impact along that portion of West Lilac Road due to the changes brought about to the visual environment related to dominance, scale, diversity, and continuity. As this comment suggests, this impact is identified as significant and unavoidable in FEIR subchapter 2.1.6 in part because Fire Code regulations prevent more effective use of mature foliage to mitigate the visual impact in this location.</p>
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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.

C1d-3

C1d-4

C1d-5

C1d-6

C1d-7

C1d-8

C1d-9

C1d-3 The comment expresses the opinions of the commentator. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

C1d-4 The comment is an introduction to comments that follow and addresses general subject areas, which received extensive analysis in the FEIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. FEIR Table 2.3-23 and Table 2.3-24, as well as Table 10.5 of the Lilac Hills Ranch Traffic Impact Study (June 3, 2014) [FEIR Appendix E] (TIS) disclose all applicable significant traffic-related impacts, as identified per the County of San Diego - Guidelines for Determining Significance and Report Format and Content Requirements - Transportation and Traffic; June 20, 2012. The comment will be included as part of the record and made available to the decision makers prior to a decision on the proposed project.

C1d-5 The comment is an introduction to specific comments that follow and are responded to in detail in responses C1d-10 and C1d-11, below.

C1d-6 The comment is an introduction to specific comments that follow. Please see the response to comment C1d-21, below.

C1d-7 The comment addresses general subject areas that received extensive analysis in the FEIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. However, the FEIR addresses the potential impacts of the proposed project, as described in FEIR Chapter 1.0, Project Description, Location and Environmental Setting. Analysis of alternatives to the proposed project is provided in FEIR Chapter 4.0, Project Alternatives.

C1d-8 The baseline condition utilized in the TIS to assess project impacts is existing, on the ground conditions, consistent with County and CEQA requirements. Please see TIS Section 5.0, Existing Plus Project Conditions, and Section 6.0, Cumulative Traffic Conditions.

C1d-9 The comment is a continuation of comment C1d-8 and is incorrect. As noted in response to comment C1d-8, project impacts were assessed against existing conditions.

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

C1d-10

C1d-11

C1d-12

C1d-13

C1d-14

C1d-10 The project does not propose reduced standards as the comment states, but rather the project proposes modifications to design standards as allowed under the County's adopted Public Road Standards. To the extent additional property is required to implement the County's standards, such property will be acquired consistent with applicable law.

C1d-11 The FEIR adequately analyzes the potential environmental impacts associated with construction of the off-site physical improvements as required under CEQA. With respect to related property rights, please see Global Response: Off-Site Improvements – Environmental and Easement Analysis Summary Table, which describes the respective off-site improvements, corresponding environmental analysis, status of easement rights, and affected properties. Please also see Global Responses, Easements (Mountain Ridge Road and Covey Lane) and Off-Site Improvements – Environmental Analysis and Easement Summary Table for additional information responsive to this comment.

C1d-12 Proposed improvements to West Lilac Road are discussed in their entirety in Chapter 1.0 of the FEIR. Specifically, the project proposes improvements to West Lilac Road from Old Highway 395 to Road 3. Details of the proposed roads are included in the table referenced above.

Impacts associated with these improvements have been considered throughout the FEIR, primarily under off-site improvements, and included in the cumulative impacts section of each subject as well. A figurative illustration of the improvements is included on Table 2.5-2a of the FEIR. Please also see response to comment C1d-11 above and related reference materials for additional information responsive to this comment.

C1d-13 The commenter accurately represents that a redesign of the roundabouts resulted from the Reid Middleton Roundabout Study. This is the design reflected in the project's current description. All impacts are located within the original footprints of the roundabouts. The roundabouts do impact off-site areas; however, these are within existing IODs with both slope and drainage rights. No new impacts have occurred based on the roundabout redesign. Please also see response to comment C1d-11 above and related reference materials for additional information responsive to this comment.

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

C1d-14, cont.

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.

C1d-15

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?

C1d-16

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?

C1d-17

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?

C1d-18

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

C1d-19

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

C1d-14 The commenter is referencing a second alignment study associated with the Reid Middleton Roundabout Study. This design was not selected to be included in the project and is not relevant for inclusion in the project's CEQA analysis. See response to comment C1d-13. Please also see response to comment C1d-11 above and related reference materials for additional information responsive to this comment.

C1d-15 Please see response to comment C1d-14, above.

C1d-16 Please see Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and Off-site Improvements - Environmental Analysis and Easement Summary Table, for additional information responsive to this comment. With respect to the roads remaining available to residents during construction, as detailed in FEIR subchapter 2.3, and Table 1-3, a traffic control plan would be completed implemented to manage construction traffic and ensure impacts are less than significant.

C1d-17 Mountain Ridge Road is currently a two-lane private road that provides limited access from the project site to the County's public road system via Circle R Drive. Mountain Ridge Road is not improved to its designated road design standard and is actually substandard with respect to its current ability to support actual road speeds of its users. As described in Chapter 1.0 of the FEIR and shown in Table 1-2, the project proposes to design Mountain Ridge Road as a wider, slower roadway. As proposed, the project would reduce dangerous vertical curves along the roadway. Additionally, the project proposes to remove the taper requirement at the intersection of Circle R Drive in order to provide a smoother and less impactful transition onto this road. As shown on FEIR Table 2.5-2 and illustrated in Figure 2.5-2b, no off-site impacts would occur to existing biology as a result of the road design, Additionally, no sight distance issue exists as the County recently cleared vegetation at this location. With respect to the widening of Mountain Ridge Road to Public Road standards, all impacts are discussed in subchapter 4.9 of the FEIR. Additional biological resources affected by the road widening are identified and mitigation is proposed (see subchapter 4.9.2.5). Please also see response to comment C1d-11 above and

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

Impact	Mitigation
Impact TR-10: W. Lilac Road, Old Highway 395 and Main Street	M-TR-4 and M-TR-6 (see above)
Impact TR-11: Camino Del Rey, Old River Road and West Lilac Road	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: Gopher Canyon Road, E. Vista Way to Little Gopher Canyon Road	While improvement of this segment to a 4.1B classification would mitigate the project impact, such mitigation is infeasible.
Impact TR-13: Gopher Canyon Road, Little Gopher Canyon Road to I-15 SB Ramps	M-TR-8 (see above)
Impact TR-14: E. Vista Way between SR-76 and Gopher Canyon Road	M-TR-8 (see above)
Impact TR-15: E. Vista Way between Gopher Canyon Road and Osborne Street	M-TR-8 (see above)
Impact TR-16: Pankey Road between Pala Mesa Drive and SR-76	While improvement of this segment to a 4.2B classification would mitigate the project impact, such mitigation is infeasible.
Impact TR-17: Lilac Road between Old Castle Road and Anthony Road	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.

C1d-19, cont.

2.3-68

C1d-17 (cont.)

related reference materials for additional information responsive to this comment. With respect to the roads remaining available to residents during construction, as detailed in FEIR subchapter 2.3, and Table 1-3, a traffic control plan would be completed implemented to manage construction traffic and ensure impacts are less than significant.

C1d-18

Rodriguez Road is an existing 40-foot-wide private easement road that would require surface improvements necessary to accommodate the secondary emergency access requirement for the Phases 4 and 5. Specifically, Rodriguez Road would be improved from its current state to a 28-foot graded/24-foot paved roadway. The improvements needed by the project have been previously approved under the Sukup TM. Please also see response to comment C1d-11 above and related reference materials for additional information responsive to this comment. With respect to the roads remaining available to residents during construction, ss detailed in FEIR subchapter 2.3, and Table 1-3, a traffic control plan would be completed implemented to manage construction traffic and ensure impacts are less than significant.

C1d-19

The comment is an introduction to comments that follow. No further response is required.

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

Impact	Mitigation
Impact TR-18: Cole Grade Road, between Fruitvale Road and Valley Center Road	M-TR-8 (see above)
Impact TR-19: E. Vista Way/Gopher Canyon Road	M-TR-8 (see above)
Impact TR-20: SR-76/Old Highway 395 (Caltrans)	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.
Impact TR-21: SR-76/Pankey Road (Caltrans)	
Impact TR-22: Old Highway 395/E. Dulin Road	M-TR-10: Prior to issuance of any building permit for new structures within the Liliac Hills Ranch Specific Plan, the applicant or its designee shall construct a traffic signal at the Old Highway 395/East Dulin Road intersection.
Impact TR-23: Old Highway 395/West Lilac Road	M-TR-8 (see above)
Impact TR-24: I-15 SB Ramps/Old Highway 395 (Caltrans)	M-TR-8 (see above)
Impact TR-25: I-15 SB Ramps/Old Highway 395 (Caltrans)	M-TR-8 (see above)
Impact TR-26: Old Highway 395/Circle R Drive	M-TR-5 (see above)
Impact TR-27: I-15 SB Ramps/Gopher Canyon Road (Caltrans)	M-TR-8 (see above)
Impact TR-28: I-15 NB Ramps/Gopher Canyon Road (Caltrans)	M-TR-8 (see above)
Impact TR-29: Miller Road/Valley Center Road	M-TR-11: Prior to issuance of any building permit for new structures within the Liliac Hills Ranch Specific Plan, the applicant or its designee shall construct a traffic signal at the Miller Road/Valley Center Road intersection.
Impact TR-30: I-15 between Riverside County Boundary and Old Highway 395	While there are plans to widen I-15 between Riverside County and SR-76 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.
Impact TR-31: I-15 between Old Highway 395 and SR-76	
Impact TR-32: I-15 between SR-76 and Old Highway 395	
Impact TR-33: I-15 between Old Highway 395 and Gopher Canyon Road	
Impact TR-34: I-15 between Gopher Canyon Road and Deer Springs Road	
Impact TR-35: I-15 between Deer Springs Road and Centre City Parkway	
Impact TR-36: I-15 between Centre City Parkway and El Norte Parkway	
Impact TR-37: I-15 between El Norte Parkway and SR-76	

C1d-19, cont.

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.

C1d-20

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.

C1d-21

C1d-20 The comment questions the FEIR determination that significant cumulative impacts to two roads within the jurisdiction of the County (TR-12 and TR-16) are infeasible to mitigate. The referenced cumulative impacts are to Gopher Canyon Road between E. Vista Way and Little Gopher Canyon Road (TR-12), and Pankey Road between Pala Mesa Drive and SR-76 (TR-16). (FEIR, subchapter 2.3.) Both the FEIR and TIS explain the basis for the infeasibility determination. (FEIR, subchapter 2.3; TIS Section 6.4.)

As explained in the FEIR, the improvements necessary to mitigate the identified significant cumulative impacts are to construct the segment of Gopher Canyon Road to Mobility Element 4.1B classification, and the segment of Pankey Road to Mobility Element 4.2B classification. In each case, while the project would add a small amount of traffic (3.5 percent and 5.2 percent, respectively), it would be necessary for the project to fund the full cost of the necessary improvement because these improvements are not currently included in the County's traffic impact fee (TIF) program. Based on the County of San Diego Transportation Impact Fee Program (TIF) Update Facility Cost Analysis (AECOM, August 2012), the cost of improving the 1.2-mile segment of Gopher Canyon road would be \$8.5 million (equivalent to \$7,097,000/mile for a roadway consistent with the requirements of a 4.1B classified roadway). The cost of improving the 0.7-mile segment of Pankey Road segment would be \$5.0 million (equivalent to \$7,165,000/ mile for a roadway consistent with the requirements of a 4.2B classified roadway). (see also, County of San Diego General Plan, Mobility Element Tables M-1a, M-1b and M-2). As such, the cost of the improvement is disproportionate to (i.e., not roughly proportional to) the identified impact and, therefore, conditioning the project to construct the improvements is not feasible under CEQA. There are no other feasible improvements to mitigate the identified cumulative impacts because the projected daily traffic volume along each segment would far exceed the threshold for a 2-lane roadway, thereby requiring widening to 4 lanes; thus, the impact would remain significant and unavoidable.

C1d-21 The comment refers to significant intersection impacts that the comment contends the FEIR determined were infeasible to mitigate as the intersections are outside the County's jurisdiction and within the jurisdiction of Caltrans. (FEIR, subchapter 2.3.) Preliminarily, the comment incorrectly refers to impact TR-2, which is not a

LETTER

RESPONSE

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

C1d-21 (cont.)

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.

C1d-22

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.

C1d-23

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.

C1d-24

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.

C1d-25

C1d-26

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.

C1d-27

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.

C1d-28

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

C1d-29

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."

C1d-30

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??

C1d-31

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 evaluate 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.

C1d-32

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

C1d-33

C1d-21 (cont.)

Caltrans facility and, in any event, would be mitigated to less than significant, see FEIR, subchapter 2.3.

As to impacts TR-3 and TR-4 [I-15 SB and NB Ramps/Gopher Canyon Road], the FEIR includes mitigation requiring that the applicant either install traffic signals at the intersection, or provide funding for the signalization. (FEIR, subchapter 2.3.) However, because the improvements are not under the County's jurisdiction, there was no assurance the improvements could be implemented and, therefore, impacts were considered significant and unavoidable. (FEIR, subchapter 2.3.) Since circulation of the FEIR for public review, Caltrans has submitted a letter informing the County that it is not opposed to the installation of traffic signals at the I-15 Gopher Canyon Road intersection. (Letter, Armstrong to Slovick, September 4, 2014.) As such, the project applicant will work with Caltrans to obtain the necessary encroachment permit in order to install the recommended traffic signals. (See County responses to letter A2, Caltrans dated June 24, 2014.)

As to impacts TR-20 [SR-76/Old Highway 395] and TR-21 [SR-76/Pankey Road], County staff coordinated with Caltrans and Caltrans confirmed that it has no project, funding, or program to make the necessary improvements to which the applicant can pay a fair-share contribution. (FEIR, subchapter 2.3.) Therefore, because the necessary improvements are outside the County's jurisdiction and there is no plan or program in place to assure construction of the necessary improvements, mitigation is infeasible and the impacts are significant and unavoidable. See discussion below regarding impacts to I-15.

As to impacts TR-24 [I-15 SB Ramps/Old Hwy 395], TR-25 [I-15 NB Ramps/Old Hwy 395], TR-27 [I-15 SB Ramps/Gopher Canyon Road], and TR-28 [I-15 NB Ramps/Gopher Canyon Road], each of the identified intersections is included within the County's transportation impact fee (TIF) program. (FEIR, subchapter 2.3; TIS p. 281.) The TIF program includes the improvements to these roadways required to provide adequate circulation through Year 2030. (FEIR, subchapter 2.3.) Mitigation measure M-TR-8 requires that the applicant pay all applicable TIF fees prior to issuance of any building permit. (FEIR, subchapter 2.3.) With payment of the TIF

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	<p>C1d-21 (cont.)</p> <p>fees, impacts would be reduced to less than significant. (FEIR, subchapter 2.3.)</p> <p>Lastly, the comment refers to the June 24, 2014 comment letter submitted by Caltrans regarding the significant and unavoidable cumulative impacts to Interstate 15, and states that the County is required to mitigate these impacts. As explained in the responses to the Caltrans comments, the FEIR determined that the proposed project, in combination with other cumulative traffic, would result in significant cumulative impacts on I-15 from SR-78 north to the Riverside County boundary. (FEIR, subchapter 2.3; TIS, pp. 267-272, 356-357.) To mitigate the identified impacts it would be necessary to add additional I-15 travel lanes to provide increased capacity. However, there are no plans with a corresponding funding program in place to provide the additional lanes within the timeframe necessary to mitigate the identified impacts. Under CEQA, in circumstances as these in which the necessary improvements are outside of the jurisdiction and control of the lead agency (i.e., County), and the party with jurisdiction and control (i.e., Caltrans) has no plan or program in place to fund and construct the necessary improvements within the necessary timeframe, mitigation is infeasible and the impact is deemed significant and unavoidable. (FEIR, subchapter 2.3; TIS, p. 284.) Please see Global Response: Significant and Unavoidable Impacts to I-15 for additional information responsive to the comment.</p> <p>As discussed in Global Response: Significant and Unavoidable Impacts to I-15, in order to mitigate the identified impacts to below a level of significance and achieve acceptable level of service (LOS) D or better, freeway mainline capacity would need to be increased by widening the freeway from the current 4 lanes in each direction to 5 or more lanes in each direction. Nonetheless, in an effort to reduce project vehicle trips, as part of the project an interim private on-demand transit service would be established to facilitate resident access to I-15 transit services until the necessary transit linkage is available. (Lilac Hills Ranch Specific Plan [June 2014] (Specific Plan), Section III, Development Standards and Regulations, pp. III-11 to III-12; see also FEIR, Table 1-3, Additional Project Considerations.) In addition, the project includes a requirement that a Transportation Demand Management program be implemented to</p>
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	<p>C1d-21 (cont.) foster alternative modes of transportation. (Specific Plan, pp. III-11 to III-12; FEIR Table 1-3, Additional Project Design Considerations.) Please see Global Response: Significant and Unavoidable Impacts to I-15, for additional information regarding these project features and other information responsive to the comment.</p> <p>C1d-22 Please see response to comment C1d-21 above.</p> <p>C1d-23 Please see response to comment C1d-21 above and Global Response: Significant and Unavoidable Impacts to I-15.</p> <p>C1d-24 and C1d-25 FEIR Tables 2.3-23 and Table 2.3-24, as well as Table 10.5 of the Revised TIS, disclose all applicable significant traffic-related impacts, as identified per the County of San Diego - Guidelines for Determining Significance and Report Format and Content Requirements - Transportation and Traffic; June 20, 2012. As documented in both the FEIR and the Revised TIS, the project trip generation was determined using SANDAG’s Guide to Vehicular Traffic Generation Rates for the San Diego Region (SANDAG, April 2002) and the distribution of the external project trips was determined based upon three computer-generated “Select Zone” assignments utilizing the Series 12 Year 2050 SANDAG Transportation Model, including 2008 base year, 2050 with Road 3, and without Road 3, in combination with identified project access control (i.e., gates) within the project site. The “Select Zone” assignments are included in Appendix K of the Revised TIS.</p> <p>The methodology outlined above is the regionally accepted industry standard for determining project trips along on the transportation network. Thus, the number of project trips along W. Lilac Road, which was determined using standard regional practice, is reasonable.</p> <p>The current substandard conditions of select local roadways within the project study area, including W. Lilac Road, were taken into consideration. As a result, the roadway capacity of these substandard roadway segments was reduced 10 percent to provide a conservative analysis of the project impact under existing conditions. Please see page 41 of the Revised TIS for more detail.</p>
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	<p>C1d-24 and C1d-25 (cont.)</p> <p>Since W. Lilac Road between Old Highway 395 and Circle R Drive is a 4-mile-long roadway with different roadway characteristics, please see response to individual roadway segments below:</p> <p>W. Lilac Road between Old Highway 395 and Circle R Drive: The project proposes to construct this roadway segment to its General Plan classification of 2.2C, this mitigation measure would improve the current facility conditions, as well as provide turn lanes, thus improving the safety condition of this roadway segment.</p> <p>W. Lilac Road, between Main Street and Street “F”: The project is forecast to increase the ADT on this section of W. Lilac Road from the current 1,150 ADT to 2,960 ADT. While this is a significant percentage increase, an ADT of 2,960 is only about 3 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.</p> <p>W. Lilac Road between Street “F” and Covey Lane: The project is forecasted to increase the ADT on this section of W. Lilac Road from the current 1,150 ADT to 1,810 ADT. An ADT of 1,810 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.</p> <p>W. Lilac Road between Covey Lane and Circle R Drive: The project is forecast to increase the ADT on this section of W. Lilac Road from the current 480 ADT to 2,470 ADT. While this is a significant percentage increase, an ADT of 2,470 ADT is only about 3 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway</p> <p>C1d-26 The comment is noted. No further response is required.</p> <p>C1d-27 As noted in the responses to comments C1d-24 through C1d-26 above, the project trip distribution and trip assignment were determined using the Series 12 Year 2050 SANDAG Transportation Model for all studied scenarios. Thus, the project trips were loaded correctly onto W. Lilac Road between Old Highway 395 and Circle R Drive.</p> <p>As shown in TIS Figure 4-3 through Figure 4-9, the majority of project trips is projected to load onto W. Lilac Road between Old Highway 395 and Main Street.</p>
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	<p>C1d-27 (cont.) It should be noted that the project proposes to improve W. Lilac Road between Old Highway 395 and Main Street to the General Plan Mobility Element classification of 2.2C; please see TIS page 162 for more detail. This improvement likely would encourage project trips to use Lilac Hills Ranch Road/Main Street to travel to W. Lilac Road (between Old Highway 395 and Main Street) instead of using the segment of W. Lilac Road between Main Street and Circle R Drive. However, in order to provide a conservative analysis of W. Lilac Road (between Main Street and Circle R Drive), a small portion of the project trips were assigned to this segment; please see TIS Chapter 4 for additional information.</p> <p>C1d-28 Preliminarily, please see responses to comments C1d-24/25 above regarding traffic loads on West Lilac Road, the subject of the comment. Additionally, specific to safe bicycle and pedestrian travel, the project includes an extensive and thoroughly integrated, 16+ mile Trail Network, including community pedestrian and bike paths, linking together the major project components, including the Town Center and Neighborhood Centers, Neighborhoods, the K-8 school, and the 13.5-acre central park. The trails include a staging area in the Town Center, and three trail connections at the north and south ends of the project to trails defined in the County Trails Master Plan (CTMP).</p> <p>See FEIR, Figure 1-4a (Lotting Study) and Figure 1-8 (Trails Plan) showing the integration of the project as a whole with the Trail Network. As to West Lilac Road, the project proposes to dedicate and install the designated CTMP segment along the entire length of the south side of West Lilac Road; this public trail would be built as a Type D pathway. (FEIR, subchapter 2.3.) The trails would be designed to County standards as set forth in the Specific Plan to ensure the safety of pedestrians and bicyclists. (TIS, subchapter 2.3.) The project is not expected to generate a large amount of off-site bicycle and pedestrian travel.</p> <p>The TIS took into account the presence of horizontal curves and narrow shoulders by lowering the capacity of substandard road segments within the study area, including West Lilac Road. (TIS Section 3.3, pp. 37-42.) As shown in TIS Table 5.34, W. Lilac Road between Street "F" (eastern project boundary) and Circle R Drive is projected to operate at acceptable LOS A under project buildout conditions. Additionally, the project would add virtually no traffic to private roads near the project site and, therefore, turn lanes are not warranted.</p>
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	<p>C1d-29 The comment is noted with respect to the Road 3 segment. With respect to traffic loads on West Lilac Road, as noted in the response to comment C1d-28 above, W. Lilac Road between Street “F” (eastern project boundary) and Circle R Drive was analyzed with a reduced capacity due to horizontal curves and narrow shoulders. As shown in TIS Table 5.34, W. Lilac Road between Street “F” and Circle R Drive is projected to operate at acceptable LOS A under project buildout conditions. Thus, the project would not create a significant impact to this roadway segment; therefore, no additional mitigation measures are necessary.</p> <p>C1d-30 The comment is believed to address existing West Lilac Road between proposed Road 3 to Old Hwy 395. As noted in the response to comment C1d-28, the project includes an extensive and thoroughly integrated, 16+ mile Trail Network, including community pedestrian and bike paths, linking together the major project components, including the Town Center and Neighborhood Centers, Neighborhoods, the K-8 school, and the 13.5-acre central park. The trails include a staging area in the Town Center, and three trail connections at the north and south ends of the project to trails defined in the County Trails Master Plan (CTMP). See FEIR, Figure 1-4a (Lotting Study) and Figure 1-8 (Trails Plan) showing the integration of the project as a whole with the Trail Network. The trails would be designed to County standards as set forth in the Specific Plan to ensure the safety of pedestrians and bicyclists. (TIS, p. 297.) The project also includes the addition of a multi-purpose pathway along the northern project boundary with W Lilac Road. Pedestrians and bike riders using existing W Lilac Road will have the option of following Main Street within the project and using the sidewalks or designated bike lanes instead of existing W Lilac Road. In addition, existing W Lilac Road will be improved with the multi purpose pathway to accommodate pedestrians and bikes. As such, the project will provide an alternative route for those who would have walked or rode a bicycle along West Lilac Road. In addition, the project is not expected to generate a large amount of off-site bicycle and pedestrian travel.</p> <p>C1d-31 Please see the response to comment number C1d-24/25 above.</p>
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	<p>C1d-32 As shown in TIS Table 5.34, W. Lilac Road between Main Street (project's western entry) and Circle R Drive, is projected to operate at acceptable LOS A under project build-out conditions. Thus, the project would not cause an impact to this roadway segment. Therefore, no additional mitigation measures would be necessary. Please see responses to comments C1d-24/25 for additional information responsive to this comment.</p> <p>C1d-33 The proposed project would improve W. Lilac Road between Old Highway 395 and Main Street to the General Plan Mobility Element classification of 2.2C; please see TIS page 162 for additional information. This improvement likely would result in project trips utilizing Lilac Hills Ranch Road/Main Street to travel to W. Lilac Road (between Old Highway 395 and Main Street) instead of using the substandard segment of W. Lilac Road between Main Street and Circle R Drive. Additionally, as addressed in the TIS, the addition of project traffic to W. Lilac Road between Main Street and Circle R Drive (including the portion listed by the commenter as between Lilac Walk private road and Circle R Drive) would not result in a significant impact. Additionally, the assumption of 100 bicycle trips per day and 50 pedestrian trips per day on the shoulders of West Lilac Road is not supported by evidence. In light of the information presented here, a "safety review" is not warranted.</p>
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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.

C1d-33 cont.

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.

C1d-34

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.

C1d-35

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.

C1d-36/37

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.

C1d-38

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.

C1d-39

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

C1d-40

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.

C1d-41

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*.

C1d-42

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.

C1d-43

C1d-34 The project trip distribution and assignment (i.e., project traffic loads) was derived using a SANDAG Series 12 Select Zone Assignment; use of the SANDAG model is accepted practice throughout San Diego County. As shown on Figure 4-7 of the project TIS (Project Trip Distribution – Phase E, Buildout), the project is anticipated to contribute a maximum of 7.8 percent of its total daily traffic (or 1,180 ADT) to Circle R Drive between Old Highway 395 and W. Lilac Road. See SANDAG Series 12 Select Zone Assignment, which is provided in Appendix K of the TIS.

As documented on Page 50 of the TIS, project access to Circle R Drive via Mountain Ridge Road will be gated (code access only) with only the senior community and assisted living facilities south of Covey Lane having access to the gate. Please refer to Figure 7-1 of the TIS for the proposed locations of the gates.

Phase 5 of the project, which is projected to generate a maximum of 1,594 ADT (please refer to Figure 4-2D of the TIS for Phase 5 geographical location) will be the only area within the project that will directly access Mountain Ridge Road (which provides a direct connection to Circle R Drive). As shown in Appendix L of the TIS, 65 percent of Phase 5 of the project will access Circle R Drive via Mountain Ridge Road, resulting in 1,036 trips from Phase 5 traveling directly to Circle R Drive. The remaining 144 trips (which when added to 1,036 = 1,180 as stated above) are traffic from Phases 1-4 of the project that choose to use Circle R Drive via Covey Lane and W. Lilac Road (south of Covey Lane) to access the regional network.

C1d-35 Please see response to comment C1d-34 above in regards to the project trip distribution and assignment to Circle R Drive. As shown in Table 10.1 of the TIS (page 315 of the TIS), Circle R Drive would operate at level of service (LOS) D) or better under all scenarios, which does not exceed County LOS standards. Since Circle R Drive is projected to operate at acceptable LOS under all scenarios, the proposed project would not have a significant impact on Circle R Drive and, thus, the project is not required to improve this road.

Additionally, the project is proposing to signalize the intersection of Old Highway 395/Circle R Drive, which will improve both the safety and operations at this intersection and the adjoining roadway segments

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	<p>C1d-36/37 Preliminarily, please see Responses to Comments Nos. C1d-34 and C1d-35 above regarding traffic loads on Circle R Drive, the subject of the comment. Additionally, specific to safe bicycle and pedestrian travel, as noted in prior responses, the project includes an extensive and thoroughly integrated, 16 plus mile Trail Network, including community pedestrian and bike paths, linking together the major project components, including the Town Center and Neighborhood Centers, Neighborhoods, the K-8 school, and the 13.5 acre central park. The trails include a staging area in the Town Center, and three trail connections at the north and south ends of the project to trails defined in the County Trails Master Plan (CTMP). The project will provide an alternative route for those who would have walked or rode a bicycle along West Lilac Road to Circle R Road. As such, pedestrians and bike riders will be able to choose an alternative route that is more safe than the existing route of W Lilac Road to Circle R Road by following the new trails that would connect at multiple locations to existing W Lilac Road and to Circle R Road via Mountain Ridge Road. See FEIR, Figure 1-4a (Lotting Study) and Figure 1-8 (Trails Plan) showing the integration of the project as a whole with the Trail Network. The trails would be designed to County standards as set forth in the Specific Plan to ensure the safety of pedestrians and bicyclists. (TIS, p. 297.).</p> <p>The TIS took into account the presence of horizontal curves and narrow shoulders in reducing the capacity of roads within the study area, including Circle R Drive. (TIS, pp. 37-42.) The project would add minimal traffic to private roads near the project site and, therefore, turn lanes are not warranted.</p> <p>C1d-38 As shown in TIS Table 3.1, Circle R Drive, as well as other existing substandard built roadways, were conservatively analyzed assuming a reduced roadway capacity threshold under Existing Conditions (Circle R Drive was analyzed with a reduced LOS D threshold of 9,800 ADT as compared to 10,900 ADT, which is standard for a 2.2E roadway).</p>
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	<p>C1d-38 (cont.) At a worst case scenario, Circle R Drive is projected to carry 8,050 ADT under the Horizon Year Base Plus Project conditions (with Road 3). This is within the County 2.2E roadway LOS D capacity threshold (10,900 ADT) and the assumed reduced Existing Conditions LOS D capacity threshold (9,800 ADT). Thus, Circle R Drive would be able to accommodate the anticipated future demand. Additionally, the project adds minimal traffic to private roads near the project site and therefore turn lanes are not warranted.</p> <p>C1d-39 The assumption of 100 bicycle trips per day and 50 pedestrian trips per day on the shoulders of Circle R Drive is not supported by evidence. Additionally, as identified in the FEIR and TIS, the addition of project traffic to Circle R Drive would not result in a significant traffic impact requiring road improvements. Therefore, the “safety review” is not warranted.</p> <p>C1d-40 Please see Global Response: Easements (Covey Lane and Mountain Ridge Roads), which addresses intersection design relative to sight distance at the intersection of Covey Lane and West Lilac Road</p> <p>C1d-41 The two-way stop control analysis for the intersection of W. Lilac Road/Covey Lane was conducted based on the methodologies contained in the Highway Capacity Manual 2010 (HCM 2010), which is standard practice for the County of San Diego, as well as the national standard for all traffic engineering. The analysis results were calculated using SYNCHRO 8 traffic analysis software, which is the standard analysis software used throughout the industry.</p> <p>Details regarding the analysis methodology are provided in Chapter 2 of the TIS. As shown in TIS Table 6.3, the intersection of W. Lilac Road/Covey Lane is projected to operate at acceptable Level of Service B under the Existing Plus Cumulative Projects Plus Project condition. LOS B is an acceptable condition based on County standards and, therefore, two way stop control is sufficient.</p> <p>Additionally, based on the projected volume under Horizon Year Base Plus Project Conditions without Road 3, the intersection of W. Lilac Road / Covey Lane would not meet a signal warrant, meaning that a signal is not needed at the intersection. Please see Attachment A for the signal warrant.</p>
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	<p>C1d-42 The comment references the sight distance at the intersection of Covey and West Lilac, which also intersects with Rodriguez Road. As discussed in Shapter 1.0 of the FEIR, per the County sight distance requirements, the minimum corner intersection sight distance is 480 feet for a prevailing speed of 48 miles per hour, and 400 feet for a prevailing speed of 40 miles per hour. The existing maximum line of sight at the intersection of Covey Lane and West Lilac Road is 330 feet. A line-of-sight distance of 480 feet would be achieved by grading and clearing on property APN 129-190-44. This area is comprised of ornamental trees and a number of coast live oaks. The bank would be lowered and a number of trees removed. Please refer to subchapter 2.5 for a discussion of biological impacts. Standard County conditions of approval for a Tentative Map require all street intersections to conform to the intersectional sight distance criteria of the Public Road Standards of the Department of Public Works. The project proponent would therefore, request an off-site Clear Space Easement from the property owners. Should an easement not be granted, the County would acquire the sight distance by condemnation through funds provided by the project applicant.</p> <p>C1d-43 The underlying premise of the comment is incorrect; the traffic projections were determined based on standard methodology utilized throughout San Diego County. The anticipated project trip generation was derived based on the rates and methodologies contained in the SANDAG Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002, which is the standard for estimating project trip generation within the County of San Diego and the region as a whole. Project trip distribution was based on a SANDAG Series 12 Transportation Forecast Select Zone Assignment, which is the standard methodology (for projects generating over 2,400 daily trips) within the County of San Diego, as documented in the County of San Diego - Guidelines for Determining Significance and Report Format and Content Requirements - Transportation and Traffic; August 24, 2011.</p> <p>As shown in TIS Table 6.3, the intersection of W. Lilac Road/Covey Lane is projected to operate at acceptable Level of Service B under the Existing Plus Cumulative Projects Plus Project conditions. Based on the projected operations, the intersection would not require any additional improvements to accommodate project traffic.</p>
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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.

C1d-44

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.

C1d-45

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.

C1d-46

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.

C1d-47

C1d-44 There are no issues with either of these intersections. All intersections associated with the development have been analyzed in FEIR subchapter 2.3. There are no issues, line of sight, or otherwise with these two intersections in question

C1d-45 There are no issues with either of these intersections. All intersections associated with the development have been analyzed in FEIR subchapter 2.3. There are no issues, line of sight, or otherwise with these two intersections in question.

C1d-46 An analysis of the Mountain Ridge Road / Circle R Drive intersection performed in the TIS determined that a stop sign control on Mountain Ridge Road is adequate to accommodate build-out project traffic. Please also see Global Response: Easements (Covey Lane and Mountain Ridge Road), for additional information responsive to the comment

C1d-47 The FEIR did not use arbitrary factors to project the number of students and has not underestimated student population, as detailed below.

Student Generation Factors:

Subchapter 3.1.5.2 of the FEIR discusses the projects potential demand on schools. Specifically, FEIR Table 3.1.5 provides an estimate of new student generation based on Student Generation Rates (SGR) associated with type of dwelling units as applied by the associated Valley Center and Bonsall school districts. Table 3.1.5 estimates that the project could generate a total of 1,038 new students.

In order to assure the adequacy of the FEIR analysis, the most recent School Fee Justification Reports for the relevant school districts were referenced and the calculation revised based on these SGR. The following table reflects the updated calculations:

C1d-47 (cont.)				
School District	Grades	Student Generation Rate (student/DU)	Proposed Residential Units Within District	Project Student Generation ²
VCPUSD ¹	K-6	SFD = 0.1658 SFA = 0.1165	SFD = 173 SFA = 105	SFD = 29 SFA = 12
	7-8	SFD = 0.0868 SFA = 0.0767		SFD = 15 SFA = 8
	9-12	SFD = 0.1383 SFA = 0.0952		SFD = 23 SFA = 10
				Total: 97
BUSD ³	K-8	SFD = 0.369 SFA = 0.379	SFD = 730 SFA = 270	SFD = 269 SFA = 102
	9-12 ⁴	SFD = 0.1383 SFA = 0.0952		SFD = 101 SFA = 26
				Total: 498

As shown, using the 2012 SGR, the project would generate a total of approximately 595 students. These factors result in the project's current SGR to be lower than that included in the FEIR. Notwithstanding, the FEIR analysis remains unchanged. Even using the higher SGR impacts associated with the increases in school aged students, impacts would be less than significant.

With respect to the comment that the FEIR should include of the 468 Senior Dwelling Units in the SGR calculations, the School Fee Justification Reports do not support the claim. While these homes would be required to pay school fees, there is no indication that they would be utilized in the factors to determine the number of students generated from the project site.

Project Student ADT Generation

As shown in Table 12.2 of the Lilac Ranch Traffic Impact Study (FEIR Appendix E), the project would generate 1,354 daily trips based on a total of 895 students. The calculation of ADT is based on a higher SGR than shown above, and is therefore based on a greater number of students than would be generated based on the

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	<p>C1d-47 (cont.)</p> <p>2012 School Fee Justification Reports. Table 12.2 does not take Senior Dwelling Units into account because these units do not account for the generation of students. However, as shown in the table below, even assuming the senior homes are added to this scenario, no additional significant impacts would occur as LOS D or better operations would be maintained at the subject study area intersections.</p> <p>Table 12.2 included in TIS Section 12.0, provides a supplemental analysis of a no school alternative; that is, if no school were built on the project site, how would this alternative affect study area traffic. The comment points out that in calculating the number of students that would be generated by the proposed project, the analysis excluded senior housing. However, as shown in the table below, even assuming the senior housing, no additional significant impacts would occur as LOS D or better operations would be maintained at the subject study area intersections.</p>
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**TABLE A
AM PEAK HOUR INTERSECTION LEVEL OF SERVICE RESULTS
EXISTING PLUS PROJECT BUILDOUT WITHOUT ON-SITE SCHOOL CONDITIONS**

Intersection	Traffic Control	With Project Buildout no On-Site School		Existing		Change in Delay (sec.)	Direct Impact?
		Avg. Delay (sec.)	LOS	Avg. Delay (sec.)	LOS		
18. W. Lilac Road / Covey Lane	TWSC	23.8	C	8.8	B	15.0	No
20. W. Lilac Road / Circle R Drive	OWSC	33.6	D	9.3	A	24.3	No
21. Lilac Road / W. Lilac Road	OWSC	25.8	D	9.6	A	16.2	No
22. Lilac Road / Old Castle Road	OWSC	33.1	D	11.8	B	21.3	No
23. Valley Center Rd / Lilac Road	Signal	15.2	B	10.5	B	4.7	No
24. Miller Road / Valley Center Road	OWSC	24.1	C	16.9	C	7.2	No
25. Cole Grade Road / Valley Center Road	Signal	37.2	D	31.1	C	6.1	No

Synchro analysis worksheets are included as Attachment to the response to comments.

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APPLICANTS CALCULATION	K-8 Students		High School Students		ADT/Student Factor		Total Student ADT Generation		Total ADT
	Students/ DU	Students	Students/ DU	Students	K-8	9-12	K-8	9-12	
	Dwelling Units (DU)								
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
SCHOOL DISTRICT CALCULATION	K-8 Students		High School Students		ADT/Student Factor		Total Student ADT Generation		Total ADT
	Students/ DU	Students	Students/ DU	Students	K-8	9-12	K-8	9-12	
	Dwelling Units (DU)								
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
UNDERSTATEMENT OF ADT									496

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

C1d-47, cont.

C1d-48

C1d-49

C1d-48 The traffic analysis with the on-site schools option was conducted under the assumption that the on-site school would attract additional external trips to/from the project site, including students from outside of the project area, delivery vehicles, and school staff trips. Students from within the project site are assumed to bike, walk, or be dropped-off by a parent. These trips would not leave the project site.

As shown in TIS Table 4.8, the project would generate 19,408 total trips with 15,151 external trips, resulting in a 22% internal capture. Under the off-site school alternative, the project would generate 18,334 total trips (due to the removal of the on-site school) with 14,932 external trips, resulting in a 19% internal capture. (TIS pp. 366-371.) As shown in the calculation above, without the on-site school, the project would have a lower internal capture rate, but overall trips would be reduced since the on-site school would attract trips from outside the area as well, which would no longer be generated under the off-site school scenario. Traffic impacts associated with the school use (should the school not be built) are accounted for in the projects Traffic Impact Study (FEIR Appendix E).

C1d-49 The trip generation comments contained in the referenced August 2013 comment letter addressed the commercial trip generation rates utilized in the originally circulated Draft EIR and corresponding traffic study, primarily the rate for a market to be included in the Town Center. In response, both the FEIR and corresponding TIS addressed the subject. (See FEIR, subchapter 2.3; TIS, pp.67-73.) In addition, responses to the August 2013 comment letter have been prepared and are included in these responses to comments. Please see responses to Letter 151L. As explained in the responses that follow, the trip generation rates utilized in the FEIR and corresponding TIS for the proposed market are correct.

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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.

C1d-49,
cont.

C1d-50

C1d-51

C1d-52

C1d-53

C1d-54

C1d-50 The FEIR and TIS contain quantitative support for the trip generation rates utilized in the traffic analysis. See FEIR, p. pp. 2.3-18 to 2.3-20; TIS, pp.61-73.

Specific to the commercial uses, the proposed project would include a neighborhood-serving general store located within the Town Center. (Lilac Hills Ranch Specific Plan (June 2014), p. III-67.) As described in TIS Section 4.3, p. 68, the town center would include a general store of up to 25,000 square feet of leasable area, designed as a rural general merchandise store that carries a broad selection of merchandise, staple food items, household goods and specialty items. The store would be intended as the place where people from the town and surrounding rural areas come to purchase general goods. The difference from a convenience store or grocery store is that the proposed store would be community-serving rather than a regional grocery store that typically exceeds 50,000 square feet of leasable area.

The trip generation rates utilized in the FEIR traffic analysis were developed utilizing SANDAG's Guide to Vehicular Traffic Generation Rates for the San Diego Region. (TIS, pp. 68-73.) Specific to the neighborhood serving commercial uses, including the general store, the analysis utilized the SANDAG "Specialty Retail/Strip Commercial" (SR/SC) of 40 vehicle trips per thousand square feet (ADT/1,000 SF). The shopping areas provided as examples of this category of use in the SANDAG Guide (e.g, Flower Hill Mall, Del Mar Plaza) include within the shopping area high traffic generating land uses such as sit down high turnover restaurants that independently would generate 160 ADT/1,000SF, fast food restaurants and convenience stores that independently would generate 700 ADT/1,000 SF, and a small general market. Thus, despite the presence of a number of high traffic generating land uses, SANDAG has assigned a trip rate of 40 ADT/1,000 SF to these areas, which accounts for the fact that each use is located within walking distance of the other uses – one vehicle trip to Flower Hill, for example, would potentially enable the driver to visit a half dozen different businesses without generating additional vehicle trips, thereby substantially reducing the number of trips that otherwise would be generated if these uses were situated in different locations requiring a separate trip to each location. Similarly, Lilac Hills Ranch is to be developed into a pedestrian-oriented self-sustainable community in which all of the residential units would be located within one-half mile of the

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	<p>C1d-50 (cont.)</p> <p>community serving commercial areas, and the commercial areas would include multiple businesses. Overall, 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 SC/SR rate, the proposed project land uses are expected to generate less traffic than what the SANDAG-defined commercial uses would generate and, therefore, the SR/SC rate is the most appropriate for the analysis.</p> <p>To illustrate the propriety of use of the 40/1,000 SF trip generation rate for the Lilac Hills Ranch commercial/retail uses, the project traffic engineer worked with SANDAG to conduct a new select zone assignment that replaced 25,000 SF of space analyzed in the TIS at the SR/SC rate of 40/1,000 SF with a “supermarket” trip rate of 150/1,000 SF, which is the rate typically applied to high traffic, large-scale grocery stores such as Von’s or Ralph’s. And, in response to comments submitted on the originally circulated Draft EIR, the new select zone assignment also replaced 28,500 SF of single-tenant office space analyzed in the TIS at a rate of 14/1,000 SF with 28,500 SF of space analyzed at the “standard commercial office” trip rate of 20/1,000 SF. All other land uses, amounts and trip rates utilized were unchanged from those in the TIS. The purpose of the analysis was to determine whether use of these higher trip generation rates for these two use types would alter the results of the analysis presented in the TIS.</p> <p>The results of the analysis showed that the two alternative land uses would result in a higher internal capture rate and lower external rate than resulted in the TIS, which reflects the higher attraction rate attributable to a “supermarket” use than “specialty retail/strip commercial” uses. This increased internal capture, in turn, resulted in the number of external trips being almost identical to the number that would be generated under the land uses and corresponding trip rates utilized in the TIS. Therefore, the conclusions reached in the TIS would not change even if different trip rates had been utilized for the proposed uses</p> <p>C1d-51 Please see Response to Comment C1d-40 for information responsive to the comment.</p>
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	<p>C1d-52 Please see Responses to Comment C1d-47.No further analysis of the trip generation rates utilized in the TIS is warranted.</p> <p>C1d-53 The comment is incorrect; overall internal trip capture is unchanged at 22%. As explained in the TIS at pp. 66-67, the proposed Lilac Hills Ranch project includes residential, commercial, office, school, and recreational uses and not all trips generated would leave the project site given the nature of the project land uses. Estimates for internal versus external trip generation percentages were developed based upon likely origins/destinations of each land use type. JProject trips were disaggregated into those that would remain within the project site (internally captured), and those that would leave the project site (external trips). Only external trips were distributed and assigned to the study area roadways at project buildout.</p> <p>As shown on TIS Table 4.8, 22% of daily trips, 30% of AM peak hour trips, and 22% of PM peak hour trips were considered as internal trip capture rates for the TIS. The higher AM peak hour internal capture rate is attributable to the proposed on-site K-8 school; according to SANDAG’s trip generation guide, approximately one-third of school trip generation occurs during the AM peak hour. Therefore, a higher AM peak hour internal capture rate was utilized.</p> <p>For comparison purposes, and to validate the internal capture rates utilized in the TIS, a SANDAG Select Zone Assignment was conducted with all land uses modeled in one Traffic Analysis Zone (TAZ). The model output identified a 28.8% overall daily internal capture rate (as noted above, the TIS utilized a 22% daily rate). An ITE Multi-Use Trip Generation Calculation also was performed and it resulted in internal capture rates of 22.2% (daily), 35.8% (AM peak), and 22.3% (PM peak). (TIS, pp. 66-67.)</p> <p>C1d-54 The 2013 traffic study assumed Phases 4 and 5 of the project would utilize Mountain Ridge Road. The current site plan limits the use of Mountain Ridge Road to only Phase 5, which is the reason for the decrease in Mountain Ridge Road traffic and the increase in Covey Lane traffic when comparing the two reports. Under this scenario, the balance of the Mountain Ridge road trips would use the project access points to Main Street.</p>
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C1d-54 (cont.)

In addition, the two 7.2 Tables, (in the 2013 and 2014 reports) are not comparable since the 2014 table includes cumulative project traffic as well. However, a comparison of the traffic in Table 7.2 of the 2013 report to Figure 4.14A in the 2014 report shows the total volumes are almost identical, with the only difference being due to rounding.

	June 2013 TIS (Table 7.2)	June 2014 TIS* (Table 7.2)	June 2014 TIS (Figure 4-14A)
Mountain Ridge Road	2,260	1,190	840
Covey Lane	920	1,390	1,190
Main Street (West)	8,430	9,300	9,300
Main Street (East)	1,040	1,340	1,340
Total	12,650	13,220	12,670
Different (2014 vs. 2013)		-570	-20

*Includes project and cumulative traffic

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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

C1d-54, cont.

C1d-55

C1d-56

C1d-57

C1d-58

C1d-59

C1d-55 Please see the Global Response: Off-Site Improvements – Environmental Analysis and Easement Summary, which describes the respective off-site improvements, corresponding environmental analysis, status of easement rights, and affected properties.

C1d-56 The potential noise impacts associated with construction of the proposed project are addressed in FEIR subsection 2.8. Project grading is addressed in FEIR Chapter 1.0. With respect to the net import or export of fill, project construction would be a balanced cut/fill operation, as shown on FEIR Table 1-4. During construction phasing, however, there would be some areas with a net cut and others with a net import. Those sites with net cut would be used as borrow sites. For example, there would be nearly one-half million cubic yards of net cut in Phase 3A, which is located directly adjacent to Phase 1. This area would be used for stockpiling, as needed through the subsequent phases.

C1d-57 Whether the definition of soil ought to be revised in County guidance is beyond the scope of the EIR analysis. Please see Global Response: Agricultural Resources, Indirect Effects for information relevant to this comment based on existing resources.

C1d-58 To attempt to predict the evolution of agriculture during the timeframe corresponding to the build-out of this project would be speculative. Regardless, the Agricultural Resources Report (FEIR Appendix F, subchapter 3.2) and the Global Response: Agricultural Resources, Indirect Effects discusses the mitigation measures and project design considerations (and their effectiveness) which would be in effect along the boundaries of the project regardless of the types of agriculture that may or may not be occurring in the future.

C1d-59 See response to comment C1d-57.

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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.

DEIR: Subchapter 2.4 Agricultural Resources

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

C1d-59, cont.

C1d-60

C1d-61

C1d-62

C1d-63

C1d-64

C1d-65

C1d-66

C1d-60 See Global Response: Agricultural Resources, Indirect Effects for information relevant to whether the project would impact adjacent active agricultural operations. Relative to the request for a study to be performed at the state, national, and international level, the need to perform these studies is an opinion of the commenter and is not supported by the County or CEQA Guidelines.

C1d-61 See Global Response: Agricultural Resources, Direct Effects for information relevant on the various rating systems used to evaluate agricultural resources within the project site. The global response also provides information supporting the appropriateness of the evaluation relative to San Diego County agricultural types. The need to perform studies at the state, national, and international level is an opinion of the commenter and is not supported by the County or CEQA Guidelines.

C1d-62 See Global Response: Agricultural Resources, Indirect Effects for information relevant to the economic viability of agriculture within Valley Center as well as other indirect and "edge" effects that have the potential to impact the ongoing viability of agriculture adjacent to the project site.

C1d-63 See Global Response: Agricultural Resources, Indirect Effects as well as the FEIR Appendix K, Section 3.2 which provide information about indirect impacts relative to the agricultural operations surrounding the project site. Three mitigation measures and three project design considerations would be implemented. These measures would reduce the impacts associated with limitations and restrictions to below a level of significance. The analysis focuses on immediately adjacent land uses and those within one mile. The need to analyze impacts at a regional, national, or international level is an opinion of the commenter and is not supported by the County or CEQA Guidelines.

C1d-64 As discussed above, the analysis focuses on immediately adjacent land uses and those within one mile. The need to analyze impacts at a regional, national or international level beyond the scope of the FEIR is not supported by the County or CEQA Guidelines.

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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

C1d-66, cont.

C1d-67

C1d-68

C1d-69

C1d-70

C1d-65 The County does not contract with AFT to evaluate private project applications. The AFT did not provide a comment letter within the 45-day public review period for this project. Thus, this comment does not raise an environmental issue within the meaning of CEQA. Further, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

C1d-66 See Global Response: Agricultural Resources, Indirect Effects as well as the FEIR Appendix K, Section 3.2 which provide information about pesticide use relative to the proposed on-site land uses and the surrounding off-site agricultural operations.

C1d-67 See Global Response: Agricultural Resources, Indirect Effects for information relevant to state pesticide regulations, aerial applications, "drift", the potential to cause indirect impacts through restrictions, and the mitigation measures and project design considerations proposed by the project.

C1d-68 The commenter's statement that regulations require schools to be further than one mile from agricultural operations is not accurate. As discussed in subchapter 2.7 of the FEIR, the California Education Code (CEC) establishes the law for California public education. The CEC requires that the DTSC be involved in the environmental review process for the proposed acquisition and/or construction of school properties that will use state funding. The CEC requires a Phase I ESA be completed prior to acquiring a school site or engaging in a construction project. Depending on the outcome of the Phase I ESA, a Preliminary Environmental Assessment and remediation may be required. The FEIR goes on to state "Moreover, prior to the siting of a school, the local education agency is required to consult with local officials to identify facilities within one quarter mile of the proposed site that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes. Where such facilities are present within one-quarter mile of a proposed school site, the local education agency is required to make a finding either that no such facilities were identified; or that they do exist, but the health risks do not or will not constitute an actual or potential endangerment of public health at the site or that corrective measures will be taken that will result in emissions mitigation to

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RESPONSE

	<p>C1d-68 (cont.) levels that will not constitute endangerment. Therefore, based on conformance with the described requirements for hazardous materials, the project would result in less than significant impacts related to the location of the proposed school site.” Lastly, FEIR Appendix K (bottom of page 72) discusses the agricultural uses within one-mile of the school; and discusses potential health concerns, the applicable regulations, and the features of the project design used to preclude significant impacts in Section 3.2.2.1.</p> <p>C1d-69 As discussed in FEIR Appendix K Section 3.2.2, aerial applicators are required by law to use all precautions to prevent pesticide “drift” into a neighboring property; these are required regardless of the type of land use occurring on the adjacent parcel. As with schools, there are no existing regulations in place which would prevent group residential being placed within one-mile of active agriculture. As discussed in FEIR Appendix K Section 3.2.2.5, there are no records of aerial spraying occurring nearer than 2,900 feet; however, in the event that the nearest agricultural operation to the group residential site makes the decision to utilize aerial spraying in the future, the spraying would occur 600 feet from the boundary of the group residential site. Any other changes in land use beyond the decision to utilize aerial spraying (or not) would be speculative and analysis is not required.</p> <p>C1d-70 The on-site retained agriculture would be maintained by the HOA as detailed in Part III of the Specific Plan.. Because of the nature of the on-site agricultural uses being located within a primarily residential neighborhood; the groves and other retained agriculture would be managed using organic principles and no aerial spraying would occur. Therefore, with respect to on-site agriculture, no impacts would result from the storage or use of hazardous materials or with “drift.” Off-site hazardous materials use is addressed through regulatory compliance (see FEIR subchapter 2.4). See also, Global Response: Agricultural Resources, Indirect Effects.</p>
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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.

C1d-70, cont.

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.

C1d-71

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.

C1d-72

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.

C1d-73

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.

C1d-74

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

C1d-75

2.5.1.2 Vegetation Communities

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

C1d-71 By the commenter's admission, "little is known about its spread or prevention . . . makes management of these and any potential future pests nearly impossible." The agricultural components which would continue on the site after build-out would be managed by professionals hired by the HOA who would implement industry standard practices to prevent the spread of pests. Because of the unknown nature of this particular pest, the necessity of further studies at this juncture would be speculative, and further are not required pursuant to CEQA.

C1d-72 See Global Response: Agricultural Resources, Indirect Effects for information relevant to nighttime lighting and potential incompatibility impacts to adjacent agricultural operations. With regard to impacts on future residential uses, the combination of agricultural buffers, LBZs, fencing, and the two rows of trees (M-AG-2, 3, and 4) along the project boundaries that border an agricultural operation would serve to mitigate any potentially significant impacts to below a level of significance.

C1d-73 The first part of this comment restates a portion of the FEIR but does not raise an environmental issue within the meaning of CEQA. See Global Response: Agricultural Resources, Indirect Effects for information relevant to the edge effects mentioned in the first part of this comment. With regard to the statement about "wiser" uses than those proposed expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

C1d-74 See Global Response: Agricultural Resources, Indirect Effects for information relevant to a broad spectrum of agricultural compatibility-related issues as well as proposed mitigation measures and project design considerations. Given the depth and breadth of information provided in the FEIR, FEIR Appendix K, and the Global Response: Agricultural Resources, Indirect Effects, further studies comparing saturation of uses is not warranted and no further response is required pursuant to CEQA. However, this comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

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?

C1d-75, cont.

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.

C1d-76

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?

C1d-77

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?

C1d-78

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,

C1d-79

C1d-75 and C1d-76

Plant species on the County's List D are considered plants of limited distribution and are uncommon, but not presently rare or endangered. Therefore, significance of impacts is based on the estimated population size found on-site compared to the estimated regional population (the entire range of the particular species). A larger population in relation to the regional population would generally indicate a greater significance. While there is not quantitative data available on the population sizes of these species within the region, the FEIR relies on the best available scientific literature available that defines the species range and occurrence. The County agrees that "rare, threatened or species of concern are less numerous in most plant formations." The three subject plant species are not considered rare or threatened, and the current concern for these species is not at a level that warrants significance for the project's impact to these species.

More specifically, development of the project would not directly impact any on-site Engelmann oak or southwest spiny rush because the on-site species would be protected within the project's biological open space. The project would result in impacts to prostrate spineflower. These impacts were evaluated and were determined to be less than significant because (1) the number of individuals being affected is low, and (2) available data indicate this plant is relatively abundant in its range. In addition, the prostrate spineflower observed on-site was located within southern mixed chaparral habitat and 26 acres of this appropriate habitat for the species would be preserved on-site within biological open space easements, with another 24.5 acres of off-site habitat preservation required as a condition of the project.

LETTER

RESPONSE

	<p>C1d-77 The determination of a significant population for a particular sensitive plant species was made using the best available information which included the Reiser publication, draft North County MSCP, species ranges, estimated population observed on the property, and other factors. The use of a species range along with specific habitat requirements for a species is useful in the determination of a significant population, but not necessarily the only factor. While there is agreement with the points made by the commentor regarding a species range, the range of a particular species is more than a geographical area it is also the distribution of suitable habitat within that area and known occurrences of the species. In addition, the sensitivity level for the species in question helps in the determination of a significant population, for example, all populations of a listed endangered and/or threatened species would be considered significant.</p> <p>C1d-78 Please see Response to Comment C1d-77 for information responsive to the comment Population sizes on the site were estimated based on observations made during field surveys. No additional population size studies were conducted or are known for this area.</p> <p>C1d-79 The calculation of survey effort cannot be made by simply dividing the numbers of survey hours by the total acreage of the site. Surveys for rare plants were concentrated in those areas containing suitable habitat for the plant species. Significantly less survey time was spent in active agricultural areas, which make up a large acreage of the site, as these areas have been disturbed (i.e., no native habitat, native soils are disturbed, etc.) for decades and have an extremely low probability of supporting any native species. Additionally, field efforts can cover multiple tasks because some surveys take up a small portion of the day, after which the biologist is free to shift to other survey tasks.</p>
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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].

C1d-79, cont.

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?

C1d-80

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?

C1d-81

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

C1d-82

To where would birds and larger mammals be dispersed?

C1d-83

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

C1d-84

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

C1d-85

C1d-80 Surveys for rare plants were part of every field visit. Plant species observed were documented over the entire survey period starting in February and ending in July 2011 so that the entire blooming season for sensitive plant species was covered. The entries in Table 1 that refer to a rare plant survey came later in the season because at this point suitable habitat areas were being revisited to catch the species that bloom in late spring-early summer. Although 2011 was drier than normal, the plant species observed that season did not appear to show the effects of a prolonged drought as the list of plant species observed, including sensitive plant species, was comprehensive.

C1d-81 and C1d-82

Due to the mobility of reptiles, amphibians, and small mammals, the FEIR discloses that these lower mobility species have a greater chance of being impacted by construction activities. The population densities of amphibians, reptiles, and small mammals that may be impacted by construction operations are not known, but based on population estimates for these species, founded on observations made during numerous site surveys, and the potential for animals to escape impact, losses are anticipated to be relatively low numbers.

C1d-83

Birds and larger mammals would disperse to adjacent undisturbed areas. The chances for survival of birds, reptiles, amphibians, and small mammals displaced by the construction activities is anticipated to be high as they are mobile enough to find habitat to support them. The chances for survival of larger mammals (e.g., deer, coyote, etc.) displaced by construction activities depends on their ability to find suitable areas adjacent to the project site large enough to support them. Currently, there is enough undisturbed area adjacent to the project site that survivorship of larger mammals displaced would be considered moderate to high.

C1d-84

Please see response to comment C1d-83 above.

C1d-85

The coastal California gnatcatcher is a resident species and detectable at any time of the year.

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?

C1d-85, cont.

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?

C1d-86

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.

C1d-87

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.

C1d-88

C1d-85 (cont.)

Additional surveys for this species would be required as part of other Wildlife Agency approvals. Although the surveys were conducted in early summer, they were well within the breeding season. The current approved survey protocol for the coastal California gnatcatcher requires a minimum of seven days between surveys, which was met by the project surveys. The surveys conducted for the project meet the current Wildlife Agency protocol guidelines; therefore, additional surveys at this time are not required or necessary.

C1d-86

The least Bell's vireo survey was conducted on the project area at the time of the surveys. The survey did not cover all suitable habitats now within the current project area. An updated survey for least Bell's vireo was conducted in 2014 to cover areas not within the project boundary at the time of the initial surveys. The results of these additional surveys were negative. The survey report is included in the FEIR, Appendix G. It is also expected that updated surveys for the least Bell's vireo will be required as part of future Wildlife Agency approvals for the project.

C1d-87

The entire project site has been evaluated for the potential to support sensitive species or their habitat, but only certain areas of the site are considered suitable habitat for certain species such as least Bell's vireo. As indicated above in response C1d-67, surveys were completed for least Bell's vireo in 2014 that cover all areas of the site potentially suitable for this species. The results of these additional surveys were negative. The survey report is included in the FEIR, Appendix G. It is also expected that updated surveys for the least Bell's vireo will be required as part of future Wildlife Agency approvals for the project.

All project areas for potential to serve as coastal California gnatcatcher habitat have been surveyed. Additional 2014 surveys for the coastal California gnatcatcher were not completed because the additional project acreage was not suitable coastal California gnatcatcher habitat. As detailed in response to comment C1d-66, a second survey has not been required by the County but additional surveys for this species would be required as part of other Wildlife Agency approvals.

But, neither species is accounted for with surveys that took place in daylight hours.

C1d-88, cont.

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?

C1d-89

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?

C1d-90

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?"

C1d-91

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?

C1d-92

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?

C1d-93

On what basis was the determination made that on-site populations of the 13 species

C1d-94

C1d-88 A focused habitat assessment for the Stephens' kangaroo rat was conducted on the site. This habitat assessment concluded that little to no suitable habitat to support this species is present in the project site due to various factors. The majority of the known historic occurrences of Stephens' kangaroo rat in the vicinity of the project are decades old and for the large part have been extirpated, reducing the likelihood of this species to occur on the site due to the lack of a source of animals.

C1d-89 The Biology Report (FEIR Appendix "G"), based on a site assessment, adequately disclosed that there is a moderate potential for mountain lion to utilized the project site due primarily to availability of prey species on the site. With that disclosure, further surveys were not deemed necessary to disclose the mountain lions potential use of the site. The Biology Report was prepared by a County approved biological consultant. The proposed mitigation will be comprised of similar habitat which would be expected to contain similar prey species and would therefore adequately mitigate any potential impacts to mountain lion and the loss of foraging habitat. To clarify, the project would not impact 608 acres, and 104.1 acres are preserved in permanent biological open space. The Biology Report studied the impacts of the project and the effect to the local and regional populations and habitat, and determined impacts are less than significant with the mitigation described in the FEIR.

C1d-90 Habitat assessments, focused surveys, and evaluations of the potential for occurrence for each of the threatened or endangered listed species referred to in the comment were performed and the results of this analysis included in the Biology Report and summarized in the FEIR. The biological surveys conducted on the property followed the adopted County guidelines and are considered appropriate for the proposed project. The potential for these species to occur on-site is low given the habitats present on the property.

C1d-91 A regionally significant population, as referenced in the FEIR is generally used to describe the fact that the numbers of observed sensitive species on the project site were considered small in comparison to the regional population of the species as understood from scientific literature. For example, some of the species identified on-site are widespread in the region. When comparing a small on-site population to the larger, widespread, and commonly occurring population, the small on-site population would not be described as regionally significant.

LETTER

RESPONSE

	<p>C1d-91 (cont.) Regarding estimates of on-site population densities, the FEIR documents the results of various biological resource surveys conducted over 31 individual days from 2011 through 2012. The dates and type of survey are documented in Table 1 of Appendix G of the FEIR. The numbers of individual species documented on-site represent the population observed during surveys and are not intended to capture the complete number of individuals that may be present on-site. The FEIR recognizes that the habitats on-site may support additional individuals of the species. A complete population count of the sensitive species on-site is not required because a significant portion of the native habitat on-site would be retained in biological open space which would continue to provide habitat for sensitive species.</p> <p>It is not only range, but also the frequency of occurrence and prevalence of habitat to support the species that is considered when determining the significance of a local population. The County agrees that the loss of local populations can ultimately reduce regional populations of a species; however, species specific significance determinations are made based on the extent of the impact to the species, its habitat, and its frequency of occurrence in the region. Loss of a sensitive species in itself does not represent a significant impact; rather it requires consideration of these various factors.</p> <p>C1d-92 Ranges for species do include all areas and types of habitats within their boundaries. The extent and density of the different types of habitat are not known specifically for each species range. See response to comment C1d-91 above.</p> <p>C1d-93 Historical ranges for every species have likely diminished. Those species that have lost the most historical range and/or the most individuals are those species listed as endangered or threatened by federal and state resource agencies. The draft North County MSCP focuses on the preservation of the larger, higher quality habitat blocks that are considered to contain the largest populations of sensitive species, allowing smaller less viable and fragmented habitat areas that support smaller populations of species outside of these core resource areas to be considered for development. Refer to response to comment C1d-91, above, for additional detail as to how the determination of significance is made.</p>
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LETTER

RESPONSE

	<p>C1d-94 The FEIR conclusions for impacts to sensitive species are based on site specific surveys for sensitive species as documented in Table 1 of Appendix G of the FEIR. Attachments 9 and 11 of Appendix G document the sensitive plant and wildlife species with the potential to occur on-site, their likelihood of occurrence and the factual basis for this determination. Significance conclusions consider their occurrence on-site, the suitability of the on-site habitat to support sensitive species, their relative abundance in the region, and the regional abundance of their preferred habitat. As most of the project site (approximately 76 percent) is marginal habitat (agricultural land, disturbed land, currently developed land) and the sensitive biological resource areas would be preserved on-site and off-site in conservation easements, the project would not result in a significant loss of habitat for the studied species. In addition, of the species with the potential to occur on-site, the FEIR demonstrates that a combination of the preservation of habitats suitable for these species, on-site or within draft PAMA lands, in combination with the abundance of species as documented in scientific literature as described in the Biological Resource Report in section 1.3.1 (Literature Review), would result in less than significant sensitive species impacts.</p> <p>The determination was made using the draft North County MSCP which focuses on the preservation of the larger, higher quality habitat blocks that are considered to contain the largest populations of sensitive species, allowing smaller less viable and fragmented habitat areas that support smaller populations of species outside of these core resource areas to be considered for development. The project site is outside of the draft North County MSCP PAMA areas, which are the most important locations for preservation of habitat and species.</p> <p>The Biological Resources Report relies on the regional MSCP planning efforts within the county and southern California as the basis for the determination of where the highest quality habitats and regionally significant populations of sensitive species occur in relation to the project. Refer to response to comment C1d-91, above, for additional detail as to how the determination of significance is made. For example, under section 3.2.5 Preserve Components for the PAMA, the Draft North County Plan states, "This concept (PAMA) develops the preferred preserve configuration</p>
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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?

C1d-94, cont.

C1d-95

C1d-96

C1d-97

C1d-98

C1d-99

C1d-94 around large contiguous area of habitat, areas supporting important species populations or habitat areas, and important functional linkages and movement corridors between them." The project is not within a high priority area for habitat conservation.

C1d-95 The FEIR includes observed numbers of sensitive species based on observations occurring during the course of numerous site visits occurring on suitable habitat. The dates and type of surveys completed are documented in Table 1 of Appendix G of the FEIR. Refer to Attachments 9 and 11 of Appendix G of the FEIR for a list of sensitive plant and wildlife species, with the potential to occur on-site. These attachments document whether or not the species were observed on-site and in what numbers. The numbers of individuals documented on-site represent the population observed during surveys and are not intended to capture the complete number of individuals that may be present on-site and the FEIR recognizes that habitats on-site may support additional individuals of the species.

The significance of an on-site population is dependent on various factors, further detailed in response to comment C1d-72. It is reasonable to assume that the on-site populations of wildlife would be smaller after the project is built given that there would be less available suitable habitat. However, the report concludes impacts would be less than significant based on the low numbers of species observed on-site in comparison to their regional distribution. Other factors support this conclusion such as the fact that a majority of the site is agricultural land. For example, of the 505 acres to be affected by the project, 425.3 acres – more than 84 percent – are located on land that is currently being used for agriculture, is disturbed, or is already developed. (See Biology Report, Appendix G, Table 8.).

Project thresholds of significance were based on the County Guidelines of Significance – Biological Resources, available for the preparation of CEQA documents as discussed and detailed in the Biological Resources Report in section 3.0 (Special Status Species), Project impacts to the remaining habitat (approximately 79 acres) will be mitigated off-site as necessary, pursuant to ratios established by the County and/or the resource agency with jurisdiction over the impact (e.g., California Department of Fish and Wildlife). (Ibid.) In addition, the site does not provide habitat for all 50 special status species evaluated for the potential to occur. The potential for these

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	<p>C1d-95 (cont.) special status species to occur on the site was considered in light of the ecological and distributional characteristics for each; only those species that had a reasonably high potential to occur on the site were evaluated in detail.</p> <p>C1d-96 Section 3.2.6 of the Biological Resources Report and FEIR subchapter 2.5 address impacts to nesting and functional foraging habitat for raptors. Although these woodland habitats are not referred to directly by name, these habitats are contained within the native vegetation and agricultural lands discussed. These sections also state that indirect impacts as a result of edge effects may be considered significant. The proposed mitigation measures to avoid direct and indirect impacts to raptors during the breeding season would be implemented through conditions placed on the project that restrict construction activities during the breeding season, if raptor nests are found to be within the impact area. Pre-construction surveys by qualified biologists would be required prior to any clearing or removal of vegetation/trees to ensure that nests are discovered before impacts occur. If active raptor nests are discovered the nest and vegetation within 300–500 feet of it would be avoided until the young have fledged.</p> <p>Nesting raptors, if discovered during construction activities will be protected from edge effects as detailed in the FEIR, subchapter 2.5 and Table 1-3. Restrictions would be a condition of project approval and included in Wildlife Agency permits. If the attenuation measures are properly implemented then their effectiveness is quite high. Finally, the comment regarding the location of Table 1-3 is referencing information from the Draft EIR that was circulated for Public Review in 2013. The Draft REIR circulated for review in 2014 included Table 1-3 on Page 1-52 of Chapter 1.0.</p> <p>C1d-97 Please see response to comment C1d-96 above.</p>
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	<p>C1d-98 All phases of the project would be required to conform to all conditions of approval including those relating to construction restrictions relating to seasonality and time of day. Specifically, prior to any grading or native vegetation clearing during the nesting/breeding season for raptors (roughly from mid-February through mid-July), a “directed” survey shall be conducted to locate active raptor nests, if any. If active raptor nests are present, no grading or removal of habitat will take place within 500 feet of any active nesting sites. The project proponent may seek approval from the Director of PDS if nesting activities cease prior to July 15. Please see also response to comment C1d-96 above.</p> <p>C1d-99 The blasting component of the grading operations would be timed to avoid the raptor nesting period. If an active raptor nest is within 500 feet of a blasting location then the blasting activity would have to occur after the young have fledged. Any blasting that must occur during the raptor breeding season, roughly from mid-February through mid-July, and must comply with the raptor breeding season restrictions if an active nest is discovered within 500 feet of the construction activity. Implementation of the measures designed to avoid impacts to active raptor nests would reduce any impacts on raptors to a level below significant. Please also see, response to comment C1d-98.</p> <p>County Guidelines for Determining Significance as discussed and detailed in the Biological Resources Report in section 3.1 (Guidelines For Determination of Significance) do not require biological mitigation for the conversion of agricultural land. Native habitat areas and grasslands provide the highest quality raptor foraging land and the project would mitigate the loss of these types of habitats. Raptors in the area would adjust their foraging area to include un-disturbed lands surrounding the project site.</p>
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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-

C1d-99, cont.

C1d-100

C1d-101

C1d-102

C1d-100 On-site biological open space area and associated buffers will help reduce potential edge effects and provide for the maintenance of local secondary wildlife movement corridors. Potential edge effects to biological open space areas preserved on the site shall be reduced by providing the open space buffers and limited building zone setbacks from the boundaries of the conserved native habitats. These setbacks in conjunction with project design features, such as barriers to dampen noise and restrict encroachment by humans and pets, lighting restrictions (shielding, directing away from open space) and the implementation of Best Management Practices during and after construction will help reduce potential edge effects. Long-term management of the buffers, fences, and signage adjacent to open space areas as approved in the Resource Management Plan shall ensure that these features function to reduce potential edge effects in the future. The FEIR, M-BIO-2, requires preparation of a Resource Management Plan (RMP). As detailed in M-BIO-2, the RMP shall address site preparation, irrigation system requirements, on-site culvert maintenance to allow for wildlife passage, plant palettes, installation procedure, and describe the maintenance and monitoring program for both the establishment of mitigation areas and the enhancement of mitigation areas per the project conceptual wetland revegetation plan (FEIR Appendix G, Attachment 16) or requirements for habitat selection contained in the conceptual resource management plans (FEIR Appendix G, Attachments 17 and 18). The RMP will include success criteria for the creation, restoration, and/or enhancement of native habitats. In addition, the RMP would be required to achieve the following goals:

1. Preserve and manage the open space lands to the benefit of the flora, fauna, and native ecosystem functions reflected in the natural communities occurring within the RMP land.
2. Manage the land for the benefit of sensitive plant and wildlife species and existing natural communities, without substantive efforts to alter or restrict the natural course of habitat development and dynamics.
3. Reduce, control, and where feasible, eradicate non-native, invasive flora and/or fauna known to be detrimental to native species and/or the local ecosystem.
4. Maintain the character and function of certain agricultural areas within the wetland buffer and open space area. (Refer to MM-BIO-2.)

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	<p>C1d-100 (cont.) Implementation of the RMP will be assured by a project condition established by the County that includes assurances that funding will be provided to maintain the RMP as required will ensure that the features designed to reduce edge effects would not compromise on-site mitigation. The RMP will identify the entity that will be responsible for its implementation in perpetuity.</p> <p>C1d-101 The loss of raptor foraging habitat is being mitigated through the avoidance of the habitat within the on-site open space and the purchase and preservation of off-site native habitats. The proposed on-site open space is not counted as mitigation, but rather as impact neutral areas set aside for avoidance of Resource Protection Ordinance (RPO) wetlands. The proposed creation and/or restoration of wetlands are required by the RPO, which requires that all impacts to wetlands include a creation/restoration component.</p>
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RESPONSE

Chapter 2: Significant Environmental Effects of the Proposed Project 22

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?

C1d-102, cont.

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.

C1d-103

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?

C1d-104

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?

C1d-105

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?

i.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.

C1d-106

The wetland restoration and development areas [= open spaces] are biologically surveyed and mapped. Why is the plan not already developed beyond a conceptual state?

C1d-102 If mitigation land to cover the impact area to be graded has not already been purchased, then the applicant would be required to purchase mitigation acreage for the areas to be graded in future phases before the grading in those phases could begin. See, Mitigation Measure M-BIO-1. Implementation of the measures designed to avoid impacts to nesting raptors would reduce any adverse effects on raptor nesting during construction.

C1d-103 The black-tailed jackrabbit is considered a covered species under the regional MSCP planning efforts in southern California. These planning efforts have been designed to preserve large blocks of native habitats used by this species; therefore, allowing for the determination that the small population of this species found on the project site would not be a significant impact. In addition, it is likely that these black-tailed jackrabbits on-site would avoid direct impacts from the project by moving to adjacent undisturbed lands within the biological open space on-site or to off-site areas of habitat. It is doubtful that the black-tailed jackrabbit population on the project site is the last within the region as the species is widespread throughout the southwest and midwestern United States and Mexico as documented in the Jameson and Peeters 2004 report.

C1d-104 As noted in the Hydrogeological Assessment for Lilac Hills Ranch, six existing wells on the property have been pumping groundwater for at least five years with no evidence of groundwater table drawdown. Since the project is not anticipated to result in pumping at rates greater than existing conditions, no significant impact is anticipated. The estimated production of these wells is 191 acre-feet per year. The HOA will own and operate the groundwater wells and would be responsible for any restrictions imposed on groundwater pumping as a result of project approval. As a result, a less than significant impact to groundwater-dependent habitat is anticipated. Should the wells be accepted and used by VCMWD, it would be up to that agency to determine the safe yield and operate the wells in a manner that would not be detrimental to the groundwater basin. The water district would also be responsible for implementing any water use restrictions, as they do today. The goal of the wetland mitigation is to create and restore self-sustaining wetlands that do not rely on supplemental irrigation water. Therefore, the project is not anticipated to impact the long term groundwater levels and there

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	<p>C1d-104 (cont.) should not be a need to provide groundwater irrigation to the mitigation areas after the five year establishment period when the wetland restoration areas are expected to be self-sustaining.</p> <p>C1d-105 After the dedication of the open space easement, the wells would continue to be the responsibility of the project HOA. As stated in the FEIR subchapter 3.1.7, the project will continue withdrawal the historical amount of 191 afy of groundwater. As discussed in FEIR subchapter 2.5, the groundwater extraction rates for the project would not exceed the current rates of extraction therefore extraction would not have an impact on the long term ground water levels or wetlands as discussed in response C1d-104. In addition, the proposed application of 700 acre-feet of recycled water, potable water, and groundwater over the site has the potential to increase the groundwater recharge rate over the existing condition, Separately, the HOA could restrict groundwater extraction as a means of preservation in a drought situation to mitigate impacts to the long term groundwater levels . The intention of the 5-year restoration period is to assure the on-going vitality of the wetland areas due to the establishment of the plants root systems and overall increase vitality of the plants. The implementation of the RMP and the increased groundwater recharge would allow the continuing irrigation of the wetland areas. There is no priority system that would require water use to be diverted to open space and wetland areas during drought conditions.</p>
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Chapter 2: Significant Environmental Effects of the Proposed Project 23

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

C1d-106, cont.

C1d-107

C1d-108

C1d-109

C1d-110

C1d-106 It is County practice to require preparation of a Conceptual Resource Management Plan (CRMP) during this planning phase of the project. A CRMP was prepared for the on-site open space and off-site mitigation areas and is included as Attachments 16 and 17 to the Biological Technical Report, Appendix G. These attachments were prepared in accordance with the requirements of the "County of San Diego Report Format and Content Requirements – Conceptual Biological Resources Management Plan" (2010). At this time there are several unknown factors that prevent the preparation of the final resource management plan including the identification of a management entity, and a detailed costs analysis. In addition, the location of the off-site habitat preservation area has not been determined at this time. Once an appropriate habitat area is identified, a biological resource survey will be required to document the condition of the biological resources on-site and evaluate the consistency of these resources with the required mitigation. The details of the CRMP for on-site and off-site areas may be modified when the Final Resource Management Plans (RMPs) are prepared and submitted to the County for approval. The County will review the Final RMPs to ensure that the plans meet the specified purpose and objectives. A description of the mitigation strategies, performance standards and management goals and actions are described in the CRMPs (Attachments 16 and 17) and in M-BIO-2. The existing CRMP contains the details of the information needed to prepare the final resource management plan. Once this information is available, the final resource management plan can be prepared and approved.

C1d-107 The specific resource management entity for the open space areas has not yet been determined, but will likely be a private entity or conservancy type entity.

C1d-108 The easements will be funded by one of the following financial mechanisms: Special District (e.g., Community Facility District), a non-wasting endowment, annual fees, or transfer of ownership to an existing entity for management as outlined in the Conceptual Resource Management Plan. The Final Resource Management Plan would identify the specific financial mechanism to be implemented and the final conditions of approval will identify when the financial mechanism will need to be in place.

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].

C1d-110, cont.

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?

C1d-111

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?

C1d-112

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?

C1d-113

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.

C1d-114

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

C1d-115

C1d-109 Animal movement is discussed in detail in FEIR subchapter 2.5. Specifically, FEIR subchapter 2.5.2.4 finds that while the project would reduce existing blocks of native vegetation, the local wildlife corridors identified on-site are not recognized as important regional linkages in the draft North County MSCP. Nonetheless, no barriers would be created that would isolate portions of the riparian habitat within the local wildlife movement corridors from breeding or foraging habitat, or prevent access to water sources necessary for reproduction. The 50-foot buffers would be in addition to LBZ areas. The buffers and LBZ in combination have been determined to be ample to protect the native habitat from edge effects. In some places the buffers and LBZ provide 100-feet of separation. Additionally, the movement of wildlife would continue through the project site via culverts. The culverts can function as wildlife corridors and are sufficient for small terrestrial animals to avoid crossing over roads. Larger terrestrial animals would not use the smaller culverts; additionally, large mammals that are anticipated to occur infrequently on the site (such as mountain lions) are not generally inclined to use culverts. Avian movement through the site would be minimally affected, as birds would be able to continue to use the riparian woodlands by flying along the habitat corridor and over road crossings. The term nursery sites in this context refers to areas where migratory species use areas along their migration routes for breeding activities. Surveys and habitat assessments for the least Bell's vireo and southwestern willow flycatcher, both migratory avian species with the potential to occur on the site, concluded that these species are not using habitat on the site for breeding purposes. No other migratory species have been identified as having the potential to use habitat on the site for breeding activities. Thus, it was concluded that the project site does not support nursery sites for migratory wildlife and would have no impact to nursery sites.

C1d-110 Cumulative impacts to biological resources are addressed in FEIR subchapter 2.5.3. The selected cumulative project area represents those projects surrounding the project site with similar resources, habitats and within the same watershed and local ecological conditions as a means to analyze potential cumulative loss of these resources. The cumulative impacts analyses were completed in compliance with County Guidelines and the California Environmental Quality Act (CEQA). The FEIR also includes an analysis of consistency with General Plan policies. Refer to subchapter 3.1.4 and in Appendix W of the FEIR for this analysis.

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	<p>C1d-111 through C1d-114</p> <p>These comments on the County's approach for cumulative impact analyses are noted. However, the cumulative study area and list of cumulative projects were developed following the CEQA Guidelines and the County EIR preparation guidelines. Specifically, as required by CEQA Guidelines section 15130 (b)(1), the project's discussion of cumulative impacts analyzes "a list of past, present, and probable future projects producing related or cumulative impacts..." The comprehensive list of projects used throughout the FEIR is found in Table 1-6. Those projects specific to cumulative biological impacts are listed in Table 2.5-5 and shown on Figure 2.5-5. Both the study area and the list of projects are considered appropriate for the purposes of the cumulative analysis in the FEIR. The cumulative impact analysis also follows the adopted County policies and relies on the previously prepared biological documents, as field studies of the cumulative projects is outside of the scope of analysis required for the FEIR (CEQA Guidelines section 15130(b)).</p> <p>C1d-115</p> <p>The draft North County MSCP has identified the large blocks of native habitat where the most biological diversity remains in the County. Even without the adoption of the draft North County MSCP, development in these areas would likely be highly restricted because of their previous identification as core biological resource areas, their geographical location which limits potential developable area (e.g., steep hillsides, riparian corridors), and current regulations that are designed to protect these large patches of native habitat from extensive impacts with the idea that development would occur in the least sensitive areas.</p>
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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 naive, 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?

C1d-115, cont.

C1d-116

C1d-117

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.

C1d-118

C1d-119

C1d-116 It is doubtful that the adjacent off-site habitat areas are saturated with wildlife populations such that there is no room for additional species. These large blocks of habitat can certainly accommodate more wildlife individuals. Species will adapt their territories to the available habitat, for example, those species that are territorial will defend their habitat areas, sending those species immigrating to other unoccupied patches of habitat. Population sizes will equilibrate over time, replacing any initial losses that may occur during the immigration.

C1d-117 The conceptual RMP is prepared to set the minimum standards for the Final Resource Management Plan. The details of the monitoring of the biological open space areas may be modified in the final RMP to help address any inadequacies in the monitoring program. While the final RMP provides the framework for monitoring the effectiveness of the measures designed and implemented to reduce indirect effects on the adjacent biological open space, it is anticipated that adaptive management measures may need to be implemented in the future if indirect effects are not being sufficiently addressed.

C1d-118 These comments on the mitigation formula adopted by the County for impacts to jurisdictional wetlands are noted.

C1d-119 Impacts to riparian habitat and/or sensitive natural communities are mitigated through the preservation of on-site biological open space and the purchase and preservation of native habitats off-site. RMPs are required for these open space areas to ensure their success and provide for long-term management as biological preserves. Regarding success criteria for the RMPs, all yearly goals are calculated as a percentage when the mitigation site is compared with similar values at a reference site. The yearly diversity goal is based on the comparison of native species plant diversity at the mitigation site with the reference site, calculated as a percentage. Density refers to the number of individuals in a given area while cover refers to vegetative canopy cover. If the Year 1 goals for plant cover are not met, then the addition of new container stock in Year 2 would make up the deficit. Natural recruitment may also make up some of the plant loss from year to year. The yearly vegetation cover goals are based entirely on native species only.

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RESPONSE

	<p>C1d-119 (cont.)</p> <p>M-BIO-4 sets forth the success criteria/performance standards. The specific methodology used to calculate the success goal parameters can be any or a combination of sampling methods (i.e., quadrats, transects, estimation, etc.) and will be decided by the specific restoration monitor chosen. If the success criteria/performance standards are not achieved the applicant will consult with the County to develop appropriate remedial measures. The Conceptual Resource Management Plan has been prepared to the current County standards and is a technical document used by restoration experts.</p> <p>It is anticipated that not all plants installed in the first year of the mitigation effort will survive, therefore, there is an allowance of 20 percent loss. It is anticipated that this level of plant mortality in year 1 will not jeopardize the overall mitigation effort and that natural recruitment, either by seed or vegetative spread, shall compensate for these losses in year 2, if not then additional planting of native container stock shall be required such that the year 2 goals are met.</p> <p>The 50 percent vegetation cover requirement refers only to native plant cover.</p> <p>The diversity requirement is based on a comparison of the diversity of native species at the mitigation site to an approved natural reference site as a percentage of native species present at the reference site versus the mitigation site.</p> <p>The density requirement is based on a comparison of the native species density at the mitigation site to an approved natural reference site as a percentage of native species present at the reference site versus the mitigation site.</p> <p>The methodology used to determine performance criteria are determined by the person doing the measurements, but typically involve a combination of methods. For example, transects can be used to measure vegetation cover and diversity while quadrats can be used to measure density, diversity, and cover.</p>
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Shouldn't this plan be presented in a more complete and understandable form?

C1d-119, cont.

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,

C1d-120

"...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?

C1d-121

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?

C1d-122

There will be trails within the limited building zone [LBZ]. How will the LBZ address the edge effects cited?

C1d-123

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

C1d-124

C1d-120 The discussion of potential edge effects on the biological open space habitats would encompass all wildlife species that use those habitats. Project design considerations (e.g., buffers, limited building zones, barriers, etc.) would reduce these potential edge effects and mitigate these effects below a level of significance.

C1d-121 through C1d-123

The reduction in the level of significance for indirect impacts on the biological open space involves more than just the 50-foot buffer. The buffer in combination with the limited building zone, barriers, educational signage, and management of the open space are all factors considered in the determination of significance. In addition to those project features designed to reduce potential edge effects, the open space area would be managed to oversee the effectiveness of these project features in accordance with the Final Resource Management Plan. The open space would be managed by a resource manager whose duties would include the monitoring and enforcement of the potential effects of encroachment into the open space areas.

Attachments 16 and 17 of the Biological Resources Report contain Conceptual Resource Management Plans which describe how the preserved wetland would be managed to reduce any potential indirect edge effects. A Final Resource Management Plan would be prepared that would contain the specifics of the resource management of the biological open space area on-site. Please also see response to comment AI-18.

The LBZ is outside of and in addition to the proposed 50-foot habitat buffer. These two zones create horizontal separation of at least 150 feet to reduce potential edge effects on the preserved habitats. Any trails that traverse LBZs near open space would be appropriately managed and designed with consideration of protection of open space.

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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 V.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.

C1d-124, cont.

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.

C1d-125

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?

C1d-126

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?

C1d-127

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.

C1d-128

C1d-124 through C1d-126

See response to comment C1cd-109.

C1d-127 The County of San Diego Guidelines for Determining Significance for Biological Resources defines Native Wildlife Nursery Sites as sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. The project site does not contain any areas that meet this definition. Although 13 Group 1 species were observed on-site, the population estimates based on observations made in the field concluded that the site does not support large numbers of individuals of any of these species. Habitat being preserved in biological open space would continue to support these species.

C1d-128 FEIR subchapters 2.5.2.2 and 2.5.4 both clearly state that impacts to coastal sage scrub habitat would be considered significant. Mitigation for coastal sage scrub impacts would still be required at the designated ratio whether or not the draft MSCP/PAMA is approved. The Draft Habitat Loss Permit contains the necessary findings in support of the habitat loss per the NCCP guidelines in the absence of an adopted MSCP document/plan. All impacts to coastal sage scrub are considered significant and require mitigation with or without the MSCP/PAMA per County and Wildlife Agency requirements. While the loss of small stands of CSS contribute to cumulative losses of this habitat type, the NCCP CSS programs focus on the more important task of preserving larger blocks of CSS habitat that have been shown to be more beneficial for the preservation of CSS and the diverse assemblage of organisms supported by this habitat type. In general, the larger the acreage the more significant the patch becomes, however, other factors such as presence of sensitive species may make smaller patches of habitat significant.

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.

C1d-129

C1d-130

C1d-131

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.

C1d-132

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.

C1d-133

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?

C1d-134

C1d-129 The mitigation requirement for coastal sage scrub (CSS) will not be affected if the draft MSCP/PAMA is not approved as the CSS habitat provided as mitigation will still be conserved.

All impacts to CSS are considered significant within or outside of the MSCP/PAMA.

The NCCP CSS program is designed to protect the larger blocks of CSS habitat which are most important for the conservation of biological diversity. Thresholds for the loss of CSS have been established for jurisdictions until such time as a habitat conservation plan is approved. These losses are generally approved in areas outside of areas deemed a high priority for conservation.

C1d-130 The County considers all impacts to coastal sage scrub as significant.

C1d-131 The proposed changes to the adopted VCCPG and the General Plan would not result in significant impacts relative to biological resources and hence were determined to be consistent with the goals, policies, and objectives of these plans.

C1d-132 through C1d-134

Cumulative impacts to agricultural and biological resources are addressed in FEIR subchapters 2.4.3 and 2.5.3, respectively. The selected cumulative project area represents those projects surrounding the project site with similar resources, habitats and within the same watershed as a means to analyze potential cumulative loss of these resources. The cumulative impacts analyses were completed in compliance with County Guidelines and the California Environmental Quality Act. The FEIR also includes an analysis of consistency with General Plan policies. Refer to subchapter 3.1.4 and in Appendix W of the FEIR for this analysis.

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?

C1d-135

C1d-136

C1d-137

C1d-138

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.

C1d-139

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

C1d-140

C1d-135 through C1d-138

It is noted that the FEIR subchapter 2.6.3 cultural resource cumulative analysis quoted in this comment differs than what was included in the 2014 FEIR.

The FEIR appropriately analyzed all project impacts together and the FEIR does not piecemeal the project as the comment suggests. Due to the variation between archaeological sites and the CEQA criteria for determining significance, each individual archaeological site must be evaluated for significance individually and, if necessary, mitigation must be developed specifically for each archaeology site. The analysis evaluates the entire site and off-site improvement areas as a whole and, as this comment points out, in the context of the cumulative study area.

As indicated in the FEIR, the project would preserve all known on-site resources that meet the CEQA significance criteria. The FEIR identifies potentially significant impacts to unknown resources and an off-site site CA-SDI-5072 and identifies mitigation (M-CR-2 and M-CR-3) for those potential impacts. The importance of cultural resources under CEQA is tied to the archeological information the resources have. The proposed mitigation includes curating or, as appropriate, repatriating recovered materials. Also, documentation of the sites would be archived at the South Coastal Information Center (SCIC) that serves to make the information available to future researchers, so that associations with other sites and the overall area can be better addressed. As the proposed preservation and project mitigation preserves the archeological resource information for the future, the project's impacts are considered mitigated to below a level of significance.

In the results section of the cultural resources study (Appendix H-1) and FEIR subchapter 2.6.1.5, it was determined that all four of the sites tested were processing locations and that one of the sites also included a temporary habitation component.

It was determined that all four of the sites tested were processing locations and that one of the sites also included a temporary habitation component. Consultation (SB 18) between the applicant, the County, and the Native American community is ongoing and is required as a matter of law. Native American monitoring is required for the project (M-CR-1 to M-CR-3). Consultation with the Luiseño

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	<p>C1d-135 through C1d-138 (cont.)</p> <p>Native American monitor is required during archaeological monitoring including if cultural resources are identified. If human remains are identified, consultation with the Most Likely Descendant (MLD) would also be required.</p> <p>The FEIR addresses the project as a whole and does not piecemeal the project. As indicated above, a thorough cultural resources survey of the project site that meets industry and County standards was conducted to identify any cultural resources. As such, the integrity of the project site in relation to the larger area would be preserved in the information that was obtained during the study. The FEIR identifies impacts for the entire project and mitigation to reduce potentially significant impacts to below a level of significance.</p> <p>C1d-139 It is noted that M-CR-1 included in the FEIR does not include a data recovery program and instead requires preservation of the portion of CA-SDI-20436 that is considered significant.</p> <p>Monitors must have the education and experience necessary to conduct monitoring and will be under the direction of a Principal Investigator who is on the County's list of Approved Consultants.</p> <p>Several Luiseño tribes have monitoring capabilities with monitors who have experience and training in working with archaeologists and monitoring during earth disturbing activities. The Principal Investigator who conducts the monitoring program would be responsible for overseeing and contracting with appropriate Luiseno Native American monitors. Consultation during earth disturbing activities is incorporated into the conditions of approval. Furthermore, if human remains are identified, consultation with the MLD is required. As indicated above, consultation (SB-18) between the applicant, the County, and the Native American community is ongoing and required by law.</p> <p>The County is in agreement that the area in which the project is located is rich in cultural resources. This is why the FEIR identifies a potentially significant impact to unknown subsurface archeological impacts and requires mitigation that includes monitoring and, as necessary, curation or repatriation of discovered materials.</p>
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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.

C1d-140, cont.

C1d-141

C1d-142

C1d-143

C1d-140 The project mitigation has been revised to require the preservation of CA-SDI-20436 in open space instead of a data recovery program. In general, as addressed above, the Principal Investigator would be responsible for contracting Luiseño monitors through one of the tribal entities with trained monitors. There is no effective mechanism to guarantee that any monitor would be acceptable to all or a majority of the tribes.

C1d-141 This is the standard transect spacing used in archaeological surveys. The archaeologists thoroughly checked bedrock outcrops, cut banks or other exposed soil profiles, and other high-potential areas during the evaluation. No comments have been expressed by the Tribes disagreeing with the methodology that was used.

C1d-142 CA-SDI-5072 was originally recorded in 1977 and was noted as a village site. CA-SDI-4808 was addressed as a previously recorded site in proximity to proposed off-site improvements for the project. It was subsumed under SDI-5072 in 1980. The site is located in an area where trenching for signalization is required and the FEIR identifies a potentially significant impact to this site (Impact CR-3).

If the trenching for the signalization cannot be accommodated within the existing fill layer above the native soils, mitigation M-CR-3 that includes a capping program is required. No further study is required. Archaeological monitoring is required for all off-site improvements as a part of mitigation M-CR-2. See response to comment C1d-135-138, above, regarding the requirements of archaeological monitoring including the identification of unidentified, buried resources.

C1d-143 The records search addresses previous studies to give a background for understanding the current study. A thorough cultural resources survey was conducted for the project, which included Native American consultation (SB 18) and the presence of Luiseño Native American monitors during all fieldwork. All Luiseno Tribes were invited to consultation under SB 18. Only Soboba, Pechanga, Rincon, Pala, and San Luis Rey requested consultation which has been an ongoing throughout the processing of the project. Consultation with Pala has been concluded and consultation is ongoing with all of the other Tribes. Also see response to comment C1d-135-138, above regarding the study.

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.*

C1d-144

C1d-145

C1d-146

C1d-144 The presence of eight homes within the approximately 600-acre project site does not itself constitute a historic district. To be designated as a historic district, the houses would be required to meet the criteria for listing on the California Register of Historical Resources (see FEIR subchapter 2.6.1.2). When taken individually or collectively, the eight houses on site do not meet the criteria for listing on the California Register. As detailed in the FEIR subchapter 2.6.1.5, seven of the eight houses within the project site that are over 45 years old were built between 1953 and 1964. They are typical post-World War II residential construction, lacking historical or architectural significance taken individually or collectively. The single house that predates 1950 has been substantially remodeled and does not retain the necessary integrity to qualify as a significant resource. In addition, this house is not architecturally or historically significant either individually or as a contributor to a district. The FEIR subchapter 2.6.2.1 was updated to clarify this.

Archaeological monitoring is required by M-CR-2 for all earth disturbing activities, including areas of the project site in which these structures are located.

C1d-145 As indicated in mitigation measure M-CR-2, monitoring would be completed by County-approved archaeologists. The remainder of this comment raises economic, social, or political issues that do not appear to relate to the project's physical impact on the environment, and no further response is required.

C1d-146 Significant impacts associated with agricultural adjacency issues are addressed in FEIR subchapter 2.4. The project identifies significant indirect Impacts AG-2 through AG-15 related to adjacency issues. Mitigation measures M-AG-2 through M-AG-5 are proposed to provide adequate buffering on-site and reduce the potential impacts to below a level of significance. The mitigation buffers on-site residential and other uses from off-site agricultural operations which, in some cases, include pesticide usage. The FEIR was revised to direct the reader to the Agricultural Resources section for a full evaluation of the project's compatibility with off-site agricultural operations including a discussion of adjacency areas and off-site spraying. The project design features combined with the required mitigation is adequate to protect future residences with adjacency issues. For additional information, refer to FEIR subchapter 2.4, Table 1-3 and Global Response: Agricultural Resources, Indirect Impacts.

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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

C1d-146, cont.

C1d-147

C1d-148

C1d-149

C1d-150

C1d-147 Please see response to comments C1d-146, and Global Response: Agricultural Resources, Indirect Impacts. An agricultural compatibility buffer is proposed for several locations around the perimeter of the project. However this buffering is not imposed on the adjacent landowner's property. All landowners have been provided notice of the proposed project and the EIR public review(s) in accordance with County notification requirements.

C1d-148 An agricultural compatibility buffer is proposed for several locations around the perimeter of the project. However this buffering is not imposed on the adjacent landowner's property. All landowners have been provided notice of the proposed project and the EIR public review(s) in accordance with County notification requirements

C1d-149 Refer to Global Response: Agricultural Resources, Indirect Impacts, and FEIR subchapter 2.4. As suggested by this comment, the FEIR identifies significant indirect impacts related to adjacency issues and identifies appropriate mitigation to reduce these impacts to below a level of significance..

C1d-150 As discussed in the FEIR, subchapter 2.7, the risk of accidental release of chlorine gas is less than significant. The multiple safety measures taken include required inspections by multiple agencies; a Risk Management Plan (RMP) and plant design all ensure that the impact of the location and operation of the Water Reclamation Facility (WRF) is less than significant.

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?

C1d-150, cont.

C1d-151

C1d-152

C1d-153

C1d-154

C1d-155

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.

C1d-151 The FEIR, Chapter 1.0 and subchapter 3.1.7, has been revised to clarify that sewage may be collected and trucked to an off-site facility for the first 100 homes. This is necessary due to the fact that a minimum flow would be needed to operate the WRF and as soon as sufficient flows are available, trucking operators would cease.

The sewage will be hauled by a company that is familiar with the practices and response procedures needed when hauling sewage. These include safety procedures for the truckers themselves as well as procedures for accidental spill of material. Initial trucking of sewage will likely take place for a period of three to six months and would involve approximately one to three trucks per week.

The comment also discusses trucking after the construction of the WRF is operational. The other type of material that would be screened from an on-site treatment plant would be dry solids and would be disposed of in a bin. The company would be familiar with the procedures needed to deal with an accidental spill. In the case of the screenings it would be a spill of solid material not liquid material. The facility is designed to contain any spills that may occur on-site.

C1d-152 As discussed in response to comment C1d-151, trucking of sewage would be required for up to the first 100 homes. This would equate to approximately three truck trips per day as estimated in the Wastewater Management Alternatives Report (FEIR Appendix S) and the traffic impact was included in the Traffic Impact Statement (FEIR Appendix E and this study included 6 ADT for these truck trips) and the related analyses. .

C1d-153 It is noted that the most recent comments from DSFPD were provided July 28, 2014. See Global Response: Fire and Medical Services for a thorough discussion of this topic.

There is sufficient information provided to the County, which can support the four options as feasible and that the options can achieve comparable emergency response objectives. The Capabilities Assessment (Appendix D of the Lilac Hills Ranch Specific Plan) thoroughly examined the four options and provided sufficient evidence to support the feasibility of each of the options.

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	<p>C1d-153 (cont.) (Capabilities Assessment, Executive Summary, pages x-xiii.) The ultimate determination of feasibility is made by the County Board of Supervisors who prepare the findings in the project approval process. (<i>Los Angeles Unified School District v. City of Los Angeles</i> (1997) 58 Cal. App. 4th 1019.)</p> <p>C1d-154 See Global Response: Fire and Medical Services for a thorough discussion of this topic.</p> <p>C1d-155 The commenter's agreement with the Impact HZ-1 is acknowledged. Mitigation M-HZ-1 states that either an easement shall be obtained to allow compliance with the 100-foot FMZ standards off-site, or measures identified in the FPP shall be used to provide equivalent fire protection. The easement would allow the project access to the adjacent parcels to complete brush management. If the adjacent property owners do not agree to an easement, then the project would implement the equivalent fire protection measures. Either mitigation option would be effective and enforceable, and would provide protection in compliance with the County Consolidated Fire Code.</p>
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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

C1d-156

C1d-157

C1d-158

C1d-159

C1d-156 As indicated above in response to comment C1d-136, Mitigation M-HZ-1 would be effective and would provide protection in compliance with the County Consolidated Fire Code. No changes to the project are warranted.

C1d-157 The quote provided by this comment is accurate, and is intended to provide a conclusion for the approximately one page of preceding evacuation plan analysis. As the impact would be less than significant, mitigation is not warranted.

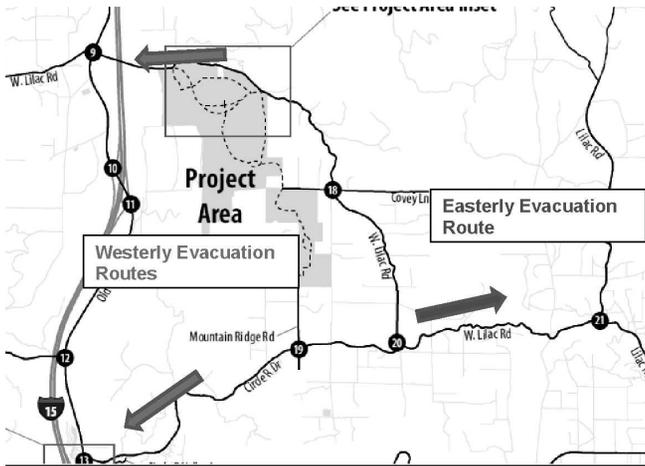
The traffic analysis included in FEIR subchapter 2.3 is intended to address average daily traffic conditions and is not intended to analyze the evacuation traffic. There is not one area of San Diego County that offers roadways that can handle a mass evacuation without some level of congestion, and it is infeasible to build roads to that standard. Instead, contingency plan evacuations will be implemented in phases, based on predetermined trigger points so smaller percentages of the evacuees are on the road at the same time. When a wildfire occurs, if it reaches a predetermined trigger point, then the population segment located in a particular vulnerable area downwind of that trigger point would be evacuated. Then, when the fire reaches the next trigger point, the next phase of evacuation would occur. This would allow smaller groups of people and correspondingly fewer vehicles to more freely evacuate areas. The Evacuation Plan determined that the location of the project and the existing and planned roads provide adequate multi-directional primary and secondary emergency evacuation routes (Evacuation Plan, page 8). The commenter's concern is acknowledged and included in the project's FEIR for the decision makers to consider.

C1d-158 This comment identifies West Lilac Road and Circle R Drive as westerly evacuation routes consistent with the FEIR analysis. The project does include improvements to West Lilac Road as identified in this comment, but the purpose of these improvements are to improve daily traffic flows and to provide frontage improvements. While the West Lilac Road improvements may also improve evacuation conditions, it is not the primary purpose of these improvements. Refer to response to comment I51e-21 above regarding evacuation procedures. As indicated in the FEIR

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	<p>C1d-158 (cont.)</p> <p>subchapter 2.7.6, impacts associated with emergency response and evacuation plans would be less than significant and no mitigation is warranted.</p> <p>The FEIR analyzed the road network design and determined the project would provide adequate emergency access and conform to Goal M-4, including the single evacuation route to the east and with approval of the roadway design exceptions. The roads within the project site were designed to accommodate emergency vehicles and allow residents to evacuate efficiently if necessary (Policy M-4.4) and the project would provide four connecting points to existing roads ensuring that both local and surrounding residents have alternate routes (Policy M-4.2). (see FEIR, subchapter 2.3.3.3.) It should be also noted that the project's emergency access has been approved by DSFPD, as a part of the Fire Protection Plan.</p>
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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

C1d-159, cont.

C1d-160

C1d-159 As indicated in response C1d-158,, overall road network design for the project would provide adequate ingress and egress for residents as well as emergency access. Terrain, fuel loads, and wildfire risks were evaluated as a part of the Fire Protection Plan and adequately addressed in the FEIR to determine environmental impacts. Refer to FEIR subchapter 2.7 and the Fire Protection Plan for details.

The FEIR concluded the project would have a less than significant impact related to evacuation plans and no mitigation was warranted.

The commenter's concern is acknowledged and included in the project's FEIR for the decision makers to consider. The analysis included in FEIR subchapter 2.7 and the Fire Protection Plan is in compliance with the County's requirements

C1d-160 The text quoted in this comment is discussing the site access points for project Phases 4 and 5, and is identifying that Rodriguez Road would be an emergency access point for the project. This statement does not imply that Rodriguez Road is for internal project circulation. The map referenced in this comment and shown in FEIR Figure 2.7-3 accurately shows Rodriguez Road as an evacuation route consistent with the quoted statement.

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

C1d-160, cont.

C1d-161

C1d-162

C1d-163

C1d-161 Portions of Covey Lane and Rodriguez Road currently extend into the project site, and Mountain Ridge Road is proposed to be extended into the project site. As shown in FEIR Figure 1-7, the portions of these roadways within the project site would be used for internal project circulation. The off-site portions of Rodriguez Road and Mountain Ridge Road would only be used by the project for emergency access and access would be limited via on-site gates (see "restricted access points" on Figure 1-7). The off-site portion of Covey Lane that extends between the project boundary and West Lilac Road would be improved to public road standards and would be used for both public and emergency access.

C1d-162 Refer to response C1d-142 above. The FEIR correctly identifies the usage of these roadways. Due to the lack of specificity of this comment, it is unclear where the reader is requesting further clarification and no additional response can be provided.

C1d-163 Wet weather storage ponds typically do not have mosquito vector problems. This is because they normally do not contain water during the spring, summer, or fall. During dry winters they may not even contain water. They are used for water storage during wet weather periods. If needed, a temporary spray recirculation system would be placed on the pond to eliminate vector issues. Refer to FEIR Appendix L.

As detailed in the plan, screened material shall be removed from the facility two to three times per week. The screening process would take place indoors, with screened material disposed of in a commercial dumpster that would be housed indoors until transported off-site. Routine removal of material would minimize fly attraction/propagation. The comment raises a concern about potential vectors that could be generated during the transfer of storage bins to an off-site location. However, as the screening and storage would take place indoors and material would be enclosed in a commercial dumpster that would be fully enclosed, the transport of this material to an off-site location would not result in vector breeding.

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)

C1d-163, cont.

C1d-164

C1d-165

C1d-166

C1d-167

C1d-168

C1d-164 The noise analysis adequately assesses traffic noise impacts at existing off-site locations and fully discloses the potential noise impacts to off-site residences. Specific comments are addressed in the responses that follow.

C1d-165 Off-site impacts were fully assessed and disclosed in the FEIR. A graphic of the off-site areas is not necessary to determine or adequately disclose the off-site noise impacts. Please see FEIR subchapters 2.8.2.1 and 2.8.3.1 for additional information regarding the analysis of off-site noise impacts.

C1d-166 The County acknowledges the commenter's concerns regarding infeasible mitigation for off-site residences. Staff agrees with this comment because the applicant does not have the necessary off-site property rights and access to implement noise reducing measures to existing residences along Covey Lane and Lilac Hills Ranch Road. Although mitigation measures were discussed, noise impacts were determined to be significant and unmitigable as described in the FEIR subchapter 2.8.6.1. Additionally, please refer to Appendix M, Noise Report Section 2.3 and Tables 11 and 12 which identifies and describes noise impacts at off-site locations.

The County acknowledges the commenter's concerns regarding the proposed measures not mitigating significant noise impacts. Staff respectfully disagrees and describes the referenced mitigation measures below:

Mitigation measures M-N-1 and M-N-2 address on-site traffic-generated noise impacts (impacts N-1 and N-2). M-N-1 requires that prior to Final Map approval, the project applicant is to dedicate noise protection easements, which contain a restriction requiring compliance with the applicable County General Plan noise standards. As stated in the mitigation measure, potential feasible measures to achieve compliance include, but are not limited to, altering lot configurations and building locations, varying grading contours, and construction of noise barriers Related mitigation measure M-N-2 requires building permit level analysis demonstrating

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	<p>C1d-166 (cont.)</p> <p>that interior noise levels would not exceed applicable County noise standards. As previously noted, both M-N-1 and M-N-2, and all adopted mitigation measures, would be enforced by the County through adoption and implementation of a mitigation monitoring and reporting program. (See Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097.)</p> <p>Mitigation measures M-N-3 through M-N-7 address stationary noise impacts (impacts N-4 through N-10) and require implementation of best engineering practices, including consideration of the noise rating of selected equipment, equipment orientation and placement within the site, and site design, such as building placement and the use of terrain to shield adjacent properties from on-site noise generators.</p> <p>Mitigation measures M-N-8 through M-N-12 address construction noise and vibration impacts (impacts N-11 through N-16) and would reduce these impacts to less than significant by certain defined construction prohibitions and requirements to be implemented during construction activities, such as limiting construction equipment operations, installation of temporary noise barriers, establishing setback distances for rock crushing activities, and submittal of blast/drilling and monitoring plans . These measures would be enforceable through project conditions placed on Final Maps and grading permits.</p> <p>As disclosed in the FEIR, however, mitigation is infeasible as to the direct and cumulative off-site traffic-generated noise impacts, impacts N-3 and N-17, respectively, along Covey Lane and the future Lilac Hills Ranch Road; accordingly, these impacts would remain significant and unavoidable. (See FEIR subchapter 2.8.6.1.).</p> <p>Under CEQA, where the formulation of the precise means of mitigating impacts is infeasible or impractical, or where feasible mitigation measures are known, but practical considerations prohibit developing the specific measure during the planning process, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. The mitigation measures identified in the FEIR meet such requirement.</p>
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	<p>C1d-167 The County acknowledges the commenter's concerns regarding Noise Protection Easements for off-site receptors. Noise Protection Easements are required under mitigation measures M-N-1 and M-N-2 and would be a recorded easement on the project site and not at off-site locations. Mitigation measure M-N-1 is not intended to address off-site impacts but, instead, applies to impacts within the project site.</p> <p>As shown on Figure 6a and 6b within the Appendix M, Noise Report, all noise protection easements would only apply within the project boundaries and are not applicable to off-site locations.</p> <p>As disclosed in the FEIR, however, mitigation is infeasible as to the direct and cumulative off-site traffic-generated noise impacts, impacts N-3 and N-17, respectively, along Covey Lane and the future Lilac Hills Ranch Road; accordingly, these impacts would remain significant and unavoidable. (See FEIR subchapter 2.8.6.1.)</p>
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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

C1d-168, cont.

C1d-169

C1d-168 The project proposes and will require a project-specific General Plan Amendment (GP 12-001). Specifically, GP 12-001 proposes to: (1) amend the regional Land Use Element map to allow a new Village, (2) amend the Valley Center Community Plan Map to allow Village Residential and Village Core land uses (and revise the community plan text to include the project), (3) amend the Bonsall Community Plan to allow Village Residential land uses, and (4) amend the Mobility Element to reclassify West Lilac Road and specify the reclassified road segments at Table M-4. (FEIR, subchapter 1.2.1.1.) Such amendment is purely specific to the proposed project. The FEIR frames the General Plan consistency analysis at subchapter 1.4 under "Environmental Setting," and describes its current land use planning context (current general plan land uses and both community plans). (FEIR, subchapter 1.4.) Subchapter 1.6 describes the General Plan amendment required for approval of the project and that is analyzed by the FEIR. The General Plan Regional Land Use Map is proposed to be amended to remove the existing regional category and land use designation and to redesignate the project area as Village. Then subsequently provides detailed analysis of the physical environmental impacts that may flow from the GPA in Chapters 2.0 and 3.0, as well as providing a detailed policy inconsistency analysis in the Land Use Planning section, subchapter 3.1.4 (See FEIR, Chapter 3.0; Appendix W) Thus, the FEIR provides an analysis of the potential physical environmental impacts that would result from project approval and the concomitant amendment of the Regional Land Use Element Map to change the regional land use category from Semi-Rural to Village.

With respect to the project's compliance with LU-1.2, please see also Global Responses: Project Consistency with General Plan Policy LU-1.2 and General Plan Amendment CEQA Impacts Analysis.

C1d-169 See response to comment C1d-168, above.

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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

C1d-169, cont.

C1d-170

C1d-171

C1d-172

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C1d-177

C1d-178

C1d-170 Refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for information responsive to this comment.

C1d-171 This comment provides general information that is not in conflict with information contained within the FEIR; therefore, no further response is required.

C1d-172 The FEIR, subchapter 2.9 acknowledges the cut and fill proposed to create the developed footprint of the project would result in an irreversible change to the existing topography. This grading is required to implement the project; however, ultimate build-out of the project would be consistent with community character, as further detailed below. Subchapter 3.1.4.2 analyzes the existing General Plan and community plan policies and concludes that the project is consistent with General Plan and Community Plan policies that address community character. Community character is defined as those features of a neighborhood, which give it an individual identity and the unique or significant resources that comprise the larger community. Community character is also a function of the existing land uses and natural environmental features based on a sense of space and boundaries, physical characteristics (such as geographic setting, presence of unique natural and man-made features, ambient noise, and air quality). The project has been designed to incorporate the design principles set forth in the Community Plan policies. Sensitive site design is used, open space areas are preserved, the built environment is integrated into the natural setting when possible, the location near existing infrastructure minimizes the expansion of public services, and buffer areas are utilized throughout the plan. Although the project would differ from existing uses in the immediate surrounding area, through sensitive site design these differences has been minimized. A Town Center with village green provides a community focus for this new village. Extensive open space, parks, and a trail system located within the village will retain its rural quality and rural lifestyle. In addition, the project has been designed to be compatible with the existing rural character of the immediately adjacent areas. The area immediately surrounding the project site consists of gently rolling topography with agriculture being the predominant use. There are small older farm houses and new custom homes. The project would differ from the existing uses but through sensitive site design has minimized the differences between it and the existing uses in the immediate surrounding area. The Specific Plan, Chapter 3 establishes design guidelines that will,

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	<p>C1d-172 (cont.)</p> <p>among other things, establish transitions from adjacent spaced residential and agricultural uses to the denser uses within the entire Village. Single-family attached units would all be located internally in the Town Center and Neighborhood Center. The project also incorporates various design features to reduce visual effects along the project perimeter. These include the use of wider lots, grade separations or landscape buffers in areas where there are existing homes.</p> <p>Along the west side of the project, the large riparian woodland would be preserved, providing separation from the project and existing homes. In areas adjacent to existing agriculture, a 50-foot-wide buffer planted with fruit trees will provide a transition from the project to the existing uses.</p> <p>C1d-173 See response to comment C1d-172, above.</p> <p>C1d-174 Impacts to biological resources, including habitat for native vegetation, wildlife, foraging and breeding habitat are addressed in FEIR subchapter 2.5 and the Biological Resources Report (Appendix G). As identified in that section, the entire existing site does not consist of biological habitat and the project development would not eliminate the entire project site as biological habitat as implied by this comment. The project includes preserving approximately 103 acres of the site (see FEIR Table 2.5-4 for habitat types). It is also noted that the project site is not designated or zoned for open space preservation, and that the site is currently zoned for agricultural and rural residential uses. With the provision of mitigation in compliance with the County's Biological Guidelines and the wildlife agencies' permits, impacts to biological resources are reduced to less than significant. Mitigation would be provided at ratios designated by the County and wildlife agencies to reduce impacts to below a level of significance.</p> <p>As indicated in the General Plan Consistency Analysis (Appendix W), the project is consistent with the general plan biological goals and policies. The project design is intended to conserve the most sensitive natural habitat as possible, including a focus on conserving the riparian corridors. Mitigation would also ensure no net loss of wetlands and would also compensate for losses of uplands. Refer to Appendix W for additional details.</p>
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	<p>C1d-175 See response to comment C1b-174, above.</p> <p>C1d-176 Cumulative biological impacts are addressed in FEIR subchapter 2.5.3 and the Biological Resources Report, Appendix G. The project's compliance with all habitat mitigation requirements, along with wetland protection measures assures that the project would have a less than cumulatively significant impact to biological resources. The project would be required to obtain a Habitat Loss Permit for impacts to coastal sage scrub in accordance with the NCCP. It is noted that M-BIO-1 includes mitigation for coastal sage scrub and impacts to coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio with land within a future PAMA area.</p> <p>C1d-177 The FEIR does adequately address the cumulative impacts to sensitive habitat. See response to comment C1d-176.</p> <p>C1d-178 Agricultural resources are addressed in FEIR subchapter 2.4. Contrary to this comment, the entire 504-acre area to be developed on-site does not consist of significant agricultural farmland resources. As discussed, the project would result in a loss of 43.8 acres of significant agricultural resources per the LARA Model (Impact AG-1) and potentially result in significant indirect impacts to surrounding agricultural uses (Impacts AG-2 through AG-15). These potential impacts would be reduced to less than significant levels through the implementation of mitigation M-AG-1 through M-AG-5. Please see Global Responses: Project Consistency with General Plan Policy LU-1.2 and Agricultural Resources, Direct Impacts. Overall, the FEIR adequately discloses agricultural resource impacts.</p>
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Chapter 2: Significant Environmental Effects of the Proposed Project 40

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

C1d-178, cont.

C1d-179

C1d-180

C1d-181

C1d-182

C1d-179 This comment expresses the opinions of the commenter only. No further response is required. As detailed in Appendix W of the FEIR, the project is consistent with the General Plan.

C1d-180 It is acknowledged that the project requires a General Plan Amendment. This comment does not raise an environmental issue. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. The Regional Categories Map and Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. (Chapter 3, page 18.) Under Government Code section 65358 a mandatory element of the General Plan may be amended up to four (4) times per year, and each amendment may include more than one change to the General Plan. Further, the County Board of Supervisors may specify the manner in which a General Plan Amendment can be initiated. (Government Code section 65358(a).) County Board Policy I-63 sets out the manner and process by which a property owner can initiate a General Plan Amendment. The project applicant properly followed that process in seeking the General Plan Amendment here. Further, General Plan Policy LU-1.2 permits new villages that are consistent with the Community development model and meet the requirements set forth therein. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 and Appendix W.

It is acknowledged that the project requires a General Plan Amendment. As indicated in Appendix W, the project has been shown to be consistent with the General Plan as well as the community plans. This comment does not raise an issue with the environmental analysis. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 and Appendix W.

It is acknowledged that the project requires amendment to the Valley Center and Bonsall Community Plans. The project has been shown to be consistent with Community Plans, General Plan, and Community Development Model (see FEIR Appendix W). The project is amending the General Plan by adding new Village that meets the

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	<p>C1d-180 (cont.) criteria of Policy LU-1.2. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.</p> <p>C1d-181 The FEIR identifies four significant and unavoidable visual character or quality impacts of the project, specifically the FEIR identifies impacts V-1 through V-4 as significant and unavoidable visual impacts. These impacts result from views from West Lilac Road (Impact V-1), construction related visual impacts (V-3) and cumulative visual impacts (V-4). The FEIR also identifies a significant and unavoidable visual impact due to the change the composition of the visual environment in terms of dominance, scale, diversity, and continuity, as viewed from surrounding residential areas (Impact V-2). As discussed in FEIR subchapter 2.1 and summarized in Table S-1, mitigation for these impacts is not feasible. Therefore, the FEIR has adequately disclosed the potential visual impacts of the project. The FEIR also adequately discloses the potential growth inducing impacts of the project in subchapter 1.8 of Chapter 1.0 of the FEIR. As the comment does not raise a specific issue with the content of the FEIR, no further response is required.</p>
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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.



C1d-182,
cont.

C1d-182 This comment expresses the opinion of the commenter. For additional information responsive to this comment, see Appendix W.

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DEPARTMENT OF TRANSPORTATION

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*Serious drought.
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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.

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to enhance California's economy and livability"*

Responses to this letter are found in Comment Letter A. See also Response to Comment C1d-21 relating to significant intersection impacts at the I15 ramps and the feasibility of mitigation to reduce those impacts to a level that is less than significant.

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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

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*