

LETTER

RESPONSE

Letter I35

From: Patsy Fritz
 33265 Mill Creek Road
 Pauma Valley, CA 92061

Date: 28 July, 2014

To: County of San Diego
 Department of Planning & Development Services

Attn: Mark Wardlaw, Director
 Mark Slovick, Project Manager

Subject: Recirculated Draft Environmental Impact Report
 Lilac Hills Ranch Project
 PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP),
 PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM),
 PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP)

Gentlemen:

Here is the truth about the proposed development, Lilac Hills Ranch [LHR], and its application:

- 1) This proposed development in all its iterations is not only a developer-launched attack on the County General Plan [CGP], it is a developer's lobbyist-steered missile from within that is bent on destroying both the integrity of the CGP AND the integrity of the Department of Planning and Development Services [DPDS], should you approve it.
- 2) The County of San Diego [CSG] spent \$18.6 million taxpayer dollars plus twelve years of staff and consultant time, in addition to tens of thousands of hours voluntarily committed by community leaders across the County – as requested by Supervisor Jacob for a “bottom up” GP Update – which any approval of LHR and this DEIR will squander. Would you demolish an \$18.6 million dollar building the County constructed three years ago? Approving LHR and/or this DEIR would be identical to that action.
- 3) Following 2011 approval of the CGP by four of our County Supervisors (and despite the opposition by Supervisor Horn – the one Supervisor avowedly determined to overthrow the CGP, and LHR's lone booster – who, as a Supervisor is the beneficiary of tens of thousands of dollars in campaign contributions from Accretive Investments, the applicant for LHR) the updated CGP immediately won professional awards for its thorough examination and consideration of factors emphasizing access to safe roads, fire safety, water conservation, utilization of existing infrastructure, protection of agriculture and the natural environment

I35-1

I35-2

I35-3

I35-1 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.

I35-2 The County does acknowledges your comment and opposition to the project. General Plans may be amended by Cities and Counties pursuant to Government Code Sections 65300 et seq. This proposed amendment was allowed to proceed by the approval of a Planned Amendment Authorization in accordance with Board of Supervisors Policy I-63 which provides a County policy for which private parties may initiate a General Plan Amendment. Chapter 3.0, subchapter 3.1.4, Land Use Planning of the FEIR and Appendix W provide information demonstrating how the project would comply with the General Plan. 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.

I35-3 The comment raises political issues and expresses opinions that do not appear to relate to any physical effect on the environment. 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 with respect to the FEIR, no further response is required.

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<p>and the necessity to abate global warming and air pollution by cutting commuter traffic and mileage by placing new homes contiguous to existing population centers and the jobs therein. LHR would be destructive to all of these aims.</p> <p>4) Following the adoption of the CGP, the Board of Supervisors [BOS] adopted its recommendations for a "Red Tape Reduction Task Force" [RTRTF] including the position that it serve as judge and monitor (i.e., "tattletale") of DPDS performance. Immediately <u>Chris Brown, former land use aide to Supervisor Horn, frequent fundraiser for Supervisor Horn, AND paid professional lobbyist (registered with the CSD - check with the Office of the Clerk of the Board [COB]), with Accretive Investments/LHR as his sole viable client</u> (i.e., "bread & butter" or "lifeline") applied for, and was placed on the RTRTF committee as watchdog of DPDS activity – without any requirement that he file a Form 700 listing his source of income. Because LHR is the one major project dragging through DPDS, having the LHR's lobbyist able to massage staff, with staff having the uncomfortable knowledge of "Hey, this guy can impact my job and the Department's budget requests to the BOS" means that there is undue influence and pressure by the developer's lobbyist that this flaw-filled DEIR be accepted and the basic tenets of the CGP be violated. I object to the fox in the henhouse controlling this process because staff jobs are under threat. Doubt is cast on every shred of text in the DEIR from a developer's paid advocate.</p> <p>5) DPDS has failed to require the simplest, most effective way to save lives for all Valley Center residents, including future LHR residents, in the event of fire or other emergencies (a constant threat in this locale). That requirement, which MUST be made to save lives: an additional bridge span across the I-15 Freeway. This would route fleeing residents toward the coast, away from approaching fire, and keep them OFF the freeway, which will be clogged and impassable, below. Reason? Too expensive for the developer. This is what you get when the developer's lobbyist is placed in a position to bug staff.</p> <p>6) Concurrent with approving the CGP in 2011 the BOS approved road improvements to West Lilac Road to serve the modest future population increase envisioned in the CGP. Not only is Accretive unwilling to provide adequate roads for its influx of urban traffic, the project proposal ignores even the minimal requirements for road improvements on the CGP Mobility Element voted by the BOS.</p> <p>7) LHR is insisting on (cheaper) road widths and standards that DO NOT meet CGP requirements.</p> <p>8) Accretive Investments bought and optioned cheap agricultural land that was cheap because it did not have road entitlements to reach a County Road, with the exception of one parcel fronting on Birdsong that could be entirely consumed for a single road. This does not meet the County Fire Code's requirement for development as there is no secondary access. Thus, to the amazement of a public that paid \$18.6 million for the updated CGP, Accretive is proposing that the LHR project be approved with the understanding that the BOS take</p>		<p>I35-4 cont.</p> <p>I35-4</p> <p>I35-5</p> <p>I35-6</p> <p>I35-7</p> <p>I35-8</p> <p>I35-4 The comment raises political issues and expresses opinions that do not appear to relate to any physical effect on the environment. 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 with respect to the FEIR, no further response is required.</p> <p>I35-5 The project will be required to improve West Lilac Road between Old Highway 395 and Main Street to meet the General Plan Mobility Element classification of 2.2C, subject to exceptions if approved by the County (M-TR-4). This segment includes the referenced bridge across I-15. As detailed in the Traffic Study (Appendix E) and subchapter 2.3 of the FEIR, the impacts along this segment of West Lilac Road from Old Highway 395 to Main Street will be mitigated through implementation of M-TR-4. An exception is being requested by the applicant to reduce the required parkway and shoulder widths. The standard would require 40 to 54 feet of curb-to-curb width within a 64- to 78-foot right-of-way with 8-foot shoulders and 12-foot parkways (see Figure 4-7). The bridge currently has 40 feet of paving but does not meet 2.2C Light Collector standards with respect to parkway and shoulder width. Without the proposed exception, the project would need to widen the bridge, increasing the shoulders and parkways. This exception would not affect roadway capacity because it would not modify the required width of travel lanes, the actual drivable portion of the road.</p> <p>A project alternative is considered in Chapter 4.0, subchapter 4.8.1.2 of the FEIR that evaluates full build-out of West Lilac Road over I-15, without design exceptions. As widening the bridge would not likely be technically feasible, this alternative also analyzes construction of a second bridge. This alternative will be available to decision makers for review prior to a decision on the project is made. Please also refer to Global Response: Fire and Medical Services which addresses the adequacy of fire and emergency response service.</p>
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	<p>I35-6 The project includes various improvements to West Lilac Road and proposes an amendment to the General Plan Mobility Element road classification of West Lilac Road from 2.2C to 2.2F from the project entrance at Main Street to Road 3 (Running Creek Road). West Lilac Road, west of Main Street to Old Highway 395 would be improved to meet the General Plan Mobility Element classification of 2.2C, subject to exceptions as approved by the County (M-TR-4). Another improvement includes signalization of the Old Highway 395/West Lilac Road intersection and construction of a left-turn lane at the westbound West Lilac Road approach to the Old Highway 395/West Lilac Road intersection (TR-7). West Lilac Road improvements include widening, repaving and restriping as follows:</p> <ul style="list-style-type: none"> • Old Highway 395 to I-15 Bridge • I-15 Bridge segment • I-15 Bridge to westerly roundabout at Main Street connection • Along northerly project boundary to easterly roundabout • Intersection West Lilac Road at Old Highway 395 <p>Exceptions to County road standards are allowed and are commonly requested to account for site specific constraints and conditions. Exceptions to County Road Standards do not represent conflicts with the General Plan. The project includes an amendment to the General Plan Mobility Element road classification of West Lilac Road from 2.2C to 2.2F from the project entrance at Main Street to Road 3 (Running Creek Road). Exceptions are not approved if they compromise safety of roadways.</p> <p>I35-7 See response to comment I35-6.</p> <p>I35-8 The comment raises economic and political issues that do not appear to relate to any physical effect on the environment. In addition, the County does not agree that the project does not have secondary access. As discussed in subchapter 2.7, the primary evacuation routes are through a series of internal roadways which permits direct emergency evacuations to the north, south, east, and west to accommodate wildfire conditions. As shown on Figure 2.7-3, evacuation routes include Main Street, Street "Z," Lilac Hills Ranch Road, Covey Lane, and Mountain Ridge Road.</p>
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	<p>I35-8 (cont.)</p> <p>The project site would also be served by secondary emergency evacuation routes using Street “F” and Birdsong Drive on the north and Rodriguez Road in the southern Senior Neighborhood (refer to subchapter 2.7, Figure 2.7-3). Regarding Eminent Domain, the FEIR analyzes impacts that could occur should land be required for road improvements outside the existing right-of-way. With respect to the use of Eminent Domain, ultimately it is in the discretion of the Board of Supervisors to decide whether to require improvements that would require the applicant to obtain additional easements that could impact off-site properties. The project would be conditioned to make the required improvements and it would be the applicant’s responsibility to acquire all necessary rights-of-way to make the improvements. If the applicant cannot acquire the right-of-way, the applicant could request that the Board of Supervisors to initiate Eminent Domain proceedings through BOS Policy J-33, which would be at the applicant’s expense. For additional details about the easement rights held by the applicant, refer to the Global Response: Off-site Improvements – Environmental Analysis and Easement Summary Table included in the introduction to these responses to comments.</p>
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<p>private roads and property by eminent domain TO BENEFIT THE DEVELOPER and BEGGAR EXISTING RESIDENTS AND PRIVATE PROPERTY OWNERS – if Accretive somehow was “unable” to acquire them. This is an EXPLOSIVE issue. Just days ago Supervisor Horn avowed that the County would <u>only</u> acquire property from “a willing seller” for the proposed San Luis Rey Regional Park, of great benefit to the public, but you are presenting a DEIR based on the premise that the County would take private property by eminent domain (i.e., “by force”) to benefit a FOR-PROFIT CORPORATION intent on destroying the CGP. Let me predict: Accretive will always be unable to acquire them, so it will force the BOS to resort to takings, or permit Accretive to develop with roads that are even LESS SAFE than those proposed –which do not meet County standards to begin with. Question: are the inmates running the asylum?</p> <p>9) Why is DPDS not demanding that EVERY road meet County Standards in the CGP?</p> <p>10) Why is DPDS allowing Accretive, its consultants and lobbyist to claim the proposed LHR meets the CGP – only IF the BOS amends the CGP to meet Accretive;s subterranean standards for road safety, public safety, environmental protection, community standards, clean air – for \$18.6 million dollars, why can’t County staff protect, defend and implement the CGP? WHO DOES STAFF WORK FOR?</p> <p>11) This project, by clear definition is leapfrog development and sprawl.</p> <p>12) This project destroys viable agriculture, which is NOT soil-based, it is CLIMATE-based.</p> <p>13) The wide array of light emitted from this dense urban “island” will attract and destroy the moth population that is necessary for pollination of contiguous seed-producing flower and cactus-growing agriculture – one of the robust sectors of the County’s farm economy.</p> <p>14) The project proposes a fire station that cannot and will not be built or staffed without removing the safe protection of EXISTING Deer Springs Fire Protection District taxpayers who voted to increase their fire tax for their existing service. The DSFPD Board President has testified they will not abandon their current residents.</p> <p>15) The project proposes putting the noise and havoc of a fire station next to the proposed Alzheimer’s facility. Have you no compassion? Have you no shame?</p> <p>16) This project proposes an Alzheimer’s facility so remote from the bulk of the County’s population that it would be an end-of-the road warehouse for the frail elderly. Have you no compassion? Have you no shame?</p> <p>17) This project proposes an Alzheimer’s facility remote from any hospital or medical care. Have you no compassion? Have you no shame?</p> <p>18) This project proposes an Alzheimer’s facility that, in the event of fire, the Alzheimer’s patients should “shelter in place” because of course, there would be no safe way to evacuate them due to the lack of adequate roads. So – they die from smoke inhalation? This is your “final solution?” Have you no compassion? Have you no shame?</p>	<p>I35-9 Refer to response to comment I35-6. Exceptions to County Road Standards do not represent conflicts with the General Plan. The project includes an amendment to the General Plan Mobility Element road classification of West Lilac Road from 2.2C to 2.2F from the project entrance at Main Street to Road 3 (Running Creek Road). Exceptions are not approved if they compromise safety of roadways.</p> <p>I35-8 cont.</p> <p>I35-10 General Plans may be amended by Cities and Counties pursuant to Government Code Sections 65300 et seq. This proposed amendment was allowed to proceed by the approval of a Planned Amendment Authorization in accordance with Board of Supervisors Policy I-63 which provides a County policy for which private parties may initiate a General Plan Amendment. Chapter 3.0, subchapter 3.1.4, Land Use Planning of the FEIR and Appendix W provide information demonstrating how the project would comply with the General Plan. The County acknowledges your comment and opposition to the project. 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.</p> <p>I35-11 Please see Global Response: Project Consistency with General Plan Policy LU 1.2.</p> <p>I35-12 Refer to subchapter 2.4 and in Appendix F for the analysis of impacts to Agricultural Resources. Viable agricultural operations are dependent on may factors including suitable soil and climate.</p> <p>I35-13 The comment raises a concern about the potential impacts of nighttime lighting on pollinators such as moths. The commenter asserts that lighting would adversely impact pollinators, thereby affecting seed production.</p> <p>I35-17 A similar comment was submitted by Western Cactus Enterprises, Inc., an international supplier of cactus and other succulent species with operations in the vicinity of the proposed Project. (See Comment B3.) In response to those comments, the County noted that the project site is approximately one-quarter mile from the Western Cactus farm. In between the farm and the site of the proposed project is an agricultural operation. Thus, there would be approximately 1,300 feet between the nighttime lighting proposed on-site and the property boundary of Western Cactus Enterprises.</p>
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I35-13 (cont.)

The Western Cactus response also noted that while it is generally accepted that nighttime lighting can attract night pollinators (typically moths and bats), few studies have examined the actual effects of artificial lighting on these pollinators (FOOTNOTE 1: Rich, Catherine and Longcore, Travis, Eds. Ecological Consequences of Artificial Night Lighting, 2006.) . As the scientific literature does not provide conclusive evidence that nighttime lighting would reduce nighttime pollinator populations or adversely affect their behavior, the FEIR does not identify a potentially significant impact related to this issue.

Nonetheless, the project's lighting would be designed to minimize light pollution. Part III of the Specific Plan, section D.10 provides lighting guidelines, which are also included as a project design consideration in the FEIR, Table 1-3. These lighting guidelines state:

Project lighting would be designed to provide adequate illumination for safety, security, and architectural accents without over lighting. Light fixtures would direct light to use areas and avoid light intrusion into adjacent land use areas. Light shields would be used where necessary to avoid nuisance lighting, particularly in residential neighborhoods and adjacent to preserved natural open space. Lighting, including all landscape low voltage decorative lighting, would comply with the County's Light Pollution Code.

In conclusion, it would be speculative to conclude that the project's lighting would result in significant impacts to pollinators, thereby, preventing seed production. The research on the effects of night lighting on pollinators is not conclusive and there are many other factors and risks associated with pollinator behavior. For example, pollinators (bees, butterflies, moths, beetles, flies, and wasps) can be adversely affected by pesticide use , which would be reduced on the project site as a result of the project. Furthermore, the FEIR includes adequate lighting measures that would minimize light pollution. Based on the existing project design measures intended to minimize light pollution, in addition to the fact that the actual effects of night lighting on pollinators is speculative, the project's lighting would not result in a significant impact relative to off-site pollinators.

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	<p>I35-13 (cont.)</p> <p>Notwithstanding, the FEIR determined that the project would result in significant indirect impacts at AAs 3 through 10 and 13, and includes mitigation requiring agricultural buffers (with rows of orchard trees), six-foot masonry fencing, and an additional LBZ as shown in the table above. With these mitigation measures (and PDC-3), any potential impacts to off-site agricultural operations, including impacts from night time lighting would be less than significant.</p>
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	<p>I35-14 Please see Global Response: Fire and Medical Services.</p> <p>I35-15 The project does not propose the placement of a fire station within the Senior Neighborhood. The Mountain Ridge Road Alternative, however, does include the potential construction of a fire station south of the group care facility. As shown in FEIR Figure 4-16, the group care facility would be located in the northeast portion of Phase 4. The fire station would be located within the bottom center portion of Phase 5.</p> <p>FEIR subchapter 4.9.2.8 evaluates noise impacts associated with the operation of a fire station within Phase 5. Specifically, the FEIR finds that noise sources associated with the fire station would include vehicles accessing the station, mechanical ventilation, as well as occasional alarms and sirens. The alarms and sirens associated with operation of the fire station are exempt from the County noise ordinance and, due to the limited time they would sound, would not result in significant impacts. The noise generated by the ventilation equipment could potentially result in unacceptable noise levels affecting the institutional uses located nearby. This could be a potentially significant stationary noise impact, similar to that identified for the project (see subchapter 2.8.2.2, Impact N-4). As with the project, the alternative would implement mitigation measures M-N-3 and M-N-4 in addition to project design features which would reduce potential impacts to less than significant.</p> <p>I35-16 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.</p> <p>I35-17 The project Evacuation Plan, Appendix K of the FEIR recognizes that the assisted living facility would require preparation of specialized emergency evacuation plans to accommodate the special needs of the occupants. The preparation of emergency plans is required for these types of facilities and would be approved prior to the approval of a Major Use Permit. The assumption is not that this facility would shelter in place; rather evacuate according to a specialized emergency evacuation plan</p>
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<p>19) This project proposes a supermarket (FEATURES its supermarket!) without ANY study submitted that shows what the supermarket industry needs, population-wide, to establish and anchor store. LHR can NEVER supply that. Why did you not require a study?</p> <p>20) Why have you not required an economic study of the cost for infrastructure that would saddle all residents' property taxes? Accretive does not care. THEY ARE ONLY SEEKING HIGH-DENSITY "ENTITLEMENTS." They are not building and selling homes. They would be wholesaling lots. My prediction based on reality: you will be taking land out of agriculture – but that will never go into housing. Because of the cost involved in seeking those entitlements, the land will then be too costly to farm. It's lose-lose-lose.</p> <p>21) The ONLY alternative to this project should be one developed to existing CGP density, zoning and road standards with limited use of existing private roads by the parcels that now have the right to traverse them.</p> <p>22) There will be no jobs there. It is a commuter community. Spewing fuel, bogging down existing roads, endangering the existing population in the event of emergencies, destroying agriculture and the green environment - and ABOVE ALL, it is designed as the precedent for destruction the County General Plan.</p> <p>Based on all of the above, and many other factors, this DEIR has not searched out the truth and cannot provide the decision-makers the information that is needed.</p> <p>This whole process has been irrevocably tainted SINCE 2006, including enabling the developer's lobbyist to influence staff and staff members' job security, because of his position on the Red Tape Reduction Task force, empowered to judge and report DPDS "shortcomings."</p> <p>This lack of ethics must stop, and be corrected. The County must show clean hands in every transaction.</p> <p>Respectfully submitted,</p> <p><i>Patsy Fritz</i></p>	<p>I35-18 The comment raises economic issues that do not appear to relate to any physical effect on the environment. 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 with respect to the FEIR, no further response is required.</p> <p>I35-19 The Specific Plan, Section IV Implementation includes a Public Facilities Finance Plan on page IV-10. Table 10 identifies Facility and Improvement Financing which includes various financing options including Developer funding (including fees, land dedication and construction of facilities), Formation of Assessment District (AD), Community Facilities District (CFD), Infrastructure Financing District (IFD) and/or Reimbursement Agreements. Ultimately, the Board of Supervisors would have the discretion as to who would be responsible for financing various facilities and improvements. In addition, the comment raises other economic issues that do not appear to relate to any physical effect on the environment. 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 with respect to the FEIR, no further response is required.</p> <p>I35-20 The County agrees that the FEIR should include an alternative that reflects development allowed under the General Plan. The FEIR includes this analysis in subchapter 4.4.</p> <p>I35-21 The comment 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. 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.</p> <p>I35-22 The County does not agree there has been a breach of ethics in the processing of this project, but acknowledges your opposition to the project. 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.</p>
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