

LETTER

RESPONSE

Letter I51g

July 22, 2014

To: Mark Slovick, Project Manager
 County of San Diego Planning and Development Services
 5510 Overland Avenue, Suite 310
 San Diego, CA 92123
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Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 3 Environmental Effects Found Not To Be Significant with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 3 Environmental Effects Found Not To Be Significant

In DEIR Chapter 3 the County of San Diego factually understates Significant Impacts. The County does not provide adequate substantiation for the County's Impact Assessment

Below are specific Comments on Chapter 3 Section 3.1.4 Land Use Planning and 3.1.7 Utilities Hazards:

Chapter 3.1.4 Land Use Planning This Subchapter of the DEIR needs to include an unbiased evaluation of the Project's General Plan and Community Plan Consistency as of today, prior to a Board decision on the Project.

The County's analysis of Land Use Planning Policy consistency as written is biased in favor of the Project without factual support for the conclusions in favor of the Project.

The County states that indeed the Project as proposed is inconsistent with dozens of major General Plan Policies. But if the Board approves the General Plan Amendment, by definition the Project would achieve consistency with the General Plan, because a Board approval of the Project will amend the General Plan.

This circular logic does not observe the fundamental tenant of CEQA – to assure that decision makers prior to making a land use decision are informed of the Project's Environmental Impacts, and have taken all possible measures to Mitigate Impacts.

Factually disclose to the Lead Agency Decision Makers an unbiased evaluation of the General Plan and Community Plan policies included in August 2013 Public Comment contained in the

I51g-1

I51g-2

I51g-3

I51g-4

I51g-1 This comment is an introduction to comments that follow. No further response is required.

I51g-2 The comment expresses opinions of the commenter and will be provided to decision makers prior to the approval of the project. No further response is required; however, the following background is provided in response to the comment: CEQA requires an EIR to provide a reasonable, good faith disclosure based on a practical analysis of environmental impacts even though others may disagree with the underlying analysis or conclusions. An EIR should provide sufficient information to enable decision makers and the public to understand the environmental consequences of a project. Reviewing courts will resolve any disputes regarding the adequacy of an EIR analysis in favor of the lead agency if there is substantial evidence in the record supporting the EIR's approach. (*Laurel Heights Improvement Assn v. Regents of California* (1988) 47 Cal.3d 376) CEQA Guidelines 15384 defines substantial evidence to mean enough relevant factual information from which reasonable inferences can be drawn. Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W for a thorough discussion on this issue.

I51g-3 This comment mischaracterizes the analysis framework of the FEIR and statements found in the FEIR. The FEIR frames the General Plan consistency analysis in subchapter 1.4 under "Environmental Setting," and describes its current land use planning context including current general plan land uses and applicable community plans. (see FEIR, subchapter 1.4) Subchapter 1.6 describes the General Plan Amendment (GPA) required for approval of the project and that which is analyzed by the FEIR. Subsequent analysis of the physical environmental impacts that would occur from implementation of the GPA are illustrated in Chapters 2.0 and 3.0, as well as in the Land Use Planning section, subchapter 3.1.4, (see FEIR, Chapter 3.0 and Appendix W.)

Subchapter 3.1.4.2 summarizes that the project proposed land uses and densities that are not currently consistent with the adopted land use designation of Semi-Rural S-R4 (VCCP Land Use Map) and Semi-Rural SR-10 (BCP Land Use Map). In order for the project to be approved and implemented, the General Plan Regional Land Use Map would need to be amended to change the adopted regional

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	<p>151g-3 (cont.) category (Semi-Rural) designation of the project site and to redesignate the entire 608-acre site as "Village" (as shown on Figure 1-1 of the FEIR). In addition, the VCCP land use designation for the project would need to be amended to Village Residential (VR 2.9) and Village Core (C-5) and the BCP land use designation will need to be amended to Village Residential (VR 2.9) (as shown on Figure 1-2). Amending the General Plan Mobility Element road classification of West Lilac Road is addressed in subchapter 1.6 of the FEIR (see also subchapter 2.3, Traffic with respect to West Lilac Road and Road 3).</p> <p>Please refer to Appendix W for a thorough discussion of this topic.</p> <p>151g-4 Please refer to response to comment 151g-2 above. (See also FEIR, Chapter 3.0 and Appendix W.)</p>
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<p>2 Page of 4</p> <p>letter Ltr 8-13-13 re General Plan and Community Plan Inconsistencies (Attachment 1) prior to their decision.</p> <p>Our specific request is for the County to generate a matrix of each of the Policies in rows and in the first column outline the Applicant's claims of consistency which are contained in Subchapter 3.1.4. In another column, list the Public Comment position on policy consistency contained in letter Ltr 8-13-13 re General Plan and Community Plan Inconsistencies (Attachment 1).</p> <p>On a policy by policy basis, assess objectively the merits of the arguments of each party.</p> <p>AN OBJECTIVE ANALYSIS WILL CONCLUDE THAT THE PROJECT IS INCONSISTENT WITH DOZENS OF GENERAL PLAN AND COMMUNITY PLAN POLICIES.</p> <p>LAND USE PLANNING IS A MAJOR SIGNIFICANT IMPACT THAN CANNOT BE MITIGATED BY THE PROJECT. IT BELONGS IN CHAPTER 2 "SIGNIFICANT IMPACTS".</p> <p><u>Chapter 3.1.4 Land Use Planning - Unsubstantiated Assertion stated as fact</u></p> <p>On page 3-88 the County asserts:</p> <p>"The project is designed to meet the LEED for Neighborhood Development Certification or an equivalent program and was planned by Calthorpe and Associates in order to create a new urban village consistent with these principles."</p> <p>1). Provide a document from Calthorpe and Associates certifying that Calthorpe and Associates have provided the Design of the Lilac Hills Ranch Urban Village as presented in the current version of the Lilac Hills Ranch Specific Plan.</p> <p>Or remove this comment from the DEIR.</p> <p>2). National Expert Kaid Benfield was on the founding LEED commission and has rated the Lilac Hills Ranch Project using a structured analytical approach that analyzes the purported sustainability of the proposed Project.</p> <p>a). Please read again Kaid Benfield's analysis of the Lilac Hills Ranch Project at: (http://www.citylab.com/design/2013/09/sprawl-still-sprawl-even-if-its-green/6756/). This information was presented to the County as a Public Comment by the Endangered Habitats League on September 3, 2013. It is included as an Attachment 2 to these comments</p> <p>The DEIR ignores its existence.</p> <p>The County's requirement is to present <i>unbiased</i> information to Decision Makers.</p> <p>Please answer why substantiated opposing viewpoints were not incorporated into the DEIR, while unsubstantiated assertions in favor of the Project were represented as fact.</p> <p>In Chapter 3 – Environmental Impacts found not to be Significant - 3.1.7.2 Analysis of Project Impacts and Determination of Significance – Waste Water Treatment Systems. The County has proposed three infeasible Sewer and Reclaimed Water Pipeline Routes.</p>		<p>151g-5 Please refer to response to comment 151g-2 above. FEIR Appendix W compares the project to the existing general and community plans to determine whether any inconsistency would result in an environmental impact. Although not required by CEQA, this matrix helps to avoid confusion by the public and the reviewing body by clearly showing the analytical trail concerning such comparisons. However, it should be noted that an inconsistency between a proposed project and an applicable plan is a legal issue not a significant impact under CEQA. An inconsistency with an applicable plan is a factor to be considered in determining whether the project may have a significant effect on the physical environment.</p> <p>151g-6 The comment 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. Please also refer to response 151g-2 and 151g-5 above for a thorough discussion on this issue.</p> <p>151g-7 Please note that the project is amending the General Plan by adding new Village that meets the criteria of Policy LU-1.2. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 and Appendix W for a thorough discussion on this topic.</p> <p>151g-8 This comment is noted and will be provided to decision makers prior to project approval. Please note, however, that Kaid Benefield's analysis was based upon the LEED-ND certification program. General Plan Police LU-1.2 provides that the project may be designed to meet the LEED-ND Certification or an equivalent. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for additional discussion on this topic.</p> <p>151g-9 Please refer to response to comment 151g-2 above.</p>
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	<p>I51g-10 The comment states generally that three of the sewer and pipeline routes are infeasible. These options are analyzed in the FEIR. The comment does not raise any specific environmental issues regarding the analysis. 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 proposed project. Please see subchapter 1.2.1.7 of the FEIR which describes the alternative routes for wastewater transmission lines. The FEIR (subchapter 3.1.7.1.) described several alternatives for treatment of wastewater, both on- and off-site as requested by Valley Center Municipal Water District (VCMWD). The FEIR also includes alternative routes for wastewater transmission lines. The project applicant would implement one of the options for wastewater treatment as approved by the VCMWD. VCMWD has conceptually approved the Wastewater Management Report for Lilac Hills Ranch which provides additional information about all treatment options. See also response to comment I51g-13.</p>
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<p>3 Page of 4</p> <p>The County has also failed to identify Significant Impacts and provide Mitigation for Significant Impacts for the only Alternate which may be feasible, Alternate 4.</p> <p>A SIGNIFICANT UNMITIGATED IMPACT IS CAUSED BY THE PROJECT'S CONSTRUCTION OF SEWER AND RECYCLED WATER IN PUBLIC RIGHT OF WAY</p> <p>The County's statement below from Chapter 1 page Introduction and Objectives page 1-26 is inaccurate in two areas:</p> <p>"As detailed in the Wastewater Alternatives Report, all sewer line alternatives would be located entirely within existing improved/graded roadways, within public right-of-way and/or VCMWD easements and there would be adequate spacing available within the existing trenches in each of those routes to fit all required sewer service lines. No new trenching outside the existing right of way would be required."</p> <p>This statement is inaccurate as follows:</p> <p>1). Only Alternate 4 pipeline route <i>potentially</i> has legal right of way for construction. Alternates 1, 2, and 3 are infeasible because the Project factually does not have legal right of way to construct Sewer and Recycled Water Pipelines on route Alternates 1, 2, and 3.</p> <p>2). Even Alternate 4 has the need for pipeline improvements outside the existing right of way. The Project proposes running sewer and recycled water pipeline along a future County right of way grant for a currently non-existent Covey Lane Public Road.</p> <p>It is questionable whether the County is accurate in representing that Alternate 4 is feasible. Please refer to Appendix S – Waste Water Management Alternatives- Figure 3-4 B Covey Lane Utility Cross Section. The pipeline route depicted in the drawing does not have legal rights for sewer and recycled water for westerly access parcel across APN 129-010-81 beyond the westerly boundary of APN 129-010-69. Provide factual substantiation on how legal access of this route is feasible.</p> <p>Also, please enumerate the legal basis of the right of the Project to run sewer and recycled water pipelines from the eastern boundary of APN 128-290-84 to the centerline of West Lilac as depicted in Figure 3-4 B Covey Lane Utility Cross Section.</p> <p>EVEN IF the County can demonstrate legal right of way to construct sewer and recycled water pipeline Alternate 4, there remains two unaddressed Significant Issues – Impact of Pipeline Construction, and Impact of total consumption of right of way.</p> <p>Impact of Pipeline Construction - The construction of Alternate 4 will cause a Significant and Unmitigated Impact by disrupting traffic flows and limiting access of Emergency Responders on West Lilac Road, Covey Lane Private Road, (proposed) Covey Lane Public Road, and Circle R Drive for an extended period of time – likely to be months. Based on the current configuration of these roads, construction of these pipelines will create a Hazard for months.</p> <p>Impact of total consumption of right of way - Pipeline Alternate 4 creates another Significant and Unmitigated Impact. The placement of sewer and recycled water pipeline effectively</p>		<p>151g-11 The comment states that the County has failed to identify significant impacts and mitigation for Alternative 4.</p> <p>In response to previous comments received by the public, a fourth alternative pipeline location has been added to Appendix S of the FEIR (Wastewater Management Alternatives Report). This alternative utilizes public road rights-of-way along Covey Lane, West Lilac Road, and Circle R Road to reach the Lower Moosa Wastewater Treatment Facility. This alternative does not have any new impacts to undisturbed land because the pipeline would be located entirely within existing roadways. This alternative would be located within public road right-of-way and would not require the use of eminent domain. FEIR subchapters 1.2.1.7 and 3.1.7.2 have been revised to clarify that additional alternative routes for sewer lines have been considered and analyzed.</p> <p>151g-12 The comment states that a significant unmitigated impact is caused by the project's construction of sewer and recycled water in the public right-of-way. The comment does not discuss specific environmental impacts and no further response can be provided or is required. Please see response to comment 151g-11 above.</p> <p>151g-13 The comment states that Alternates 1, 2, and 3 are infeasible because the project does not have legal right-of-way to construct sewer and recycled water pipelines within any of those routes. Subchapter 3.1.7 of the FEIR and the Wastewater Alternative Study (Appendix S), describe four alternative routes for wastewater transmission lines to connect to the Moosa WRF. Each of these options follow improved existing roadways located entirely within public rights-of-way or existing easements. Option 3 is the preferred route along the Mountain Ridge Road (see Figure 3.1-8 of the FEIR) easement. However, VCMWD has indicated, in a letter dated July 8, 2013, that it does not presently have sewer or recycled water easement rights across Covey Lane parcels or the west side of Mountain Ridge private road from the Lilac Hills subdivision boundary to the Circle R public road. In addition, VCMWD lacks sewer easement rights for approximately 1,260 feet on the east side of Mountain Ridge private road. In order for the project to use three of these routes, additional rights may need to be secured. As a result, a fourth alternative was examined as described in response to comment 151g-11 above. Subchapter 1.2.1.7 and 3.1.7.1 were revised to describe the four options. In the event that additional</p>
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	<p>151g-13 (cont.) right-of-way is needed for the installation of pipelines, the alternate route would become the preferred route. See also response to comment I51g-11. Locating the pipeline along a public road right-of-way is consistent with VCMWD Administrative Regulations Section 200.4 which provides that under normal circumstances, sewer and water lines are to be located in a maintained roadway. However, VCMWD Administrative Regulations Section 200.3[d] provides that properties requiring an off-site line extension that do not have adequate easements to extend water lines may petition the VCMWD Board of Directors to initiate proceedings to acquire the easements through eminent domain. Ultimately, it is at the discretion of the Board of Director's to decide whether to initiate proceedings to acquire the easements. California law also grants local public agencies the ability to impose conditions on private development requiring the construction of public improvements located within land not owned by the developer. (See Government Code Section 66462.5) Therefore none of the four alternatives are infeasible because of easement restrictions because such rights may be legally obtained by the applicant.</p> <p>I51g-14 The comment states that Alternative 4 would require pipeline improvements outside the existing right-of-way over the Irrevocable Offers of Dedication (IOD) portion of Covey Lane. However, this alternative utilizes public road rights-of-way along Covey Lane, West Lilac Road and Circle R Road to reach the Lower Moosa Wastewater Treatment Facility. Please refer to Global Response: Off-site Improvements – Environmental Analysis and Easement Summary Table.</p> <p>I51g-15 See response to comments I51g-11 and I51g-14.</p> <p>I51g-16 See Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and Off-site Improvements – Environmental Analysis and Easement Summary Table.</p>
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	<p>151g-17 The comment states that Alternative 4 will cause a significant and unmitigated impact by disrupting traffic flows and limiting access of emergency responders on West Lilac Road, Covey Lane private road (proposed), Covey Lane public road, and Circle R Drive for an extended period of time because of the construction activities related to the installation of the water, recycled water, and wastewater pipelines described in Alternative 4.</p> <p>The project includes as a project design element, the requirement to prepare a Traffic Control Plan. See Table 1.3 of Chapter 1.0 for details. The Traffic Control Plan will ensure that construction traffic is managed in a way that does not disrupt traffic flow, cause safety hazards, or impede the ability for emergency responders to traverse area roadways. In addition, prior to installation of the sewer and water lines, the applicant would be required to obtain the required approval from the appropriate agencies which would require the submittal of such plans.</p> <p>Chapter 11 of the Traffic Impact Study (FEIR Appendix E) analyzed the potential traffic impacts associated with the project. Project construction was phased over a period of up to 20 years with Phase D plus construction traffic assumed as the worst case scenario. Table 11.1 of the TIS (Appendix E of FEIR) displays the assumed construction-related vehicle trip generation. As shown in Table 11.1, the worst case scenario (Phase D Plus Construction) would generate a total of 13,473 daily trips. Project impacts for both Phase D and Phase E (project build-out) were discussed in Chapter 5 of the TIS. The TIS concluded that no additional (to Phase E) impacts associated with construction-related traffic would occur to the study area roadway network.</p>
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consumes the underground total right of way available on West Lilac Road and Circle R Drive Public Roads for much of the route to Lower Moosa Treatment facility. There is no remaining room for any other future underground utility once Lilac Hills Ranch has consumed all of the available underground right of way.

I51g-18
cont.

The only effective mitigation for this Significant Impact would be acquisition of additional right of way by the Project or County.

I51g-19

Include these Significant Impacts in DEIR Chapter 2 and remove Waste Water Treatment Systems from Chapter 3.

Sincerely,



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Att 1 Ltr 8-13-13 re General Plan and Community Plan Inconsistencies
Att 2 EHL Lilac Hills Ranch Aug 2013 Public Comments

I51g-20

I51g-21

I51g-18 Water, recycled water, and wastewater pipelines shall be installed to all applicable local, state, and federal requirements including but not limited to VCMWD's specific requirements and the State Health Department requirements for pipeline separation. Access to public right-of-way by a public agency occurs on a first-come-first-serve basis. Pipeline final design includes coordination with other underground facilities to avoid conflict during construction.

The comment states that Alternative 4 would have a significant and unmitigated impact because it would consume all of the right-of-way available on these roadways with no remaining room for others. The comment raises economic, social, or political 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, no further response is required.

I51g-19 The comment 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. However, because the comment does not raise an environmental issue, no further response is required.

I51g-20 Refer to responses to comment letter O3e.

I51g-21 Refer to responses to comment letter O2 (EHL 2014 and 2013 letters).