

Letter I51h

July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
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San Diego, CA 92123
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[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 4 Project Alternative 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 4 Project Alternatives

Comment I - 4.1.1.1 Alternative Location – The County of San Diego has wrongly excluded qualifying Alternative locations presented by the Public

I) INCLUDE THE DOWNTOWN ESCONDIDO SPA ALTERNATE SUBMITTED BY PUBLIC COMMENT VIA LETTER Ltr. 8-19-13 Project Alternatives (Attachment 1) OR STATE COMPREHENSIVELY AND IN DETAIL WHY IT WAS EXCLUDED FROM CONSIDERATION.

I51h-1

II) THE COUNTY'S RATIONALE FOR ALTERNATIVE SITE EXCLUSION IS BIASED, INTERMINGLES RATIONALE FOR EXCLUSION OF VALLEY CENTER VILLAGES WITH THE ESCONDIDO DOWNTOWN SPA, AND MOST IMPORTANTLY IS UNSUBSTANTIATED.

I51h-2

a). On page 4-5 the DEIR states:

"With respect to an off-site location, there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village, close to I-15, in the Valley Center-Bonsall area. The location of the project within the I-15 corridor is important to meet the first project objectives due to the proximity of the freeway and other infrastructure and services needed to serve the residents of the project."

This statement has three elements which are either misleading or patently false:

I51h-3

- 1. "there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village"

The Downtown Escondido Specific Plan Area (SPA) has availability for Development, at higher densities than the Project. The relevant measure should be Equivalent Dwelling Units, not raw acreage. The Downtown Escondido SPA site has more available capacity for the residential and commercial land uses the Project proposes and already IS a compact

a

I51h-1 The County disagrees that the project is required to include the Escondido Downtown Specific Planning Area (located nearly 15 miles away from the proposed project) as an off-site alternative in the FEIR. Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The CEQA Guidelines provide several factors that should be considered with regard to the feasibility of an alternative: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the project applicant can reasonably acquire, control, or otherwise have access to the alternative site (if an off-site alternative is evaluated).

The suggested Escondido alternative is outside the jurisdiction of the County of San Diego and is located nearly 15 miles away from the proposed project. This suggested alternative would therefore fail to meet a project objective of providing a range of diverse housing types with the jurisdiction of the County of San Diego to accommodate expected population growth and to assist the County in meeting the requirement to accommodate its fair share of housing for regional population growth as required by Government Code sections 65583 and 65584.

Senior housing is a significant housing type in the proposed project. The 468 deed-restricted senior housing units in the development plan comprise 27 percent of the total number of housing units. None of the 171 development projects on the cumulative projects list (FEIR Table 1-6) appears to contain any deed-restricted senior housing units (or any other type of senior housing). The County's General Plan Housing Element Background Report (April 2013) identifies the housing needs of the growing elderly population to require special considerations such as proximity to services and shopping, as well as more affordability, all which can be achieved in the Village-style design of the proposed project.

LETTER

RESPONSE

	<p>I51h-1 (cont.)</p> <p>The range of proposed housing types in the proposed project also includes single-family detached homes abutting open space. This housing type cannot be duplicated in a small-lot urbanized environment such as the Escondido Downtown Specific Plan Area (see Figure II-4, page II-12, of the Escondido Downtown Specific Plan, which figure is attached) that lacks any adjacent open space areas.</p> <p>Also, the applicant cannot reasonably, economically and timely acquire a large block of parcels under the Escondido alternative that are necessary to develop a comparable project that includes single-family detached homes and single-story senior housing. As shown in Figure II-4, page II-12, of the Escondido Downtown Specific Plan, the Escondido Downtown Specific Plan residential areas are comprised almost exclusively of very small legal parcels that are already developed. Those parcels are mostly in separate fee title ownership. The applicant would, therefore, be required to negotiate for and acquire hundreds of separate occupied and operational legal parcels from diverse ownership interests to assemble land for a comparable development project. Also, the existing structures on most of the parcels would have to be demolished, and the operations would also have to be relocated at significant cost. Such tasks are unrealistic and infeasible. Please refer to the December 16, 2014 letter from project applicant regarding the Escondido Downtown Specific Plan submitted to the County.</p> <p>The alternatives evaluated in detail within the alternative subsection include: (1) No Project/No Development Alternative, (2) No Project/Existing Legal Lot Alternative, (3) General Plan Consistent Alternative, (4) Reduced Footprint Alternative, (5) Reduced Intensity Alternative, (6) 2.2 C Alternative, (7) Roadway Design Alternative, and (8) Mountain Ridge Road Fire Station Alternative. Each of these alternatives was selected in order to either: (1) avoid or minimize significant impacts associated with the project, or (2) compare potential effects with the General Plan Consistent alternative, which is considered a viable development option for planning purposes.</p> <p>These alternatives permit informed decision making and public participation because there is enough variation amongst the alternatives that provide a reasonable range. As required under CEQA, the alternatives would avoid or minimize significant impacts associated</p>
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LETTER

RESPONSE

	<p>I51h-1 (cont.)</p> <p>with the project while also meeting the project objectives. The alternatives are compared to the impacts of the project and are assessed relative to their ability to meet the basic objectives of the project. Please refer to Table 4-2 for a breakdown of project alternatives impact comparison.</p> <p>The alternative posed by the commenter would not serve any new purpose, and therefore, is not needed to create a “reasonable range” as required by CEQA.</p> <p>The court in Citizens of Goleta Valley v. Board of supervisors (1990) 52 Cal.3d 553) held that in assessing the feasibility of alternatives located off-site, a jurisdiction may consider whether a project proponent owned or had reasonable access to the alternative site and whether such sites were in its planning jurisdiction. The law does not require in-depth review of a project alternative which cannot be realistically considered and successfully accomplished. The proposed alternative site is not under the ownership of the project proponent and is not located within the jurisdiction of the County of San Diego.</p> <p>An alternative site in the County for the project was considered taking into a number considerations including the existing General Plan (or Community Plan) land use designations, and availability of infrastructure. No other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly, was available for development that met the project’s objectives. The two village sites identified in the Valley Center Community Plan) were considered and rejected.</p> <p>I51h-2 See response to comment I51h-1.</p> <p>I51h-3 The suggested Downtown Escondido Specific Plan project is not a feasible project alternative and the FEIR already includes a reasonable range of alternatives. See response to comment I51h-1.</p>
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village. The Downtown Escondido SPA also has superior access to mass transit than the Project does.

2. "close to the I-15"

The Downtown Escondido SPA is closer to the I-15 than the Project.

3. "in the Valley Center-Bonsall area"

WHERE DID THIS SELECTION CRITERIA COME FROM? The relevant objective is Objective 1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community. **THE OBJECTIVE STATES "northern San Diego County," not Bonsall-Valley Center. Escondido is in northern San Diego County. The Downtown Escondido SPA meets the County's Objectives.**

b). On page 4-5 and 4-6 the DEIR states:

"This project would create a new Village, providing an additional location within the VCCP area with services and housing opportunities. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would which ultimately connect with freeway ramps to I-15. Placing the project in another location may result in additional issues related to traffic and services."

With respect to the Downtown Escondido SPA, this statement is incorrect as is substantiated below:

1. "Placing the project in another location may result in additional issues related to traffic and services."

The Downtown Escondido SPA is a superior location for traffic and services, generating far fewer Vehicle Miles Traveled than the Project. This argument is without merit.

c). On page 4-6 the DEIR states:

"Further, the applicant already owns the project site and cannot reasonably acquire an alternative site. Thus, in accordance with CEQA Guidelines Section 15126.6(f), the acquisition of an alternative location would be considered infeasible."

With respect to the Downtown Escondido SPA, this statement is incorrect. The County's rationale lists only two of the seven non-exclusive factors contained in CEQA Guidelines Section 15126.6(f). The Downtown Escondido SPA Alternate is consistent with the majority of the seven non-exclusive factors included in of CEQA Guidelines Section 15126.6(f) and an analysis of the Downtown Escondido SPA Alternative must be included in the Project DEIR. Refer to the entire discussion on page 3 of Ltr 8-19-13 Project Alternatives (attached),

d). on page 4-6 of the DEIR, the County concludes:

"Therefore, an alternative location was considered but rejected because of the (1) lack of a suitable-sized site, (2) lack of a site located in proximity to I-15 and existing service

I51h-3 cont.

I51h-4

I51h-5

I51h-6

I51h-7

I51h-4 The FEIR alternative site analysis was completed in compliance with CEQA Section 15126.6. Accordingly, the alternative site criteria utilized was based on the ability of the site to meet the basic project objectives, the ability of the proponent to reasonably acquire the alternative site, and the location of the site within County-jurisdictional area. For clarification, the "northern San Diego County" area referenced in the objectives is referring to the northern County area under the jurisdiction of the County of San Diego. The County cannot direct development in areas outside its jurisdiction, such as the incorporated City of Escondido area. Regardless of whether the Downtown Escondido SPA meets some of the project's objectives; the EIR already includes a reasonable range of alternatives and need not consider every conceivable alternative to a project. Refer to response to comment I51h-1.

I51h-5 The quoted text is referring to a feasible alternative site, not to the Downtown Escondido Specific Plan. The proposed project-generated trips would have an average vehicular trip length of 7.6 miles, which is over a half-mile lower than the rest of the Valley Center community. Refer to FEIR subchapter 4.1.1.1 for additional context and Appendix E for additional VMT information. The FEIR analysis concludes that placing the project within alternative locations that are not close to regional facilities would result in a project with higher VMT and likely would increase traffic impacts to local roadways. Considering the context of this quoted sentence and support provided in the FEIR, this quoted statement is accurate.

I51h-6 See response to comment I51h-1. Any of the factors identified in CEQA Section 15126.6(f) may be reasons to determine an alternative is not feasible, not all seven factors are required to determine infeasibility.

I51h-7 See response to comments I51h-4 through 151h-6.

areas, (3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts, and (4) that the proponent cannot reasonably acquire an alternative site.”

This conclusion has no substance for any of the four arguments presented in favor of the Project. Substantiation of this statement is below.

(1) lack of a suitable-sized site – The Downtown Escondido SPA Alternate has more capacity than the Project in each of its land use categories.

2) lack of a site located in proximity to I-15 and existing service areas- The Downtown Escondido SPA Alternate is in closer proximity to I-15 than the Project.

(3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts – The Downtown Escondido SPA Alternate has far fewer VMT, GHG emissions, and traffic impacts

(4) that the proponent cannot reasonably acquire an alternative site – The statement may or may not be true, but by itself it is not sufficient rationale to exclude the Downtown Escondido SPA Alternate.

In conclusion, the County of San Diego **MUST INCLUDE IN THE DEIR A REASONABLE ALTERNATE – THE DOWNTOWN ESCONDIDO SPA AND EVALUATE THE ABILITY OF THE ALTERNATE TO SATISFY PROJECT OBJECTIVES.**

COMMENT II - 4.1.8 Road Standard Design Exceptions –THE COUNTY SHOULD NOT ACCEPT ANY OF THE ROAD EXCEPTIONS

There are potential safety Hazard issues with of these Exceptions. The County has not performed and shared with the Public any Hazard analyses on nine of the proposed Road Exceptions.

The County has only performed and disclosed to the Public Hazard Analysis on a single Exception – Exception # 7 Mountain Ridge Design Speed. The “analysis” consists of less than a page on page 11 of the Traffic Impact Study, and this analysis has many unsubstantiated assertions. The “hazard analysis of Exception #7 Mountain Ridge Design Speed is discussed below.

The Applicant asserts the following on page 11 of the Traffic Impact Study (TIS):

“ii. HAZARDS DUE TO AN EXISTING TRANSPORTATION DESIGN FEATURE

Mountain Ridge Road is a residential serving road with several vertical curves and design speed as low as approximately 5 mph along certain sections. Since the road is not currently built to County private road standards, an assessment according to Section 4.6 of the County Guidelines was completed considering the following factors:

1) Design features/physical configurations of access roads may adversely affect the safe movement of all users along the roadway.

I51h-7
cont.

I51h-8

I51h-9

I51h-8 The comment represents the opinions of the commenter and further serves as an introduction to comments that follow. Therefore, no response 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.

I51h-9 The comment restates information contained in the TIS, but does not raise an environmental issue within the meaning of CEQA. 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.

- 2) The percentage or magnitude of increased traffic on the road due to the proposed project may affect the safety of the roadway.
- 3) The physical conditions of the project site and surrounding area, such as curves, slopes, walls, landscaping or other barriers, may result in conflicts with other users or stationary object.
- 4) Conformance of existing and proposed roads to the requirements of the private or public road standards, as applicable.”

The following is a discussion of each of these four individual factors:

- 1) There are several vertical curves along Mountain Ridge Road, some of which have grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, it is concluded that the current road may adversely affect the movement of users.
- 2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.
- 3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item.
- 4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

Public Comments regarding this purported “Hazard analysis of Road Exception #7 – Mountain Ridge Design Speed

THE APPLICANT AVOIDS DISCUSSION OF MEASURABLE METRICS IN THE PRIVATE ROAD STANDARDS AND USES “Section 4.6 of the County Traffic Guidelines” TO CONSTRUCT ARGUMENTS BASED ON SUBJECTIVE VAGUE CRITERIA, RATHER THAT MEASUREMENT AGAINST AN OBJECTIVE STANDARD.

151h-10

151h-11

151h-12

151h-10 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA. 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.

151h-11 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA. 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.

151h-12 Contrary to the comment, quantitative metrics were used to evaluate Mountain Ridge Road, including the graded width, improved width, vertical design speed, and the minimum length vertical curves present on the road. In addition, the County Guidelines for Determining Significance Transportation and Traffic (County Guidelines) is the appropriate document for evaluating potential impacts under CEQA related to potential transportation hazards. The proposed Road Exception #7 for Mountain Ridge Road is a request for a modification to the Road Standards. County Road Standards allow for exceptions to design criteria, provided the exceptions meet various requirements, including road safety as a primary criterion. The analysis associated with a review of exception requests to the Road Standards is separate from the required CEQA analysis for transportation hazards. A proposed exception to the Road Standards is not a de facto impact under CEQA. The FEIR analysis of the proposed exception request in the FEIR appropriately evaluates the potential for transportation hazards against the County Guidelines, using appropriate quantifiable criteria.

Below are specific questions regarding the "Hazards Analysis":

"1) There are several vertical curves along Mountain Ridge Road, some of which have grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, it is concluded that the current road may adversely affect the movement of users."

When a structured quantitative analysis is performed, the more appropriate statement is: IS A SAFETY HAZARD. Please answer why an analysis of the multiple driveway/road intersections were not analyzed. Many of the driveways have blind intersections, with vehicles frequently backing into the road in reverse. Please also comment with a quantitative analysis on safety of design at full Emergency Access traffic loading in an Evacuation Scenario with all Access gates open.

I51h-13

I51h-13 The amount of trips on the driveways intersecting Mountain Ridge Road is very small and, therefore, an analysis is not warranted. Additionally, since emergency use of Mountain Ridge Road would be extremely infrequent, a quantitative analysis of potential traffic-related impacts on Mountain Ridge Road during an emergency situation also is not required. Please see FEIR subchapter 2.7, Hazards and Hazardous Materials, for analysis of the potential impacts associated with wildland fires. Additionally, an Evacuation Plan for the project has been prepared; please see FEIR Appendix K.

"2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway."

I51h-14

I51h-14 The forecast ADT on Mountain Ridge Road is based on the fact that only the southern portion of the project's Phase 5 development will have access to Mountain Ridge Road. The forecast ADT of 1,190 ADT is correct. Please see response to comment I51d-44 for additional information responsive to this comment.

As we have commented in DEIR Subchapter 2.3 Traffic, there is required substantiation from the County on why the build out Project traffic estimate on Mountain Ridge changed from 2260 ADT to 1190 ADT. The County has yet to explain where the reduced 1070 ADT traffic load went to. The only conclusion supported by facts is that in reality, Project traffic loads are considerably higher than the as yet unsupported 1190 ADT.

I51h-15

The County has again not assessed Hazards at Emergency/Evacuation traffic loading.

THERE ARE SIGNIFICANT HAZARDS WHEN QUANTITATIVE FACTORS ARE OBJECTIVELY ANALYZED

"3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item."

I51h-16

I51h-15 As noted in the response to comment 151h-13, above, FEIR subchapter 2.7, Hazards and Hazardous Materials, includes analysis of the potential impacts associated with wildland fires. Additionally, an Evacuation Plan for the project has been prepared; please see FEIR Appendix K. No further analysis is required.

When a structured quantitative analysis is performed, the more appropriate statement is: IS A SAFETY HAZARD. Please answer why an analysis of the many driveway/road intersections obscured by trees and other landscaping were not analyzed.

I61h-16 Please see the response to comments 151h-12 and 151h-13 above.

"4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for

I51h-17

I51h-17 The comment restates information contained in the FEIR, but does not raise an environmental issue related to CEQA. 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.

the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

151h-17
cont.

We take issues with several statements made here. First of all, the County has not performed a Hazards Analysis against Private Road Standards consistently. This “table” does not analyze conformance with Sight Distance Lines at Intersection with Public Roads. Mountain Ridge Road as proposed does not meet Sight Distance Line requirements at the intersection with Circle R Drive Public Road.

151h-18

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 is 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.**

151h-19

CONCLUSION

A REASONABLE AND UNBIASED EVALUATION FINDS THAT THERE IS A SIGNIFICANT HAZARD SHOULD ROAD EXEMPTION # 7 MOUNTAIN RIDGE REDUCED DESIGN SPEED RECEIVE APPROVAL. APPROVAL SHOULD BE DENIED FOR ALL ROAD STANDARD DESIGN EXCEPTIONS.

151h-20

COMMENT III - 4.1.9 Mountain Ridge Fire Station Public Road Alternate –THE COUNTY SHOULD NOT CONSIDER THIS ALTERNATE FEASIBLE.

The Deer Springs Fire Protection District (DSFPD) does not accept this location as a solution for Fire Service for the Project, and has stated so in its June 2014 Public meeting, which is recorded in the meeting minutes (Attachment 2).

This Alternate is being proposed by the County to provide the logic for taking Right of Way Rights via County Condemnation proceedings from private citizens to enable the Project to construct an Access Road in compliance with Road Standards and also to provide Pipeline Access to the Lower Moosa sewer facility.

151h-21

This Alternate does not meet the requirements of Board Policy J-33, since it proposes encroachment on three residential structures and does not meet other J-33 requirements.

Conclusion

ALTERNATE 4.9 MOUNTAIN RIDGE FIRE STATION PUBLIC ROAD ALTERNATE IS NOT FEASIBLE AND SHOULD BE ELIMINATED AS AN ALTERNATIVE TO THE PROJECT.

151h-18 The road modification proposed is intended to alleviate any hazards associated with the current design of the road. The existing sight distance issue at Mountain Ridge Road and Circle R Drive has been resolved by means of vegetation clearing along Circle R Drive. As expressed in Chapter 1.0 of the FEIR, a clear space easement would be required at this location to assure the ongoing adequacy of the sight distance. The FEIR includes a sight distance analysis of this intersection in Appendix C-1 and recommends ongoing maintenance of clear space at this location. The project proponent or its designee would be required to maintain clear space at this intersection in perpetuity.

151h-19 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 the Global Response: Off-Site Improvements – Environmental Analysis 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 Response: Easements (Covey Lane and Mountain Ridge Road) for additional information responsive to this comment.

151h-20 The comment expresses the opinion of the commenter. Please see response to comments 151h-12 through 151h-20. 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.

151h-21 Please refer to the Global Response: Fire and Medical Services for a full discussion of this topic.

LETTER

RESPONSE

Sincerely,



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Att 1 Ltr. 8-19-13 Project Alternatives
Att 2 Deer Springs Fire District Minutes

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I51h-22

151h-22 See response to comments in Letter O3c.

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August 19, 2013

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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), Draft Environmental Impact Report (DEIR) **Project Alternatives**

Dear Mr. Slovick:

This firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the Alternatives Section of the Lilac Hills Ranch DEIR.

By way of brief summary, the DEIR Project Alternatives Analysis in Chapter 4 of the Lilac Hills Ranch DEIR is grossly defective in meeting CEQA requirements.

The biased DEIR "Objectives" (See Attachment "A", August 16, 2013 Comment Letter from Mark Jackson) have led to the selection of a limited number and scope of alternatives that have been subjected to minimal to modest levels of comparative analysis. The failure to identify at least one, if not two, off-site Alternatives for comparative analysis is a fatal legal flaw and indicative of the overall bias in the DEIR towards building The Project in only one location.

In addition, and equally as fundamental to an adequate Alternatives analysis, the DEIR fails to accurately and fairly identify and evaluate significant environmental impacts. For example, impacts upon agricultural resources have been mischaracterized and understated. Traffic impacts have also been significantly understated. The DEIR

August 19, 2013

needs to be completely revised with emphasis upon accurate impact analysis and then a responsive and meaningful selection of project Alternatives should be presented for specific comparative analysis.

Heart of Valley Center, as well as the communities of Bonsall and Valley Center, support the General Plan Consistent Alternative as the proper land use density and zoning for this Project. The 110 unit residential density with A70 zoning is the maximum density land use that the Circulation Element Road Network will support without Direct Development Impact.

The proposed 110 unit semi-rural General Plan Consistent Alternative is consistent with the overall Land Use design for the Valley Center Planning Area that is the regional basis of the August 3, 2011 San Diego County General Plan. This design locates Village density growth in the North and South Villages of central Valley Center where existing infrastructure is available to accommodate the region's share of San Diego County future growth.

A. The DEIR Impermissably Fails To Identify And Compare Off-Site Alternatives

The Lilac Hills Ranch Project Alternatives from Section 4.0 are:

1. No Project/No Development Alternative
2. No Project / Existing Legal Lot Alternative (49 EDU + no commercial)
3. General Plan Consistent Alternative (110 EDU + no commercial)
4. Reduced Footprint Alternative (1251 EDU + 6 acres of commercial)
5. Reduced Intensity Alternative (881 EDU + 5.6 acres of commercial)
6. 2.2C (Hybrid) Alternative (1365 EDU + 15.3 acres of commercial)

The Alternative Location Section 4.1.1.1 contains the equivalent of a "card trick" by taking Objective 1 ("Develop a community within northern San Diego County..."(DEIR 1.1)) and redefining it as building the project only on 600 acres in the "Valley Center-Bonsall area". This recasting of project Objective 1 then leads to a summary dismissal of alternate project sites and a failure to adequately analyze alternate project sites.

When a project seeks to change a site's land use designation as the LHR Project does, consideration of alternative sites is particularly important. A "proposed change in allowed uses raises a policy question of whether the site is appropriate for the new use." Kostka & Zischke, *Practice Under the California Environmental Quality Act* §15.26 at pp. 759-760 (March 2013 Update). At a minimum, resolution of this question depends on a comparison of the advantages and disadvantages of the project site with other sites that are already actually designated for the proposed use. See e.g., *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179. Under these circumstances, the County as the lead agency should require an evaluation of alternative sites.

August 19, 2013

The CEQA Guidelines outline three issues lead agencies should consider when screening potential alternative sites for inclusion in the EIR. See 14 Cal. Code Regs. §15126.6(f)(2): (1) Whether any of the project's significant impacts would be avoided or substantially lessened by locating the project elsewhere-this includes locations which are environmentally superior to the project site; (2) When a lead agency concludes that no feasible alternative locations exist, it should include its reasons in the EIR; (3) The agency should determine whether alternative locations have been sufficiently analyzed in a previous document.

Specific nonexclusive factors agencies may consider when assessing the feasibility of alternative sites include: site suitability, economic viability, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, whether the project proponent already owns the project site and whether the project proponent can acquire, control or have access to the site if it does not own it. 14 Cal. Code Regs. §15126.6(f)(1); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576. None of these factors, taken in isolation, sets a limit on the scope of reasonable alternatives to be considered in the EIR. 14 Cal. Code Regs. § 15126.6(f)(1).

Employing the foregoing CEQA authority and factors, there are multiple alternative off- site locations appropriate for detailed analysis and comparison. For example, there are hundreds of acres of land immediately adjacent to the existing North and South Villages of Valley Center which under the County general plan and the Valley Center Community Plan could accommodate the number of housing units proposed by the Applicant without a general plan amendment. There is room for related commercial development and there is infrastructure in place to support the growth which is contemplated under both the County of San Diego and Valley Center Community Plans.

In addition, the DEIR authors need to evaluate the Escondido Downtown Specific Planning Area for at least one alternative project site. Specifically, the City of Escondido **SINCE 2007** has been developing an infill redevelopment mixed use Downtown Specific Plan Area (SPA) less than 14 miles south from the proposed Lilac Hill Ranch project. The Escondido Downtown SPA has a (City of Escondido) General Plan build-out Equivalent Dwelling Unit increase (EDU) of 5,275 EDU plus additional mixed use commercial uses.

Unlike the Accretive Project, a Downtown 1,746 EDU Escondido Equivalent Project would **meet Smart Growth and LEED-ND location requirements**. It would be an infill development with requisite infrastructure and **truly within walking distance of the Escondido Transit Center** which has access to the Sprinter Train as well as being a hub for North County and Metropolitan Bus lines. Additionally, this location is less than a mile from access to I-15.

The 1,746 EDU Escondido Equivalent Project would benefit from neighboring, existing medical, school, fire and police facilities, and very importantly, from Circulation Element Roads and mass transit. The Air Quality and Greenhouse Gas impacts of

August 19, 2013

siting the project in Downtown Escondido are orders of magnitude less than the proposed project site in rural greenfield agricultural lands.

Impacts on Biology, Agriculture, and Community Character would be non-existent. The Escondido Downtown SPA easily accomodates a project of equivalent size to the proposed Lilac Hills Ranch project and is consistent with both the City of Escondido General Plan and the County of San Diego General Plan.

The Escondido Downtown SPA also provides a more viable solution for senior living facilities, including Assisted Living, because it is within two miles from the two Palomar Hospitals and major medical facilities.

The Downtown Escondido Interim SPA document is available at the following link, and is included with this letter as Attachment "B".
<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Please also compare the Escondido Downtown SPA level of specificity and completeness of design to that of the Accretive Lilac Hills Ranch Specific Plan. The Escondido Downtown SPA is more complete than the Accretive Lilac Hills Ranch Specific Plan and can be efficiently analyzed as a project alternative in a revised DEIR.

The Final Downtown Escondido Specific Plan Area was approved by the Escondido City Council on August 7, 2013. Building in this area would embody the quintessential "Smart Growth" goals and policies of the San Diego County General Plan.

Infill development is recognized County wide as the ideal path towards meeting housing needs and avoiding and/or reducing a wide range of serious impacts on the environment. In the context of the proposed Lilac Hills project, building the project within the Downtown Escondido Specific Plan area will not require a far reaching set of amendments to the County General plan. This advantage needs to be addressed in the Alternatives Section of the DEIR as well as in the General Plan/Community Plan Consistency analysis in the revised DEIR.

The revised DEIR should also include a review of the region wide benefits of focusing development in existing cities as opposed to rural unincorporated areas. In this regard, please review and address the findings in Attachment "C" entitled, "An Alternative Development Scenario for San Diego County" a report dated June 9, 2010, prepared on behalf of the Cleveland National Forest Foundation by Larry Orman, Executive Director of GreenInfo Network (Appendices to the report are not included in this attachment).

August 19, 2013

B. The Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid are not valid Alternatives

These three "Alternatives" are mere generalized density variations of the Project. There is no explanation of how the footprint variations between and amongst the Alternatives were determined. This is very important. What were the considerations for example in the locations and mix of homes in the Reduced Footprint Alternative (Alternative 5)? There is no mapping of lot locations so all the public knows is the proposed number of units—floating somewhere on the project site.

An EIR must contain sufficient information about each alternative to permit an evaluation of the alternatives' and the project's relative merits. 14 Cal. Code Regs. § 15126.6(a). The analysis must contain enough concrete information about each alternative to allow a fact-based comparison of the alternatives with the project. 14 Cal. Code Regs. §15126.6(d). An EIR should "explain in meaningful detail" a range of alternatives to the proposed project. *Laurel Heights Improvement Association v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 406.

The DEIR lacks fact-based comparison, meaningful detail and concrete information. For example, the absence of rationale for alternative designs and the comparative details on actual impacts leads to material questions in almost all the impact categories.

Why, for example, are there no senior residences in Alternative 5? Would not traffic generation be reduced by building single family senior homes versus standard single family homes?

Why is there no "Single Family Attached" housing in the Reduced Footprint Alternative (Alternative #4) when, naturally, more attached units can be built on less acreage?

How can the water reclamation be exactly the same for all of these alternatives?

Why are only 40 extra acres of sensitive biological resources preserved under Reduced Intensity Alternative (#5) when the number of residential units is cut by half?

What is meant by "Circulating Road" versus "Non-Circulating Road"? What explains the similar "Non-Circulating Road Impacts" for these three alternatives—even the Reduced Intensity Alternative (#5)?

Importantly, there is evidence (see letter dated August 6, 2013 from Kevin K. Johnson APLC) that the project applicant does not have road easement rights and line of sight conditions that will allow the project to be built. Do any of these Alternatives present road infrastructure needs that don't require the subject easements and lines of site?

LETTER

RESPONSE

August 19, 2013

Are any of these Alternatives actually feasible given the road easement and line of sight issues as well as the lack of sewer and recycled water line easements addressed under separate cover? (See July 31, 2013 comment letter from resident Mark Jackson.)

Will each of these Alternatives require the 10 Exemptions from County Road Standards being requested by the Applicant but not disclosed in the DEIR? How can the need for some or all of these exemptions be avoided by each Alternative?

Also, the "comparative analysis" within the Alternatives Section of the DEIR seems to assume that there are linear mathematical consequences for each increment of increased traffic. This is an over simplification and is misleading.

The failure of DEIR Table 4-1 to compare actual ADT numbers between the various alternatives is unjustifiable. For the table to actually help the public and the decisionmakers to understand the traffic impacts between and amongst all six alternatives, the ADT numbers need to be presented and the variations carefully discussed.

DEIR Table 4-1 should also include numbers on the Green House Gas impacts of the project and the alternatives once said numbers are actually developed. (See correspondence from Shute, Mihaly and Weinberger dated August 19,2013 on the inadequate GHG analysis in the DEIR)

How can the Reduced Footprint Alternative (#4) require the exact same amount of "Manufactured Slopes" as the Project itself? Similarly, how does the Reduced Intensity Alternative footprint, have just 2.5 acres less manufactured slopes than the project itself (65 vs 67.5)?

Why is there not more "Common Areas/Agriculture" acreage under the Reduced Footprint Alternative? Is there a feasible redesign that could preserve more agricultural land? Also, please break down the acreage between "Common Areas" vs "Agriculture".

Table 1 below submitted by Heart of Valley Center displays all of the information provided in the DEIR (with the exception of a one page map provided for some of the Alternatives) for the Project and Alternatives four through six.

August 19, 2013

Table 1 – Limited Information of 3 Alternatives

Project	Reduced Footprint		Reduced Intensity		2.2 C (Hybrid)	
	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.
Land Use						
Single Family Detached	158.8	903	142.1	783	275.5	881
Single Family Senior	75.9	468	71.1	468	0	0
Single Family Attached	7.9	164	0	0	0	0
Commercial/Mixed Use	15.3	211	6.0	6.0	5.6	5.6
Water Reclamation	2.4		2.4		2.4	2.4
RF/Trailhead	0.6		0		0.6	0.6
Detention Basin	9.4		5.4		5.5	5.5
School Site	12.0		9.0		0	12.0
Private Recreation	2.0		0		0	2.0
Group Residential/Care	6.5		0		0	6.5
Institutional	10.7		10.7		10.7	10.7
Park - HOA	11.8		10.0		3.0	11.8
Park - Dedicated to County	12.0		6.0		9.0	12.0
Biological Open Space	103.6		168.8		102.7	103.6
Non-circulating Road	45.7		45.7		41.5	43.1
Circulating Road	37.6		37.6		21.5	30.0
Common Areas/Agriculture	20.2		20.2		65.0	45.0
Manufactured Slopes	67.5		67.5		65.0	50.0
Other/Accretive Math Error*	8.1		5.5		0	0.3
Total	608.0	1746	608.0	1251	608.0	881

* Table 4-1 from DEIR Chapter 4 Project Alternatives has the indicated arithmetic errors in gross acreage

sq. ft. = Square
HOA = Homeowner's

The Applicant's information here has multiple math errors (refer to Attachment "D" – Table 4-1 from DEIR Chapter 4 Project Alternatives). Alternatives four and six did not even specify lot locations. These deficiencies need to be corrected.

DEIR Table 4-1 will need to be augmented in a revised DEIR with other significant impact areas, including noise, agriculture, greenhouse gases and fire/public safety. Definitions of each of the land use categories should be provided (for example what is the definition of Commercial/Mixed use?) The table, or a separate table, should compare mitigation measures associated with the various Alternatives.

Similarly, DEIR Table 4-2 is not useful as an analytical and comparative tool because the categories of "Less", "Similar", and "Greater" are too general and qualitatively and quantitatively undefined. How much "Less" and how much "Greater" are appropriate issues to be analyzed.

August 19, 2013

C. The Project Itself Does Not Meet All of the Objectives

Table 2 below submitted by Heart of Valley Center rates scoring of Alternatives **against the Applicant's biased eight Objectives**. The three variant Alternatives are scored the same as the Project, except for the 2.2C Hybrid Alternate. The 2.2 C Hybrid Alternate includes Senior Housing, so it scores one Objective higher than the other two. The Downtown Escondido Specific Plan is included in this chart for comparison purposes.

TABLE 2 - COMPARISON TO PROJECT OBJECTIVES

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

Clearly, the Downtown Escondido Specific Plan area meets the project objectives better than The Project and the "Alternatives".

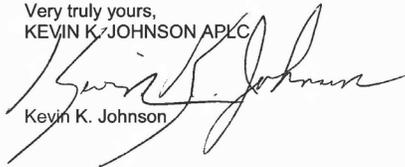
August 19, 2013

D. Summary and Conclusion

The Alternatives section must provide information sufficient to allow an informed comparison of the impacts of the project with those of the alternatives. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733. In the absence of analysis of an alternative site and in view of the many identified inadequacies in the alternatives discussion, the DEIR needs to be rewritten and recirculated for public review and comment.

All significant impacts need to be identified and thoroughly analyzed with detailed attention to avoidance and mitigation measures. The project objectives should be revised to avoid obvious bias towards the Project. A new Alternatives Section needs to be developed consistent with actual impacts and the selection of Alternatives that meaningfully avoid or materially reduce the subject impacts. Impact variations under the new Alternatives Section should be detailed and carefully analyzed.

Very truly yours,
KEVIN K. JOHNSON APLC



Kevin K. Johnson

Reference A: Escondido Downtown Interim Specific Plan Area
<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Attachment A - DEIR Project Objective Issues letter dated August 16, 2013

Attachment B - Escondido Downtown Interim Specific Plan

Attachment C - "An Alternative Development Scenario for San Diego County" a report dated June 9, 2010, prepared by Larry Orman, Executive Director of GreenInfo Network

Attachment D - Table 4-1 from DEIR Chapter 4 Project Alternatives

cc: Claudia Anzures, Esq.
Mark Mead, Esq.



**DEER SPRINGS FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS MEETING
JUNE 11, 2014
2:00 P.M.
MINUTES**

1. CALL TO ORDER, ROLL CALL

President Geiser - Present
Vice-President Tebbs - Present
Secretary/Treasurer Osby - Present
Director Slaughter-Present
Director Sealey - Present
Also present - Legal Counsel and District Administrator Liz Heaton

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Geiser.

3. ADOPTION OF AGENDA

Director Tebbs moved to adopt the agenda, Director Slaughter seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain.**

4. PUBLIC COMMENTS PERIOD-None

5. CONSENT CALENDAR

- 1) Approval of Minutes - May 14, 2014
- 2) Acceptance of May Finance Report-CA. Bank & Trust, General, Capital/Reserve, and Mitigation accounts.
- 3) Acceptance of May Monthly Mercy Medical Transports

Director Tebbs moved to adopt the consent calendar, Director Sealey seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain**

6. COMMITTEE REPORTS

- a. Lilac Hills Ranch Development-Directors Geiser and Slaughter. Chief Amestoy submitted the FPP with no demand or influence in regards to Mountain Ridge Road improvements. The Board of Directors and guest request a copy of the correspondence sent to the County regarding the FPP. The revised REIR has been released to the public and is available for review on the County website. The Board of Directors will comment on the revised REIR by due date of July 28, 2014. Director Geiser will request from Chief Amestoy his comments and present at the July meeting. The Board of Directors continues to reiterate we cannot meet the 5 minute response time per the General Plan and will service the project within their ability. The developer continues to reference Miller Station, this is a State station not a District station. In the General Plan it states fire stations must be staffed year-round, publicly supported, and committed to providing service. These do not include stations that are not obligated by law to automatically respond to an incident.

Director Sealey made a motion for our legal counsel to provide definition with respect to the levels of service per the General Plan; 1. What does it mean to be committed to providing service? 2. What does it mean to not be obligated by law to respond to an incident? Director Tebbs seconded the motion. **Motion approved; 3-2, 3 Ayes; 2 Noes, Directors Osby and Slaughter; 0 Absent; 0 Abstain**

- b. Review of Bylaws-Directors Sealey and Tebbs-Revise Article 6

Director Sealey presented to the Board a copy of Article 6 with revisions and Policy G01, Chief Duties and Responsibilities and G02, District Administrator Duties and Responsibilities for review. These policies will be presented at the July meeting for discussion and approval. Director Sealey made a motion to adopt Article 6 of the Bylaws as revised and presented; Director Osby seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- c. District Annual Report FY 2014/2015- No report

- d. Deer Springs Fire Vegetation/Public Nuisance Abatement Program-Directors Osby and Slaughter

The Board of Directors agreed to delete the reference to the \$25.00 fee from Ordinance 2002-03; Section 5.

7. **CHIEF'S REPORT**- No verbal report, Chief Amestoy was on vacation. A copy of this report is available in the District Office.

8. **FIRE SAFE COUNCIL REPORT**- A chipping day is scheduled for July 9, for high risk area. Please contact Craig Cook for more information.

9. UNFINISHED BUSINESS

- a. Final Budget FY 2014/2015 Approval

Director Slaughter made a motion to approve FY 2014/2015 Final Budget; Director Tebbs seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- b. Emergency Access Easement for the District-David Bright & Robert Fougner-No Report