

LETTER

RESPONSE

Letter I74

From: Abigail Smith [<mailto:abby.jslaw@gmail.com>]
Sent: Monday, July 28, 2014 3:14 PM
To: Slovic, Mark
Subject: Lilac Hills Ranch RDEIR Comment Letter

Mr. Slovic,

Attached please find a comment letter on the RDEIR for Lilac Hills Ranch project.

Thank you -
Abigail Smith

--
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I74-1

I74-1 The comments provided in this letter are the same as those provided in letter O4. Please refer to responses to letter O4.

Johnson Sedlack

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VIA E-MAIL

Re: *LILAC HILLS RANCH SPECIFIC PLAN DRAFT REVISED EIR (SCH NO. 2012061100)*

To the County of San Diego:

The following comments are submitted on behalf of concerned residents and environmental groups regarding the Draft Revised Environmental Impact Report (RDEIR) for the Lilac Hills Ranch Specific Plan Project.

The conclusions of the RDEIR are not supported by substantial evidence and additional mitigation is required, for at least the following reasons:

I. Land Use Impacts

The Project represents a dramatic change in land use intensities than those contemplated by the recently adopted County General Plan. The site is currently zoned agriculture and rural residential. The Project proposes to change land use designations to allow for General Commercial in the "town center" areas and Urban Residential in the residential areas. In turn, high-density residential development as well as commercial uses will be allowed. Such a marked change to the land use designations and the resulting development constitutes a significant land use impact. Available mitigation includes a reduction in the proposed densities of the project. The fact that the applicant desires a certain amount of development does not override the significant land use impacts associated with the Project.

The General Plan is described on the County's website, as follows:

This document is the first comprehensive update of the San Diego County General Plan since 1978 and is the result of the collective efforts of elected and appointed officials, community groups, individuals, and agencies who spent countless hours developing a framework for the future growth and development of the unincorporated areas of the County. This document replaces the previous General Plan and is based on a set of guiding principles designed to protect the County's unique and diverse natural resources and maintain the character of its

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rural and semi-rural communities. It reflects an environmentally sustainable approach to planning that balances the need for adequate infrastructure, housing, and economic vitality, while maintaining and preserving each unique community within the County, agricultural areas, and extensive open space.

The General Plan directs future growth in the unincorporated areas of the County with a projected capacity that will accommodate more than 232,300 existing and future homes. This growth is targeted to occur primarily in the western portions of the unincorporated County where there is the opportunity for additional development. Compared to the previous General Plan, this update reduces housing capacity by 15 percent and shifts 20 percent of future growth from eastern backcountry areas to western communities. **This change reflects the County's commitment to a sustainable growth model that facilitates efficient development near infrastructure and services**, while respecting sensitive natural resources and protection of existing community character in its extensive rural and semi-rural communities. The General Plan provides a renewed basis for the County's diverse communities to develop Community Plans that are specific to and reflective of their unique character and environment consistent with the County's vision for its future. (emphasis added)

The Project is antithetical to the General Plan where it does not further the goal of sustainable growth. It locates a high density residential development away from other development.

The Project also conflicts with the specific policies of the County's General Plan including, but not limited to, General Plan Policy LU-1.2 which prohibits leap-frog development. The text of this policy is, as follows:

LU 1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED Neighborhood Development Certification or an equivalent. For purposes of this policy, **leapfrog development is defined as Village densities located away from established Villages** or outside established water and sewer service boundaries. (emphasis added)

The Project qualifies as such a prohibited development where it proposes a high-density development among rural and agricultural uses and away from employment and regional commercial centers as well as other "villages." Moreover, the Project is not a LEED-ND development, in that, among other things, it does not constitute a smart-growth development; nor will the Project obtain such a LEED certification according to the RDEIR and the Specific Plan.

The Project additionally conflicts with GOAL LU 2: "Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character." The Project conflicts with GOAL LU 7: "Agricultural Conservation. A land use plan that retains and protects farming and agriculture as beneficial resources that contribute to the County's rural character." The Project conflicts with policy LU 7.1: Agricultural

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Land Development. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.

The General Plan states for “villages and town centers,” “[c]ompatibility should be directed through the Community Plan, where the community’s character is defined in greater detail, and the Zoning Ordinance. Because Village development will occur as infill or redevelopment, compatibility takes on a greater scope, accounting for the immediately surrounding area as well as the overall character of the Village.” (emphasis added) The Project *conflicts* with the relevant community plans in terms of zoning and goals and policies for the development of the area. Specifically, the community plans already designate certain areas for “village” development; the Project seeks to add another “village” designation to accommodate the intensity of development proposes. The Project further does not satisfy or promote the goals and policies relative to the Villages and Town Center development model set forth in the General Plan. While describing itself as a “village” development, the Project is not infill or redevelopment of an existing site; nor is it new development near *existing villages*, as described in the General Plan.

The General Plan further has policies for commercial development:

LU 11.3 Pedestrian-Oriented Commercial Centers: Encourage the development of commercial centers in compact, walkable configurations in Village centers that locate parking in the rear or on the side of the parcel, use transparent storefronts with active retail street-fronting uses, minimize setbacks, and *discourage “strip” commercial development*. “Strip” commercial development consists of automobile-oriented commercial development with the buildings set back from the street to accommodate parking between the building and street.

LU 11.5 Large-Format Retail Stores: Allow large-format retail uses, typically referred to as “big box stores,” *only where the scale of the use and design is compatible with the surrounding areas*. Large-format retail typically means retail stores with floor plans that are larger than 65,000 sq. ft. (emphasis added)

The Specific Plan does not appear to prohibit strip malls or “big box” stores which would not be compatible with surrounding areas, and which would certainly undercut the “town center” development concept.

The Project does not also propose office development “in proximity to housing” in line with LU 11.6 Office Development: Locate new office development complexes within Village areas where services are available, in proximity to housing, and along primary vehicular arterials (ideally with transit access) with internal vehicular and pedestrian linkages that integrate the new development into the multi-modal transportation network where feasible.

Next, the Valley Center Community Plan and the Bonsall Community Plan specifically seek through their respective goals and policies to retain the rural and agricultural character of the area. Despite the proposed land use amendments, the Project conflicts with numerous policies of these applicable land use plans. This is a significant impact of the Project. The finding of consistency with these plans is not, and cannot, be made.

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In total, the finding of “no significance” in the area of land use impacts is not supported, and the proposed amendments to the various land use plans do not resolve the environmental effects associated with the amendments.

II. Visual Resources

Mitigation Measure M-V-2 is impermissibly uncertain where it calls for a delay of the construction of each phase of development to allow for the landscaping from the previous phase to “mature.” Neither the terms “delay” nor “mature” are defined; and it is not certain that such a delay can even be effective. We submit that incorporating more mature landscaping at the outset would alleviate visual impacts.

A further mitigation measure for visual impacts could include limiting the height of buildings. As proposed, the project proposes buildings 35-feet in height.

Also, would not a restriction on the hours and/or days of construction also minimize visual impacts during construction? The RDEIR discloses that impacts are significant in part because of “night-time lighting” during construction. The construction ordinance permits construction until 7 p.m. Limiting the hours of construction to daylight hours during winter months would lessen impacts.

Lastly, the RDEIR does not discuss cumulative lighting impacts from the Project together with other planned projects.

III. Schools

The RDEIR concludes that the Project would generate the need for new schools due to the Project’s student population. The RDEIR further concludes that with the project capacity at existing schools would be exceeded. Other school facilities might need to be expanded or re-opened to accommodate the Project’s students. This must be deemed a significant impact of the Project. The Specific Plan sets aside land for the construction of a school but states that this school may not be built, or may be a charter or private school. To the extent that student capacity at area schools is exceeded when and until a school is built, the impacts must be deemed significant.

Moreover, the RDEIR repeatedly references the construction and operation of the school to address other impact areas and to bolster the notion of the “smart growth” development concept, particularly in support of the idea that the Project reduces vehicle miles traveled due to the provision of the school. Since the school may not be built, it is not appropriate to claim that the existence of the school will lessen other impacts. When and until the school is built, residents and students will be forced to drive to other areas outside the Project boundaries.

IV. Growth Inducement

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The Project plainly has the potential for significant growth-inducing impacts where it brings housing, infrastructure and roadways to an underserved or otherwise undeveloped area. As such, it creates the potential for new development.

The RDEIR claims on Page 1-49 that the Project could be growth-inducing but the potential impacts are too speculative because the specific projects are unknown at this time, and that “growth-inducing features of the project would be evaluated at the time future projects are identified and processed.” It is only at the cumulative or broad level that growth-inducing impacts may be realistically assessed for a project that proposes the comprehensive development of the planning area. The Project will bring infrastructure and roadway expansions to the area as well as substantial population growth to the otherwise rural community (See p. 3-171 “The project would introduce a new village consisting of new infrastructure, including roadways, water supply systems, and utilities...”). The growth-inducing effects of the project must be deemed a significant project impact at this time.

V. **Air Quality**

Operational air quality impacts are significant due in large part due to mobile emissions. The Project is predominately single-family residential in nature, with limited commercial and mixed use development. As the Project is heavily weighted in favor of residential uses, it does not create a jobs-housing balance, and, therefore, should be expected to generate significant operational mobile emissions. Page 54 of the Air Quality Technical Report concludes that the Project will result in significant air emissions for ROG, CO, and PM10 for all phases beginning with Scenario C. By full build-out, the project will vastly exceed thresholds of significance. The REIR speaks as if these air quality effects are a foregone conclusion. The Project could be redesigned to allow for a more mixed-used development concept with greater emphasis on office or light industrial uses to reduce miles traveled by residents, and therefore reduce significant operational air quality emissions. Notably, no office/professional or limited industrial land use designations are sought for the project (although the Specific Plan apparently foresees some single-tenant office uses).

The Project proposes only two mitigation measures for operational air quality impacts. First, these measures are uncertain as the informational materials will be provided to “consumers” prior to operation of individual phases. Hence these materials and/or website information would be provided to homeowners or lessees at the outset of the Project but not necessarily to subsequent owners. Second, we submit there are numerous mitigation measures available to reduce air quality impacts which must be adopted for the Project:

- All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.*

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- Install catalytic converters on gasoline-powered equipment.*
- Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*
- Utilize only electrical equipment for landscape maintenance.*
- Prohibit idling of trucks for periods exceeding three minutes.*
- Provide electrical vehicle (“EV”) and compressed natural gas (“CNG”) vehicles in any vehicle fleets.*
- Install EV charging facilities for a minimum of 10% of all parking spaces.*
- Install a CNG fueling facility.*
- Provide preferential parking locations for EVs and CNG vehicles.*
- Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
- Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species.*
- Plant Low-OFP, native, drought-resistant, tree and shrub species. Consider roadside, sidewalk, and driveway shading.*
- Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*
- Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.*
- Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*
- Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*
- Provide a complimentary cordless electric lawnmower to each residential buyer.
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*
- Provide preferential parking for carpool/vanpool vehicles.*
- Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
- Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
- Provide direct safe, direct bicycle access to adjacent bicycle routes.*
- Connect bicycle lanes/paths to city-wide network.*
- Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
- Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
- Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.

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- All buildings shall be constructed to LEED Gold standards.*
- Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.*
- Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.*
- Install an ozone destruction catalyst on all air conditioning systems.*
- All Project buildings must be constructed to allow for easy, cost-effective installation of solar energy systems in the future, using "solar ready" features such as, clear access without obstructions (chimneys, heating and plumbing vents, etc.); designing the roof framing to support the addition of solar panels; and installation of electrical conduit to accept solar electric system wiring.
- Purchase only green/ renewable power from the electric company.*
- Install solar water heating systems to generate all hot water requirements.*
- Use non-potable water for all landscaping.

(* Would reduce impacts to GHGs as well)

Conclusions regarding air quality impacts during construction are based on assumptions that project design features are requirements of the project. These design features must be made a requirement of the project through enforceable mitigation measures.

The Air Quality Technical Report indicates that a large reduction in emissions in the areas of PM 10 and PM 2.5 are taken due to project mitigation. It is not clear that the mitigation measures proposed would reduce, to this great extent, the emissions so that emissions can be determined to be less than significant. It is also not clear that the trip lengths described by the RDEIR are realistic and appropriate given the substantial distance from the Project site to major employment centers.

Construction impacts are deemed significant when in viewed in conjunction with the operational phases of the project. As impacts are significant on a cumulative basis, we submit there are numerous additional construction mitigation measures which must be adopted for construction air quality:

- Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
- Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (eg. Install wheel shakers, wheel washers, and limit site access.)
- All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Pave all construction roads.
- Pave all construction access roads at least 100 feet on to the site from the main road.
- The maximum vehicle speeds on unpaved roads shall be 15 mph.
- Limit fugitive dust sources to 20 percent capacity.

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- Require a dust control plan for earthmoving operations.
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All streets shall be swept at least once a day using street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
- Extend grading period sufficiently to reduce air quality impacts below a level of significance.
- The simultaneous disturbance of the site shall be limited to five acres per day.
- Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particles.
- Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
- Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.
- Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
- A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.
- Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*
- Develop a trip reduction plan to achieve a 1.5 AVR for construction employees
- Require high pressure injectors on diesel construction equipment.*
- Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.*
- Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.*
- Utilize only CARB certified equipment for construction activities.*
- The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.*
- Restrict engine size of construction equipment to the minimum practical size.*
- Use electric construction equipment where technically feasible.*
- Substitute gasoline-powered for diesel-powered construction equipment.*
- Require use of alternatively fueled construction equipment, using, e.g., compressed

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- natural gas, liquefied natural gas, propane, or biodiesel.*
- Use methanol-fueled pile drivers.*
- Install catalytic converters on gasoline-powered equipment.*
- Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
- Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*
- All forklifts shall be electric or natural gas powered.*
- Suspend use of all construction equipment operations during second stage smog alerts.*
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
- Reroute construction trucks away from congested streets and sensitive receptor areas.*
- The applicant shall be required to solicit bids that include use of energy and fuel efficient fleets.
- Configure construction parking to minimize traffic interference.*
- Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
- Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
- Provide shuttle service to food service establishments/commercial areas for the construction crew.*
- Provide shuttle service to transit stations/multimodal centers for the construction crew.*

Finally, does the construction air quality analysis account for all off-site trips including the 100 material delivery truck trips and 260 employee commute trips disclosed at RDEIR p. 2.8-17? All truck and employee construction trips must be accounted for in the analysis.

VI. GHGs

Despite resulting in significant operational air quality impacts, the RDEIR remarkably finds that GHG impacts are less than significant and that *no* mitigation measures for GHG impacts are necessary. These conclusions are not supported.

Firstly, reductions in GHG construction emissions by 33% were taken. It is not clear that such a large emissions reduction is appropriate based on the available information.

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With regard to operational emissions, the GHG analysis states that trip lengths were calculated based on default model numbers based on the type of trip, for instance, "home to work." It is not clear that the "home to work" trip lengths is accurate or realistic for this project. In reality, most workers will travel much farther to employment centers than the average 8.95 miles stated in the RDEIR. Two of the closest urban areas with employment centers are Escondido and San Marcos, both more than 15 miles from the project; Rancho Bernardo, Poway, and San Diego are much farther and could more realistically be assumed to be the major employment centers that would serve the Project. The Project itself does not propose office or light industrial development thereby providing employment opportunities for residents. A reasonable alternative would include greater emphasis on employment-generating uses for project residents.

GHG emissions must be deemed significant. Firstly, the Project represents a new source of GHGs and will result in a *mitigated* total of approximately 33,000 MTCO_{2e}. This represents a new source of GHG impacts and mitigation is required (*i.e.*, the "bright line" test). Second, impacts must be deemed significant under the "performance standard." The claim that emissions are less-than-significant because they are reduced by 18% over the "unmitigated" scenario gives a false impression of the Project's impacts. For instance, the largest reduction is taken for "area source" emissions: the GHG analysis accounts for a 33% reduction in the area of "area" source emissions for using natural gas fireplaces and the "elimination" of wood burning fire places. Thus the "unmitigated" scenario was calculated using wood burning fireplaces. This is illusory where wood fireplaces are not the baseline scenario; that is, the Project compares itself against a version of the project with more harmful features in order to claim an environmental benefit. This is not a fair assessment of the Project's environmental impact (indeed, wood burning fireplaces are now illegal in Los Angeles, Orange, Riverside, San Bernardino and Riverside counties; the EPA meanwhile is currently considering imposing regulations on wood burning fireplaces). In other words, this is a reduction of GHG impacts on paper only. A 33% reduction due to the "elimination" of wood burning fireplaces allows the Project achieve the 18% reduction necessary to meet the "performance threshold" standard. However, this calculation of impacts is not appropriate. Anything less than comparison of the project from a proper "business as usual" scenario is unacceptable.

The reductions credited in the area of "vehicle miles traveled" are also illusory. The Project proposes predominately a residential development with limited retail and service-based commercial uses. The Project does not provide a meaningful opportunity to reduce vehicle miles traveled by proposing office and light industrial uses. Moreover, as noted above, the school may not be developed; if it is not, residents with children will have to drive farther to school and students will not necessarily be able to walk to school, also increasing emissions.

In total, the assumptions in the GHG analysis are illusory and unfounded. If the assumptions are tailored in a more realistic fashion, GHG impacts are likely above the "performance threshold" standard.

Impacts must also be deemed significant pursuant to the CEQA Guidelines thresholds of significance. Existing emissions are calculated at roughly 563 MTCO_{2e}; the Project's emissions are calculated at approximately 33,000 MTCO_{2e}. This is a significant impact.

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Impacts must also be deemed significant in that the Project does not support or further County General Plan policies relative to emissions reductions. The Project does not locate development near or within *existing* development as provided in County General Policies. The commercial uses are limited in nature and do not create opportunities for employment for residents; the school may not be developed, as repeatedly stated in the EIR; and, besides the parks, there are seemingly no other "civic" uses. The Project is not consistent with regulations in that it does not provide *diverse* opportunities for *jobs*, housing and services, *and is not supportive of mass transit*. The low-income housing may also not become a reality, and it is not clear that the low income residents will have employment opportunities close to home, in order to eliminate vehicle trips. The Project conflicts with and undermines County policies to reduce vehicle miles traveled. As such, per the threshold of significance, GHG impacts are significant.

Finally, the design features which allegedly lessen GHG emissions are not requirements of the project as they are not adopted as enforceable mitigation measures. In fact, the GHG analysis states, in Section 8.3.2, that the design features may be eliminated and the applicant may, as an alternative, "study" whether other methods would be equally effective. All GHG Reducing Specific Plan policies and design features must be made enforceable requirements of the Project in order to claim their environmental benefits.

VII. Agricultural Resources

The proposed mitigation for agricultural impacts is uncertain and unenforceable. For instance, the measures states that the applicant shall be given the option to implement one of three measures, or a combination of two or three measures, in order to mitigate direct impacts due to the loss of Prime Farmland or Farmland of Statewide Importance. The RDEIR also relies on this measure for significant cumulative impacts due to the loss of farmland. This measure is impermissibly uncertain where the applicant may chose a conservation easement either within the cumulative project area or a location approved by the Director of P&DS. Thus, decisions about agricultural mitigation may be made at some future date, and the measure allows the applicant to "piece-meal" the mitigation; arguably, the contiguous nature of agricultural lands should be maintained in order to provide effective mitigation.

Agricultural zoning conflicts is a significant project impact. (Issue 2, p. 2.4-13) The current zoning is Limited Agriculture. There are potentially significant agricultural impacts as the project site is adjacent to Agricultural Preserve No. 88. This creates land use conflicts pursuant to the adopted threshold of significance.

Also, for the same reason that impacts relative to the placement of a park, institutional, and age-restricted uses near existing agricultural uses may result in the conversion of farmland to non-agricultural uses, the placement of a school near these agricultural uses must also be found to be a significant impact of the project. The school use is within 1,000 feet of the agricultural operations and must be deemed a significant impact of the project.

VIII. Noise

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The conclusions of the RDEIR relative to noise impacts are unsupported and further analysis and mitigation is required.

Noise mitigation measures, particularly M-N-3 through M-N-7, are impermissibly deferred and not certain of lessening impacts below significance thresholds. Mitigation is based on the preparation of future acoustical studies and requirements that the studies identify future "mitigation measures" to comply with the applicable noise standards. Under CEQA case law, the deferral of mitigation in this manner is only appropriate where there are practical reasons why mitigation cannot be formulated at the time of project approval, and when specific performance standards are outlined. The Project does not satisfy these standards for mitigation deferral.

Section 2.8.6.1 mentions with respect to M-N-1 that a 6-foot high wall and site specific design and design features would be implemented but these are not mandatory mitigation measures. As to M-N-2, impacts are significant because, although certain possibilities for mitigation are laid out, these are not enforceable standards. As to M-N-10, the study of rock crushing noise levels is deferred to a later date; thus, it is not certain that a 350-foot setback is adequate to protect existing residences.

As to Impact N-3, this measure is not shown to be infeasible but, perhaps, less desirable. All feasible mitigation measures must be adopted for significant project impacts.

Phases of construction activities such as grading and blasting must be made requirements of the Project through enforceable mitigation measures. If construction activities overlap, impacts could be far worse than anticipated.

The RDEIR notes that future residences within the project site could be located as close as 50 feet from active construction and that noise levels could be as high as 88 dbA during "peak construction activity." The RDEIR claims that these noise levels will be "sporadic" and states that impacts will be less than significant *if* construction would occur in increments of approximately 10 acres. The finding of no significance in this area is not supported (see, p. 2.8-25 [Impact N-11 only pertains to construction near existing on-site properties]). Noise levels to on-site, future residences are shown to exceed applicable noise standards and the "temporary" nature of these impacts is neither demonstrated nor a justification of a finding of less-than-significant. Also, there is no seemingly no requirement that construction occur in 10 acres of less increments.

Available mitigation for noise impacts includes limiting construction to Monday-Friday, to lessen impacts to on-site residences. Other available noise mitigation include:

- Where technically feasible, utilize only electrical construction equipment.
- During construction, the contractor shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.
- Provide a "windows closed" condition requiring a means of mechanical ventilation (e.g., air conditioning) for all buildings.
- Provide upgraded windows with a minimum Sound Transmission Class (STC) rating of 34 for all buildings and/or require the installation of double-paned windows.
- Ban heavy trucks near vibration sensitive uses.

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- To minimize or eliminate motor-derived noise from construction equipment, contractors shall utilize construction equipment that either uses electricity or alternative fuels (such as natural gas or propane) where technically feasible.

IX. Traffic

Conclusions regarding traffic impacts are not supported and further analysis and mitigation is required. For instance, it is not shown that the types of trips and trip lengths described are accurate.

Regarding public transit issues, the Project purports to achieve County goals of furthering public transit opportunities and access but the analysis assumes that adequate public transit exists to service the Project. This is not shown to be accurate.

Traffic mitigation measures are uncertain, unenforceable and improperly deferred. For instance, the RDEIR does not adequately explain why mitigation for Impact TR-12 is considered infeasible. The mitigation described for both TR-12 and TR-16 (M-TR-7) is confusing and does not explain why the mitigation described, if any, is infeasible.

As to Impact TR-20, could not the Project be conditioned to pay the relevant fair share fees, when, and if, a fee-based program is established? As the Project will be constructed in phases over the next 10 years, it is reasonable to assume that new transportation programs may be formulated in that time period. Similarly as to Impacts TR-30 through TR-37, the Project should be conditioned to provide fair share mitigation when a program becomes available and/or to continually consult with Caltrans regarding available mitigation programs.

X. Water Supply

The RDEIR concludes that adequate water supply exists for the Project from the purveyor, but do predictions about adequate water supply include the Project?

Will the Project employ recycled water?

XI. Population and Housing

The RDEIR glosses over this impact area, noting that impacts to population and housing were deemed less than significant at the Initial Study phase.

The CEQA Guidelines, Appendix G state that a project will have significant population and housing impacts if it will (a) induce substantial population growth in an area either directly or indirectly; (b) displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or (c) displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The RDEIR discusses only subsection (c). However, impacts are potentially significant under subsection (a). The Project proposes to bring thousands homes and residents as well as infrastructure and roadway improvements to a rural area, thereby creating the potential to induce substantial population growth on a direct and indirect basis. Furthermore, the number of projected residents could not easily be ascertained from the RDEIR. Is

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the project consistent with population projections in relevant land use and planning documents? If not, this, too, is a significant project impact.

As a related matter, the RDEIR does not contain a meaningful discussion of regional project effects due to the Project.

XII. Alternatives

The RDEIR evaluates two development alternatives in addition to the Project, which, arguably, does not constitute a "reasonable" range of project alternatives as required by CEQA. The RDEIR considers two "no-project" alternatives and a General Plan Consistent Alternative. This later alternative is derivative of the No-Project/Legal Lot Alternative, where both develop the land according to the existing General Plan Designation of Semi-Rural (while the General Plan Consistent Alternative would yield double the number of lots, 110 versus 49 under the Legal Lot Alternative). Like the No-Project Alternatives, the General Plan Consistent Alternative would not meet basic project objectives. Only *two* alternatives would meet "basic" project objectives which include a "mixed use" development concept.

The RDEIR nonetheless concludes that the General Plan Consistent Alternative is the "environmentally superior alternative." A more appropriate environmentally superior alternative is the Reduced Intensity Alternative which is shown to be environmentally superior in the areas of at least air quality and traffic *and* which would meet basic project objectives. Thus, absent findings of infeasibility, the Reduced Intensity Alternative must be adopted.

Finally, we note that a statement of overriding considerations is not appropriate until all alternatives and mitigation measures have been determined to be infeasible based on substantial evidence in the record. This would include a finding that the Reduced Intensity Alternative is infeasible for technical, legal and/or financial reasons based on evidence in the record.

XIII. Conclusion

Thank you for your consideration of the above comments in your preparation of the Final EIR and as you review the scope and direction of the proposed project.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK