

Letter O2

From: Dan Silver [<mailto:dsilverla@me.com>]

Sent: Monday, July 28, 2014 9:39 AM

To: Slovick, Mark; Blackson, Kristin

Cc: Aghassi, Sarah; Wardlaw, Mark; Gretler, Darren M; Snyder, Todd; Farace, Joseph; Schneider, Matthew; Lardy, Eric; Citrano, Robert; Johnston, Kevin; Real, Sami; Sibbet, David; Ramaiya, Jarrett; Fogg, Mindy; Anzures, Claudia F; Witt, William; De La Rosa, Michael; Wilson, Adam; Kohatsu, Sachiko; Gutierrez, Gabriel; Livoni, Christopher

Subject: Lilac Hills Ranch Specific Plan

July 28, 2014

Mark Slovick

Dept of Planning and Development Services

5510 Overland Ave Suite 310

San Diego, CA 92123

Dear Mr. Slovick:

Please find comments regarding General Plan conformity for this proposed project. Endangered Habitats League expects a rigorous appraisal of General Plan conformity from the Dept of Planning and Development Services. Based upon analysis in our letter, we are concerned that the credibility of the Department in carrying out this vital function would be lost unless the draft is modified.

Particularly due to the file size of one enclosure, if you might acknowledge via return message your timely receipt in good order of these comments and enclosures, it would be much appreciated.

Thank you very much for considering our views and, as always, we appreciate opportunities to work with you.

With best regards,

Dan

Enclosures

- EHL letter of July 28, 2014
- EHL letter of August 19, 2013
- "Green' sprawl is still sprawl," September 3, 2013
- LEED 2009 Neighborhood Development

Dan Silver, Executive Director

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VIA ELECTRONIC MAIL

July 28, 2014

Mark Slovick
Dept. of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcountry.ca.gov

RE: General Plan Conformance Analysis—Lilac Hills Ranch Specific Plan
PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2 012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS 2012-3500-12-018 (STP), HLP XX-XXX LOG NO. 3910 12-02-003 (ER); SCH NO.2012061100 Lilac Hills Ranch Master Planned Community

Dear Mr. Slovick:

The Endangered Habitats League (EHL) respectfully submits the following additional analysis showing that the above-referenced project is fundamentally inconsistent with mandatory policies of the adopted County of San Diego General Plan. In prior comments, EHL explained how the Project cannot satisfy the anti-leapfrogging provisions of the General Plan, which sets stringent standards on the creation of new "villages" on currently rural lands by mandating that any new village must provide necessary services and facilities, be consistent with the Community Development Model and "are designed to meet the LEED-Neighborhood Development Certification or an equivalent." (LU-1.2) Because the Project has not materially changed, EHL re-submits its prior comments, as well as the analysis of the Project conducted by Kaid Benfield of the Natural Resources Defense Council, both of which are appended to these supplemental comments.

O2-1

The revised land use plan consistency analysis presented along with the re-circulated Draft Environmental Impact Report concedes that the Project cannot meet the LEED-ND standards. Instead, the applicant claims that the Project meets an undefined "equivalent program." This "program" is never disclosed; rather the equivalency claim is based on vague claims that "the project integrates principles of smart growth new urbanism and green building design." (Appendix W, Attachment A, p. 3) The "equivalency" claim is premised on the Project's purported "smart location," its "sustainable site design," its "innovative land use," "integrated transportation planning," and its "sustainable buildings." (Id.)

O2-2

O2-1 The comment provides introductory comments to the letter and requests to resubmit its comments dated August 19, 2013 and the attached article from Kaid Benfield. All said letters have been responded to herein.

O2-2 The comment states that the project has not disclosed the program upon which its equivalency claim is based.

General Plan Policy LU-1.2 provides that new villages must be "designed to meet the LEED-Neighborhood Development Certification or an equivalent." [emphasis added] Equivalent is defined as something of equal force or value. (Merriam's Dictionary) The plain reading of this policy means a village can be designed to meet something other than LEED-ND Certification and can still be considered to have met this requirement. It does not require the "disclosure of a program." In addition, LU-1.2 does not require the project "qualify" as a LEED-ND certified community. If a new village could only be established if it qualified as a LEED-ND certified community it would render the term "equivalent" meaningless. Nor does the language of LU-1.2 require actual certification under LEED-ND. The LEED-ND certification process is merely a trademark program, administered by the USGBC, which is only completed once a project has been built. Therefore actual certification of a project could not be accomplished prior to it being approved rendering this interpretation unreasonable. Finally, the language of Policy LU-1.2 does not require the project be designed to an equivalent program.

The project is consistent with Policy LU-1.2 because the project is a new Village whose structure, design, and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G, pp. II-38-40); the project is located within existing water and sewer boundaries as plainly disclosed in the FEIR, subchapter 1.8.4 and the Specific Plan, Part I.E.2. Water Resources, p. 1-7; and, the project is designed to be LEED-ND equivalent in that it incorporates the principles of smart location and linkage, neighborhood pattern and design, and green building and infrastructure through application of numerous "green building practices," which are thoroughly discussed in the Global Response: Project Consistency with General Plan Policy LU-1.2.

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Even if these claims had any basis in fact, they would not make the Project even remotely "equivalent" to a LEED-ND certified community. As Mr. Benfield, a principal author of the LEED-ND standards explained,

"There is not a snowball's chance in hell that this proposal qualifies for LEED-ND certification or even that it would pass the minimum prerequisites to be considered.

"For one thing, LEED-ND requires a minimum average density of seven dwellings per acre, not the 2.9 at issue here. For another, the LEED-ND locational prerequisite is generous, but not generous enough to let this project slip through. (I should know, because I was its principal author.) To be considered, a project must qualify as (1) infill; (2) adjacent and connected to a minimum amount of previous development; (3) served by existing or fully committed minimum transit service; or (4) surrounded by a minimum number of specified, pre-existing "neighborhood assets" within walking distance. In other words, a project can't be smack in the middle of rural land at a long distance from existing development. Well, it can be, but it won't – and shouldn't – qualify for green certification under LEED-ND."

<http://switchboard.nrdc.org/blogs/kbenfield/green_sprawl_is_still_sprawl.html>

Merriam-Webster defines "equivalent" to mean "equal in force, amount, or value." (*Merriam-Webster.com* <<http://www.merriam-webster.com/dictionary/equivalent>>). The Project has virtually *none* of the attributes of a LEED-ND consistent development and thus cannot rationally be considered remotely "equivalent" to a LEED-ND consistent development. A comparison matrix would make patently obvious these discrepancies.

Nor do the stated rationales claimed to support the "equivalency" finding have any rational basis in fact. For example, the Project is claimed to be in a "Smart Location" when in fact, as Mr. Benfield explains in detail, the location chosen is the antithesis of a smart location—the Project "basically would replace working agricultural land with a commuter suburb." Indeed, the GHG emissions technical analysis reveals that average auto trip lengths from this remote location would approximate nearly 9 miles.¹ This

¹ The applicant states that "[b]ased on the total annual trips generated and the total VMT, CalEEMod estimated an average annual trip distance of 8.95 miles for the proposed project." (DEIR Appendix W, Attachment A, p. 3) Contradicting itself, the applicant then claims that average trip lengths would amount to only 7.6 miles based on an alternative methodology using the SANDAG Series 12 Regional Model. However, these numbers cannot be relied on because,

O2-3

O2-4

O2-5

O2-6

O2-7

O2-3 This comment asserts that the project is not equivalent to a LEED-ND certified community and that it does not qualify for certification. The commenter is referring to General Plan Policy LU-1.2 which "prohibits leapfrog development which is inconsistent with the Community Development Model." Leapfrog Development restrictions do not apply to new villages that are designed to meet the "LEED-Neighborhood Development Certification or an equivalent." The policy does not require that the project be equivalent to a LEED-ND *certified* community nor does it require a project to qualify for certification. Rather LU-1.2 provides that the development must be *designed* to meet LEED-ND Development Certification or be designed to meet something of equal force or value. The project has been designed to meet the LEED-ND certification equivalent. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the projects's compliance with this policy and a more in-depth discussion regarding this related issue.

O2-4 The comment states that the project does not meet the minimum average density of seven dwellings per acre as required by LEED-ND. As explained above in response to comment O2-2, this policy does not require a project to be LEED-ND certified. Therefore, the project is not required to meet the minimum density referenced in the comment. Rather the policy states that a new village must be *designed* to meet the LEED-ND Certification or an equivalent. Nevertheless, the LEED-ND Compact Development prerequisite referred to by the commenter actually requires building "any residential component of the project at a density of 7 or more dwelling units per acre . . . of buildable land available for residential uses." The land available for residential use within the project site is equal to 248.2 acres with 1,746 residential units. This means that the project achieves a density of 7.03 units per acre of buildable land available for residential uses and meets the actual numeric LEED-ND Compact Development prerequisite. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic the projects's compliance with this policy and a more in depth discussion regarding this related issue.

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	<p>O2-5 The comment states that the project would not “qualify for certification under LEED-ND. As explained above, the policy does not require that the project be equivalent of a LEED-ND <i>certified</i> community nor does it require a project to qualify for certification. Rather LU-1.2 provides that the new village must be <i>designed</i> to meet LEED-ND Development Certification or be designed to meet something of equal force or value. (Merriam’s Dictionary definition of “equivalent”) The project has been designed to meet a LEED-ND Certification equivalent. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the projects’s compliance with this policy and a more in depth discussion regarding this issue.</p> <p>O2-6 Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic and an explanation of how the project has been designed to be equivalent to LEED-ND Certification.</p> <p>O2-7 The comment references Mr. Benfield’s article that the project does not meet the requirement of a “smart location” and cannot be considered an “equivalent” LEED-ND certification design. The County disagrees with this assertion. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion as to how the project complies with the principles of smart location. With respect to the footnote that the VMT numbers are different from the analysis found in the GHG and Traffic sections, please see response to comment O4-108.</p>
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amount of environmentally damaging auto travel vastly exceeds the County-wide auto trip length average of 5.6 miles, driving home LEED-ND author Kaid Benfield's conclusion that "this location is so, so wrong that it negates what might otherwise be the development's environmental assets." Comparing the project to existing sprawl in Valley Center or the fact that it is located within a mile of an existing interstate does nothing to change the inescapable conclusion that the Project's location is completely at odds with LEED-ND or any program even remotely "equivalent."

O2-7
 cont.

O2-8

The Project is also claimed to be "equivalent" to LEED-ND because of its supposedly "sustainable site design." The design is "pedestrian-oriented and shifts reliance from automobile as every resident is a short walk from goods and services." Yet the vast majority of the Project consist of suburban single family detached homes surrounding specks of commercial development as small as 2,500 square feet—far too little to incentivize active transportation. And, as pointed out above by LEED-ND author Benfield, average densities are more than twice as low as would be required for LEED-ND certification, again obliterating any finding that it is LEED-ND "equivalent." While there is provision for some live/work units, the exact quantity is not stated but appears from the project description to amount to a maximum of 211 units, or only about 12% of the total. Natural resource avoidance amounts only to what otherwise would be required by County and State resource protection standards. In sum, the site design is no more "sustainable" than any other garden variety commuter suburb.

O2-9

The Project's "innovative land use" is the next justification why it is claimed to be LEED-ND "equivalent." The applicant cites, for example, how "the location of homes near the Town Center reduces driving distances thus reducing gas and electricity consumption." But the facts are otherwise. Only a small percentage of the residential units would be located within walking distance of the Town Center in the north of the site, while the other two commercial areas, of 7,500 and 2,500 square feet, are too small to create enough destinations to meaningfully encourage walking and biking to retail destinations. Drought tolerant landscaping and use of reclaimed water and mere compliance with applicable Resource Protection Ordinances and stormwater laws, while positive features, do not magically transform a project that is the opposite of LEED-ND into LEED-ND equivalent.

O2-10

O2-11

The Project's purported "integrated transportation planning" actually undermines, not supports, the Project's claim to LEED-ND "equivalency." For example, the land use analysis touts the provision for a single bus stop for the entire development. Although claimed to be "within a short walk or bike ride from all points within the community," a

O2-12

as the document acknowledges, the SANDAG Series 12 model has "yet to be calibrated or validated at the community plan level for the unincorporated County of San Diego." (DEIR Appendix E, Section 9.1, p. 300)

O2-8 Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic and an explanation of how the project has been designed to be equivalent to LEED-ND Certification.

O2-9 The comment states that the majority of the project consists of suburban single-family detached homes with "specks" of commercial development too small to "incentivize" active transportation. However offers no substantiation for the conclusion that commercial development must be of a certain size to "incentivize active transportation."

The project was designed to comply with "green development practices." These practices are similar to the principles set forth in the USGBC LEED-ND program. In particular, the purpose of LEED-ND's "Mixed Use Neighborhoods Principle" is described "to reduce vehicle distance traveled and automobile dependence, encourage daily walking, biking, and transit use, and support car-free living by providing access to diverse land uses. This principle emphasizes diversity of land uses (not just commercial) as triggering active transportation and does not require a specific size of commercial development. Also, the United States Environmental Protection Agency on its website on Smart Growth cites research that has consistently shown that "...neighborhoods that mix land uses, make walking safe and convenient, and are near other development allow residents and workers to drive significantly less if they choose. In fact, research has found that in the most centrally located, well-designed neighborhoods, residents drive as little as half as much as residents of outlying areas... Recognizing the lower traffic impacts of mixed-use development in central, well-connected neighborhoods in the planning and approvals process would help communities reduce traffic and realize other benefits." ("Trip Generation Tool for Mixed-Use Developments," available at: http://www.epa.gov/dced/mxd_tripgeneration.html, and incorporated herein by this reference herein.) The project was designed with a diverse mix of land uses in that the Town Center (20 acres) and the central Neighborhood Center (4.8 acres) provides mixed-use development as shown in Lotting Study, Figure 1-4a. These areas will be zoned to allow an urban core of mixed use, clustered development, including 375 higher-density, up-to-three-story, attached residential units, including live/work and row homes, some with minimums of 1,000 square feet, along with specialty retail, community

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	<p>O2-9 (cont.)</p> <p>scaled commercial, professional offices, a town green, a civic center, a country inn, and a central recycling facility, where a trail staging area leads to 16 plus miles of trails. At the southern portion of the project there will be a senior group residential care facility. The commercial uses will be comprised of 61,500 square feet of local serving small scale specialty retail, 28,500 square feet of office uses and a 50-room country inn.</p> <p>With respect to the commenter’s statement that the project’s natural avoidance amounts to only meeting the County and State resource protection standards is not germane to the issue of the project being designed to meet LEED-ND Development Certification or be designed to meet something of equal force or value. First there is nothing in Policy LU-1.2 that would prevent the developer from including land that is required to be conserved by County and State law into its analysis of the project’s compliance with the design prerequisites of LU-1.2. Second, the project meets the intent of the LEED-ND Imperiled Species and Ecological Communities and the Wetland and Water Conservation Principles. The purpose of these principles is to promote open space and habitat conservation, preserve and enhance water quality and natural hydrologic systems, and protect habitat and biodiversity through conservation of wetlands and water bodies. Implementation of the project will ensure the conservation of significant resources onsite and the implementation of these policies.</p> <p>O2-10 Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the design methods used that implement the innovative land use principle. Also see response to comment O2-9 above regarding the issue pertaining to encouraging walking, biking and other transportation methods. With respect to the comment that only a small percentage of homes are located within walking distance of the Town Center, the project zoning features clustered development, and variety of small lot sizes and residential mixed-use homes in a compact development footprint. The project is compact enough to encourage residents to walk to amenities and services, so no resident will be more than one-half mile from the Town Center or from one of the two Neighborhood Centers. (See the FEIR Lotting Study at Figure 1-4a and the Specific Plan.) The project also achieves a density of 7.03 units per acre of buildable land available for residential uses and meets the actual numeric LEED-ND Compact Development prerequisite.</p>
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	<p>O2-11 Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic and in particular this issue. The project is designed to limit water and energy use and is one of the green development practices that form the basis for its design. Its use of Water Efficient and Native Palette Landscaping is also consistent with the LEED-ND Outdoor Water Use Reduction principle, to reduce outdoor water consumption, and as LEED-ND Restoration of Habitat or Wetlands and Water Bodies principle, to restore native plants, wildlife habitat, wetlands, and water bodies harmed by previous human activities. Also see response to comment O2-9 above.</p> <p>O2-12 The project is not required to be a LEED-ND Certified project and so the stated bus distance and frequency requirements do not apply. However, as described in the Global Response: Project Consistency with General Plan Policy LU 1.2, the project includes a site for a future public transit stop within the Town Center (a short walk or bike from all project residents; approximately one-half-mile. Additionally, the project will implement a Transportation Demand Management Plan as a condition of Final Map approval and the private interim-transit program described in the Specific Plan until regional transit is provided. The TDM program will encourage the usage of public transportation through a ride-share program, transit vouchers or other options that may be determined by the HOA. The project site is approximately 1.5 miles from I-15 onramps, with access to regional destinations, and approximately 1.0 mile of frontage along West Lilac Road (a mobility element light collector roadway), maximizes efficient community access within Valley Center and Bonsall. The project also contains over 16 miles of community trails. Finally, the project features clustered development, and a variety of small lot sizes and residential mixed-use homes in a compact development footprint. The project is compact enough to encourage residents to walk to amenities and service, as no residences will be more than one-half mile, from the Town Center or from one of the two Neighborhood Centers.</p> <p>The diverse variety of lot and building designs reinforce an efficient, clustered, pedestrian-orientation. (See the FEIR Lotting Study at Figure 1-4a and the Specific Plan.) Therefore, the project incorporates the equivalent principles as the LEED-ND Access to Quality Transit, to</p>
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quick look at the map of the Project design reveals that only a small percentage of the residential units will be located less than ¼ mile from the stop to be considered relevant under LEED-ND. There is no mention of whether any bus lines might actually serve this single stop, or whether the headways will be once an hour or more. LEED-ND, by contrast, defines “Adequate Transit Service” as a minimum of 60 bus departures per weekday to qualify. (Table 1 of LEED-ND Guidelines) To the contrary, virtually all trips to, from and even within the Project will be by car—the very opposite of a sustainable transportation system.

Finally, the consistency analysis points to its “sustainable buildings” in support of its LEED-ND equivalency claims. But “cherry picking” does not work. While it is true that the applicant has made a laudable commitment to energy efficient buildings, these benefits are more than canceled by all the features described above that are wholly unsustainable and antithetical to LEED-ND standards and goals. Mr. Benfield cites extensive empirical evidence supporting his conclusion in reviewing this Project that any benefits from green building are far outweighed by its unsustainable location. Taken as a whole, the project is as far from LEED-ND “equivalent” as any other far-flung bedroom community.

Because the Project cannot be found to LEED-ND equivalent, the proposed Lilac Hills Ranch Specific Plan fails to meet mandatory General Plan standards governing new villages. As a result, the County is precluded by law from approving the Project. (See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777 [specific plan approval set aside because “project is project is inconsistent with the general plan’s traffic service level policy”].)

Thank you for your attention to EHL’s concerns.

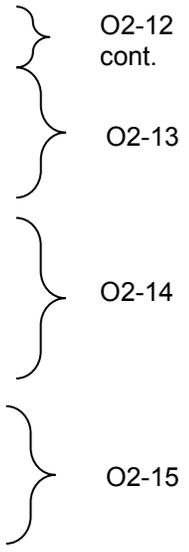
Yours truly,



Dan Silver, MD
 Executive Director

Enclosures

- EHL letter of August 19, 2013
- “‘Green’ sprawl is still sprawl,” September 3, 2013
- LEED 2009 Neighborhood Development



O2-12 (cont.)

encourage development in locations shown to have multimodal transportation choices or otherwise reduced motor vehicle use, thereby reducing greenhouse gas emissions, air pollution, and other environmental and public health harms associated with motor vehicle use.

O2-13

The standard (60 bus departures per weekday) referenced in the comment is a LEED-ND requirement. However, the project is designed to be LEED-ND equivalent. NCTD is the public agency responsible for assigning bus routes and providing transit services to the area. No bus routes or services are currently planned for the project site; however, as the project is built-out NCTD may adjust routes and services to meet the needs of the growing community. The project would reserve a site for public transportation within the Town Center and the applicants will continue to coordinate with NCTD regarding potential transit options for the project. In addition as described above the project will implement a TDM Plan and private interim-transit program until regional transit plans are coordinated. The project includes a requirement for the TDM program, to be submitted upon Final Map, in order to reduce vehicle trips in favor of alternative modes of transportation. The TDM will encourage the usage of public transportation through a ride-share program, transit vouchers or other options that may be determined by the HOA. Please also see Global Response: Project Consistency with General Plan Policy LU-1.2.

O2-14

The policy does not require that the project be equivalent to a LEED-ND *certified* community nor does it require a project to qualify for certification. Rather LU-1.2 provides that the development must be *designed* to meet LEED-ND Development Certification or be designed to meet something of equal force or value. (Merriam’s Dictionary definition of “equivalent”) the project has been designed to meet the LEED-ND Certification equivalent. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this the projects’s compliance with this policy.

O2-15

Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic.

2013 Letter (O2a)

August 19, 2013

VIA ELECTRONIC MAIL ONLY

Mark Slovick
Dept of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

RE: Lilac Hills Ranch Master Planned Community: PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), HLP XX-XXX LOG NO.3910 12-02-003 (ER); SCH NO. 2012061100

Dear Mr. Slovick:

The Endangered Habitats League (EHL) appreciates the opportunity to submit comments on the Draft Environmental Impact Report for this proposed project. As you know, EHL is a longstanding stakeholder in County planning efforts.

This project would create a commuter-based "bedroom" community in an agricultural portion of Valley Center. It would shred the consensus reached for the Valley Center community as part of the historic General Plan Update, just adopted in 2011. No compelling planning rationale or deficit in housing capacity is present to justify this proposed amendment.

Our comments focus on General Plan conformity. It is our conclusion that the County has fundamentally erred in tentatively finding the proposed project in conformance with the General Plan. During public review of the draft, we respectfully urge you to step back and take a hard look at your General Plan, and to please reconsider the matter. This is a pivotal point in how the new Dept of Planning and Development Services addresses the future of San Diego County.

Please let me know if there are questions or if more information would be helpful.

If you could respond to this message confirming your timely receipt, in good order, of these comments, that would be appreciated.

With best regards,
Dan Silver

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O2a-1

O2a-1

Introductory comments are noted. The comment will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. No further response is required.

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 19, 2013

VIA ELECTRONIC MAIL

Mark Slovick
Dept. of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

RE: **General Plan Conformance Analysis—Lilac Hills Ranch Specific Plan**
PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2 012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS 2012-3500-12-018 (STP), HLP XX-XXX LOG NO. 3910 12-02-003 (ER); SCH NO.2012061100
Lilac Hills Ranch Master Planned Community

Dear Mr. Slovick:

The Endangered Habitats League (EHL) respectfully submits the following analysis showing that the above-referenced project is fundamentally inconsistent with mandatory policies of the adopted County of San Diego General Plan. Specifically, the anti-leapfrogging provisions of the General Plan set stringent standards on the creation of new “villages” on currently rural lands, mandating that any new village must provide necessary services and facilities, be consistent with the Community Development Model and “are designed to meet the LEED-Neighborhood Development Certification or an equivalent.” (LU-1.2) As explained below, the proposed Lilac Hills Ranch Specific Plan fails to meet these mandatory General Plan standards. As a result, the County is precluded by law from approving the Project. (See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777 [specific plan approval set aside because “project is project is inconsistent with the general plan’s traffic service level policy”].)

O2a-2

The issue of under what circumstances, if at all, new village densities should be permissible in unincorporated backcountry land now zoned semi-rural and rural is pivotal to the overall vision set forth in the 2011 General Plan Update. The Community Development Model envisioned the concentration of growth in *existing* town centers, while existing rural lands and open space areas would be kept intact. Areas surrounding villages would serve as semi-rural “buffers.” For this reason, the creation of a new “village” in areas the Update has designated “rural” will potentially create repercussions in a broad area, and runs contrary to the Update’s goal of keeping the agricultural and rural heritage of the County intact. The anti-leapfrogging provisions of Land Use Policy LU-1.2, the terms of which govern whether this project is consistent with the Update, must therefore be interpreted in such a way that every required element has meaning.

O2a-3

O2a-2 The comment asserts that the project is inconsistent with the “mandatory policies” of the County’s General Plan, specifically with General Plan Policy LU-1.2. The County disagrees with the commenter’s conclusion that the project is inconsistent with Policy LU-1.2. The project is a new Village whose structure, design and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G, pp. II-38-40); the project is located within existing water and sewer boundaries (SDCWA boundaries) as contemplated by the General Plan (FEIR, subchapter 1.8.4 and the Specific Plan, Part I.E.2; Water Resources, p. 1-7); and, the project is designed to be LEED-ND equivalent Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the project’s compliance with this policy.

The comment also asserts that General Plan Policy LU-1.2 contain standards that are mandatory in nature and therefore the project can not be approved. The commenters characterize LU-1.2 and the Community Development Model as mandatory standards that must be applied with no discretion afforded the County. However, this phrase cannot be interpreted in isolation.

General Plan Policy LU-1.2 does not prohibit new villages from being established, rather it allows for the approval of 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.”[emphasis added] The language of these criteria require discretion on the part of the decision makers with respect to its application to individual projects. For example, LU-1.2 does not require the application of the LEED-ND program in every instance, but rather a project may also demonstrate an equivalent type of design that the County will need to evaluate to determine if the design is an equivalent to LEED-ND Certification. The Community Development Model requires the County to consider whether the design of a project would meet the land uses, elements and principles described in the model in order to achieve the goal of sustainability.

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	<p>O2a-2 (cont.)</p> <p>The County's responsibility to determine whether the project is consistent with the General Plan is considered a legislative decision that will not be set aside by a court unless the County has acted arbitrarily, capriciously, or without evidential support. In other words, a legislative body's determination that a project is consistent with the general plan carries a strong presumption of regularity and will not be overturned unless the agency has abused its discretion—that is, did not proceed legally, or if the determination is not supported by findings, or if the findings are not supported by substantial evidence. The term substantial evidence in this instance means that a determination of general plan consistency will be reversed only if, based on the evidence before the local governing body, "a reasonable person could not have reached the same conclusion." (No Oil, Inc. v. City of Los Angeles (1987) 196 Cal.App.3d 223, 243.) In fact, the courts give great deference to an agency's determination that a project is consistent with its general plan. The courts consider legislative bodies that adopt general plans as having a "unique competence" to interpret their own policies. (Eureka Citizens for Responsible Gov't v. City of Eureka (2007) 147 CA4th 357.) To determine how a particular standard is to be applied, the courts will look at the nature of the policies in question to determine whether these policies actually afford officials discretion and whether the language is more aligned with a discretionary standard. (Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County (1998) 62 Cal.App.4th 1332, 1342.)</p> <p>O2a-3</p> <p>The comment expresses the opinion of the commenter that the establishment of a new village in areas that the General Plan Update did not contemplate will run counter to the policies of the General Plan goal to keep the County's agricultural land intact.</p> <p>First with respect to the creation of new village areas, the General Plan states that it is intended to be a dynamic document and amendments will be reviewed to ensure that the change is in the public interest and would not be detrimental to public, health, safety, and welfare. (General Plan, page 1-15) General Plan Policy LU-1.2 permits new villages that are consistent with the Community Development Model and meet the other requirements set forth in the policy.</p>
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LETTER

RESPONSE

	<p>O2a-3 (cont.)</p> <p>Therefore the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map. Although the General Plan directs growth to certain areas within the community planning areas of Valley Center and Bonsall for development, General Plan Policy LU 1.2 provides flexibility to the County's decision makers regarding the accommodation of future growth. The General Plan contains goals and policies (including Land Use Policy LU 1.2) and a set of interrelated principles (Guiding Principle 2) that provide guidance for accommodating future growth while retaining or enhancing the County's rural character, its economy environmental resources and unique communities. (General Plan, page 2-6).</p> <p>Second, with respect to the project's consistency with General Plan policies regarding agriculture please refer to response comments O8-3, O9-12, O9-13 and O9-15. The project site is located in an area of agricultural and rural residential uses. The project incorporates mitigation measures and project design features to preserve a portion of the existing agricultural operations on site and to minimize impacts to agricultural operations off site. Specifically, on-site prime and statewide importance soils that would be converted to non-agricultural uses would be mitigated through the purchase of agricultural conservation easements at a 1:1 ratio. Additionally, 42.2 acres of agricultural buffers and agricultural open space are included as part of the project design, and ongoing agricultural cultivation would be allowed to continue in these areas. As discussed in subchapter 3.2.3 of the FEIR, the project would include on-site biological open space, common open space, Limited Building Zone buffers, as well as Mitigation Measures 2, 3, and 4, which would ensure that urban/agriculture compatibility conflicts are less than significant. Please also refer to Global Response: Project Consistency with General Plan Policy LU 1.2.</p>
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Unfortunately, the documentation provided reflects that staff has interpreted LU-1.2 so as to render key requirements meaningless. LU-1.2 requires that any new village be *both* consistent with the Community Development Model *and* meet LEED-ND or equivalent locational and design standards. Here's the language:

Land Use Policy 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 (LEED ND) 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. (See applicable community plan for possible relevant policies.) (Emphasis added.)

Instead of addressing both of these mandatory elements, however, the General Plan consistency analysis contained in the Specific Plan explicitly ignores the *second* requirement of LEED-ND or equivalent, conflating it with the Community Development Model element. The only analysis of LU-1.2 consistency that appears in the vast documentation provided concludes:

“The definitions established for both the Village Regional Land Use Category and the Village Core Mixed Use Land Use Designation incorporate the essential principles and standards of the Community Development Model *and by extension* the LEED-ND or equivalent guidelines . . .” (Specific Plan at p. II-33, emphasis added.)

Because the analysis ignores the plain language of LU-1.2 that any new village meet LEED-ND or equivalent requirements, it is not a reasonable interpretation of the Update's requirements for new villages. Whether involving the construction of statutes, contracts or general plans, a core principle of construction is to avoid rendering language superfluous. (See, e.g., *Shoemaker v. Myers* (1990) 52 Cal.3d 1, 22 [courts must “not presume that the Legislature performs idle acts, nor [can they] construe statutory provisions so as to render them superfluous”].)

Here, the legislative body for the County enacted a mandatory provision in LU-1.2 with three unambiguously discrete elements. Neither the applicant, nor any subsequent County Board, should presume that the Board majority which enacted the Update did not mean what it said when it added the LEED-ND requirement. The public also has a right to expect that *each* of these elements be given independent meaning in the application of this Policy. It is therefore arbitrary and capricious for the County to adopt an interpretation, as has happened here, that would read one of these mandatory elements—the “LEED-ND or equivalent” requirement—out of the adopted General Plan.

O2a-3
 cont.

O2a-3 (cont.)

Finally, the comment further states that the project does not meet the requirements of the Community Development Model and the LEED-ND or an equivalent locational and design standard. The project's structure, design and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G., pp. II-38-40.) The project is anchored by a pedestrian-oriented, mixed-use Town Center that includes high-density residential, commercial and professional offices, various private and public facilities, a park and the community trails. Compact residential neighborhoods radiate out from the Town Center towards the project perimeter and support several small parks and the community trails. Neighborhood centers include clusters of attached homes, commercial and professional uses, a 13-acre park and the community trails. The project perimeter transitions to surrounding semi-rural areas by featuring: wider, ranchette-style lots, a 50-foot-wide orchard-planted buffer, swaths of a 104-acre natural preserve, and the community trails. The road network is densest at the Town Center and there are over sixteen miles of landscaped, lighted, and signed multi-use community trails stitching every part of the community together and connecting to county regional trails. (See Specific Plan, Part V.B., pp. v-7 to v-9.)

With respect to meeting the LEED-ND or an equivalent locational and design standard, the project was designed to locate projects within existing water and sewer service district boundaries, to encourage vehicle trip reduction and vehicle distance traveled, to improve health by encouraging daily physical activity associated with walking and bicycling, as well as locating “neighborhood assets” or “diverse uses” within one-half mile of project residents. See Section 4(b)(16) of the General Response: Project Consistency with General Plan Policy LU 1.2 for a thorough discussion regarding this the project's compliance with this practice.

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Moreover, when General Plan requirements are unambiguously stated in mandatory terms, as is the case here, courts are bound to enforce them. For example, in *Endangered Habitats League v. County of Orange*, supra, the General Plan specified that the Highway Capacity Manual (HCM) method be used to assess traffic impacts of a proposed specific plan. Because the County used a different method, the Volume to Capacity method (V/C), the Court set aside the approval of the specific plan because unambiguous mandatory provisions of the general plan were not followed. The court noted that:

“The General Plan requires LOS C as determined under the HCM method, and the project does not comply. That it does so under the V/C method is of no import, since the General Plan is unambiguous in demanding the evaluation be made by the HCM method.” (131 Cal.App.4th at p. 782-783.)

Just as in *Endangered Habitats League*, the mandatory General Plan policy here unambiguously requires that new villages meet LEED-ND or equivalent standards. Because it has not been shown to meet these standards, the Project cannot be approved.

Nor can the Project as proposed be shown to be consistent with LEED-ND or anything resembling it. As an initial matter, there can be no question that the Lilac Hills Ranch Specific Plan (Project) is a new “village” rather than an expansion of an existing one. It is surrounded on all sides by land designated and used for rural uses. While within the Water Authority line, the project lacks sufficient infrastructure and services. Consequently, the provisions of Land Use Policy 1.2 *must* be satisfied.

Just what is LEED-ND equivalent? The LEED-Neighborhood Development evaluation process sets forth objective standards for new communities through a rating system that integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. The rating system is intended to promote sustainable development by, *inter alia*, reducing vehicle miles travelled (VMT) compared to “traditional” development and by locating developments where jobs and services are accessible by foot or public transit. This is why, according to the Green Building Council’s Local Government Guide to LEED-ND, “electing a good location is an important element of LEED for Neighborhood Development. Prerequisites that specify standards for locating a project mean that not all land within a given jurisdiction will be eligible for certification.”¹

As will be shown, the location and design of this Project is a prime example of what the LEED-ND is intended to *discourage*. It is distant from major job and shopping destinations, and the nearest existing transit access point is about 8 miles away. Indeed,

¹ See *A Local Government Guide to LEED for Neighborhood Development* (U.S. Green Building Council, April 2011, at p. 6. (<<http://www.usgbc.org/sites/default/files/Local-Government-Guide.pdf>>))

O2a-4

O2a-5

O2a-4 Please see response to comment O2a-2 above. The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. The project is a new Village whose structure, design and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G, pp. II-38-40); the project is located within existing water and sewer boundaries (SDCWA boundaries) as contemplated by the General Plan (FEIR, subchapter 1.8.4., and the Specific Plan, Part I.E.2; Water Resources, p. 1-7); and, the project is designed to meet LEED-ND equivalent. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the project’s compliance with this policy.

O2a-5 The County agrees that the project is not an expansion of an existing village and therefore LU-1.4 does not apply. The comment states that the project must meet the requirements of LU-1.2 and that it must be LEED-ND equivalent and as such the project the does not meet the LEED-ND’s locational criteria.

LU-1.2 provides that new villages must be “designed to meet the LEED-Neighborhood Development Certification or an equivalent.” [emphasis added] The plain reading of this policy means a village can be designed to meet something other than LEED-ND Certification and can still be considered to have met this requirement. In order to put this in further perspective, the term LEED-ND (“Leadership in Energy and Environmental Design for Neighborhood Design”) is a type of environmental design - rating system that incorporates the principles of smart growth, New Urbanism, and green building and efficient neighborhood design and refers to a particular trademark program administered by the U.S. Green Building Council (USGBC). See also Global Response: Project Consistency with General Plan Policy LU-1.2.

Therefore, the plain reading of LU 1.2 does not require the project to meet LEED-ND’s locational criteria. However, the project incorporates many of the same green practices into its design that achieve similar goals as those of LEED ND, by locating projects within existing water and sewer service district boundaries, encouraging the reduction of vehicle trips and vehicle distance traveled, improving health by encouraging daily physical activity associated with walking and bicycling, as well as locating “neighborhood assets” or “diverse uses” within one-half mile of project residents.

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functionally the Project is a prototypical auto-dependent suburb. It most certainly does not meet LEED-ND's exacting and mandatory locational criteria close to jobs, shopping and other destinations.

The EIR's own traffic study data bear this out. If the total estimated Vehicle Miles Traveled for the Project is divided by the annualized estimated Average Daily Trips (including internal, shared and non-auto trips), the average trip length is about 8.5 miles. And once a modest amount of internal and non-auto trips are subtracted, the average external auto trip would be significantly longer than 8.5 miles—perhaps 10 miles or greater. These outcomes are not consistent with any definition of sustainability. Indeed, according to SANDAG data, the average auto trip length for the County as a whole is only 5.8 miles.

Similarly, despite lofty rhetoric that the project is a "mixed-use pedestrian oriented sustainable Community" and that it "will locate housing close to retail, services, schools and jobs,"² the actual *design* of the project is anything *but* mixed use or sustainable. For example, the Project proponents claim that "[a]ll of the residential lots are within one-half mile of either the Town Center or one of the two smaller Neighborhood Centers."³ That is somehow supposed to make the Project "sustainable."

But just what *are* these "Neighborhood Centers?" It turns out that the Southern Neighborhood Center is made up of 0.4 acres with a mere 2,500 square feet of commercial space (about a medium size house) of unspecified uses which do not even have to be built concurrently with the housing development, or ever, for that matter. Even if built, the so-called Neighborhood Center could be a gas station and a tanning salon. Just how the existence of this paltry speck of commercial development one-half mile from hundreds of homes makes the Project more "sustainable" from a travel behavior standpoint is not explained or empirically substantiated. But common sense would indicate that it will not measurably alter the fundamentally auto-dependent nature of this far-flung bedroom community. It most certainly is not consistent with LEED-ND standards for a "walkable" neighborhood.

In summary, the record developed so far shows that the Project as proposed is fundamentally inconsistent with the General Plan's mandatory criteria contained in LU-1.2 governing the establishment of new village densities on lands currently designated rural and semi-rural. Unless LU-1.2 is itself revised (not part of the GPA description), the proposed Specific Plan cannot be approved consistent with law.

Thank you for considering EHL's views.

² SP at p. II-1.
³ Id.

O2a-5
 cont.

O2a-6

O2a-7

O2a-8

O2a-5 (cont.)

Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion on related topic.

O2a-6

The comment states that if the project's estimated VMT is divided by the annualized estimated ADT (including internal shared and non-auto trips) the average trip length is about 8.5 miles and the average auto trip length for the County as a whole is only 5.8 miles. The Traffic Impact Study (Appendix E) of the FEIR noted that due to the rural nature of the Valley Center community and the relevance of the trip length comparisons, the VMT analysis was only conducted at the community and project level (not at the regional level). Based on the Year 2050 Regional Model, the average vehicular trip length within the San Diego region is 5.8 miles; however, this includes numerous urban and suburban communities and jurisdictions such as downtown, UTC, La Jolla, Mission Valley, Encinitas, etc. and is therefore not applicable to the rural Valley Center community. However, as shown in Table 4.12 of the Traffic Impact Study (see Appendix E), the project would reduce trip lengths within the Valley Center community by 0.8 mile, assuming the construction of Road 3, and 0.9 mile without the construction of Road 3. The proposed project is projected to 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, both with and without the construction of Road 3.

O2a-7

The comment states that the actual design of the project is not consistent with mixed-use or sustainable principles and that the location of residential lots within one-half mile of the Town Center or the Neighborhood Centers does not make the project sustainable. The comment also asserts that the Neighborhood Centers do not have specified uses, are not certain to be built and the size of the commercial development are too small, rendering the project inconsistent with LEED-ND standards for a walkable neighborhood.

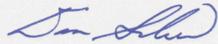
With respect to the comment that locating residential uses within one-half mile of the Town Center does not make the project sustainable, please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2 in which the project's compliance with all 18 "green development practices" is described. The project was designed as a

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Very truly yours,



Dan Silver, MD
Executive Director

cc: Interested parties

O2a-7 (cont.)

mixed-use project sustainable project. The project applied the LEED-ND's "Mixed Use Neighborhoods Principle," to reduce vehicle distance traveled and automobile dependence, encourage daily walking, biking, and transit use, and support car-free living by providing access to diverse land uses. With respect to the comment that the size of the Neighborhood Centers are too small, the Mixed Use Neighborhood Principle emphasizes diversity of land uses (not just commercial) to trigger active transportation uses and does not require a specific size of commercial development. Also, the United States Environmental Protection Agency on its website on Smart Growth cites research that has consistently shown that "... neighborhoods that mix land uses, make walking safe and convenient, and are near other development allow residents and workers to drive significantly less if they choose. In fact, research has found that in the most centrally located, well-designed neighborhoods, residents drive as little as half as much as residents of outlying areas . . . Recognizing the lower traffic impacts of mixed-use development in central, well-connected neighborhoods in the planning and approvals process would help communities reduce traffic and realize other benefits." (Trip Generation Tool for Mixed-Use Developments, available at: http://www.epa.gov/dced/mxd_tripgeneration.html, and incorporated herein by this reference herein.)

The project was designed with a diverse mix of land uses in that the Town Center (20 acres) and the central Neighborhood Center (4.8 acres) provides mixed-use development as shown in Lotting Study, Figure 1-4a. These areas will be zoned to allow an urban core of mixed use, clustered development, including 375 higher-density, up-to-three-story, attached residential units, including live/work and row homes, some with minimums of 1,000 square feet, along with specialty retail, community scaled commercial, professional offices, a town green, a civic center, a country inn, and a central recycling facility, where a trail staging area leads to 16+ miles of trails. At the southern portion of the project there will be a senior group residential care facility. The commercial uses will be comprised of 61,500 square feet of local serving small scale specialty retail, 28,500 square feet of office uses and a 50-room country inn.

O2a-8 The comment concludes the statements that were made within the letter. Please see the responses above.

2013 Letter (O2b)

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Sept 3, 2013

VIA ELECTRONIC MAIL ONLY

Mark Slovick
Dept of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

RE: Lilac Hills Ranch Master Planned Community: PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), HLP XX-XXX LOG NO.3910 12-02-003 (ER); SCH NO. 2012061100

Dear Mr. Slovick:

The Endangered Habitats League (EHL) appreciates the opportunity to submit additional comments into the record on the Draft Environmental Impact Report for this proposed project.

These comments are in the form of a blog post from Kaid Benfield, a principal author of LEED-ND, titled "Green sprawl is still sprawl." The post analyzes the purported sustainability of the proposed project.

<http://switchboard.nrdc.org/blogs/kbenfield/green_sprawl_is_still_sprawl.html>

If you could respond to this message confirming your receipt, in good order, that would be appreciated.

With best regards,
Dan Silver

Dan Silver, Executive Director
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<http://switchboard.nrdc.org/blogs/kbenfield/green_sprawl_is_still_sprawl.html>

[Kaid Benfield's Blog](#)

'Green' sprawl is still sprawl

O2b-1

O2b-1 The comment introduces the comments made by Kaid Benfield in a blog posted September 3, 2013 and attached to the comment letter.

Posted September 3, 2013 in Living Sustainably, Solving Global Warming
Tags: smartgrowth, sprawl, sustainablecommunities

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Does the lead photo with this article look like a good place to put over 1700 new homes on a little over 600 acres? What if I told you it was working agricultural land in a remote location 45 miles north of San Diego and 61 miles south of San Bernardino, California? What if I added that the developer is doing everything it can to make the project green? Those are the questions currently facing San Diego County authorities.

The environmental importance of development location

Unfortunately for the proposed project's sponsor, the most significant factor in determining the environmental impacts of real estate development is the project's location. Even the greenest development in the wrong location will create more environmental problems than it will solve. Of course, that doesn't stop developers' and architects' green puffery. Heck, they may even be well-intentioned, trying to do the greenest internal design on a site whose non-green location cannot be overcome. But trying to green a project doesn't make wishes come true.

I've written about this sort of thing multiple times, criticizing a purported "net zero" energy-efficient development in Illinois that is totally automobile-dependent, and pointing out that higher density, though generally an asset to green performance, won't cure locational problems. I've criticized the American Institute of Architects and even the US Green Building Council for undervaluing location in their green awards programs. (At least USGBC has taken a major positive step by adopting LEED for Neighborhood Development, a certification program that rewards good locations along with other green features. More about LEED-ND later in this article.)

Development locations far from existing cities and towns cause substantial environmental problems, disrupting agricultural lands and natural ecosystems; requiring the spread of resource-consuming infrastructure, including new road capacity that brings more runoff-causing pavement to watersheds; attracting ancillary sprawling development nearby, and causing major transportation impacts.

I can't over-stress that last point: On average, we use more energy and emit more carbon getting to and from a building than does the building itself. Peer-reviewed research published by the federal EPA shows that even green homes in conventional suburban locations use more energy and emit more carbon than non-

O2b-2

O2b-3

O2b-4

O2b-2 The comment is an introduction to subsequent comments addressed below. In particular, the comment characterizes the site as working agricultural land in a "remote" location 45 miles north of San Diego and 61 miles south of San Bernardino.

The project is located less than a mile from Interstate 15 and Old Highway 395 and is located in an area of agricultural and rural residential uses on lots of varying sizes. With respect to the project's consistency with General Plan policies regarding agriculture, please refer to response to comments O8-3, O9-12, O-9-13, and O9-15. The project incorporates mitigation measures and project design features to preserve some agricultural operations and to minimize impacts to agricultural operations off-site. Specifically, on-site prime and statewide importance soils that would be converted to non-agricultural uses would be mitigated through the purchase of agricultural conservation easements at a 1:1 ratio. Additionally, 42.2 acres of agricultural buffers and agricultural open space are included as part of the project design, and ongoing agricultural cultivation would be allowed to continue in these areas. As discussed in subchapter 3.2.3 of the FEIR, the project would include on-site biological open space, common open space, Limited Building Zone buffers, as well as mitigation measures 2, 3, and 4, which would ensure that urban/agriculture compatibility conflicts are less than significant.

O2b-3 The comment is an introduction to subsequent comments addressed below, and lays the groundwork for concerns regarding the project's location. Please also refer to comment Global Response: Project Consistency with General Plan Policy LU-1.2.

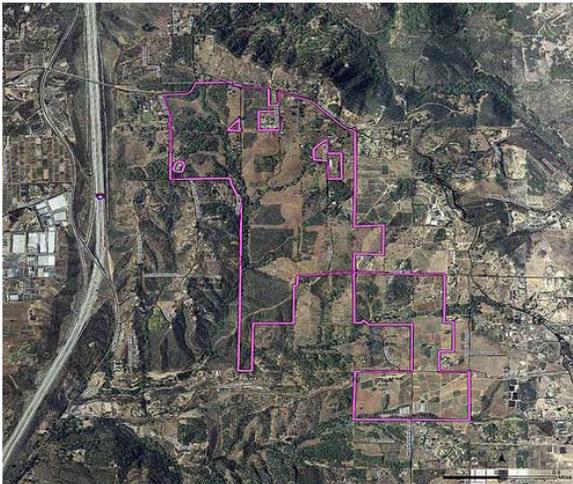
O2b-4 The comment states that even "green homes" in conventional suburban locations use more energy and emit more carbon than non-green homes in transit-served city neighborhoods which gets worse when development is located on rural lands. The comment will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. As shown in Table 4.12 of the Traffic Impact Study (see Appendix E), the project would reduce trip lengths within the Valley Center community by 0.8 mile, assuming the construction of Road 3, and 0.9 mile without the construction of Road 3. The proposed project is projected to have an average vehicular trip length of 7.6 miles, which is over a one-half mile lower than the rest of the Valley Center community, both with and

green homes in transit-served city neighborhoods. The problem only gets worse when the development is located beyond suburbia on truly rural land. Indeed, the most exhaustive research I know on how land use affects travel behavior found that location – measured by, among other things, the distance from the regional center – is by far the most significant determinant of how much household driving will occur, over time, from a given location.

Simply put, green sprawl is still sprawl.

“An I-15 sustainable community”

This brings me to a proposed “I-15 sustainable community” (the developer’s tagline) some 45 miles north of San Diego and 61 miles south of San Bernardino, California. I’m tempted to say that the site is in the middle of nowhere, but that’s not quite fair. It is more accurate to say that it is decidedly rural, home to working orchards, cropland and ranchland on rolling terrain near Lancaster, Pala, and Weaver Mountains near the north edge of San Diego County. There are scattered rural residential enclaves and a few small, newer suburban developments within a few miles.



O2b-4 cont.

O2b-5

O2b-4 (cont.)

without the construction of Road. Please also refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a discussion regarding the project’s consistency with this policy.

O2b-5

The comment labels the project area as “decidedly rural” but concedes the site is also characterized by “scattered rural residential enclaves and a few small, newer suburban developments within a few miles.” The comment also states that the project site is not a good location for the project, leapfrogs across vacant land and is inconsistent with the current agricultural zoning and General Plan land use designation.

As part of the project, the General Plan Regional Land Use Map is proposed to be amended to remove the existing regional category and land use designation and to re-designate the entire 608-acre site as ‘Village’. The project also proposes a General Plan Amendment to change the Valley Center and Bonsall Community Plan land use designations to Village Residential (VR 2.9) and Village Core (C-5). The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. The project is proposing the location of a new Village whose structure, design and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G, pp. II-38-40); the project is located within existing water and sewer boundaries (SDCWA boundaries) as contemplated by the General Plan (FEIR, subchapter 1.8.4, and the Specific Plan, Part I.E.2; Water Resources, p. 1-7); and, the project is designed to be LEED-ND equivalent Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the project’s compliance with this policy.

Although the General Plan Update directed growth to certain areas within the community planning areas of Valley Center and Bonsall for development, General Plan Policy LU-1.2 provides a degree of flexibility to the General Plan to accommodate future growth. The General Plan states that it is intended to be a dynamic document and amendments will be reviewed to ensure that the change is in the public interest and would not be detrimental to public, health, safety, and welfare. (General Plan, page 1-15). General Plan Policy LU-1.2

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	<p>O2b-5 (cont.)</p> <p>permits new villages that are consistent with the Community Development Model and meet the other requirements set forth in the Policy. Therefore the language in the General Plan allows for future amendments to the Land Use Map and Regional Categories Map. Throughout the General Plan are goals and policies (including Land Use Policy LU-1.2) and interrelated principles (Guiding Principle 2) that provide guidance for accommodating future growth while retaining or enhancing the County's rural character, its economy environmental resources and unique communities. (General Plan, page 2-6).</p> <p>Leapfrog development restrictions described in General Plan Policy LU-1.2 do not apply to new villages that are designed to meet the "LEED-Neighborhood Development Certification or an equivalent.</p>
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The proposal's draft environmental impact report describes the setting this way:

"The project site is generally characterized by agricultural lands and gently rolling knolls, with steeper hillsides and ridges running north and south along the western edge. Existing land uses in the surrounding area include residential dwellings that range from suburban to semi-rural densities, along with agricultural uses and vacant lands."

What the site is *not* is a good place to put 1,746 new homes at an average density of 2.9 units per acre.

Perhaps that is why it is illegal under current law, which zones the land for agricultural use. That is also its designation in the county's general plan, recently adopted after more than a decade of deliberation. The developer is seeking to change the zoning and to change the plan to accommodate the development.

The developer's argument for the proposal, to be called Lilac Hills Ranch, is that it will be internally walkable with amenities within a 10-minute reach of most residents; that it will cluster development so as to maintain green space; that it will utilize green technology in building design; and that it will create "a neighborhood grounded in traditional small-town values embracing 21st Century design and sustainability."

To be honest, that sounds pretty nice if it were located adjacent to existing development instead of leapfrogging across vacant land. But it isn't; I took a look at some numbers. Because the site is unusually shaped and mostly open land, it is hard to find a point within it that is catalogued in searchable databases. So I picked a spot on the north edge of the site on West Valley Road, the main access to the site from I-15, and ran it through some calculators.

Location by the numbers

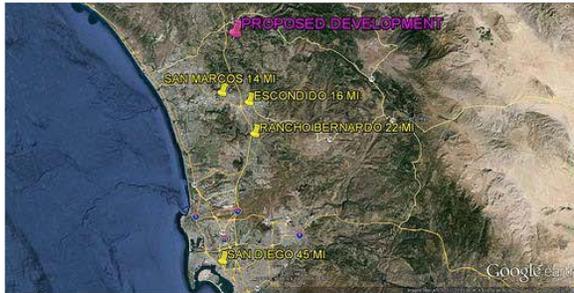
Google Maps says the north side of the project is 14 miles from San Marcos, the nearest town with significant employment, 16 miles from downtown Escondido, and 22 miles from Rancho Bernardo. As noted it is 45 miles from downtown San Diego. We're talking about very long work commutes. There is no transit nearby and, even under the best of circumstances, unlikely to be any future transit that would go conveniently from the development to San Diego County's scattered work sites.

O2b-5 cont.

O2b-6

O2b-6 The commenter asserts that three urban employment centers are located a distance from the project (ranging from 14 to 45 miles away) and there is no transit nearby nor will it be likely that transit lines to employment centers will exist in the future. The project would reserve a site for public transportation within the Town Center and the applicant will continue to coordinate with NCTD regarding potential transit options for the project. In addition as described above the project will implement a TDM Plan, as a condition of Final Map approval, and a private interim-transit program to transport residents to the nearest transit stop until transit is provided to the project. The TDM will encourage the usage of public transportation through a ride-share program, transit vouchers or other options that may be determined by the HOA.

The County has coordinated with NCTD regarding future transit planning for this area. Transit agencies do however evaluate transit services to areas once they are built out and a threshold of demand has been reached; therefore the project will continue to coordinate with NCTD as the project is developed and the population established.



My spot's Walk Score was 2. Pretty low, eh? Walk Score basically measures how close a site is to shops and conveniences. Ideally, it finds walkable locations with ratings above 60 or so that have things within walking distance. The average Walk Score for Escondido is 51. For San Diego city, the average Walk Score is 56. The average in Los Angeles is 66. A Walk Score of 2 means that this site is not near much, to say the least.

O2b-7

I also ran it through the Abogo calculator maintained by the Center for Neighborhood Technology, which displays driving rates and costs, along with emissions data, for given locations. The average household in the general vicinity of the proposed development emits 1.02 metric tons of carbon dioxide each month just from transportation. This is 46 percent above that of the San Diego region as a whole.

The developer apparently ~~wishes~~ believes that Lilac Hills Ranch would actually reduce greenhouse gas emissions by up to 40 percent compared to a "business-as-usual" scenario, mostly because of the project's internal walkability and planned commercial spaces that would absorb trips that otherwise would be made outside the project. Nothing in the literature of transportation research suggests that would be the case.

O2b-8

First, let's parse what "business as usual" means. What the developer is really claiming is that the project would reduce emissions compared to an even more sprawling development in the same location. The developer is not claiming, nor could it, that the project would reduce emissions below the average for the metropolitan region or even below the amount that would be experienced in an alternative site closer to Escondido or San Diego. As noted above, the most exhaustive research on the subject (Professors Ewing and Cervero's epic "Travel and the Built Environment," published in the *Journal of the American Planning Association*) found that proximity to downtown and other major destinations, not internal design, was the most significant factor in determining driving rates. ("Almost any development in a central location is likely to generate less automobile travel than the best-designed, compact, mixed-use development in a remote location," write the scholars.)

Look, this proposal basically would replace working agricultural land with a commuter suburb, albeit with some very nice internal amenities for its residents.

O2b-9

O2b-7 The comment is referencing a walk score that measures the existing condition of the project site and not the project that will be built.

The project is designed to promote walkability consistent with the LEED-ND principles of Compact Development, Connected and Open Community and Bicycle Facility. The project contains an integrated 16 plus mile community trail network, including community pedestrian and bike paths, linking together the project components, including the Town Center, the Neighborhood Centers, all the Neighborhoods, the K-8 school site, the 13.5-acre central park, and the dozen smaller parks and green spaces located throughout the project. The trails include a staging area in the Town Center, and three trail connections at the north and south ends of the project to trails defined in the County Master Trail Plan. See FEIR, Figure 1-4a (Lotting Study) and Figure 1-8 (Trails Plan). Project parks and trails are designed to be wholly integrated with the dedicated 104.1 acre Biological Open Space. The FEIR, Figure 1-9 (Open Space and Parks) illustrates this for example, in showing adjacency of the Biological Open Space to four parks, including the 13.5-acre central park, and to the K-8 school site recreational and play fields areas. The trail network connects to the County Master Trail Plan system and will also allow equestrian usage.

O2b-8 The comment states that proximity to downtown and other major destinations, not internal design determines driving rates. The comment's statement will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. No further response is required. Please see response to comments O2b-4, above.

Abogo is not an industry recognized model for calculating GHG or air emissions. The Abogo calculator is based solely on historical data for estimates such as travel distance and patterns and has no method to assess the changes in land use as proposed by the project. Thus, the VMT and emissions estimates provided by Abogo are based on the existing land uses and travel patterns. Additionally, the data base used to estimate emissions and VMT are inappropriate for use in California and they are based on St Louis and Chicago area surveys and data sets. The analysis contained in the FEIR is based on the County approved model, the adopted standards set forth by CARB and the

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	<p>O2b-8 (cont.) County's Guidelines. Finally, as the model is based on information gathered in other states and historical data, it does not reflect the effect of AB32 and efforts of the State to reduce GHG emissions through renewable energy sources, changes in fuel formulations, or increases in vehicle efficiencies."</p> <p>O2b-9 The commenter's opinion will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. However, the project supports continued agricultural operations as follows: The project would permanently preserve off-site approximately 46.3 acres of agriculture based on the County's Guidelines for the Determination of Significance for Agriculture. The site is not located within a Williamson Act Contract or an Agricultural Preserve. Approximately 27.9 acres of active agriculture would remain on-site within the biological open space and 19.6 acres of orchards will be planted within the project agricultural buffers.</p> <p>Other compatible agricultural uses would be allowed by the Specific Plan, such as farmers' markets, community gardens and vineyards. See also comment O2b-2 above.</p>
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Dan Silver, MD, executive director of the Endangered Habitats League, summed the League's position in a letter to the San Diego County planning office, which is apparently reviewing the proposal:

"This project would create a commuter-based 'bedroom' community in an agricultural portion of Valley Center. It would shred the consensus reached for the Valley Center community as part of the historic General Plan Update, just adopted in 2011. No compelling planning rationale or deficit in housing capacity is present to justify this proposed amendment."

O2b-10

The League is not alone in its criticisms. The Valley Center Planning Group voted 11-1 to send a scathing critique of the proposal to the planning office, according to an article by David Ross published last month on the local news site *Valley Road Runner*. If anything, the Planning Group's language was even stronger than that of the Endangered Habitats League, reports Ross:

"Key take-aways from the response the Planning Group approved Monday night:

- "The project is leapfrogging and therefore contrary to the good planning principles upon which the General Plan Update was based. It plops urban building densities into a rural agricultural area without appropriate existing infrastructure. **A much better project alternative than any proposed is within the Downtown Escondido Specific Plan Area**, says the review.*

O2b-11

- "In most major areas of the project, the rationale presented by the applicant is going to change the General Plan requirements to be aligned with what it wants to do. According to the group, this defeats the efforts by all who participated in the 12-year-long, \$18 million county General Plan Update project that was approved by the Board of Supervisors only two years ago."*

It seems to me that the planning office should be encouraging green revitalization and redevelopment within cities and towns, and encouraging the addition of new green features to existing suburbs. In some cases, it might be reasonable to review even a new mega-project such as this one if it were not only green but also adjacent and connected to existing development. But, assuming the worst, what's the point of having a planning office if it approves leapfrog development that violates its own plan?

The project, LEED-ND, and California planning law

O2b-12

Adding rhetorical insult to environmental injury, a document prepared in support of the development asserts that the proposal is "designed to meet the environmental standards of" LEED for Neighborhood

O2b-10 This comment expresses a concern with amending the General Plan subsequent to the General Plan Update being approved by the County in 2011.

The General Plan states that it is intended to be a dynamic document and amendments will be reviewed to ensure that the change is in the public interest and would not be detrimental to public health, safety, and welfare. (General Plan, page 1-15.) General Plan Policy LU-1.2 permits new villages that are consistent with the Community Development Model and meet the other requirements set forth in the policy. Therefore the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map. Although the General Plan Update has directed growth to certain areas within the community planning areas of Valley Center and Bonsall for development, General Plan Policy LU-1.2 provides a degree of flexibility to the General Plan to accommodate future growth. Throughout the General Plan are goals and policies (including Land Use Policy LU-1.2) and the set of interrelated principles (Guiding Principle 2) that provide guidance for accommodating future growth while retaining or enhancing the County's rural character, its economy environmental resources and unique communities. (General Plan, page 2-6). Please also refer to Global Responses: General Plan Amendment CEQA Impacts Analysis and Project Consistency with General Plan Policy LU-1.2. Also see Appendix W.

O2b-11 The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. Please also refer to Global Responses: General Plan Amendment CEQA Impacts Analysis and Project Consistency with General Plan Policy LU-1.2. Also see Appendix W.

O2b-12 The commenter asserts that the project should obtain LEED-ND certification or a prerequisite review by the U.S. Green Building Council (USGBC). Please note that Policy LU-1.2 does not require a project to obtain LEED certification or a prerequisite review and the project is not a LEED-ND designed project rather the project is a LEED-ND equivalent designed project. The term LEED-ND ("Leadership in Energy and Environmental Design for Neighborhood Design") can be described as a brand name for a type of environmental design - rating system that incorporates the principles of smart growth, New Urbanism, and green building and efficient neighborhood design. LEED-ND Certification refers to a particular trademark program administered by the USGBC that involves a

Development, the voluntary green rating system mentioned at the top of this article. (See our *Citizen's Guide*.) Seriously? Then file an application and get a certification that proves it. Heck, you could at least apply to the US Green Building Council, which administers LEED-ND, for a "prerequisite review" that for a fraction of the cost and time of full certification will determine whether you meet the rock-bottom minimum locational standards of the system.

Given the serious doubts raised about this proposal, if I were a planning official for San Diego County I would politely ask that the developer do just that as a condition of further discussion of any zoning change or planning amendment. Speaking for myself, my informal opinion based on about a dozen painful hours of reviewing planning documents in this case is that there is not a snowball's chance in hell that this proposal qualifies for LEED-ND certification or even that it would pass the minimum prerequisites to be considered.

For one thing, LEED-ND requires a minimum average density of seven dwellings per acre, not the 2.9 at issue here. For another, the LEED-ND locational prerequisite is generous, but not generous enough to let this project slip through. (I should know, because I was its principal author.) To be considered, a project must qualify as (1) infill; (2) adjacent and connected to a minimum amount of previous development; (3) served by existing or fully committed minimum transit service; or (4) surrounded by a minimum number of specified, pre-existing "neighborhood assets" within walking distance. In other words, a project can't be smack in the middle of rural land at a long distance from existing development. Well, it can be, but it won't – and shouldn't – qualify for green certification under LEED-ND.

O2b-12
cont.



Current agricultural zoning (left) and proposed change to "residential urban" (right)

Finally, in 2008 California passed what many of us believed at the time to be landmark legislation ("SB 375") requiring that each metropolitan area in the state, including San Diego County, develop specific, long-range land use and transportation planning documents that meet assigned targets for reducing emissions of greenhouse gases from transportation. A lot of people in the state, including my NRDC colleague Amanda Eaken, worked long and hard to ensure that the new law would be fair to developers and municipalities as well as protective of the environment. They succeeded at that, and won the support of a broad range of nonprofit and commercial interests.

Basically, each metro area must develop a "Sustainable Communities Strategy" as part of its transportation

O2b-13

O2b-12 (cont.)

lengthy and expensive process in which a developer pays USGBC to rate a project once it has been fully developed.

Second, the comment states that the project would not "qualify for certification under LEED-ND. As explained above the policy does not require a new village be equivalent to a LEED-ND *certified* community nor does it require a project to qualify for certification. Rather LU-1.2 provides that the development must be *designed* to meet LEED-ND Development Certification or be designed to meet something of equal force or value. (Merriam's Dictionary definition of "equivalent") The project has been designed to meet a LEED-ND Certification equivalent. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding the projects's compliance with this policy and a more in depth discussion regarding this issue.

O2b-13 Additional information was added to subchapter 3.1.4.1 of the Final EIR to include a project consistency analysis with relevant policies of SANDAG's Regional Transportation Plan (RTP) and its Sustainable Community Strategy (SCS). Information was also added to subchapter 3.1.4.1 pertaining to the Regional Comprehensive Plan (RCP) adopted by the SANDAG Board of Directors in 2004, which serves as a blueprint for the region's future growth and development. SANDAG is currently working on an effort to merge the RCP with the 2050 RTP and the SCS. This effort is known as San Diego Forward: The Regional Plan and is scheduled for adoption in 2015. As explained in subchapter 3.1.4.1, the project would not be in conflict with the objectives of the 2050 RTP/SCS and RCP. Potential impacts associated with plans or policies would thus be less than significant.

The FEIR, Chapter 3.0 included a discussion regarding the applicable policies of the General Plan that pertain to the goal and objectives of SB 375 and 2050 RTP/SCS.

The General Plan identifies goals and policies that contribute to achieving the principle of smart growth and sustainability as listed in Table I-1. In this regard, LU-1.2 has been identified in the General Plan as a policy that addresses meeting sustainability objectives and GHG reductions, the same as SCS related policies. In addition, the County has adopted a number of other policies in the General Plan as well as Guiding Principle 2, which provides that as population growth

plan. The SCS must anticipate population growth and housing needs and allocate them to areas within the region that can accept them consistent with the law's environmental aims. The state's Air Resources Board must review and certify that the plans are adequate to meet their emissions-reduction targets. Municipalities are expected to conform to the regional plans, and transportation funding and development approval benefits flow to the priority growth areas.

The whole point of SB375 was to encourage development within or close to existing development and existing city and town infrastructure. (And, no, contrary to the developer's assertions here, being close to an Interstate highway is not what the framers had in mind when they spoke of existing city and town infrastructure.)

The Sustainable Communities Strategy for San Diego County, crafted by the San Diego Association of Governments and adopted two years ago, was built on the premise that the county's general land use plan would remain in place. As a result, this development not only challenges the plan; it also flies in the face of all the hard work and good faith that went into the region's Sustainable Communities Strategy pursuant to SB375. This should matter, not just a little but a lot. As far as I could tell from the documents I reviewed, the SCS isn't even mentioned.

The bottom line: in another place, this might be a great green development, though I would want to improve its design for better walkable density and transit access. Its on-site premises do appear to have some merit to them. But this location is so, so wrong that it negates what might otherwise be the development's environmental assets. It's a shame because, in the end, the development basically amounts to little more than pretty sprawl.

+++++

O2b-13 cont.

O2b-14

O2b-13 (cont.)

continues in San Diego, more compact development should occur. The FEIR analyzes whether the project meets all of the relevant policies listed in Table I-1, including the "sustainable development" linchpin principles of LU-1.2 and the Community Development Model, set forth in Guiding Principle 2, as described throughout each of the appropriate subchapters of the FEIR and in Appendix W to the FEIR. In the context of Guiding Principle 2, the word "planned infrastructure" would mean infrastructure that is designed or planned as a part of a project or new development. There are numerous policies that are consistent with this explanation. Policy LU-12.4 provides that infrastructure must be planned and located in a manner compatible with community character and minimizes environmental impacts. Policy LU-12.1 requires infrastructure needed for new development to be provided prior to that development or phased to coincide with project phasing. As explained by the General Plan (page 3-28): "Unchecked growth and new development can easily transform a community. However when planned and implemented wisely, growth can be beneficial to a community's identity, economy and character."

The project is located within existing service facility districts (water, sewer, fire, school) and is planned to include the construction and improvement of water and sewer infrastructure, roadways, and other public facilities to serve the project. There are numerous policies in the General Plan that will ensure that the project will provide the infrastructure needed to serve the project. See also the discussion in the EIR regarding the transportation system network, sewer and schools at subchapters 2.3, 3.1.7, and 3.1.5, respectively, and Appendix W regarding General Plan Policy conformance.

The commenter is correct in that the 2050 RTP and its SCS contemplated that development in the San Diego region will occur in urbanized areas; however, these plans are not based upon the premise that the county's general land use plan would remain in place. In fact, the SCS and RTP are updated by SANDAG every four years to reflect current conditions and new opportunities within the region. Actual development in any city or county is a result of market forces, population growth (including birth rates and immigration) as well as physical constraints, availability of resources and other federal, state, and local regulations. The County has only limited control over growth and cannot control external factors such as market demands and the intent of individual property owners, businesses and citizens. While

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	<p>O2b-13 (cont.)</p> <p>population growth and associated development through the horizon year of the General Plan can be considered reasonably foreseeable, the County's population forecast is regional in scale and potential development on any particular parcel cannot be certain at a general plan level. (See General Plan Update FEIR, Chapter 1.0, pp 1-17 and 1-20, which pages are incorporated herein by reference.) Thus it is reasonably anticipated that as the General Plan is amended over time, the RTP/SCS would be adjusted appropriately. Lilac Hills Ranch would be included in the next update of both documents as would any other changes in the General Plans of any jurisdiction in the County. Neither the SCS nor SB 375, prohibits a local jurisdiction from amending its General Plan or making other land use decisions. Government Code section 65080(b)(2)(K) provides that the SCS does not regulate the use of land; does not supersede the exercise of the land use authority of cities and counties within its region; and does not require that a City's or County's land use policies and regulations, including its general plan, be consistent with it.</p> <p>Although the General Plan has directed growth to certain areas within the County, General Plan Policy LU-1.2 provides a degree of flexibility to the General Plan to accommodate population increases as necessary in a manner that meets the requirements of the SCS and the General Plan. The General Plan allows for future amendments to the Land Use Map and Regional Categories Map and is intended to be a dynamic document, providing for amendments that will ensure any change is in the public interest and would not be detrimental to public, health, safety, and welfare. (General Plan, page 1-15). The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. The project is a new Village whose structure, design and function are based on the Community Development Model. (FEIR, subchapter 3.1.4.2, Land Use Planning, p. 3-87-89; Technical Appendix W, Att. A, pp. 1-2; Specific Plan, Part II.G, pp. II-38-40.</p> <p>O2b-14 This comment does not address the environmental analysis provided in the project FEIR. The comment will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. No further response is required. Please see Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion regarding this topic.</p>
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