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Letter O3e

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VIA EMAIL

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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and Community Plan Inconsistencies**

Dear Mr. Slovick –

Our firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the General Plan and Community Plan Consistency discussion in the Draft Environmental Impact Report (“DEIR”). By way of summary, the failure of the DEIR to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan requires that the DEIR be rewritten and recirculated for public review and comment.

As you are aware, inconsistency is often evidence that an inconsistent project feature will have a significant environmental effect. If the inconsistency has not been identified or analyzed, significant environmental impacts of the Lilac Hills project may likewise have not been identified or analyzed. In addition, the inconsistencies may, or (in the case of this project) do, need to be cured before the project can be approved. See *Families Unafraid v. County of El Dorado* (1998) 62 Cal.App.4th 1332(project must satisfy mandatory general plan policy that is fundamental and unambiguous).

Moreover, the type and number of GP policies requiring amendment in order to accommodate this inconsistent project will require far reaching revision of the San Diego County General Plan with appropriate comprehensive environmental review of associated impacts throughout the County.

O3e-1

O3e-1

This comment is an introduction to comments that follow. The responses follow below. Please also refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.

The project proposes and will require a project-specific General Plan Amendment (GP 12-001). Specifically, GP 12-001 proposes to: (1) amend the regional Land Use Element map to allow a new Village, (2) amend the Valley Center Community Plan Map to allow Village Residential and Village Core land uses (and revise the community plan text to include the project), (3) amend the Bonsall Community Plan to allow Village Residential land uses, and (4) amend the Mobility Element to reclassify West Lilac Road and specify the reclassified road segments at Table M-4 (FEIR, Subchapter 1.2.1.1). Such amendment is purely specific to the proposed project. Since the General Plan Amendment will not amend General Plan principles, goals, objectives or policies, it will not necessitate countywide environmental review of the General Plan Update adopted on August 11, 2011.

August 13, 2013

I. GENERAL PLAN INCONSISTENCY OVERVIEW

In comments submitted over the last year, the Valley Center Planning Group and the Valley Center Design Review Board have challenged the proponent's assertions that this Specific Plan/General Plan Amendment ("SP/GPA") is consistent with the adopted County General Plan ("GP"), or with Valley Center's Community Plan("VCCP"), or with Valley Center Design Guidelines.

These previous comments, which are attached hereto as Exhibits 1-2 are incorporated herein by reference, submitted as part of the public comments on this DEIR and require a response. These previous comments have also challenged the logic exhibited throughout the Specific Plan and now in the DEIR: that amending a particular GP Regional Category to suit the project somehow also reconciles the project's inconsistencies with a wide array of General and Community Plan Goals and Policies.

The proposed SP/GPA is inconsistent in broad and fundamental ways with the San Diego County General Plan and the Valley Center Community Plan. Further, the DEIR fails to disclose and analyze these broad and fundamental inconsistencies and their environmental consequences as CEQA requires. The DEIR is derelict in concluding as it does that: *"Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be less than significant"* (DEIR Chapter 3 Environmental Effects Found Not To Be Significant p. 3-65). As explained below, the project presents multiple inconsistencies with the GP and VCCP and a "reasonable person" could not find this project to be consistent with either the GP or the VCCP. See *No Oil v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 242; *Mitchell v. County of Orange* (1985) 165 Cal.App.3d 1185.

This DEIR fails to perform the analyses required for decision makers, first, to understand the parameters of this proposal, and, second, to appreciate the nature and reach of its impacts. The DEIR does not even have a rudimentary analysis of Consistency with the General Plan.

Internal consistency of all County General Plans in California is required by California State Law. Therefore, in considering a Specific Plan, particularly one that requires amendments to an adopted General Plan, it is crucial to understand exactly where the Specific Plan is inconsistent with General Plan regional categories, land use designations and road classifications, principles, elements, goals and policies.

A Specific Plan is an implementation vehicle. Approval requires compliance with CEQA. A DEIR must examine consistency issues including the web of interconnected and mutually-supporting elements, goals, policies and maps of the County General Plan. 14 Cal. Code Regs. Section 15125(d). Inconsistency requires denial of the project, re-design of the project or amending the General Plan to fit the Specific Plan – the tail wagging the dog.

O3e-2

O3e-3

O3e-2 The commenter's overview is acknowledged. Detailed responses to individual comments follow.

O3e-3 Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W. In addition, this comment mischaracterizes the analysis framework of the FEIR and statements found in the FEIR. The FEIR frames the General Plan consistency analysis at Subchapter 1.4 under "Environmental Setting," and describes its current land use planning context. (FEIR, Subchapter 1.4.) Subchapter 1.6 describes the General Plan amendment required for approval of the project and that is analyzed by the FEIR. The General Plan Regional Land Use Map is proposed to be amended to remove the existing regional category and land use designation and to redesignate the project area as Village.

Then subsequently provides detailed analysis of the physical environmental impacts that may flow from the GPA in Chapters 2 and 3, as well as providing a detailed policy inconsistency analysis in the Land Use Planning section, Subchapter 3.1.4 (see FEIR, Chapter 3.0 and Appendix W) Thus, the FEIR clearly and thoroughly presents analysis of the potential physical environmental impacts that would result from project approval and the concomitant amendment of the Regional Land Use Element Map to change the regional land use category from Semi-Rural to Village.

The Regional Categories Map and Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan (Chapter 3.) The County agrees that the General Plan and Community Plans are not subordinate to the project's Specific Plan. General Plan Policy LU-1.2 permits new villages that are consistent with the community development model and meet the requirements set forth therein. Therefore, the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion on related topic.

The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.

August 13, 2013

Making major changes to, for example, the Land Use, Mobility and Safety Elements in the San Diego County General Plan to achieve consistency with the proposed Specific Plan will require revisiting the environmental impacts of the entire San Diego County General Plan. Specific amendments, if not pursued with great caution, would possibly invalidate the entire San Diego County General Plan based upon internal consistency defects.

These are all of course very serious issues for the entire County. Accordingly, both the law and sound public policy require that the DEIR for this SP/GPA analyze specifically and individually the General Plan Vision and Guiding Principles and the reflection of these in the Community Development Model, as well as specific goals, policies and relevant maps across the GP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise. The goals and policies of the Bonsall and Valley Center Community Plans must also be considered.

Once inconsistencies are disclosed there are only three ways to resolve them: reject the project, re-design the project, or re-build the County General Plan to suit these applicants. Inconsistencies with General and Community Plans, Design Guidelines and other ordinances and policies are NOT subordinate to this project's Specific Plan, as the Specific Plan asserts.

California Government Code Section 65454 "Consistency with General Plan" provides:

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan.

As detailed below, the Accretive Lilac Hills SP is inconsistent with multiple principles, goals and policies of the County General Plan and the VCCP. These inconsistencies must be fully identified, analyzed and cured.

II. GP AMENDMENTS NECESSARY TO ACCOMMODATE THIS SP/GPA WILL REQUIRE REJECTING THE GP'S FOUNDATIONAL VISION OF SMART GROWTH AND ELIMINATING MANY GP POLICIES SUPPORTING IT.

It is manifestly not the intention of the San Diego County General Plan to drop "new villages" into semi-rural and rural areas. To the contrary, the County General Plan is rooted in its "Smart Growth" intention. Smart Growth is a two-sided concept. On the one hand, Smart Growth locates future development in areas where infrastructure is established; and on the other hand, Smart Growth also retains and/or enhances the County's rural character, economy, environmental resources, and unique communities. These are integrated, co-dependent concepts. They work together.

The proposal to drop a dense, from-scratch 608-acre Village of 5000 people into

O3e-3
cont.

O3e-4

O3e-3 (cont.)

The project does not propose to amend any guiding principles, goals, objectives, or policies of the San Diego County General Plan adopted August 11, 2011. The project proposes and will require a project-specific General Plan Amendment (GP 12-001). Specifically, GP 12-001 proposes to: (1) amend the regional Land Use Element map to allow a new Village, (2) amend the Valley Center Community Plan Map to allow Village Residential and Village Core land uses (and revise the community plan text to include the project), (3) amend the Bonsall Community Plan to allow Village Residential land uses, and (4) amend the Mobility Element to reclassify West Lilac Road and specify the reclassified road segments at Table M-4. (FEIR, subchapter 1.2.1.1). Such amendment is purely specific to the proposed project. Since the General Plan Amendment will not amend General Plan principles, goals, objectives, or policies, it will not necessitate countywide environmental review of the General Plan Update adopted on August 11, 2011.

As shown throughout the FEIR and detailed in FEIR Appendix W, the project is consistent with all relevant policies of the County General Plan and the Valley Center and Bonsall Community Plans. The project does not intent to supersede the land use policies contained within these documents, but rather creates implementation measures.

O3e-4

The project is amending the General Plan by adding new Village that meets the criteria of Policy LU-1.2. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.

The underlying premise of the General Plan is to conserve natural resources and develop lands and infrastructure more sustainably in the future (General Plan, p.1-16). The General Plan identifies such goals and policies that contribute to achieving this premise as listed in Table I-1. 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, as described in Global Response: Project Consistency with General Plan Policy LU-1. and in Appendix-W to the FEIR.

August 13, 2013

several thousand acres of infrastructure-lacking, Semi-Rural and Rural land is fundamentally inconsistent with the County's commitment to "sustainable development." This foundational concept is described at length in the introduction to the County General Plan; and it is expressed across the web of interdependent GP Guiding Principles, Goals and Policies that have been put in place to bring about the County's Smart Growth Vision. To reject this Vision now will, in essence, require an entirely new County General Plan.

O3e-4
cont.

III. PARAMOUNT AMONG THE PROJECT'S GP INCONSISTENCIES IS ITS FAILURE TO COMPLY WITH LAND USE GOAL LU-1 AND POLICY LU-1-2

Consistency with Land Use Goal LU-1 and with Policy LU-1.2 is especially crucial for this project's approval. These provisions speak directly to the requirements for establishing NEW villages in San Diego County. They emphasize the primacy of the Land Use Element and the Community Development Model, and prohibition of Leapfrog Development.

Land Use Element Goal LU-1: Primacy of the Land Use Element. *A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.*

Land Use Element Policy LU-1.2: Leapfrog Development. *Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED- Neighborhood Development Certification [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.)*

O3e-5

The DEIR for this SP/GPA asserts that the project is consistent with GP Policy LU-1.2. But, this is clearly not the case. The SP/GPA fails in the most fundamental ways to respect the County's commitment to sustainable development.

O3e-5

Please refer to the Global Response: Project consistency with General Plan Policy LU-1.2. With respect to the projects proposed options for wastewater treatment, please refer to the Global Response: Off-Site Improvements - Environmental Analysis and Easement Summary Table for details of the easement and right of way requirements for each option.

- A. The project is inconsistent with the GP Community Development Model,
- B. The project is inconsistent with LEED ND standards,
- C. The project is inconsistent with the 3rd requirement for waiving the prohibition on leapfrog development: provide necessary services and facilities. Among other impacts, the project requires (at least) ten (10) modifications to the County road standards to REDUCE capacities to sub-standard levels. Traffic impacts are significant and deemed unmitigable by the DEIR and the project fails to meet 5 minute response times for Fire and Emergency Medical Services.

August 13, 2013

The project also fails to present a legal and viable point design for sewage and waste water treatment and there is insufficient, unavailable right of way for private roads into and out of the proposed development.

O3e-5
cont.

A. The Accretive SP/GPA is Inconsistent with the GP Community Development Model

The proposal, by definition, is inconsistent with the Community Development Model because consistency can be achieved only by amending the General Plan to fit the project. The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): *"The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses, such as estate-style residential lots and agricultural operations to Semi-Rural areas To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands ..."*

First, as the above statement in the County General Plan makes clear, **the Community Development Model is not a moveable abstract concept**. If this were true then Village "puzzle pieces" could be dropped into Semi-Rural and Rural lands anywhere in the County and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the whole system of the General Plan's Regional Categories. Amending a Regional Category, therefore, requires also amending the network of planning concepts that the category implements, for example:

O3e-6

1. The General Plan states (pp.3-7), *"Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit when feasible."*
2. The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This SP/GPA proposes to place a high density Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development. This action requires AMENDING the Community Development Model. Instead, with no discussion or analysis, the SP/GPA and the DEIR all assert that consistency with the Community Development model is achieved with a simple change to the Land Use map.

O3e-6

This comment contains a number of statements that are incorrect. The logic behind the commenter's assertion would lead to the conclusion that no general plan amendments would be allowed. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.

The General Plan on page 2-7 recognizes the need to accommodate future growth by planning and facilitating housing in existing and planned villages. The General Plan on page 1-15 states that it is intended to be a dynamic document and there are numerous policies in the General Plan that accommodate planning for future growth, such as M-2.1 (require development projects to provide road improvements), M-3.1 (require development to dedicate right-of-way), S-3.1 (require development to be located to provide adequate defensibility) and COS-2.2 (requiring development to be sited in least biologically sensitive areas).

LETTER

RESPONSE

August 13, 2013

- 3. The site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model **requires** a "feathering" of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth. (GP pp. 2-8 through 2-9) The Accretive SP/GPA is inconsistent with the concept of feathering which is reflected properly in the current pattern of land use designations in Valley Center's central valley.
- 4. This SP/GPA is located many miles from areas that the Community Development Model designates for Village development and miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
- 5. Regarding infrastructure, there are few existing roads in the area. They are built and planned to service Semi-Rural and Rural development, as in the current General and Community Plans. Despite proposing intense Village development, the proponents also propose to retain or **reduce** capacities of these roads. Water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.
- 6. The intent of the Community Development Model is to intensify development in **existing** Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. Twenty-five percent (25%) of the community's future development is now planned for the "Village" area in the center of the Valley Center Planning Area, at the community's traditional "crossroads" where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are **already** in place.
- 7. A key component of including a Community Development Model in the General Plan with "integrity" was to create a framework for future growth in and around existing villages. The DEIR ignores this GP concept by concluding that a high density project placed in a semi-rural and rural area would not be growth inducing. This conclusion defies reality and contradicts the General Plan which identifies existing villages as the hubs for growth.
- 8. The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the Accretive SP/GPA. Into the future, these land owners will likely seek similar higher density treatment. The County has a long track record of approving General Plan Amendments that increase density using the density of adjacent properties as justification. The DEIR claims that this would not occur, but history and reality have proven otherwise.

O3e-7

O3e-8

O3e-9

O3e-10

O3e-11

O3e-12

O3e-7 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-8 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-9 All roads in the vicinity of the project will operate at LOS D or better when the project is built out. See subchapter 2.3 of the FEIR for the analysis of the project's impacts to roads, intersections and Caltrans' facilities and is based on the Traffic Impact Study, attached as Appendix E to the FEIR. A complete synopsis of the significant direct and cumulative impacts related to the project can be found in subchapter 2.3.S.1. Table 2.3-24 and Table 2.3-25 provide a mitigation summary for the direct and cumulative impacts, respectively, for the project. The VCMWD has adopted a Water Supply Assessment and will provide water (Appendix S). The water system adequately sized for the project will be constructed as will the wastewater infrastructure (see subchapter 3.1.7.)

Please also refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-10 There is no language in the General Plan that supports the assertion that the Community Development Model applies only to existing Villages. Also see response to comment O3e-6 above. The project proposes to amend the Community Plan adding a third Village. This goal in the Valley Center Community Plan text will be revised to indicate that there are three Villages in the community plan. The County's Community Development Model does not dictate the number of Villages that may be developed. Rather, it guides new Village development into more compact development as a means to reduce associated impacts. As discussed in the FEIR subchapter 3.1.4.2, the project would be consistent with the Community Development Model. See also response to comment O3e-6 above.

LETTER

RESPONSE

	<p>O3e-10 (cont.) Subchapter 4.1.1.1 of the FEIR analyzed the two sites designated in the Valley Center Community Plan for planned villages as an alternative project site. However, these two Villages reflect existing land use patterns and are designed to complete the existing community. These two were found to pose many constraints and disadvantages relative to the location of the proposed project, including encumbered emergency access and evacuation; greater potential VMT and associated GHG emissions due to the greater distance of these sites from regional facilities (e.g., transportation corridors, employment centers and shopping); and substantially greater constraints and impacts relative to traffic and required roadway improvements (subchapter 4.1.1.1 of the FEIR). Whereas, General Plan Policy LU-1.2 permits new villages (like the project) that are consistent with the Community Development Model and meet the requirements set forth therein. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion on related topic.</p> <p>O3e-11 Please refer to comments O3e-6 and O3e-10 above and Global Response: Project Consistency with General Plan Policy LU-1.2.</p> <p>O3e-12 It is acknowledged that sites surrounding the project will remain at their currently designated densities. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. However, as pointed out by the commenter, the approval process of project-specific requests to amend the General Plan is not a foregone conclusion and processing will be lengthy. See also subchapter 1.8 of the FEIR regarding Growth Inducing Impacts. The project could have the potential to result in adverse physical environmental effects due to growth inducement but the potential impacts are too speculative for evaluation in this FEIR because the specific nature, design and timing of future projects is unknown at this time.</p>
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LETTER

RESPONSE

August 13, 2013

9. The DEIR refers to the Property Specific Request (PSR) General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. This suggestion is misleading. The outcome of the PSR/GPA process remains to be seen. Approval is not a foregone conclusion and processing will be lengthy. More likely is that approval of the Accretive Lilac Hills project would usher approval of the PSRs/GPAs in Valley Center, thus inducing unplanned growth of this area.

O3e-13

Second, the project design defies the GP principles, goals and policies for Village development and for Village expansion, which the Community Development Model reflects.

O3e-14

1. The 608-acre project site, only a portion of which is actually owned by the applicant, sprawls 2 miles N-S, and 2 miles E-W across several thousand acres, largely in active agriculture. These surrounding acres are owned by people whose dreams and ambitions for their rural properties are in accord with the Community Development Model's Regional Category assignment: Semi-Rural and Rural.

O3e-15

2. The sprawling site creates some 8 miles of edge effects that will threaten surrounding agriculture, horticulture and animal husbandry that the GP Community Development Model protects by designating this area for Semi-Rural and Rural development. This sprawling shape also increases the likelihood that the proposed project will be growth inducing as previously mentioned.

O3e-16

3. With 1746 units and 90,000 SF of commercial on 608-acres, there is insufficient land available for "feathering" residential densities as the Community Development Model intends and describes.

O3e-17

4. The site requires 3 separate commercial nodes to support the "walk-able" claim. The project cannot be characterized as a "walk-able Village" when it is, in fact, three circles of dense housing. Two of these housing areas are at least a mile from what the Community Development Model would characterize as Village amenities. The LEED Neighborhood Development standard ("LEED ND") for "walking distance" is ½ mile, the GP also cites ½ mile (GP, p.3-8).

5. This is not the "walk-able" compact Village it purports to be. The faux Town Center is more than one and a half miles from the ½ mile standard required by LEED ND and cited in the General Plan.

O3e-18

6. The proximity of Rural Lands to the project presents wildfire threats which the applicant's Fire Protection and Evacuation Plans recognize. However the threats are not adequately mitigated. In addition to wildfire, the Accretive project adds the additional hazards of Urban Multi Story Structure Fires and nearly two orders of magnitudes increased volume and complexity of Emergency Medical Services

O3e-13 EIR subchapter 1.8 has been clarified to state that the surrounding Property Specific Requests (PSRs) represent that the location of the project site can accommodate growth: close to infrastructure, and within utility districts.

O3e-14 The comment expresses the opinions of the commentator. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

O3e-15 The comment states that the size of the project will result in 8 miles of edge effects that will threaten surrounding agricultural uses and the sprawling shape will also be growth inducing. As discussed in FEIR subchapter 2.4.6 or Section 3.4 of the Agricultural Resources Report (Appendix H) of the FEIR; the project would include on-site biological open space, common open space, and LBZ, as well Mitigation Measures 2, 3, and 4, in order to ensure that urban/agriculture compatibility conflicts are less than significant. A minimum of 50 foot buffer with two rows of orchard trees are required at all of the agricultural adjacency (AA) areas regardless of the crop type grown within the off-site parcel. In addition to the 50-foot buffer, most of the AA areas are also required to implement fences, Fuel Modification Zone restrictions, and nighttime lighting requirements. The FEIR Agricultural Resources Report includes mitigation measures to ensure that no significant unmitigated impacts to existing agriculture will occur, such as: 1. 50-foot wide buffers planted with two-rows of citrus, avocado, or olive trees (M-AG-1). 2. Installing 6-foot high fencing to protect adjacent agricultural activities from unwanted intrusions by people and domestic pets (M-AG-2). 3. Prohibiting habitable structures as well as any structure that could attract residents, visitors, or children to congregate nearby (M-AG-3).

Regarding growth inducement, subchapter 1.8 of the FEIR was revised to conclude that the intensification of land uses on-site could encourage intensification in the immediate project vicinity and thus be growth inducing. However, potential impacts are too speculative for evaluation in the FEIR because the specific nature design and timing of future projects are unknown at this time. Any direct and cumulative impacts that could be associated with the identified growth inducing features of the project would be evaluated at the time future projects are identified and processed.

LETTER

RESPONSE

	<p>O3e-16 Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion on this topic.</p> <p>O3e-17 Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough disucssion on this topic.</p> <p>O3e-18 Fire hazard. The FPP evaluated the fire hazard of the area and its potential effect on the project as well as the potential increased hazard that may result from the proposed project. A wildland Fire Behavior Assessment was included in the FPP to provide four worst-case scenarios for wildland fires. (See Section 3.3.2 of the FPP) As a result of the findings of the fire modeling, project design features were incorporated into the Project in order to reduce the risk of fire hazard, including fuel modification zones, use of ignition resistant building materials, and the provision of secondary emergency access roads. The project would also meet all fire and building code requirements, and an adequate supply of water for fire hydrants was deemed available (See Appendix T). The Draft FEIR analyzed each of the design features to determine whether the features would reduce the risk of exposure of people or structures to a significant risk of loss, injury or death from wildland fires. The FEIR found that with the adoption of Mitigation Measure M-HZ-1, impacts to wildland fires would be reduced to less than significant. (FEIR, subchapter 2.7.2.4, and subchapter 2.7.3.4 of the FEIR also identified that the project’s contribution to a potential cumulative impact would be less than cumulatively considerable with respect to wildland fire hazards based on implementation of the FPP, associated landscaping plans.</p> <p>The Evacuation Plan (FEIR Appendix K) considers both evacuation and first responders’ traffic, as shown by it stating the following: “[d]uring an emergency evacuation from the proposed Lilac Hills Ranch development, the primary and secondary roadways will have to be shared with responding emergency vehicles...” As indicated in the FEIR subchapter 2.7.6, impacts associated with emergency response and evacuation plans would be less than significant and no mitigation is warranted. The contingency plan provides that evacuations will be implemented in phases based on predetermined trigger points, so smaller percentages of the evacuees are on the road at the same time. When a wildfire occurs, if it reaches a predetermined trigger point, then the population segment located in a particularly vulnerable area downwind of that trigger point would be</p>
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LETTER

RESPONSE

	<p>O3e-18 (cont.)</p> <p>evacuated. Then, when the fire reaches the next trigger point, the next phase of evacuation would occur. This would allow smaller groups of people and correspondingly fewer vehicles to more freely evacuate areas. The Evacuation Plan determined that the location of the project and the existing and planned roads provide adequate multi-directional primary and secondary emergency evacuation routes (Evacuation Plan, page 8).</p> <p>The comment asserts that the FPP does not sufficiently address structure fires or emergency medical services such that the impact and mitigation can be assessed. The Fire Response Capabilities Assessment, prepared by Dudek and Hunt, dated May 24, 2014, ("Capabilities Assessment"), evaluated three separate response scenarios, including a structure fire, a wildland fire with structural threat, and a medical aid response. The response routes included one from each of the four existing stations providing service to DSFPD (Stations No. 11, 12, 13, and 15). (See Capabilities Assessment, attached as an Appendix to the Specific Plan, Section 2.3, page 50.) In addition, structure fires are included in analyzing the call load data and was included in the call volume and is a part of the evaluation. The data indicated that a very large volume of responses for DSFPD is for medical aid (37%), traffic collisions (11%), and cancelled calls (17%). Based on this data, and the information presented in the Capabilities Assessment, the FPP concluded that DSFPD would have the existing capacity to respond to all of these types of expected calls from the proposed Lilac Hills Ranch project (see FPP APPENDIX 'K' - 2005–2011 Response Data for Deer Springs Fire Protection District). (See also Section 4.1 of the FPP) Also, the project included design features for new development in WUI areas to minimize structural ignitions as well as providing adequate access by emergency responders. (See Section 1.1.2 of the Capabilities Assessment.) Guidance to mitigate fire protection measures and to mitigate structural firefighting risks for individual commercial/structure and other public facilities will be established in accordance with the requirements of the County Consolidated Fire Code and California Building Code. (Section 4.9 of the FPP) The County of San Diego and the DSFPD will review all proposed building plans for compliance with the requirements of fire codes and this Fire Protection Plan. Also the FPP includes specific requirements, for commercial, industrial, school, age-restricted community, and other public facilities structures on the project site.</p>
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LETTER

RESPONSE

	<p>O3e-18 (cont.)</p> <p>The comments from DSFPD that are referred to herein do not reflect the most recent comment letter provided by DSFPD, dated July 28, 2014. First, the District states it has the capacity and intent to provide service to the Project. DSFPD also states that should the County accept the use of Miller Station as meeting the intent of the General Plan (see Fire Option 1 in subchapter 2.7 of the FEIR), the District will respond to the development under its own response time standards of 7 to 9 minutes within the Project. With respect to the comment that a new fire station would have to provide emergency response within five minutes for not only the Project, but for other residents of the District would go beyond any standard that is presently required by the County for new development projects. See Global Response: Fire and Medical Services for a thorough discussion regarding General Plan Policy S-6.4 from which the five minute standard is derived. Finally, the Project has conducted an analyses with respect to the locations in which a station could be sited in order to provide service within the five minute travel time standard to the Project. (See Capabilities Assessment.) The Project would pay its fair share if the District wanted to conduct a district wide study to determine the optimal location of new fire stations to serve the entire district.</p> <p>The FEIR analyzed response times and their impact on public safety. Subchapter 2.7.2.4 of the FEIR concluded that although response time from Station 11 to the project would not meet the requirements of General Plan Policy S-6.4, the four options identified in the FEIR would allow the project to be in compliance with the response times of the General Plan. DSFPD also determined that the project included additional factors that when considered by the District allowed them to determine that adequate service could be provided to the project site. Please refer to Global Response: Fire and Medical Services. DSFPD concluded that a 7-9 minute response time is acceptable to the District to ensure adequate fire services to protect health, safety and the general welfare of the community. (Project Facility Availability Form attached to Specific Plan.)</p> <p>The FEIR also concluded that the increase in personnel and expansion of facilities under the four options would not adversely affect the environment.</p>
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August 13, 2013

(EMS). The Accretive Fire Protection Plan barely mentions the Structures and EMS hazard potential, and does not provide reasonable mitigation plans. The Deer Springs Fire Protection District (DSFPD) has gone on the record three times (6/12/2012, 3/5/2013 and 8/7/2013) stating that DSFPD has major issues with the Project as proposed. Accretive has glossed over these issues raised by a Public Safety agency and the County has allowed the Project to proceed in the General Plan Amendment process. The DEIR needs to specifically address the issues raised by the DSFPD.

O3e-18
cont.

B. The Accretive SP/GPA is Inconsistent with LEED Neighborhood Development Certification standards

Compliance with LEED Neighborhood Development Certification standards is a second critical requirement for this project. Without meaningful analyses required by CEQA, the DEIR merely asserts compliance with LEED-Neighborhood Development requirement.

The DEIR is required to comprehensively address the numerous and exacting requirements of LEED Neighborhood Development Certification ("LEED ND"). If the County is not applying LEED ND but an "equivalent standard" as policy LU1-2 allows, the DEIR analysis must name the standard and show how it is equivalent.

We believe there is no recognized equivalent to LEED ND.

Attached hereto as Exhibit "3" are key excerpts from the booklet, **LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT**. However, the DEIR, in analyzing consistency, should consider the entire publication where these exacting standards are discussed and illustrated in detail. The booklet is published by the U.S. Green Building Council and is available on its website, USGBC.org.

O3e-19

As the attached excerpts make clear, to obtain LEED ND Certification, certain location, conservation and design criteria are mandatory. This means that, regardless of how many "points" are accumulated for "green" amenities, LEED ND Certification cannot be achieved without meeting essential standards in particular categories.

GP LU Policy 1-2 provides that the Accretive SP/GPA must comply with all essential standards that are required for LEED-Neighborhood Development Certification. These standards include the following:

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

O3e-18 (cont.)

The comment states that the project is inconsistent with LEED-ND Certification standards and that there is no recognized equivalent to LEED-ND. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-19 through O3e-22

Comments Oe19 through O3e-22 apply the specific requirements for LEED-ND to the project. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.

August 13, 2013

Prerequisite 4 Agricultural Land Conservation
Prerequisite 5 Floodplain Avoidance

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prereqs
Prerequisite 1 Walkable Streets
Prerequisite 2 Compact Development
Prerequisite 3 Connected and Open Community

} O3e-19
cont.

Accretive's SP/GPA fails to meet fundamental requirements for LEED ND Certification for the following reasons:

1. **The site is not a "Smart Location."** (See p. 1 LEED 2009 for Neighborhood Development ("LEED 2009") attached hereto as Exhibit 3). The EIR concludes that the project is consistent with LEED ND but completely overlooks its mandatory site selection requirements. Further, the EIR does not address how this site selection aspect of LEED ND can simply be overlooked when the LEED program was specifically designed to "place emphasis" on site selection. A fundamental premise of Smart Growth is to lower automobile dependency as compared to average development. The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip. The SANDAG average miles/trip for unincorporated San Diego County is about 13 miles/trip which is why the region is directing growth to the incorporated cities and existing villages. Accretive is proposing an automobile based urban sprawl community that even with exceedingly high and unsubstantiated internal trip rate estimates (see traffic analysis submitted under separate cover) is 47% higher than the San Diego County average (8.52/5.8) trip distance.
2. **The site is too large (exceeds the 320-acre maximum size).** (See p. xvi LEED 2009) This maximum area is based on critical factors such as providing the appropriate density of services and neighborhoods within a compact community and achieving walkability. The EIR fails to address how the project is still in compliance with the LEED ND program when it exceeds a standard that was determined by the "core committee's research."
3. **The proposed SP/GPA fails to meet LEED ND standards for a "walkable" neighborhood** (See p. xvi LEED 2009). The DEIR repeatedly asserts that the proposed project will be "walkable". However, the only "evidence" provided of "walkability" consists of three circles on a map and a suggestion that someone could walk to someplace within any circle. This does not evidence or constitute a walkable community. The LEED ND standards were developed through the research of a core committee which suggests that a walkable neighborhood is no more than 320 acres and all services, civic uses, employment, and high density housing are contained within that 320 acres.

} O3e-20

} O3e-21

} O3e-22

LETTER

RESPONSE

August 13, 2013

Describing the proposed project as walkable is unsubstantiated and misleading. Further, technical analyses that rely on the unfounded and unsubstantiated premise that the project is walkable have impacted the assessment of impacts and thereby likely underestimated the impacts of the project on traffic, air quality, and greenhouse gas emissions.

O3e-22
cont.

4. **The proposed project is neither an infill site nor a new development proximate to diverse uses or adjacent to connected and previously developed land. It is sprawl placed into a functioning agricultural area, with no existing infrastructure.** (See p. 1 LEED 2009) The objectives of the LEED ND program are clearly compatible and in alignment with the guiding principles of the County of San Diego's General Plan and with the siting of "new green neighborhoods." As a result, the LEED ND program was integrated into the Leapfrog development policy of the General Plan. Any proposed deviation from LEED ND, such as ignoring siting criteria, size restrictions, and density guidelines, should be carefully scrutinized for significant environmental impacts.

O3e-23

O3e-23 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

5. **Because a site design is not available for the Town Center area we have no way of knowing whether this area itself complies with LEED ND standards.** The Specific Plan claims compliance, but this claim is not substantiated.

O3e-24

O3e-24 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

6. **The site is not served by existing water infrastructure that is adequate to serve urban density.** Water infrastructure is designed for agricultural users and needs significant revision for high density Urban uses. There is no wastewater infrastructure.

O3e-25

O3e-25 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

7. **No water or wastewater service is planned to serve urban development of this area.** (See p. 1 LEED 2009) The General Plan and the VCMWD's plans do not currently call for expansion of the infrastructure required for a project such as this. The Project clearly must provide new water and wastewater infrastructure but it cannot do so because Accretive does not own sufficient easements for sewer and wastewater lines. (See Letter from Kevin K. Johnson APLC regarding Wastewater Management Alternatives Study submitted to the County on August 9, 2013).

O3e-26

O3e-26 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

8. **The Project description demonstrates that the SP/GPA cannot satisfy ANY of the 3 OPTIONS for the Smart Location REQUIREMENT**(See p. 1 LEED 2009):

- a. It is not an Infill Project.
- b. It is not an Adjacent Site with Connectivity (does NOT have is at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project) boundary, that is adjacent to previous development.

O3e-27

O3e-27 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

August 13, 2013

- c. The site is not designed as a Transit Corridor or Route with Adequate Transit Service. The only mass transit consists of two bus routes located 4 miles north of the Project which run the circuit of the 4 Indian Casinos on SR- 76.
- d. None of the LEED ND significant public transit service requirements are met by the proposed circulation system.
- e. The only transit mentioned by the Specific Plan and/or the DEIR is that NCTD might consider a bus stop serving part of the project. This is inadequate.

O3e-27 cont.

C. The Accretive SP/GPA fails to provide necessary services and facilities for the intense urbanization being proposed.

1. ROADS. Traffic impacts are significant and the applicant has proposed no acceptable mitigation measures.

Accretive proposes Village development of a rural area but it **does not propose Village capacity roads necessary to accommodate the traffic that will be generated by the Village project.** Incongruently, and not disclosed or analyzed openly in the SP or the DEIR, the applicant has proposed ten (10) modifications to the County Road Standards that will *reduce capacities* of roads that were planned, in the first place, to accommodate Rural and Semi-Rural residential development.

One key purpose of the General Plan Mobility Element and County Road Standards is to specify road standards and automobile capacities that are necessary to serve surrounding land uses throughout the County. Land Use and Mobility Elements are coordinated and interrelated. Village-capacity roads are specified as necessary to serve Village land uses. Degrading road capacity standards will likely cause a variety of known and unknown environmental impacts.

O3e-28

In essence, the applicant proposes to compromise standards that are employed uniformly across the County in order to win for themselves entitlements to urbanize land uses -- without responsibility for urbanizing road capacities. Specifically, they propose to add 20,000 Average Daily Trips to Mobility Element roads, and to pass the real costs of improving these roads on to the taxpayers. They seek "consistency" with County planning standards not by complying with them, but by relaxing them.

For example, their proposal is to **DOWNGRADE** West Lilac Road from its current Class 2.2C to a reduced-capacity Class 2.2F (DEIR Ch. 3, p. 65). They further propose that two segments of West Lilac Road and one segment of Old Highway 395, which will operate at unacceptable Levels of Service E and F as a result of the Project be sanctioned as official "exceptions" to the County standard for minimum Level of Service. TIF fees of approximately \$5 Million are utterly inadequate to afford the road reconstruction necessary to service this development's traffic. The Valley Center Road widening five years ago cost in excess of \$50 million.

O3e-28 The project does include ten requests for exceptions to County Road Standards as part of this project and are described in Figures 1-4A and 1-4B. The purpose of the exceptions being requested are to reduce traffic speeds to support traffic calming measures.

All of the exceptions being requested for the roadway improvements were included as part of the project's circulation design and considered as a part of the analysis for each subject area discussion within the FEIR. The exceptions would be granted by the County where capacity and safety are not unduly affected. (FEIR, subchapter 2.3.2.3.) The proposed roadway exceptions would not affect road capacity As detailed in Table 1-2 of Chapter 1 of the FEIR, 4 of the 10 proposed roadway exception requests would affect design speed. Two of those roads are internal to the project site.

Subchapter 2.3 of the FEIR provides the analysis of the project's impacts to roads, intersections and Caltrans' facilities and is based on the Traffic Impact Study, attached as Appendix E to the FEIR. A complete synopsis of the Significant Direct and Cumulative impacts related to the Project can be found in subchapter 2.3.S.1. Table 2.3-24 and Table 2.3-25 provide a mitigation summary for the direct and cumulative impacts, respectively, for the project. There are two significant and unavoidable impacts to County roadways. The remaining significant and unavoidable impacts are to Caltrans facilities. Significant impacts to County roads include: the segment of Pankey Road, between Pala Mesa Drive and SR-76 (identified in the FEIR as Impact TR-16) and the segment of Gopher Canyon Road between E. Vista Way to Little Gopher Canyon Road (identified in the FEIR as Impact TR-12). Mitigation for these road segments is determined infeasible, as discussed in section 6.4 of Appendix E of the FEIR, because the cost to construct the improvement is not roughly proportional to the impact of the project. Mitigation measures must be roughly proportional to the environmental impacts caused by the project. These significant and unmitigable impacts are fully disclosed in the FEIR for consideration by the Board of Supervisors. In addition, the segment of Pankey Road is currently required to be improved to the Mobility Element Road Classification of 4.2B as a condition of the previously approved Campus Park and Meadowood projects. While the General Plan has a desired LOS standard for Mobility Element roads, the General Plan does not prohibit projects from having significant and unmitigable impacts on County

LETTER

RESPONSE

	<p>O3e-28 (cont.)</p> <p>roadways. Subchapter 2.3.2.3 of the FEIR analyzed the issue of transportation hazards with respect to the road network design for the Project, and determined that overall the road network design for the Project would provide adequate ingress and egress for residents as well as emergency access and therefore impacts associated with transportation hazards would be less than significant. A number of exceptions pertain to the roundabouts that are proposed along W. Lilac Road and Main Street. The roundabouts help to calm traffic, improve safety, and increase roadway capacity, thereby enhancing the comfort and safety of both cyclists and pedestrians.</p> <p>The resulting effects on roadway capacity of each of the design exceptions are also described in the TIS. All of the exceptions being requested for the roadway improvements, were included as part of the project's circulation design and considered as a part of the analysis for each subject area discussion within the FEIR. None of the proposed exception requests to road standards would affect the capacity of the roadways, including Mountain Ridge Road in which it was concluded that Mountain Ridge Road could accommodate the project's 1,190 ADT. (Subchapter 1.2.3 of the TIS, attached as Appendix E.)</p> <p>The project also includes a Road Design Alternative in Chapter 4.0 of the FEIR that evaluates the proposed project without each of the exception requests. Ultimately, the Board of Supervisors will decide whether to approve the proposed project or pick and chose from the excetion requests analyzed in the alternative.</p> <p>The project includes a General Plan Amendment to the Mobility Element to downgrade the segment of West Lilac Road from New Road 3 to Main Street from a 2.2C to a 2.2F road, addressed in subchapter 1.6 of the FEIR (See also subchapter 2.3, Traffic with respect to West Lilac Road and Road 3). Under the General Plan Build-out condition (see FEIR, subchapter 2.3.3.2), an amendment to Table M-4 would also be required because the reduction of West Lilac Road from a 2.2C to a 2.2F would result in West Lilac Road operating below acceptable levels of service. As described under</p>
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LETTER

RESPONSE

	<p>O3e-28 (cont.)</p> <p>Goal M-2, there are instances where the County considers it more appropriate to retain a road classification that could result in a LOS E/F rather than increase the number of travel lanes where the County has determined that the adverse impacts of adding travel lanes does not justify the resulting benefit of increased traffic capacity. These instances are based on criteria established under Policy M-2.1.</p> <p>West Lilac Road is being proposed to be added to Table M-4 and exempt from LOS standards because improvements to General Plan standards of 2.2C would adversely affect active agricultural operations and mature oak woodland habitat. Additionally, the improvement of West Lilac Road to 2.2C width would require the condemnation of private land on the northern side of West Lilac Road. West Lilac Road would be improved in compliance with the County Public Road Standards, unless road exceptions are granted by the County. The section of West Lilac Road proposed to be downgraded to a 2.2F Mobility Element road will operate at LOS D or better in every scenario except with Road 3 as shown on the current Mobility Element. As noted in the TIS, Section 9.2.3, SANDAG has purchased the 902 acre Rancho Lilac property, through which Road 3 runs for permanent biological open space. Therefore, it would be unlikely that Road 3 would be constructed in this location. (See FEIR, subchapter 2.3, Traffic.)</p> <p>With respect to TIF fees, said fees are established by the County and are assessed in order for developers to pay their fair share for cumulative impacts to roadway network when warranted.</p>
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August 13, 2013

In remote places road improvement costs are often enough to make projects infeasible. Here the project applicant argues *against* improving roads to capacities that are functional and safe because it:

- is too difficult and costly
- will require rights-of-way that may be unobtainable
- will be time consuming to construct
- will be disruptive to off-site property owners
- will face opposition from existing neighbors
- will require condemnation of right-of-way
- will impact biological open space

These are, of course, the exact reasons why the San Diego County General Plan and LEED Neighborhood Development both direct urban development away from undeveloped sites like this one into areas where infrastructure, necessities and amenities required for urban dwellers are already present. In other words, the clear goal is to avoid sprawl.

The proposed SP/GPA will add 5000 urban residents to country roads while *reducing* road widths, *reducing* road design speeds and *ignoring other standards* established for safe, efficient transportation. The proposal:

- Fails to provide necessary services and facilities
- Is inconsistent with GP premises that development will pay for itself;
- Is inconsistent with the GP minimum standard for LOS D on County roads;
- Compromises the safety, comfort and quality of life of prospective residents as well as all the other residents of Valley Center who depend on these Mobility Element roads.

Sanctioning the requested road standard exemptions will create significant long term SAFETY and liability issues for the County of San Diego.

2. INTERSECTIONS. Additionally, in order to meet County Road Standards, two out of four secondary access intersections (Covey Lane and Mountain Ridge) with public roads will require the use of County prescriptive rights (for continual brush clearance) and eminent domain (to secure land from unwilling property owners). Accretive Investments has filed Sight Distance Analyses on these two intersections that confirm the above assertion.

3. RESPONSE TIME. The SP/GPA fails to meet 5 minute response time for Fire and Emergency Medical Services. The Deer Springs Fire Protection District has commented in writing that none of the proposed options listed in the Specific Plan and Fire Protection Plan are feasible solutions for the District to meet the 5 minute emergency

O3e-29

O3e-30

O3e-31

O3e-32

O3e-29 The comment asserts that the roadway exceptions are being requested for the reasons listed in the comment. The purpose of the exception requests are to avoid impacts to surrounding properties and to support traffic calming measures. See response to comment O3e-28 above. See also Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-30 Please refer to response to comment O3-28, above.

A complete synopsis of the Significant Direct and Cumulative impacts related to the traffic impacts of the Project can be found in subchapter 2.3.S.1. Table 2.3-24 and Table 2.3-25 provide a mitigation summary for the direct and cumulative impacts, respectively, for the project. There are two significant and unavoidable impacts to County roadways. The remaining significant and unavoidable impacts are to Caltrans facilities. Significant impacts to County roads include: the segment of Pankey Road, between Pala Mesa Drive and SR-76 (identified in the FEIR as Impact TR-16) and the segment of Gopher Canyon Road, between E. Vista Way to Little Gopher Canyon Road (identified in the FEIR as Impact TR-12) . Mitigation for these road segments is determined infeasible, as discussed in section 6.4 of Appendix E of the FEIR, because the cost to construct the improvement is not roughly proportional to the impact of the project. Mitigation measures must be roughly proportional to the environmental impacts caused by the project. These significant and unmitigable impacts are fully disclosed in the FEIR for consideration by the decision maker. In addition, the segment of Pankey Road is currently required to be improved to the Mobility Element Road Classification of 4.2B While the General Plan has a desired LOS standard for Mobility Element road, the General Plan does not prohibit projects from having significant and unmitigable impacts on County roadways.

LETTER

RESPONSE

	<p>O3e-30 (cont.) The cost of improving Mobility Element roads is not passed on to the taxpayer. The project applicant will mitigate direct impacts through construction of improvements as noted in the FEIR, Chapter 1.0 and as required through mitigation measures in subchapter 2.3. Cumulative impacts will be mitigated through the payment of TIF, whenever available and feasible to mitigate the cumulative impacts. Table 2.3-24 and Table 2.3-25 provide a mitigation summary for the direct and cumulative impacts, respectively, for the project as related to traffic by equivalency dwelling units (EDUs). If any impacts cannot be mitigated, the FEIR has fully informed the decision maker of such fact for their consideration.</p> <p>O3e-31 Please refer to the Global Response: Easements (Covey Lane and Mountain Ridge Roads) for a thorough discussion on this topic.</p> <p>O3e-32 The commenter raises a concern about project fire response times. Please refer to Global Response: Fire and Medical Services for a thorough discussion on related topic.</p>
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August 13, 2013

response requirement for Lilac Hills Ranch.

4. **WASTEWATER TREATMENT.** The project fails to present a legal and viable point (site location and sewage and waste water treatment functional description) design for sewage and waste water treatment. The preferred option listed by the applicant lacks legal right of way for offsite sewer and recycled water pipelines.

IV. THE ACCRETIVE S/GPA IS INCONSISTENT WITH THE PURPOSE, INTENT AND GUIDING PRINCIPLES OF THE COUNTY GENERAL PLAN .

A. Purpose of the General Plan. Chapter 1 of the General Plan contains in its Introduction and Overview an array of highly relevant directives that the DEIR fails to identify and discuss.

The General Plan must be referred to in its entirety, including separately bound portions (such as community plans). While the General Plan is internally consistent, some issues are addressed through multiple policies and some receive refined and more detailed direction in community plans. (GP at p.1-4)

1) *Policies cannot be applied independently.*

2) *If you are a SD County resident or property owner, the General Plan indicates the general types of uses that are permitted around your home and changes that may affect your neighborhood, and the policies the County will use to evaluate development applications that might affect you or your neighbors. The Plan also informs you regarding how the County plans to improve mobility infrastructure, continue to provide adequate parks, schools, police, fire, and other public services, protect valued open spaces and environmental resources ...*

3) *Future development decisions must be consistent with the Plan.*

4) *The essence of the Plan lies in its goals, policies, and implementation programs.*

5) *Policies provide guidance to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action. (GP at p.1-5)*

B. General Plan Guiding Principles. These Guiding Principles are intended to GUIDE development and conservation in San Diego County.

Advance Planning Staff worked with hundreds of stakeholders-citizens, property owners, real estate developers, environmentalists, agricultural organizations, building

} O3e-32
cont.

} O3e-33

} O3e-34

O3e-33 The FEIR (subchapter 3.1.7.1.) described several alternatives for treatment of wastewater, both on and offsite as requested by VCMWD. The project applicant would implement one of the options for wastewater treatment as approved by the VCMWD.

With respect to the comment related to having sufficient right of way to construct the sewer force main or recycled water lines, a fourth alternative pipeline location has been added to Appendix S of the FEIR (Wastewater Management Alternatives Report). This alternative would utilize public road rights-of-way along Covey Lane (upon acceptance of the IODs), West Lilac Road and Circle R Road to reach the Lower Moosa Wastewater Treatment Facility. This alternative does not have any new impacts to undisturbed land because the pipeline would be located within existing roadways. This alternative would require the County acceptance of an existing IOD and grant additional right of way. FEIR subchapters 1.2.1.7 and 3.1.7.2 have been revised after receipt of public review comments to clarify that additional alternative routes for sewer lines have been considered and analyzed. Locating the pipeline along a public road right of way is consistent with VCMWD Administrative Regulations Sec. 200.4 provides that under normal circumstances, sewer and water lines are to be located in a maintained roadway.

With respect to the comment regarding the lack of legal viability of the other options because of lack of right of way, VCMWD has stated that in order for the project to use three of the four routes additional right-of-way may need to be secured. VCMWD Administrative Regulations Sec. 200.3[d] provides that properties requiring an offsite line extension that do not have adequate easements to extend water lines may petition the VCMWD Board of Directors to initiate proceedings to acquire the easements through eminent domain. Ultimately it is in the discretion of the Board of Director's to decide whether to initiate proceedings to acquire the easements. California law also grants local public agencies the ability to impose conditions on private development requiring the construction of public improvements located within land not owned by the developer. (See Government Code Section 66462.5) Therefore none of the four alternatives are infeasible because of easement restrictions in that such rights may be legally obtained.

LETTER

RESPONSE

	<p>O3e-34 Regarding project consistency with the General Plan ten guiding principles, all of the goals and policies of the General Plan are based upon the ten guiding principles that are set forth in Chapter 2 of the General Plan. (General Plan, pp.-6) The FEIR analyzes whether the project meets the ten guiding principles by its analysis of the appropriate policies that implement those principles throughout each of the subchapters of the FEIR and in Appendix W to the FEIR. Please also refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W. (See also FEIR, Chapter 3.0.) Also see response to comments O3e-35 through O3e-46, below.</p>
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LETTER

RESPONSE

August 13, 2013

industry representatives, and professional planners-for years to create a General Plan that would build what is reasonably needed, and to conserve what we must. These Guiding Principles gave birth to the Community Development Model, and to the systematic method through which planning principle, and the County's commitment to authentic sustainable development, was transferred from human hearts and minds to the ground.

The DEIR should, but does not, thoroughly discuss and analyze the GP Guiding Principles (GP pp. 2-6 through 2-15), but merely cursorily sets them out and in some cases, without analysis of to the factual aspects of the Accretive project, asserts compliance.

The following discussion reviews several key **San Diego County General Plan Guiding Principles**, their application to the proposed project and reveals the project's failure to comply with these guiding principles.

Guiding Principle 1: Support a reasonable share of regional population growth. (GP p. 2-6)

The DEIR fails to note that the GP forecasts Valley Center to have 9,796 residential housing units at the end of 2030, the General Plan planning horizon. (GP Housing Element Update Report p. 41). At the average Valley Center persons/house factor of 2.97 persons, this equates to a residential population at build-out of 29,094, not the 41,000-plus that would result from this project's placement of a new city in the middle of a well-functioning agricultural area. This discrepancy is not recognized or analyzed. Additionally, the General Plan already accommodates more growth than SANDAG projects for 2050. In this context, the DEIR fails to justify the need for 1,746 additional homes and 90,000 additional SF of commercial.

There are significant environmental and planning consequences from providing an excess of housing and employment in a rural area that are not addressed in the DEIR:

1. As a region, with SANDAG providing coordination, we have been trying to steer growth to incorporated cities where transportation investments are occurring and goods, services, and employment are in abundance. The proposed project undermines this effort. It contradicts growth principles that all jurisdictions have developed through SANDAG, and conflicts with the Regional Transportation Plan and Sustainable Communities Strategy (SCS).
2. The SCS is the region's strategy for addressing GHG emissions targets for land use and transportation yet the DEIR fails to address the consequences of the proposed project conflicting with it.
3. By providing a glut of housing in a rural area, the proposed project throws a wrench in the region's growth strategy. The provision of more

O3e-34 cont.

O3e-35

O3e-35 The proposed project does comply with Guiding Principle one in that it would help contribute to the County-wide need for housing. Although the ccommenter notes that Valley Center already accommodates increases in population as forecasted under the current General Plan, the County population forecast model was intended to forecast population at a regional scale, and did not consider individual property boundaries or individual property constraints. The model identified the number of future residential units that would be allowed at build-out according to the proposed land use map and derived the forecasted population for the various community plan areas. (County of San Diego's General Plan Update Final Program EIR, Section 1.13.1, page 1-27 which page is incorporated by reference into this response.) In other words, the population of the various community planning areas were theoretical projected at build out but no adjustments were made for actual physical constraints (such as setbacks, slope, terrain, water availability, and other physical limitations) or constraints related to actual market availability of land parcels. The numbers and actual location of growth are not certain in that it is impossible to anticipate all the circumstances that can affect development nor the reduction of units that may result due to such constraints. 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 population growth and associated development through the horizon year of the General Plan can be considered reasonably foreseable, potential development on any particular parcel is not certain at a general plan level. In fact the North and South Villages of the Valley Center Community Plan were found to pose a number of constraints and limitations as described in comment C1c-6.

Although the General Plan has directed growth to certain areas within the community planning areas of Valley Center, General Plan Policy LU-1.2 provides flexibility to the General Plan to accommodate population increases as necessary in a manner that meets the requirements of the Sustainable Communities Strategy of the General Plan. (consistent with Assembly Bill 32) The General Plan clearly allows for future amendments to the Land Use Map and

LETTER

RESPONSE

	<p>O3e-35 (cont.)</p> <p>Regional Categories Map and is intended to be a dynamic document and provides that 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) Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.</p> <p>The 2050 RTP and the SCS, which is incorporated into the RTP, is based upon principles of sustainability and smart growth. Smart-growth development incorporates a number of principles including: preserving open spaces, ecological resources and agricultural land; locating mixed land uses in close proximity to one another; providing a variety of housing types, densities and levels of affordability, and compact building footprints to minimize land consumption and maximize energy efficiency; designing distinctive, attractive communities, and neighborhoods for pedestrian activity; and providing a broad range of mobility options to improve community health, conserve energy, and reduce greenhouse gas (GHG) emissions. The 2050 Regional Transportation Plan (RTP) seeks to better link jobs, homes, and major activity centers by enabling more people to use transit and to walk and bike, efficiently transport goods, and provide fast, convenient, and effective transportation options for all people (2050 Regional Transportation Plan, available at http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf and incorporated herein by reference).</p> <p>The County's General Plan is also based upon the same principles of developing lands and infrastructure more sustainably in the future and conserving natural resources. (General Plan, p.1-16) The General Plan identifies the goals and policies that contribute to achieving these principles and are listed in Table I-1. The FEIR analyzed whether the project met all of the relevant policies listed in Table I-1, including the principles of LU-1.2 and the Community Development Model.</p>
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LETTER

RESPONSE

	<p>O3e-35 (cont.)</p> <p>The project carries out the intent of the SCS and is consistent with the County's related General Plan policies. The project locates higher density and mixed use development where infrastructure can be provided. It will provide reclaimed water that can be used for many non-potable purposes, reducing reliance on potable water supplies. It will provide a town center with commercial and employment opportunities potentially reducing the need for surrounding residents to travel by automobile several miles to the closest neighborhood center. The Project is a compact walkable community providing neighborhood serving commercial uses within one-half mile of all residents. Besides sidewalks, residents and the public will have access to 16 miles of trails that connect the commercial areas, residential areas, school and park creating pedestrian friendly commercial centers and development. (See Global Response: Project Consistency with General Plan Policy LU-1.2.) The FEIR shows impacts on agriculture will be mitigated by the preservation of off-site agricultural land. The project incorporates mitigation measures and project design features to assure the protection of agricultural operations. 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. (Subchapter 2.4.6 of the FEIR) Impacts associated with biological resources would be reduced to less than significant. The property is not located within a proposed Pre-Approved Mitigation Area and impacts to upland vegetation will be mitigated through the dedication of appropriate habitat. (Subchapter 2.5 of the FEIR.) Impacts on GHG emission will be less than significant. (Subchapter 3.1.2.1 of the FEIR.) The average trip length for people in this project will be 7.6 to 8.25 miles. (Chen Ryan 2014-TIS) The average trip length throughout the entire community planning area is 8.25 miles. When the project is combined with the community planning area, the average trip length is reduced to 8.17 due to the inclusion of local services in closer proximity than existing.</p>
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LETTER

RESPONSE

	<p>O3e-35 (cont.)</p> <p>Please note that SANDAG's SCS, including the forecasted development pattern, is not intended to regulate the use of land, as explicitly provided by the California Legislature when enacting SB 375. Rather, pursuant to Government Code section 65080(b)(2)(K), 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>Please refer to Respons O9-36 and O9-37.</p> <p>The comment asserts that this project will eliminate the need for 1,746 homes that would otherwise have been built in a city. There is no support or documentation for this assertion. SANDAG projects the need for 388,000 new homes of all types in all areas of the county (including cities) by 2050. The project will provide a very small portion of these homes. See Table 3.2 – 2050 Regional Growth Forecast Projections, available at http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf, which is incorporated herein by this reference.</p>
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August 13, 2013

homes in Valley Center will reduce the demands for homes elsewhere. Generally, it has been the incorporated cities that have needed to plan for more homes to accommodate future regional growth. The proposed project will eliminate that need by 1,746 homes. If built in the incorporated cities pursuant to regional plans, these homes would have shorter vehicle trip lengths, be closer to transit, jobs, and services, and use less water and electricity. The DEIR fails to address these consequences.

O3e-35
cont.

There are also impacts of providing excessive commercial uses. The proposed project plans for commercial uses in excess of local and regional forecasted needs. There are two possible consequences of this situation:

1. The commercial space in the proposed project will remain vacant and the town center will not function as intended;
2. The proposed project will pull commercial uses from other existing commercial areas nearby such as the Valley Center and Bonsall town centers. This will result in vacancies and blight in these village centers and will undermine their growth strategy and vision.

O3e-36

The DEIR needs to include a comprehensive economic study of the proposed project and its economic viability within the context of community and regional plans. The results of such a study will reveal grounds for the evaluation of additional environmental impacts of the project.

O3e-37

Guiding Principle 2: Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development. (GP p. 2-7)

As previously discussed, the Accretive project site lacks both existing and planned infrastructure. Infrastructure proposed by the project cannot be provided at a level consistent with County standards. The proposed project is not a compact pattern of development. It sprawls over 2 miles and has to include 3 town centers rather than 1 to try to support the claim that it is "walkable" and thus, presumably, compact.

O3e-38

The project and DEIR fail to analyze this inconsistency with Guiding Principle 2 (and its implementing Goals and Policies) and attempt to avoid it with the fiction that adopting a map with different land use designations for 608 acres will create compliance with the County General Plan.

The GP and VC Community Plan currently embody and comply with Guiding Principle 2, with the design for the central Villages and the feathered-out supporting semi-rural and rural designations. The Accretive project is inconsistent with and would destroy that design and compliance.

O3e-36 and O3e-37

Section 4.1 of the TIS (attached Appendix X to the FEIR) describes the commercial center as consisting of commercial retail uses which may include a 25,000 square foot general store-local serving, small scale and boutique style specialty retail – nothing of the nature that would raise the issue of blight as suggested by the commenter. Also, it is unlikely that the proposed project would pull commercial uses from other existing commercial areas, the FEIR, subchapter 2.3, and Table 2.3-10, shows a maximum of 920 trips on any segment of Camino Del Rey at project buildout. With two phases of the project built, prior to any commercial within the project, less than 300 trips are added to any segment of Camino Del Rey (TIS Table 5.7). In short, very few residents are driving to Bonsall with or without onsite commercial uses. In the town of Valley Center, the project only adds 80 trips to Valley Center Road between Woods Valley Road and Lilac Road at build out (TIS Table 5.3). This is the location of the North and South Villages. In short, few project residents will be driving to the commercial areas in central Valley Center.

While economic and social effects ordinarily need not be discussed in an EIR, physical changes, such as blight, are secondary impacts that must be analyzed if they are significant. The potential for commercial uses in the project blighting other parts of the community planning areas is too speculative. The commercial uses intended for the project will be sized to meet the needs of the project. The Specific Plan design guidelines for the Town Center and Neighborhood Centers specifically exclude big box type commercial uses within the project area. In addition, the lead agency is not obligated to assess indirect impacts resulting from urban decay merely because the project includes a commercial center and therefore no economic study is required by CEQA. (Melom v. City of Madera (2010) 183 Cal.App4th 41.) The project does not include a supercenter and the commercial uses would not have hours of operation or traffic concerns that would be similar to these types of uses. No substantial evidence has been presented by the commenter.

LETTER

RESPONSE

	<p>O3e-38 The commenter questions the consistency of the project with Guiding Principle 2, raising specific concerns about infrastructure, compact development and feathering. The project is amending the General Plan by adding a new Village in accordance with the criteria of Policy LU-1.2. See Global Response: Project Consistency with General Plan Policy LU-1.2 for a more detailed discussion on these topics.</p> <p>The project includes several methods of transitioning from the denser uses onsite to the less dense uses surrounding the property. These include the use of the biological open space to separate the project from adjacent uses and buffers where adjacent to existing agricultural areas. The Specific Plan also requires the use of wider lots and certain grading techniques to further separate the project from adjacent uses. 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 public 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, 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.)</p>
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LETTER

RESPONSE

	<p>O3e-38 (cont.)</p> <p>The comment also refers to the existing Villages that are designated in the Bonsall and Valley Center Community Plans as “village cores” within the community development model and contends that the project will destroy these existing Villages’ design and compliance with the Community Development Model. The General Plan allows for the designation of new villages that meet the criteria of LU-1.2. The project will have little impact on either town as is documented by the number of trips that will be added to the roads. (See response to comments O3e-36 and O3e-37, above.)</p>
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August 13, 2013

Guiding Principle 3: Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. (GP p. 2-9)

The Accretive project does not comply with or implement this Principle. The DEIR fails to recognize Valley Center's two existing villages or analyze the impact of the Project on the existing and proposed central Village economy and character. In its inadequate discussion of the key CEQA issue whether the project will physically "Divide an Established Community" the DEIR states that there is no established community! (DEIR Ch. 3, section 3.2.4, p. 3-120.) and thus there is no need to address this issue in the DEIR. The central valley villages DO exist, they are the heart of the existing Valley Center community, and they are where the GP and CP plan Valley Center's future growth consistent with the General Plan. Consistency with Guiding Principle 3 must be fully analyzed in the DEIR.

O3e-39

Guiding Principle 4: Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance. (GP 2-10)

The Project fails to comply with this principle and proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes to accommodate an urban-styled city in an active and productive agricultural area.

O3e-40

Guiding Principle 5: Ensure that development accounts for physical constraints and the natural hazards of the land. (GP 2-11)

In contrast to this principle, the Project proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active and productive agricultural area.

O3e-41

Guiding Principle 6: Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation. (GP 2-11)

The DEIR indicates that NCTD might be interested in a bus stop. The project is isolated from existing villages and entirely car-dependent. If approved there are no commercial amenities, no schools, and no parks until phase 3, 6-8 years after building phase one houses in an area entirely removed from public transportation. The Project does not have easement rights for the required ingress and egress to the planned homes. If the homes were constructed, they would undermine rather than enhance existing connectivity by the applicant's request to downgrade a portion of West Lilac Road from a 2.2C Circulation Element road to a 2.2F Circulation Element road.

O3e-42

O3e-39 With respect to the comment that the proposed project fails to analyze the impact of the Project on the existing and proposed central Village economy and character, the project is located 10-12 miles away from the town centers of Valley Center and Bonsall. The project will have little impact on either town as is documented by the number of trips that will be added to roads. The FEIR, subchapter 2.3, Table 2.3-10, shows a maximum of 920 trips on any segment of Camino Del Rey at project buildout. With two phases of the project built, prior to any commercial within the project, less than 300 trips are added to any segment of Camino Del Rey (TIS Table 5.7). In short, very few residents are driving to Bonsall with or without onsite commercial uses. In the town of Valley Center, the project only adds 80 trips to Valley Center Road between Woods Valley Road and Lilac Road at build out (TIS Table 5.3). This is the location of the North and South Villages. In short, few project residents will be driving to the commercial areas in central Valley Center.

Section 4.1 of the TIS describes the commercial center as consisting of commercial retail uses which may include a 25,000 square foot general store-local serving, small scale and boutique style specialty retail nothing of the nature that would raise the issue of blight as may be suggested by the commenter. The potential for commercial uses in the project blighting other parts of the community planning areas is too speculative. The commercial uses intended for the project will be sized to meet the needs of the project. The Specific Plan design guidelines for the Town Center and Neighborhood Centers specifically exclude big box type commercial uses within the project area. In addition, the lead agency is not obligated to assess indirect impacts resulting from urban decay merely because the project includes a commercial center and therefore no economic study is required by CEQA. The project does not include a supercenter and the commercial uses would not have hours of operation or traffic concerns that would be similar to these types of uses. (See *Melom v. City of Madera* (2010) 183 Cal.App4th 41.)

LETTER

RESPONSE

	<p>O3e-39 (cont.)</p> <p>The commenter raises concern about the project dividing an established community. As the FEIR discusses the project will not divide an established community (FEIR, subchapter 3.2.4) because the project site is at the western edge of Valley Center and does not serve as a connecting point between community areas. The roadways on-site provide access to the on-site uses but do not provide a connection between community areas. Since the project does not serve as a connection point between community areas, the project would not significantly disrupt or divide an established community. However, the FEIR, subchapter 3.2.4 has been clarified after public review to explain that the project site is currently a mix of undeveloped open space, agricultural uses and rural residences. The project site is located along the western fringe of the rural community of Valley Center. On site, the project consists of rural residential uses and agricultural land. Although the proposed Project would not divide an established community, the project addressed its relationship to existing and planned land uses with adjacent properties. Subchapter 3.1.4.2 evaluated the project's compatibility with surrounding off-site land uses and the project's internal compatibility with existing and planned land uses on site. Compliance with the goals and policies of both Valley Center and Bonsall community plans are detailed in the General Plan Consistency Analysis (see Appendix W) and in subchapter 3.1.4.2. Compliance with the project's design guidelines and other provisions of the Specific Plan assures the project's compatibility with the adjacent off-site land uses and within the project. Overall, the project is consistent with the relevant policies of both the Bonsall Community and Valley Center Community Plans and land use impacts associated with policy inconsistencies would be less than significant.</p>
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LETTER

RESPONSE

	<p>O3e-40 The project would not result in significant impacts to biological resources. The property is not located within a proposed Pre-Approved Mitigation Area and impacts to upland vegetation will be mitigated through the dedication of appropriate habitat. (Subchapter 2.5 of the FEIR.) The project design incorporates the preservation of 104.1 acres of open space, the on-site creation of 6.0 acres of wetland habitat for wildlife use, and the enhancement of 12 acres of existing disturbed riparian habitat to native riparian habitat for wildlife use. See FEIR, subchapter 2.5 and Biological Resources Report, Section 8.0 and Table 10.</p> <p>The biological open space being preserved on the project site conserves the local important wildlife corridors. See Figures 14a and 14b of the FEIR, subchapter 2.5 and Biology Resource Report. In addition, see Section 8.0 and Table 10 for a summary of impacts and mitigation measures. Mitigation measures will protect raptor foraging habitat, will restore, enhance, and maintain open space subject to a reviewed Resource Management Plan, funded through an endowment or community facilities district, will enhance and create wetlands, under the jurisdiction of local, state, and federal resource agencies, and will include a Revegetation Plan, with numeric success criteria, and subject to local, state, and federal review and approval prior to issuance of wetland and the first and all subsequent grading permits. The FEIR shows impacts on agriculture will be mitigated by the preservation of off-site agricultural land. The project incorporates mitigation measures and project design features to assure the protection of agricultural operations. 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. (Subchapter 2.4.6 of the FEIR.)</p> <p>Grading for the project maintains the overall general contour of the property, requiring 2,300 cubic yards of grading per home, which would require a minor grading permit on an individual lot basis. This is consistent with projects of this size. Private roads are used that reduce grading by reducing the design speeds and overall development foot print, and following the contours of the property.</p>
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LETTER

RESPONSE

	<p>O3e-40 (cont.)</p> <p>The FEIR includes conceptual grading plans showing how the grading would adhere to existing landforms and contours. The project Grading Plan is at FEIR Figure 1-15.</p> <p>The Specific Plan, Ch. III, Section G, includes guidelines for grading all areas of the project beginning on page III-51. Grading in all phases, including off-site improvements, would comply with these Landform Grading Guidelines as contained in the Specific Plan, which will include the blending and rounding of slopes, roadways, and pads to reflect the existing surrounding contours and undulating slopes, replicating the natural terrain. Therefore the project's grading would conform to the natural contours of the land and would not substantially alter the profile of the site as shown by the grading cross-sections included as Figure 68 in the Specific Plan. In addition, approximately 99.7 percent of the RPO 'steep slopes' are avoided. All graded areas will be landscaped with drought tolerant plantings that are compatible with the surrounding environment as well as the theme of the project.</p> <p>No more than 50 acres of the project site will be actively graded at any one time. See FEIR, Table 1-4 for grading phasing. Please refer to FEIR, Appendix W, for a thorough discussion of project consistency with General Plan Land Use policies.</p>
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November 24, 2014

Accretive Investments, Inc
 12275 El Camino Real, Ste. 110
 San Diego, CA 92130
 Attn: Jon Rilling

RE: Response to Lilac Hills Ranch VCCPG Comment - C1e-56

Mr. Rilling,

We are aware that the EIR for the above referenced project has been circulated and you have received comments from the community some of which pertain to Guiding Principle #4 which states "Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance." In response to the VCCPG Comment – C1e-56 which states that the Lilac Hills Ranch project "...fails to comply with this principle and proposes bulldozing over 4 million cubic yards of natural hills to make manufactured slopes to accommodate an urban-style city in an active and productive agricultural area", KCM Group has performed an analysis of similar projects in similar terrain and setting. This research includes Master Planned communities in the San Diego (SDC), Riverside (RC), and Los Angeles (LAC) Counties and has been formulated to not only address the concerns about the quantity of grading but also underscore the environmental measures which have been featured in the project to specifically satisfy GP#4. The analysis below presents the grading cut/fill yardage in consideration of the acreage and lot count of the various projects analyzed. The data and analysis is as follows:

Project	Units	Density (DU/AC)	CY per Unit	CY per Acre
Lilac Hills Ranch	1,746	2.87	2,290	7,950
SDC Project #1	1,659	4.40	3,440	14,965
SDC Project #2	844	4.20	3,065	12,810
SDC Project #3	415	3.80	2,770	10,540
SDC Project #4	37	1.50	5,990	8,870
RC Project #1	563	4.50	4,180	18,855
RC Project #2	464	4.00	5,200	20,910
RC Project #3	139	2.00	5,905	11,895
LAC Project #1	1260	1.60	16,500	26,280

Per the analysis, the Lilac Hills project has the least amount of grading per unit as well as the least amount of grading per acre of all the projects analyzed which is indicative of the design sensitivities which have been taken into account on the project. Also, as demonstrated by the data, the project has an average unit density that is lower than all but two projects of the other projects. The lower amounts of earthwork per unit and per acre are due to the project design which reflects the existing topography with streets and neighborhoods following the natural layout of the land. The proposed earthwork has been minimized (especially along all perimeters of the site) by focusing the higher density units in locations where the existing slopes are minimal. As discussed in EIR Subsection 2.1, contour grading techniques are utilized to protect the undeveloped character of existing hillsides. The

LETTER

RESPONSE

unit design techniques have also contributed to grading reduction as shown in the Specific Plan text which includes a number of single family development templates that step down the hillsides. All earthwork activities will also occur only within the project boundaries as required. In the final grading process, grading will be further refined to mimic adjacent natural slopes, blending into the surrounding landscape.

In addition to minimizing the proposed earthwork, the Lilac Hills Ranch project proposes many other improvements which promote environmental stewardship and protect the range of natural resources and habitats including utilizing measures to mitigate the impacts of the anticipated increase in peak single-event runoff, water quality runoff, and hydromodification as a result of the proposed development, as defined below;

1. Each single-family lot, multi-family lot and town center will be equipped with a bio-retention area or other similarly effective treatment facilities within the landscaped areas which will accommodate all the anticipated discharge from hardscaped areas such as roof tops and paved driveways and walkways prior to entering the main storm water conveyance system. This ensures that only treated, clean runoff enters the storm drain system. This is the first step in enhancing the quality of the stormwater leaving the site.
2. The runoff from paved roadways will first enter fossil filter equipped catch basins and curb inlets before entering the storm drain system. These fossil filters will pre-screen most of the trash, debris, and larger sediment particles before the first flush runoff enters the catch basins or curb inlets.
3. Once the pre-screened first flush runoff enters the catch basins or curb inlets, a water quality low-flow pipe installed below the regular 100-year peak runoff conveyance pipe will convey the first flush runoff to nearby bio-retention areas built into adjacent slopes to treat the first flush runoff before discharging onto natural terrain. The low-flow pipes will only have the capacity to handle the first flush runoff. Higher intensity runoff will overwhelm and bypass them and enter the main storm drains.
4. Finally, the main storm drains will convey the 100-year peak runoff into one of three proposed detention basins. One basin is located at the final discharge point of each of the three watersheds in this project just before the on-site runoff leave the project site. These detention basins will function as the 100-year peak runoff attenuation devices where a restricted outlet structure will control the outflow from these basins to be at or below that of the pre-development conditions such that the runoff will not result in additional impact to downstream facilities.
5. These detention basins are also designed to mitigate the anticipated hydromodification effects of the proposed project. The outlet structures of the detention basin will be equipped with restriction devices such that the storm water discharge leaving the project site will be at or below the pre-development runoff in both duration and frequency within the compliance storm events from 10% of the 2-year runoff up to the 10-year storm as defined by the County of San Diego HMP manual.
6. These detention basins are the last step of the water quality treatment process. The bottom of these detention basins will be vegetated to provide additional bio-retention and infiltration of the first flush runoff, further enhancing the overall water quality of the runoff reaching downstream facilities.
7. Smart landscaping and irrigation will be employed for the project. Draught and pest tolerant and native vegetation will be planted such that the need for regular and frequent irrigation beyond the establishment period can be minimized. This will further reduce the potential of pollutant laden runoff being generated and discharged into downstream facilities.
8. In addition to the fossil filters, bio-retention facilities and detention basins proposed for the Lilac Hill Ranch project, the application also proposes optional measures (subject to the approval of the RWQCB as acceptable mitigation) such as permeable pavers on the streets and rain barrels for future individual homes as an enhancement to the stormwater treatment facilities. The permeable pavers and rain barrels will be closer to the source of the pollutants – i.e. streets and roof tops. The permeable pavers and their engineered base material will

- have an elevated capacity to capture and treat the first flush runoff on the street. The rain barrels will offer additional holding capacity of the runoff from each roof top, and the captured water can be used for irrigation that will reduce the demand on imported water.
9. Under the predevelopment conditions, the project site consists of approximately 392 acres of agricultural operations with irrigated rowed crops, vineyards and orchards. According to the 2010 USEPA approved 303d list, as well as Project Clean Water, two of the main pollutants of the San Luis Rey watershed are nutrients and total dissolved solids. The main source of these principle stressors is agriculture storm runoff. Currently, there are no storm runoff treatment facilities on site to mitigate the potentially principle stressor laden runoff leaving the site. The proposed development will eliminate all but approximately 42 acres of the existing agriculture land use, effectively removing a major potential source of major pollutants that is negatively impacting the water quality of downstream watershed. The proposed on-site storm water runoff treatment control BMPs (Best Management Practices) such as the bio-retention areas on each single-family lot and adjacent to roadways, fossil filter inserts in catch basins and curb inlet as well as the detention basins will further reduce and eliminate pollutants within the storm runoff before it is discharged into downstream facilities.
 10. The Lilac Hills Ranch project will remove a major source of principle pollutants of the existing watershed. The proposed treatment BMPs will enhance the water quality of the discharge leaving the site. The proposed detention basins as well as their outlet structures will regulate the peak runoff leaving the site to be at or below that of the pre-development conditions for both the single-year peak flow as well as the hydromodification compliance events. The Lilac Hills Ranch project, overall, will improve the water quality of the watershed and provide a cleaner environment; enhancing the overall quality of life in the surrounding and downstream communities.
 11. The project is proposing an onsite waste recycling facility to serve the Project and surrounding community. Recycling will reduce the amount of waste sent to landfills and incinerators, conserve natural resources such as timber, water, and minerals; prevent pollution by reducing the need to collect raw materials; saves energy; and reduces greenhouse gas emissions that contribute to global climate change.
 12. Lilac Hills Ranch plans on using recycled water onsite for irrigation. Using recycled water for irrigation reduces the strain on the potable water system as well as decreasing wastewater discharge which prevents pollution. During the current (and reoccurring) drought cycle California is in, the use of recycled water greatly increases the sustainability of this project.

In addition to the measures above, Lilac Hills Ranch has taken extraordinary measures to avoid the manufactured slope appearance by undulating landforms to match the rolling hills that currently exist. Natural landform grading in addition to significant environmental mitigation design features will result in a community which is aesthetically compatible, sustainable and environmentally friendly. By purposefully designing slopes which mimic the surrounding natural slopes and proposing the above detailed project impact mitigation measures, the Lilac Hills Ranch project will be implementing environmental processes and aesthetic improvements that protect the County's natural resources and habitats. Lilac Hills Ranch is striving to create a low impact Master Planned community designed to support growth of the County while still protecting the surrounding natural environment.

Thank you,



Gordon Kovtun
Principal
KCM Group

LETTER

RESPONSE

	<p>O3e-41 The project accounts for the physical constraints and natural hazards of the land. With respect to grading, the overall shape of the land would remain intact as shown by the grading cross-sections included as Figure 68 in the Specific Plan. Grading in all phases, including off-site improvements, would comply with the Landform Grading Guidelines contained in the Specific Plan which will include the blending and rounding of slopes, roadways, and pads to reflect the existing surrounding contours by undulating slopes and replicating the natural terrain. The FEIR includes conceptual grading plans showing how the grading would adhere to existing landforms and contours. (See also response to comment O3e-40, above.) With respect to other physical constraints and natural hazards: approximately 91 percent of the RPO 'steep slopes' are avoided and flood prone areas within the project are located in open space. The Fire Protection Plan analyzes the potential fire safety issues of the project area and includes detailed fire prevention measures that have been incorporated into the project design. In addition a 50 to 100 foot wide fuel modification zone is provided around the internal perimeter of the property and along natural open space areas as required by the Fire Protection Plan. Additional measures are included to ensure that safety is not compromised in those areas in which the 100 feet wide fuel modification zone is not met and require the approval of the Fire District. (see, FEIR Figure 1-6), Ignition resistant construction provides additional safety.</p>
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LETTER

RESPONSE

	<p>O3e-42 The project is consistent with Guiding Principle 6 by enhancing the connectivity of the County's transportation network and provides a transportation system that supports public transportation. The Project's circulation network was designed to accommodate the public traveling from the adjacent public road system while maintaining the rural atmosphere and rural theme of the surrounding Community. The project will make improvements to widen West Lilac Hills Road . Although the transportation system in the unincorporated areas of the County will rely primarily on the public road network, the Specific Plan reserves a site for a future transit stop in the Town Center that could be utilized when the Community reaches a point in its development in which the NCTD system will be able to provide transit service. The project includes a Transit Demand Management Plan that ensures project linkage to the regional transit system through implementation of an interim plan and through long-term coordination with regional transportation agencies. In addition, the TDM includes an interim transit service to transport residents to the nearest transit stop until the NCTD establishes a transit route to the Project.</p> <p>The comment states that the project would build roads to degraded standards, have degraded emergency ingress and egress for fire, law enforcement and evacuation in event of fire, and detract from community development patterns in the existing central Villages. The comment also states that the project does not have assurances that commercial amenities, schools, and parks will be built until phase 3, there are not easement rights for required ingress and egress to planned homes, the project's request to downgrade a portion of West Lilac Road from a 2.2.C circulation Element road to a 2.2.F Circulation element road would undermine existing connectivity.</p> <p>With respect to roads being built to degraded standards. All of the exceptions being requested for the roadway improvements were included as part of the project's circulation design and considered as a part of the analysis for each subject area discussion within the FEIR. See response to comment O3e-28, above.</p> <p>The project includes a General Plan Amendment to the Mobility Element to downgrade the segment of West Lilac Road from Running Creek Road (Road 3) to Main Street from a 2.2C to a 2.2F road, addressed in subchapter 1.6 of the FEIR (See also subchapter 2.3, Traffic with respect to West Lilac Road and Road 3).</p>
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August 13, 2013

In short, my adding 5,185 residents in an automobile dependent commuter community with no access to public transit and with a degradation in road standards, the project will degrade emergency ingress and egress for fire, law enforcement and evacuation in the event of fire and detract from, not support, community development patterns in the existing central Villages.

O3e-42
cont.

Guiding Principle 7: Maintain environmentally sustainable communities and reduce green house gas emissions that contribute to climate change. (GP p. 2-12)

This Project claims it is environmentally sustainable, but ignores fundamental requirements for sustainable building where substantial investments have already been made in urban infrastructure and amenities. Moreover, the project replaces agricultural operations and functioning rural lands that genuine "sustainable development" would preserve and protect. The characterization of the project as "sustainable" is without factual support and undermines the ability of the public and decisions makers to reasonably evaluate the project and its impacts.

O3e-43

Guiding Principle 8: Preserve agriculture as an integral component of the region's economy, character, and open space network. (GP p. 2-13)

The Project conflicts with this principle by removing 504 acres of productive agricultural lands from use and replacing this valuable acreage with an urban city. The DEIR relies on an inappropriate model to devalue existing productive agriculture and ignores the reality that the project site and surrounding area contain some of the most unique and valuable agricultural operations in the region.

O3e-44

Guiding Principle 9: Minimize public costs of infrastructure and services and correlate their timing with new development. (GP p. 2-14)

The SP and implementation plan are inconsistent with this principle and are geared to increase public infrastructure costs while minimizing the Applicant's infrastructure costs, in an area currently devoid of infrastructure.

O3e-45

Guiding Principle 10: Recognize community stakeholder interests while striving for consensus. (GP p. 2-14)

This applicant has ignored the Valley Center community and the Valley Center Community Planning Group throughout the planning process. No changes or attempts to reach consensus were ever made in response to community comments and concerns.

O3e-46

The project is inconsistent with and fails to fulfill the foregoing guiding principles.

O3e-42 (cont.)

An amendment to Table M-4 would also be required because the reduction of West Lilac Road from a 2.2C to a 2.2F would result in West Lilac Road operating below acceptable levels of service (in the General Plan build-out scenario). West Lilac Road is being proposed to be added to Table M-4 and exempt from LOS standards because improvements to General Plan standards of 2.2C would adversely affect active agricultural operations and mature oak woodland habitat. Additionally, the improvement of West Lilac Road to 2.2C width would require the condemnation of private land on the northern side of West Lilac Road. West Lilac Road would be improved in compliance with the County Public Road Standards, unless road exceptions are granted by the County. The section of West Lilac Road proposed to be downgraded to a 2.2F Mobility Element road will operate at LOS D or better in every scenario except with Road 3 as shown on the current Mobility Element. As noted in the TIS, Section 9.2.3, SANDAG has purchased the 902 acre Rancho Lilac property, through which Road 3 runs for biological open space. Therefore, it would be unlikely that Road 3 would be constructed in this location.

With respect to emergency ingress and egress being degraded, the FEIR analyzed the issue of transportation hazards with respect to the road network design for the Project, and determined that impacts associated with transportation hazards would be less than significant. The overall road network design for the project would provide adequate ingress and egress for residents as well as emergency access and conform to Goal M-4. The roads within the project site were designed to accommodate emergency vehicles and allow residents to evacuate efficiently if necessary (Policy M-4.4) and the project would provide four connecting points to existing roads ensuring that both local and surrounding residents have alternate routes (Policy M-4.2). (FEIR, subchapter 2.3.3.3.) The Evacuation Plan examined the existing and the Project's planned roads and determined that it would provide adequate multi-directional primary and secondary emergency evacuation routes.

With respect to detracting from community development patterns in the existing central Villages, it is noted that the General Plan has directed growth to certain areas within the community planning areas of Valley Center and Bonsall for development, General Plan Policy

LETTER

RESPONSE

	<p>O3e-42 (cont.)</p> <p>LU-1.2 provides a degree of flexibility to the General Plan to accommodate additional population increases as necessary in a manner that meets the requirements of the Sustainable Communities Strategy of the General Plan (consistent with Assembly Bill 32) (County of San Diego General Plan, adopted August 3, 2011, pp 2-7 through 2-9, which pages are incorporated herein by this reference.) The General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map and is intended to be a dynamic document and provides that 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. (County of San Diego General Plan, adopted August 3, 2011, page 1-15, which page is incorporated herein by reference.) General Plan Policy LU-1.2 permits new villages that are consistent with the Community development model and meet the requirements set forth therein. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 and Appendix W for a thorough discussion on related topic.</p> <p>The comment is correct in that the commercial amenities, schools and parks will be built with phase 3. However, even though the project phasing provides flexibility, the project requires the implementation of each of the mitigation measures identified in the FEIR by either phase, building permit issuance or other applicable measurement that will ensure construction and provision of services commensurate with development impacts. (For instances, Table 2.3-24 and Table 2.3-25 provide a mitigation summary for the direct and cumulative impacts, respectively, for the project as related to traffic by EDUs.) Therefore the project will be required to build the infrastructure needed to serve the project when the project requires such facility, such as in the case of the public parks. The project will dedicate a public park (P7) to the County and provide the amenities in accordance with the County's Park Lands Dedication Ordinance. An interim park will be provided after a period of time has lapsed as described in the Specific Plan. With respect to schools, the project will be required to pay the appropriate fees at building permit issuance. If any impacts cannot be mitigated by the construction of the needed infrastructure, the FEIR has fully informed the decision maker of such fact for their consideration.</p>
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LETTER

RESPONSE

	<p>O3e-42 (cont.)</p> <p>With respect to the commercial center, the commenter is correct in that there is no requirement that all phases of the project will be constructed at a certain point in the project or that the town center be operational within a specific period of time. Please refer to comment C1c-173.</p> <p>With respect to the comment that there are not easement rights for required ingress and egress to planned homes, please refer to Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and the Off-site Improvements - Environmental Analysis and Easement Summary Table regarding rights-of-way included in these response to comments.</p> <p>O3e-43</p> <p>The comment states that the project does not provide any support that the project meets the requirements of sustainable development. The underlying premise of the General Plan is to conserve natural resources and develop lands and infrastructure more sustainably in the future. (General Plan, p.1-16) The General Plan identifies such goals and policies that contribute to achieving this premise as listed in Table I-1.</p> <p>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 Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.</p> <p>O3e-44</p> <p>The comment states that the project conflicts with the Guiding Principle 8 by removing 504 acres of productive agricultural lands from use, uses an inappropriate model to devalue existing productive agriculture and ignores reality that the project site and surrounding area contain some of the most unique and valuable agriculture operations in the region.</p> <p>The project does not conflict with Guiding Principle 8. The site is currently located in an area of agricultural and rural residential uses. The project incorporates mitigation measures and project design features to assure the protection of agricultural operations.</p>
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LETTER

RESPONSE

	<p>O3e-44 (cont.) 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, LBZ buffers, as well as Mitigation Measures 2, 3, and 4, which would ensure that urban/agriculture compatibility conflicts are less than significant.</p> <p>Further, by concentrating new housing in a compact form of development that is within a planned village setting, accessible to infrastructure and transportation; development pressure on areas that contain farmland of agricultural importance would be reduced and would not, in turn, encourage such existing agricultural uses from being developed. Accordingly, the project is consistent with LU-7 relative to retaining and protecting farming and agriculture as beneficial resources that contribute to the County's rural character. Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.</p> <p>O3e-45 The comment states that project will increase public infrastructure costs while minimizing the applicant's infrastructure costs.</p> <p>The project would be responsible for funding the construction/ improvement of public facilities including wastewater, recycled water, and imported water infrastructure, which would be sized to serve the project's population. Infrastructure improvements will follow the phasing plan outlined in the Lilac Hills Ranch Specific Plan. In addition, the applicant would be required to meet various commitments prior to approval of each Tentative Map such as providing landscaping, street improvements, parks, open space dedications, and satisfying the mitigation measures included in the FEIR. This will ensure that adequate infrastructure is available to each phase of development at the appropriate time as required to implement the project.</p>
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LETTER

RESPONSE

	<p>O3e-45 (cont.)</p> <p>The project would be responsible for the construction/improvement of roadways and provision/extension of public facilities, which would be sized to serve the project. Please refer to subchapter 2.3 of the FEIR for the analysis the project's impacts to roads, intersections and Caltrans' facilities based on the Traffic Impact Study, attached as Appendix E to the FEIR. The project includes numerous improvements to area roadways both as design features and required as mitigation measures. Specifically, as detailed in subchapter 1.2.1.4, the project includes the construction of a number of off-site roadway improvements to several roadway segments in the project's vicinity. These improvements include the widening, repaving, and restriping of portions of the following existing roadways:</p> <ul style="list-style-type: none">• West Lilac Road• Covey Lane• Rodriquez Road• Mountain Ridge Road <p>Additionally, the project includes the following intersection improvements:</p> <ul style="list-style-type: none">• Installation of traffic lights at the following intersections: Gopher Canyon Road and I-15 ramps; Highway 395 and Circle R Drive; Highway 395 and West Lilac Road, Highway 395 and East Dulin Road, and Miller Road and Valley Center Road.• Dedicated right-turn lanes at the westbound Gopher Canyon Road approach and the northbound East Vista Way approach to East Vista Way/Gopher Canyon Road intersection.• Intermittent turn lanes at major access locations along Lilac Road from Old Castle Road to Anthony Road including the segment between Robles Lane and Cumbres Road, and the intersection of Sierra Rojo Road and Lilac Road.
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LETTER

RESPONSE

	<p>O3e-45 (cont.)</p> <p>There are two significant and unavoidable impacts to County roadways. The remaining significant and unavoidable impacts are to Caltrans facilities. Significant impacts to County roads the segment of Pankey Road between Pala Mesa Drive and SR-76 (identified in the FEIR as Impact TR-16), the segment of Gopher Canyon Road between E. Vista Way to Little Gopher Canyon Road (identified in the FEIR as Impact TR-12) . Mitigation for these road segments is determined infeasible, as discussed in Section 6.4 of Appendix E of the FEIR, because the cost required improvement is not roughly proportional to the impact of the project. Mitigation measures must be roughly proportional to the environmental impacts caused by the project. These significant and unmitigable impacts are fully disclosed in the FEIR for consideration by the decision maker. In addition, the segment of Pankey Road is currently required to be improved to the Mobility Element Road Classification of 2.1A as a condition of the previously approved Campus Park and Meadowood projects. While the General Plan has a desired LOS standard for a Mobility Element road, the General Plan does not prohibit projects from having significant and unmitigable impacts on County Roadways.</p> <p>See also the discussion in the FEIR 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.</p> <p>O3e-46</p> <p>The project was forwarded to the group for review as appropriate throughout the process and the project was redesigned to address the comments as appropriate. In addition, public meetings and informational meetings were held by the County for community residents to provide information about the project.</p>
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August 13, 2013

V. COUNTY PLANNING STAFF IDENTIFIED 121 GP POLICY CONFLICTS IN THE SCOPING LETTER. THESE CONFLICTS ARE NOT ANALYZED IN THE DEIR OR THE SPECIFIC PLAN

On June 13, 2012, County staff issued a "Project Issue Checklist" listing (on 350-plus pages) more than 1000 project "issues" regarding the project and its planning documents. The list included Major Project Issues (with GP Policies) as well as GP and CP Policies that posed potential conflicts.

The staff directive to the applicant at that time was, "Please immediately review the policies and indicate to staff how you would propose to revise these policies or if you disagree with staff's analysis. If policy revisions are required to the County's General Plan, then the project's EIR must also analyze the impacts to the County's General Plan." In subsequent editions, the "Checklist" refers the reader to other documents – in some instances to a GPAR (General Plan Amendment Report), in others to the Land Use Section of the DEIR. However, a review of these resources shows there is no policy by policy discussion of consistency. This level of analysis must be provided.

The June 13, 2012 version of the Project Checklist is attached hereto as Exhibit "4". The DEIR should discuss in detail each of these GP and CP consistency issues.

VI. THE LIMITED CONSISTENCY ANALYSIS THAT DOES APPEAR IN THE DEIR IS INCOMPLETE AND INSUFFICIENT

The DEIR (in Section 3.1.4.1, pp 3-56–3-64) lists what it calls the "relevant policy and regulatory framework" for the project. But this list is not the detailed analyses that CEQA requires; instead, under the rubric of "Existing Conditions" this section is mainly a summary of applicable planning documents.

Section 3.1.4.2 (p 3-64) is titled "Analysis of Project Impacts and Determination of Significance." In the subsection entitled "Impact Analysis" specifics are either missing or inadequate, and replaced with brief descriptions of the project followed by unsupported assertions. Select examples follow:

1. The DEIR fails to identify the array of GP policies that would have to change in order to approve the proposed SP/GPA. Instead, the DEIR merely asserts the unsupported conclusion that: "The proposed project includes a General Plan Amendment which, if approved, would result in the project being consistent with the General Plan."
2. There is no discussion of LEED ND criteria, and the GP Community Development Model is presented as if it is no more than an arrangement of densities rather than a reflection of a whole complex of interdependent ideas about sustainable development. Nevertheless, the DEIR asserts without any

O3e-47

O3e-48

O3e-49

O3e-47

The statement references a Project Issue Checklist that was sent by the Planning and Development Services Department to the Applicant that raised numerous issues regarding the project and its planning documents. These issues have been addressed as a part of the process through review of technical studies, revisions to the project, and the General Plan Consistency Matrix, Appendix W, that was provided. It is standard for a project to have major project issues that need to be addressed throughout the process. Please note that the letter predates the public review period of the prior draft of the project's EIR and the FEIR. CEQA requires that comments on a draft EIR should focus on the sufficiency of the document in identifying an analyzing the possible impacts on the environment and ways in which the project's significant effects might be avoided or mitigated, especially specific alternatives or mitigation measures. (Guidelines 15204(a).) Since the attached letters were written before the FEIR was out for public review, the letter goes beyond the scope of CEQA and does not raise any environmental issue with respect to this document.

O3e-48

The project does not propose to amend any guiding principles, goals, objectives or policies of the San Diego County General Plan. The project's consistency with the existing General Plan was analyzed and it was concluded that no such amendments to goals or policies to the San Diego County General Plan was needed. Please refer to FEIR Appendix W.

O3e-49

Please see the Global Response: Project Consistency with General Plan Policy LU-1.2.

LETTER

RESPONSE

August 13, 2013

substantiation that *“the proposed project would be consistent with the Community Development Model of the County General Plan and designed to meet the LEED Neighborhood Development Certification or an equivalent.”*

3. In the few cases where specific GP policies are cited, the evidence for consistency with the policy is in some cases asserted by merely repeating the language of the policy itself. For LU-1.2: *“the project is not “leap frog development” because it is designed to conform to the Community Development Model, provides necessary services and facilities, and would be designed to meet the LEED Neighborhood Development Certification or an equivalent.”* For LU3-1, LU3-2 and LU3-3: *“The project likewise provides ‘a complete neighborhood’ to include a neighborhood center within easy walking distance of surrounding residences (LU-3-3) while providing a mixture of residential land use designations and development regulations that accommodate various building types and styles (LU-3-1and LU-3-2).”*

4. In a few cases where the SP/GPA proposes amendments to Mobility Element road classifications or acceptable LOS, the DEIR asserts that the SP/GPA is not inconsistent with the GP because relaxing the standards makes it consistent. Again, the tail is wagging the dog and consistency is achieved only by amending the General Plan to fit the project.

5. The DEIR (Section 3.1.4, p 3-56, Land Use Planning, line 4) refers the reader to the Specific Plan, and asserts incorrectly (p. 3-65) that *“the project’s conformance with other General Plan policies is detailed in the Specific Plan. Overall, the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be less than significant.”*

6. In its cursory and indefensible dismissal of Growth Inducement (DEIR 1.8.1 p. 1-37) the DEIR states: *“...While the project site and surrounding areas are not identified in the General Plan for growth, it is a location where such growth is likely to occur because the project area can accommodate the growth.”* The DEIR then makes the untenable assertion that : *“Typical obstacles to growth include a lack of services and infrastructure which are not present in this area. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would ultimately connect with freeway ramps.”* Elsewhere, the DEIR acknowledges and recognizes the project’s lack of infrastructure in the areas of road, water and sewer but inconsistently asserts at p. 1-37 that these obstacles to growth are not present in this area. The DEIR disingenuously continues: *“By itself, the proposed project takes advantage of the location of the project site, but would not result in any change in density for surrounding areas....”* There is a brief reference to potential increased density from

O3e-49 cont.

O3e-50

O3e-51

O3e-52

O3e-53

O3e-50 Please refer to Global Response: Project Consistency with General Plan Policy for LU-1.2 for a thorough analysis of this issue.

O3e-51 Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.

The project includes a change to the Mobility Element classification of West Lilac Road (between Main Street and Road 3) from 2.2C to 2.2F. This change would reduce required right-of-way and shoulder width. The project would include improvements to 2.2F standards subject to an exception request (#5) that would allow construction of a modified half-width 2.2F Light Collector improvement widening the existing 24 feet of pavement to 26 feet.

An amendment to Table M-4 would also be required because the reduction of West Lilac Road from a 2.2C to a 2.2F would result in West Lilac Road operating below acceptable levels of service in the General Plan build-out scenario. As described under Goal M-2, there are instances where the County considers it more appropriate to retain a road classification that could result in a LOS E / F rather than increase the number of travel lanes where the County has determined that the adverse impacts of adding travel lanes do not justify the resulting benefit of increased traffic capacity. These instances are based on criteria established under Policy M-2.1.

West Lilac Road is being proposed to be added to Table M-4 and exempt from LOS standards because improvements to General Plan standards of 2.2C would adversely affect active agricultural operations and mature oak woodland habitat. Additionally, the improvement of West Lilac Road to 2.2C width would require the condemnation of private land on the northern side of West Lilac Road. West Lilac Road would be improved in compliance with the County Public Road Standards, unless road exceptions are granted by the County. The section of West Lilac Road proposed to be downgraded to a 2.2F Mobility Element road will operate at LOS D or better in every scenario except with Road 3 as shown on the current Mobility Element. As noted in the TIS, Section 9.2.3, SANDAG has purchased the 902 acre Rancho Lilac property, through which Road 3 runs for biological open space. Therefore, it would be unlikely that Road 3 would be constructed in this location.

LETTER

RESPONSE

	<p>O3e-51 (cont.)</p> <p>Also, exceptions have been requested as part of the Project approvals including a segment of West Lilac Road along the project frontage would avoid significant grading of steep slopes and disruption of existing driveways. Alternative options for improvements to West Lilac Road along the project frontage including (A) follow the existing pavement and build to classification 2.2F unmodified, (B) follow the existing pavement and build to classification 2.2C, and (C) follow the SC-270 alignment and build to classification 2.2C. With any of these options, the road would function adequately with implementation of the project improvements.</p> <p>The FEIR does not identify significant and unmitigated impacts to any segments of West Lilac Road. The project will be required to improve West Lilac Road to accommodate anticipated traffic. While frontage improvements would be required at approval of the first Final map, off-site improvements would be required prior to recordation of the Final Map associated with the 929th EDU of the Lilac Hills Ranch Specific Plan. West Lilac Road Improvements between Old Highway 395 and Main Street would be required to meet the General Plan Mobility Element classification of 2.2F or 2.2C, subject to exceptions as approved by the County. Refer to subchapter 2.3 and Appendix E of the FEIR for details on the analysis of impacts and proposed improvements along West Lilac Road. The analysis shows that project impacts to West Lilac Road would be fully mitigated to below a level of significance.</p> <p>O3e-52 The comment states that the discussion of the General Plan conformance in the FEIR is incorrect but does not identify any specific concerns or issues. Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.</p> <p>O3e-53 Subchapter 1.8.3 of the FEIR determined that the project's proposed on-site circulation plan and off-site road improvements would not result in the removal of a barrier to additional growth in the area. The road improvements associated with the project are designed to provide adequate primary and secondary access to serve the project and would not add any additional capacity to facilitate additional growth or remove a barrier to growth in the area around the project site.</p>
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LETTER

RESPONSE

	<p>O3e-53 (cont.)</p> <p>The comment states that the statement in FEIR that the addition of a new school is growth accommodating does not take into consideration the presently vacant school in the North Village of Valley Center and the lack of interest by both the Bonsall Unified School District and the Valley Center Pauma Unified School District in a new school on the project site.</p> <p>The commenter questions the adequacy of the analysis of growth inducing impacts for its failure to deem as growth inducing the provision of a school. Subchapter 1.8 was revised but still concludes the project's dedication of a school site and the construction of a school by the district would be growth accommodating and not growth inducing. As detailed in subchapter 3.1.5.2 of the FEIR, pursuant to state law, SB 50 fees are paid as mitigation for a project's impact to school facilities. These fees, collected school district help fund the acquisition of sites and construction of new school facilities. Therefore the provision of a K-8 school by a district or private entity in the future would be in response to and facilitated by development and student generation within the district. Therefore the project's dedication of a school site and the potential for the construction of a school by a district is growth accommodating.</p> <p>As stated in the October 30, 2014 letter to Mark Slovick, the Bonsall Unified School District is interested in the project's school site for a possible location to operate a new school. See also, response to comment C1g-61. As the proposed on-site K-8 school is intended to serve the Lilac Hills Ranch project, the traffic impacts associated with the school use are accounted for in the projects Traffic Impact Study (FEIR Appendix E). A majority of the traffic generated by the school would be internal trips which would not leave the project site. As the school would serve the community, extensive use of buses on surrounding roadways is not anticipated.</p>
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LETTER

RESPONSE

	<p>O3e-53 (cont.)</p> <p>Regarding growth inducement, the FEIR at subchapter 1.8 analyzes various factors, including project density, additional housing, roadway construction, public facilities, fire and emergency services, schools, and water and wastewater services, and concludes the project could be growth inducing due to the intensification of uses on-site, lower fire response times to the vicinity, and expansion of water and sewer infrastructure. The project would make improvements to existing off-site roads, but would not add additional travel lanes or construct new roads to serve undeveloped areas. Road improvements would be made to the degree needed to support direct and anticipated cumulative traffic. Therefore the project's proposed on-site circulation plan and off-site improvements would not result in the removal of a barrier to additional growth.</p>
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August 13, 2013

Property Specific Requests near the Project, **but there is NO discussion or analysis of the growth inducing impacts of new road, water and sewer infrastructure that properties west, east and south of the project would rely upon as reasons why they too should be developed at comparable higher, urban densities. The DEIR's conclusions concerning growth inducement are indefensible.**

O3e-53
cont.

7. The DEIR should also discuss and analyze the growth inducing impact and precedential effect of approving this project's notion that the Community Development Model is simply a "Village" puzzle piece that any developer can drop anywhere in the San Diego County's rural countryside.

O3e-54

8. There is no General Plan Amendment Report (GPAR). Historically, a GPAR presents the details of a GPA and discusses its consistency, or lack of consistency, with all GP elements, but this *Specific Plan* text does NOT include a *General Plan Amendment Report* (GPAR) even though the SP at page 1-12 states that "... Chapter V of the *General Plan Amendment Report* and *Appendix A* provides detailed analysis regarding how and why this *Specific Plan* is consistent with the goals and policies of the County General Plan..." There is neither a GPAR nor an Appendix A! This is a fundamental problem requiring a rewrite and reissuance of the DEIR.

O3e-55

VII. ADDITIONAL APPLICABLE GENERAL PLAN GOALS AND POLICIES NOT DISCUSSED OR ANALYZED IN THE DEIR INCLUDE:

A. Land Use Element

LU-1.4 Village Expansion: "Permit new Village Regional Category designated land uses **only where contiguous** with an existing or planned Village and where all the following criteria are met:

- Public facilities and services can support the expansion without a reduction of services to other County residents
- The expansion is consistent with community character, the scale, and the orderly and **contiguous** growth of a Village area." (emphasis added).

Comment-INCONSISTENT: If there was an existing or planned Village in western Valley Center, Accretive could try to use this provision, instead of being prohibited by the Leapfrog Development provisions of LU-1.2. However, the only "existing or planned Village" in Valley Center is the Village in the central valley where north and south nodes are separated by a dramatic escarpment and Moosa and Keyes Creeks. This area has existed as a "Village", has been planned for expansion for more than 50 years and was designated a SANDAG Smart Growth Opportunity area with the recent update of the County General Plan. The area is sewered and has received a large grant from the state of California to expand wastewater facilities. Valley Center Road which traverses this area and connects to Escondido and Pauma Valley was improved to Major Road standards only a few years ago in anticipation of expanded

O3e-56

O3e-54 The project proposes a project-specific General Plan Amendment (GP 12-001). Specifically, GP 12-001 proposes to: 1) amend the regional Land Use Element map to change the existing Semi-Rural Regional Category to a Village Regional Category, 2) amend the Valley Center Community Plan Map to change the existing land use designation from Semi-Rural SR-4 to Village Residential and Village Core (and revise the community plan text to include the project as a third village), 3) amend the Bonsall Community Plan to change the existing land use designation from Semi-Rural to Village Residential land uses, (and revise the community plan text to include the project), and 4) amend the Mobility Element to downgrade the segment of West Lilac Road from Running Creek Road (road 3) to Main Street from a 2.2C to a 2.2F road, addressed in subchapter 1.6 of the FEIR (See also subchapter 2.3 with respect to West Lilac Road and Road 3) allowing West Lilac Road to operate below acceptable levels of service in the General Plan build-out condition.

The comment mischaracterizes the analysis in the FEIR with respect to the project's consistency with the General Plan. General Plan Policy LU-1.1 provides that land use designations on the Land Use Map are to be assigned in accordance with the Community Development Model and boundaries established by the Regional Categories Map. This does not prevent future amendments to the Regional Land Use Map; rather the Regional Categories Map and the Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. The Land Use Maps must be interpreted in conjunction with the language of the General Plan's Goals and Policies which expressly provide authority to make future amendments as may be determined appropriate by the County Board of Supervisors. (County of San Diego General Plan, adopted August 3, 2011, page 3-18, which page is incorporated herein by this reference.)

General Plan Policy LU-1.2 provides a degree of flexibility to the General Plan to accommodate new villages. The Community Development Model is a planning model adopted by the County to be used in part to assign future land use designations on the County's Land Use Map. Therefore, when LU-1.1 is viewed in the context of all of the General Plan's goals and policies, future amendments to the Land Use Map and Regional Categories Map are allowed.

LETTER

RESPONSE

	<p>O3e-54 (cont.) The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues. The General Plan Amendment will not amend General Plan principles, goals, objectives or policies. The only textual changes would be to the Bonsall and Valley Center Community plans. The project's consistency with the existing General Plan was analyzed and it was concluded that no such amendment to the San Diego County General Plan was needed. Please refer to FEIR Appendix W and comment C1e-3.</p> <p>O3e-55 This comment is based upon the previous draft EIR circulated in 2013. In addition, there is no requirement to prepare a General Plan Amendment Report. However, a General Plan Consistency Matrix was prepared and attached as Appendix W to the FEIR. Please also refer to Global Response: General Plan Amendment CEQA Impacts Analysis.</p> <p>O3e-56 The commenter's assertion that a new village is not authorized "if Policy LU1.4 is to be given effect" would lead to the conclusion that the County would be prohibited from amending its General Plan in the future to allow for the establishment of any new villages other than what has already been designated by the current General Plan Land Use Map. Policy LU-1.4 specifically addresses the "expansion" of existing or planned villages under very specific circumstances. LU-1.4 permits new Village Regional Category Designations contiguous to existing or planned villages. It does not address the provision of new villages designed to be consistent with the community development model in areas where none currently exist. That condition is addressed in LU-1.2 which was adopted to ensure that new villages would be allowed. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues.</p> <p>While the General Plan does state that villages are intended to grow in compact land development patterns, the General Plan also recognizes the need to accommodate future growth. (Page 2-7) The General Plan states that it is intended to be a dynamic document and provides that amendments will be reviewed to ensure that the</p>
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LETTER

RESPONSE

	<p>O3e-56 (cont.)</p> <p>change is in the public interest and would not be detrimental to public, health, safety, and welfare. (County of San Diego General Plan, adopted August 3, 2011, Page 1-15) There are numerous policies in the General Plan that contemplate that future growth will occur and provide direction with respect to its future planning, such as M-2.1 (require development projects to provide road improvements), M-3.1 (require development to dedicate right-of-way), S-3.1 (Require development to be located to provide adequate defensibility) and COS-2.2 (Requiring development to be sited in least biologically sensitive areas).</p> <p>With respect to the comments regarding reducing services and taking away from economic viability refer to response to comments O3e-36 and O3e-37. and blocking emergency evacuation, refer to response to comments O3e-57 and O3e-42.</p>
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August 13, 2013

development here. The Valley Center Community Planning Group has increased residential densities in this area so that about 25% of the community's growth can be accommodated in the "vibrant, compact Villages" the community has envisioned.

This provision is a clear companion and complement to the other GP goals and policies designed to intensify development in existing Village areas and avoid leapfrog development by permitting new Village uses only where contiguous with an existing Village. The Project cannot satisfy this foundational requirement and fails to meet the additional criteria: Its construction would clearly reduce services to all Valley Center residents outside the development by taking away from the economic viability of the existing two Villages, as well as blocking emergency evacuation ability for current residents. Its urban pattern is totally out of "character and scale" with Valley Center's vision. A new Regional Category Village is simply not authorized if this Land Use policy is to be given effect according to its plain meaning.

LU-2.3 Development Densities and Lot Sizes: "Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community."

Comment-INCONSISTENT: This is another example of the interrelated and internally consistent fabric of the GP. Densities and lot sizes reflect community character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-2.4 Relationship of Land Uses to Community Character: "Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles."

Comment-INCONSISTENT: Requiring projects to comply with the applicable Community Plan is the most effective way to meet the GP Goal LU-2, to maintain the county's rural character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

LU-5.3 Rural Land Preservation: "Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations."

Comment-INCONSISTENT: The Project as proposed fails to ensure the preservation of this rural area.. The proposed project destroys open space, agricultural lands, wildlife habitat and corridors, and watersheds with its urbanized design, density, and size. Urban densities and lot sizes proposed by this Project are inconsistent with

O3e-56
cont.

O3e-57

O3e-58

O3e-59

O3e-57 Subchapter 3.2.4 has been clarified after public review to explain that the project site is currently a mix of undeveloped open space, agricultural uses and rural residences. The project site is located along the western fringe of the rural community of Valley Center. On site, the project site consists of rural residential uses and agricultural land. Although the proposed Project would not divide an established community, the project addressed its relationship to existing and planned land uses with adjacent properties. Subchapter 3.1.4.2 evaluated the Project's compatibility with surrounding off-site land uses and the Project's internal compatibility with existing and planned land uses on site. Compliance with the goals and policies of both Valley Center and Bonsall community plans are detailed in the General Plan Consistency Analysis (see Appendix W) and in subchapter 3.1.4.2. Compliance with the project's design guidelines and other provisions of the Specific Plan assures the project's compatibility with the adjacent off-site land uses and within the project. Overall, the project is consistent with the relevant policies of both the Bonsall Community and Valley Center Community Plans and land use impacts associated with policy inconsistencies would be less than significant.

The community character of both the Valley Center and Bonsall is acknowledged as rural communities with relevant goals within each community plan addressing interest in preserving the rural character of the planning areas. Specifically, Goal 1 of the VCCP Community Character Goals is to preserve and enhance the rural character of Valley Center. The project proposes many different densities and architectural styles, integrated into a cohesive community through landscaping, trails, and a Town Center to provide community focus. The Design Guidelines and other provisions of the Specific Plan assure that monotony in design is avoided. The proposed project further assures consistency with relevant policies associated with this goal through the requirement for Site Plan review by the Valley Center Design Review Board. Additionally, BCP Policy LU-1.1.1 requires development in the community to preserve the rural qualities of the area. Conformance to this policy is reflected through the varied land uses proposed within the project site including different patterned homes, the maintenance of on-site agriculture within biological buffers and common areas, and small village commercial centers. Additionally, the project places the highest density of homes closest to the center of the site, furthest from

LETTER

RESPONSE

	<p>O3e-57 (cont.) adjacent agricultural operations. Developing the village in this manner would provide housing needs in a compact village design.</p> <p>Finally, as detailed in the Agricultural Resources Report (see Appendix F of the FEIR), one of the project’s objectives includes the recognition of the existing rural atmosphere of the surrounding area through use of agriculture on-site and provision of transitional features to provide adequate buffering between types of residences and active agriculture. The Specific Plan includes agriculture throughout the project site , biological open space, and manufactured slopes. HOA-maintained agricultural open space would be retained along many of the boundaries of the project site, as agricultural compatibilities buffers including groves of orchard trees, such as avocado and citrus. Other agricultural-related commercial uses may also be established by the project as allowed in the C-36 zones. Project grading would conform to the natural contours of the land and would not substantially alter the profile of the site as shown by the grading cross-sections included as Figure 68 in the Specific Plan. Please also refer to Appendix W.</p> <p>O3e-58 See response to comment O3e-57, above.</p> <p>O3e-59 The project is consistent with the intent of LU-5.3. With respect to consistency of the project with project density and sizes, Policy 5.3 is not applicable to the project because the policy is concerned with “permitting development under the Rural and Semi-Rural Land Use Designations.” The project is requesting a General Plan Amendment approval of which would result in a change in Land Use Designation from Semi-Rural to Village. Please refer to response to comment C1c-136 regarding consistency of project density and lot sizes with the community character. Please refer to FEIR, Appendix W, for a discussion of project consistency with General Plan Land Use policies.</p>
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August 13, 2013

the Semi-Rural land use designations established by the GP and CP for this area.

LU-6.1 - Environmental Sustainability: "Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment."

Comment- INCONSISTENT: There have been thirteen (13) Group 1 animal 'species of concern' observed on the Accretive project site. DEIR Subchapter 2.5-11. They include lizards, snakes, raptors, small mammals, large mammals and passerine birds. Most of the wildlife surveys conducted focused on the proposed open space areas, functionally ignoring the environmental value for foraging and habitat of the considerable land area devoted to agriculture. Of the 608-acres on the Project site, 504-acres will be graded, cut and filled, for the construction of the Project.

The DEIR acknowledges the impacts to these 13 species [and presumably to other species numerous enough not to be of concern], and particularly the significant impacts to the foraging habitat of the raptor species [white-tailed kite, Cooper's hawk, turkey vulture] due to the loss of 504-acres of foraging area [including agricultural areas]. DEIR Subchapter 2.5-18, 34. The DEIR dismisses this loss with 81.7-acres of on- and off-site mitigation area (DEIR Subchapter 2.5-38) [presumably already populated by members of these species with whom the impacted Project species will compete] and a substantial differential from the entire 608-acres actually impacted by the Project. Many of the individuals of the 13 species will be killed during construction operations, particularly the smaller, less mobile animals. Those surviving the construction impacts will be forced into new territory.

The Project is not consistent with this policy and fails to require the protection of sensitive natural resources with the exception of riparian wetlands. Such practices of building urban density projects in rural and even agricultural areas will ultimately decimate the natural environment.

LU-6.4 Sustainable Subdivision Design: "Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.]"

Comment-INCONSISTENT: The Accretive Project instead proposes the minimum required open space, eliminates existing and imperils adjacent agricultural operations, and substantially worsens fire safety and defensibility, as shown by the Deer Springs Fire District comments. Instead of reducing impervious footprints, it proposes 1,746 residential units and commercial development, covering 504 of its 608 acres. Trumpeting "sustainable" development practices, it completely ignores the fundamental requirements of LEED ND to have a Smart Location and preserve Agriculture. The public amenities necessary to support this proposed city in the country, such as parks, schools and sewers, are all couched in "conceptual" terms, with built-in defaults to convert acres to still more additional residences. If, for example, the school or park sites

O3e-59
cont.

O3e-60

O3e-61

O3e-60 The project is consistent with LU-6.1. The project site does not support any threatened or endangered species, or significant populations of sensitive species pursuant to Federal, State or County guidelines. As discussed in FEIR subchapters 2.5 and 3.1.4, sensitive on-site wetland areas will be preserved and disturbed wetlands will be restored and enhanced at ratios of 3:1. Mitigation for impacts to upland habitats, suitable for foraging value, will be located off-site in areas that better contribute significant resources to an integrated preserve system within the proposed PAMA contributing to the long-term sustainability of upland vegetation types including coastal sage scrub and chaparral. See also Appendix W.

O3e-61 The project is consistent with LU-6.4. Please refer to response to comment O3e-44, above. See also Appendix W to the FEIR. As discussed in FEIR subchapter 2.4, the project requires the implementation of mitigation measures to ensure both the safety of on-site residents from adjacent agricultural operations, as well preserve the integrity of those off-site operations from on-site land uses. Development in accordance with the Fire Protection Plan will ensure safety for residents. Please also refer to Global Responses: Project Consistency with General Plan Policy LU-1.2 and Fire and Medical Services.

The comment is incorrect that the project lacks assurances that amenities, such as parks would be built. In the case of the public park, the project will dedicate a public park (P7) to the County and provide the amenities in accordance with the County's Park Lands Dedication Ordinance. An interim park will be provided after a period of time has lapsed as described in the Specific Plan. The project will be required to build infrastructure to serve the project when such facility is needed, such as sewer facilities. The project requires the implementation of each of the mitigation measures identified in the FEIR by either phase, building permit issuance or other applicable measurement that will ensure construction and provision of services commensurate with development impacts. However, with respect to schools, the project will be required to pay the appropriate fees at building permit issuance. As detailed in subchapter 3.1.5.2 of the FEIR, pursuant to state law, SB 50 fees are paid as mitigation for a project's impact to school facilities. These fees, collected school district help fund the acquisition of sites and construction of new school facilities.

<p>August 13, 2013</p> <p>(proposed without school and park amenities or facilities) are not accepted, the SP provides for their easy conversion to residential uses.</p> <p>LU-6.6 Integration of Natural Features Into Project Design: <i>"Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources."</i></p> <p>Comment-INCONSISTENT: Over four million cubic yards of grading destroys natural features and creates "manufactured" hills suitable only for urbanized residential construction. Native vegetation habitats will be destroyed and mitigated off-site. Animal populations will be destroyed or shoved to the remaining riparian set-asides or off-site. Avoidance of sensitive environmental resources is minimal. Destruction of this area's natural features and mitigation elsewhere are the preferred approaches for this project and are inconsistent with this policy and Valley Center planning objectives.</p> <p>LU-6.7 Open Space Network: <i>"Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities."</i></p> <p>Comment-INCONSISTENT: This Project has reserved minimal open space along wetlands and riparian areas that are protected by federal, state, and county laws. The continuity of the open space will be broken by multiple road crossings with culverts mostly inadequately sized for safe wildlife passage. Intensely urban development will dominate the presently rural agricultural and natural vistas with rows of dense urban rooftops. The open spaces being set aside are not coordinated with the draft Multiple Species Conservation Program/Pre Approved Mitigation Area ("MSCP/PAMA") and will <u>not</u> connect with any similar open space uses off-site. While the Project is within the draft MSCP boundary, it is not part of a PAMA.</p> <p>LU-6.9 Development Conformance with Topography: <i>"Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent possible."</i></p> <p>Comment-INCONSISTENT: The destruction of natural features proposed by this Project's over four million cubic yards of grading is clearly inconsistent with this policy. The Project does not limit grading in a manner consistent with this policy. The Project proposes to significantly alter the dominant physical characteristics of the site.</p> <p>LU-9.6 Town Center Uses: <i>"Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Village or Rural Villages at transportation nodes...."</i></p> <p>Comment-INCONSISTENT: As previously pointed out in the comments on the Project's failure to meet the LEED ND Smart Location Requirement, the Project is not designed as a Transit Corridor or Route with Adequate Transit Service. It is not a "transportation node."</p>	<p>O3e-62 The project is consistent with LU-6.6. The most recognizable and sensitive natural feature on the property are the drainages with their mature oak woodlands. As discussed in FEIR subchapter 2.5, these features will be preserved within permanent open space easements. See also Appendix W to the FEIR.</p> <p>O3e-63 The project is consistent with LU-6.7. The project is not located within any planned or proposed regional preserve system. The project will preserve the sensitive wetlands on-site while focusing development in less sensitive upland areas where there are no significant populations of native species. The area is adjacent to and drains into the proposed preserve envisioned in the Draft North County Multiple Species Conservation Program (NC MSCP). While allowable road crossings are proposed, the project will conserve approximately 90% of on-site wetlands and restore degraded habitat in accordance with the Resource Protection Ordinance. The wetlands will be maintained through compliance with regulatory requirements of the National Pollutant Discharge Elimination System. There are no regional wildlife corridors or core areas identified on the project site. However, the on-site creation of 6.0 acres of wetland habitat and the enhancement of 12 acres of existing disturbed riparian habitat will conserve local wildlife corridors. See FEIR, subchapter 2.5 and Biological Resources Report, Section 8.0 and Table 10. In particular, see Section 8.0 and Table 10 for a summary of impacts and mitigation measures. Mitigation measures will protect raptor foraging habitat, will restore, enhance, and maintain open space subject to a reviewed Resource Management Plan, funded through an endowment or community facilities district, will enhance and create wetlands, under the jurisdiction of local, state, and federal resource agencies, and will include a Revegetation Plan, with numeric success criteria, and subject to local, state, and federal review and approval prior to issuance of wetland and the first and all subsequent grading permits. Local movement is maintained through preservation of major drainage areas through the property in both north-south and east-west directions. Impacts to upland habitat will be mitigated offsite by providing land located within the proposed PAMA contributing to the long-term sustainability of upland vegetation types including coastal sage scrub and chaparral. Proposed culverts are sized to allow water to flow unimpeded. The project would cluster higher density residential development to preserve the sensitive wetlands and riparian habitat. A total of 104.1</p>
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LETTER

RESPONSE

	<p>O3e-63 (cont.) acres of natural open space would be preserved as permanent open space throughout the development. Sensitive hillsides would be protected from development and grading would be minimized through the implementation of Grading Plan Development Standards. In the final grading process grading will be designed to mimic adjacent natural slopes, blending into the surrounding landscape. As discussed in FEIR subchapter 2.1, contour grading techniques are utilized to protect the undeveloped character of existing hillsides. See comment O3e-40, above.</p> <p>O3e-64 The project is consistent with LU-6.9 in that grading in all phases, including off-site improvements would comply with the Landform Grading Guidelines contained in the Specific Plan, which will include the blending and rounding of slopes, roadways, and pads to reflect the existing surrounding contours by undulating slopes, replicating the natural terrain. Runoff is directed to existing drainages through appropriate mechanisms as discussed in the FEIR, Chapter 3.0 and in Appendix U-1, 2, 3 relating to hydrology and storm water management to the maximum extent practicable. See also response to comment O3e-40, above</p> <p>Grading for the project maintains the overall general contour of the property, requiring 2,300 cubic yards of grading per home, which would require a minor grading permit on an individual lot basis. This is consistent with projects of this size. 99.7 percent of all steep slopes are retained in open space and private roads are used that reduce grading by reducing the design speeds and overall development footprint, and following the contours of the property.</p>
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LETTER

RESPONSE

	<p>O3e-65 The project is consistent with LU-9.6 in that the Town Center is located at the main intersection of Main Street and Lilac Hills Ranch Road in the north-central portion of the property at transportation node. This node is easily accessible and is where a transit stop could be included in the future when the NCTD bus service is extended to this area. Neighborhood Centers are also located with other civic and commercial uses to enhance viability and ensure that they can be easily reached on foot or bike. With respect to the comment regarding the Project's failure to meet the LEED-ND Smart Location Requirement, please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.</p>
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August 13, 2013

LU-9.11 Integration of Natural Features into Villages: *"Require the protection and integration of natural features, such as unique topography or streambeds, into Village projects."*

Comment-INCONSISTENT: This provision was included in the GP because Valley Center required the developers of the north Village to do exactly that, making the streambed there an open space centerpiece of their design in their cooperative plans for their adjacent projects. Accretive instead proposes to obliterate the natural topography for their entire project site, grading over four million cubic yards of "natural features" into faux hills.

O3e-66

LU-10.2 Development- Environmental Resource Relationship: *"Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas."*

Comment- INCONSISTENT: This Project does not respect nor significantly conserve the unique natural flora and fauna of the site, nor does it conserve the rural character of the site. This Project will destroy a mosaic of natural vegetation habitats that are interspersed among agricultural uses. The current mix of natural habitats, orchards and row crops provides distinctive opportunities for a variety of faunal species [several of them sensitive], benefits the local hydrology by restraining and filtering run-off, and presents a pastoral viewshed that is historically characteristic of north San Diego County. The Project will create severe hydrology issues with the addition of hundreds of acres of impermeable road and rooftop surfaces that will cause excessive run-off. Run-off that would otherwise enter the water table and help to stabilize levels vital to the riparian habitats downslope, will be impounded and/or dispersed on the surface.

O3e-67

The Project will be composed of dense urban village configurations that are completely at odds with rural and semi-rural areas and the natural habitats and populations they support.

B. Mobility Element

M-12.9 Environmental and Agricultural Resources: *"Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans."*

Comment-INCONSISTENT: Presently, the trails proposed for the Project will intrude into the buffer and Limited Building Zone ("LBZ") areas adjacent to the designated biological open space as well as the open space itself. The fences proposed to separate and protect segments of the open space from the edge effects created by the Project [human intrusions, domesticated cats and dogs, invasive plant species, etc.] will also create barriers to the movement of wildlife. Instead of treating the biological

O3e-68

O3e-66 The project is consistent with LU-9.11. Please refer to response to comments O3e-40 and O3e-62, above.

O3e-67 The project is consistent with LU-10.2 by conserving unique natural features and avoiding sensitive environmental resources. The Project design incorporates the preservation of 104.1 acres of open space, the on-site creation of 6.0 acres of wetland habitat for wildlife use, and the enhancement of 12 acres of existing disturbed riparian habitat to native riparian habitat for wildlife use. See FEIR, subchapter 2.5 and Biological Resources Report, Section 8.0 and Table 10. The biological open space being preserved on the project site conserves the local important wildlife corridors. See Figures 14a and 14b of the FEIR, subchapter 2.5 and Biology Resource Report. Mitigation measures will protect raptor foraging habitat, will restore, enhance, and maintain open space subject to a reviewed Resource Management Plan, funded through an endowment or community facilities district, will enhance and create wetlands, under the jurisdiction of local, state, and federal resource agencies, and will include a Revegetation Plan, with numeric success criteria, and subject to local, state, and federal review and approval prior to issuance of wetland and the first and all subsequent grading permits. The project also respects the rural character of the surrounding agricultural lands. FEIR shows impacts on agriculture will be mitigated by the preservation of off-site agricultural land. The project incorporates mitigation measures and project design features to assure the protection of agricultural operations. 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. (Subchapter 2.4.6 of the FEIR).

LETTER

RESPONSE

	<p>O3e-68 The project is consistent with M-12.9. Project trails may be located along the prominent drainages and through the oak woodlands. Existing dirt roads will be used as trails to minimize the need for clearing of natural vegetation although improvements may still be required. These will be designed to minimize impacts to these habitats while still allowing residents to enjoy a natural experience. Please refer to the Specific Plan and FEIR Figure 1-8 for more details on trail locations. Fencing will be used along back yards to separate the developed areas from the open space. This will block pets from entering the open space and keep wildlife from entering back yards. Fencing will also be used at trail entry points to guide users onto the trails. See also FEIR subchapter 2.5 for further discussion of wildlife movement and project effects on biological resources.</p>
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August 13, 2013

open space as retreats and corridors for the movement of wildlife, the trails proposed would become parks for humans and their pets. This will have an adverse effect on the value of the open space for wildlife.

C. Conservation And Open Space Element

GOAL COS-2 Sustainability of the Natural Environment: *"Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development."*

Comment-INCONSISTENT: The Project will eliminate 504-acres of mixed native and agricultural lands that provide foraging area for numerous animal species identified in the biological resources report. This represents an incremental loss of habitat and ultimately a loss of local wildlife populations within the county and the Project site. The removal of the project site from the inventory of rural lands to create an urban village will constitute an irreversible loss and opposes the intent of sustainable development. It will result in growth inducing pressure on surrounding properties as the rural and natural characteristics of the land disappear.

COS-2.1 Protection, Restoration and Enhancement: *"Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important Natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate."*

Comment-INCONSISTENT: This Project proposes to set a devastating precedent for the intrusion of urban development into rural lands. While the Project site is within the MSCP boundary, it is not a part of a PAMA. The site is presently designated for estate housing and agricultural uses but would be modified to allow urban village densities, which would diminish rural and natural lands within the MSCP area and likely induce similar densities on surrounding properties. Such creeping higher densities within the MSCP would ultimately impact the neighboring PAMA areas through edge effects and compromise the value of those native habitats and the intent of the MSCP/PAMA program.

COS- 2.2 Habitat Protection through Site Design: *"Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design."*

Comment- INCONSISTENT: Like GP Goal COS 2.2, the prerequisite of the LEED ND standard also is to place development in smart growth locations, such as urban infill and brown fields or adjacent to urban areas where there is easy access to infrastructure and job centers. This Project fails to meet those goals and, consequently, it will cause significant destruction of biological assets in an area that should be spared under the criteria for a smart growth location.

O3e-68
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O3e-69

O3e-70

O3e-71

O3e-69 The project is consistent with COS-2. In keeping with the project objectives of a consolidated development footprint, the project preserves the on-site sensitive wetland habitat while developing less sensitive upland areas where no significant populations of native species are located. As detailed in the FEIR subchapter 2.5, mitigation measures are required to assure the conservation of upland habitat in off-site areas to compensate for the loss of resources on-site. The amount of required mitigation is consistent with County and Wildlife Agency ratios. Preserving this land off-site, in areas of greater sensitivity, allows the County to fulfill the goals of the draft North County MSCP. The areas identified for off-site preservation (NC MSCP PAMA) will ensure that the natural environment is preserved in an interconnected preserve system.

See also subchapter 1.8 of the FEIR regarding Growth Inducing Impacts. The project could have the potential to result in adverse physical environmental effects due to growth inducement but the potential impacts are too speculative for evaluation in this FEIR because the specific nature, design and timing of future projects is unknown at this time. See also Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-70 The project is consistent with COS-2.1. Please refer to response to comment O3e-69, above. As discussed in FEIR subchapter 2.5, the project is consistent with the Draft NC MSCP.

O3e-71 The project is consistent with COS-2.2. Please refer to response to comment O3e-69, above. As shown on FEIR Figure 1-9, the on-site sensitive wetland habitats are preserved and could connect offsite to a planned regional preserve system. Please also refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

August 13, 2013

COS- 3.1 Wetland Protection: *“Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.”*

Comment-INCONSISTENT: The project is preserving and restoring the on-site wetlands, habitats that are in shortest supply regionally, but the upland components will be subjected to severe grading, and fuel modification to accommodate the development. Rather than retaining any opportunity for preservation or enhancement, the upland areas will be deprived of any continuing value for both flora and fauna.

O3e-72

COS- 3.2 Minimize Impacts of Development: *“Require development projects to:*

- *Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and*
- *Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.”*

Comment –INCONSISTENT: The Project proposes to mitigate the loss of wetlands caused by new road crossings by restoring or creating wetlands on-site adjacent to existing wetlands. The value of mitigating wetland losses on-site is questionable given the edge effects caused by human intrusion, domestic cats and dogs, invasive plant species, trash, etc. that cause mitigation efforts to be diminished.

The trails plan exacerbates these edge effects by establishing trails within and adjacent to the biological open spaces.

O3e-73

Further, the Project’s storm water run-off from the construction of hundreds of acres of impermeable surfaces will impact the water regime within the biological open spaces. Adding too much or, conversely, removing too much water from the water table can have adverse effects on the survivability of the riparian habitat.

D. Housing Element

H-1.9 Affordable Housing Through General Plan Amendments: *“Require developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.”*

Comment-INCONSISTENT: There appears to be NO discussion anywhere in the SP or DEIR regarding Affordable Housing or Goal H-1 and Policy H-1.9. Perhaps, since there are no firm plans for anything beyond the Phase I -354 homes, the County considers this not to be a “large-scale residential project” Since the overall Project proposes more than 1,746 homes and over 5000 new residents, it appears to be a “large-scale residential project” for which the GP requires an affordable housing component. The DEIR should contain some discussion and analysis of why this provision is not applicable or is otherwise satisfied.

O3e-74

O3e-72 The project is consistent with COS-3.1. The project will conserve approximately 90% of onsite wetlands and restore degraded habitat in accordance with the Resource Protection Ordinance. The wetlands will be maintained through compliance with regulatory requirements of the National Pollutant Discharge Elimination System. Impacts to upland habitat will be mitigated based on mitigation ratios designed to provide adequate preservation of each habitat type within the unincorporated County and to comply with the federal Endangered Species Act, state Endangered Species Act, and state Natural Communities Conservation Planning Act As discussed in FEIR subchapter 2.5, mitigation for impacts to upland natural communities will be achieved through the purchase and conservation of off-site habitat within future PAMA lands. The preservation of this habitat in off-site mitigation areas allows the County to build the MSCP preserve.

O3e-73 The project is consistent with COS-3.2. Please refer to response to comment O3e-72, above. As discussed in FEIR subchapter 2.5, the project is consistent with the California Natural Community Conservation Planning Act of 1991 (NCCP), and County’s Resource Protection Ordinance (RPO). The project is also consistent Watershed Protection Ordinance (WPO). Through consistency with these regulatory plans, the project demonstrates its consistency with COS 3.2. As detailed in the FEIR subchapter 2.5.2.5, the project is consistent with all relevant policies, ordinances, and conservation plans related to protection and mitigation of wetlands. The coastal sage scrub habitat on-site and off-site does not support any sensitive species. The loss of coastal sage scrub habitat due to project impacts would not isolate the remaining habitats from other natural resources or habitats required for the preparation of a subregional NCCP plan as the project site is not in a high biological habitat value core area.

The project would have impacts to RPO wetlands. An analysis of the required findings to allow crossings of RPO wetlands was prepared for the on-site crossing impact locations (see Appendix G). This analysis concludes that the proposed crossings meet the findings necessary to allow the impacts through impact avoidance and minimization by placing the proposed crossings where RPO wetlands are narrow, disturbed, and at existing roads. All impacts to RPO wetlands will be mitigated per County requirements.

LETTER

RESPONSE

	<p>O3e-73 (cont.)</p> <p>The project site is not located in a Biological Resource Core Area, is not a substantial habitat linkage, and does not include narrow endemic species. The proposed mitigation, including sensitive habitat mitigation ratios as shown in FEIR Table 2.5-1, would be in compliance with the BMO.</p> <p>As detailed in the FEIR subchapter 3.1.2, the project is consistent with the WPO to assure that proposed on-site hydromodification changes will not impact storm water run-off. A Major SWMP has been developed for the project to identify a preliminary list of BMPs, which would be implemented as project design features, to minimize disturbance, protect slopes, reduce erosion, and limit or prevent various pollutants from entering surface water runoff.</p> <p>O3e-74</p> <p>General Plan Policy H-1.9 provides that the County will require developers to provide an affordable housing component when requesting a GPA for a large scale residential project when <i>legally permissible</i>. Currently, the County does not have an affordable housing program.</p> <p>Figure 15 of the Specific Plan shows individual planning areas within the Town Center and central Neighborhood Center where densities of 25 units per acre can be accommodated. This density is regarded as providing affordable housing for the purposes of the Regional Housing Needs Allocation that is applicable to the unincorporated area.</p>
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August 13, 2013

H-2.1 Development That Respects Community Character: *"Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element. [See applicable community plan for possible relevant policies.]"*

Comment: Requiring projects "not to degrade or detract from the character of surrounding development consistent with the Land Use Element" explicitly ties housing back to the bedrock Land Use Element, the Community Development Model, and the LEED ND Smart Location Requirement. Placing an urban project the size of Del Mar into a rural, predominantly agricultural area designated for Semi-Rural uses, is a significant degradation and detract from the "character of surrounding development." This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

O3e-75

VIII. VALLEY CENTER COMMUNITY PLAN ("VCCP") INCONSISTENCIES

A. Community Character Goals

Preserve and enhance the rural character of Valley Center by "maintaining a pattern of land use consistent with the following regional categories: A. Village. Enhance the rural village character of Valley Center's north and south villages... B. Semi-Rural Lands: Preserve and maintain the overall rural and agricultural character of the semi-rural areas...."

Policy 1 "Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.

Policy 2. Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require Site design that is consistent with rural community character.

(VCCP p. 4)

Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions by the fiction of merely adopting a new Map showing three Villages instead of two. The rural character of the project site, indeed all of the Planning Area, will be destroyed by placing an urbanized area the size of Del Mar in the middle of an active agricultural area. Destruction of a designated Semi-Rural agricultural area cannot be interpreted as "preservation." The DEIR must, but does not, explain and analyze the environmental effects of this patent inconsistency.

O3e-76

B. Land Use Goals

"Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.

"A pattern of development that conserves Valley Center's natural beauty and resources, and retains Valley Center's rural character...."

"Development that maintains Valley Center's rural character through appropriate location and suitable site design."

(VCCP p. 8)

O3e-77

O3e-75 The project is consistent with H-2.1. The project will expand the variety of housing opportunities available to residents of the unincorporated area in a well-designed Village and will be constructed in accordance with a comprehensive set of design guidelines. This will not degrade or detract from the character of the area. See response to comment O3e-41, above and Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.

O3e-76 The commenter is correct in that the project, is proposing to amend the General Plan Regional Land Use Map 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's Specific Plan would include agriculture as an allowed use within much of the project site including common open space areas and manufactured slopes. HOA-maintained agricultural open space would be permitted, including groves of orchard trees, such as avocado and citrus. Other agricultural-related commercial uses may be established by the project within the C34 zoned areas and would include such uses as farmers markets and wineries. The project would support and complement the rural lifestyle in Valley Center via the Specific Plan, which supports the continuation of on-site agriculture throughout the project site including common open space areas and biological open space. Overall, the project would include trails, equestrian opportunities, retained agriculture, preserve sensitive habitat and define neighborhood with architecturally appealing concepts.

As discussed in subchapter 3.2.3 of the FEIR, the project would include on-site biological open space, common open space, LBZ buffers, as well as Mitigation Measures 2, 3, and 4, which would ensure that urban/agriculture compatibility conflicts are less than significant. The project incorporates mitigation measures and project design features to assure the protection of agricultural operations. 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.

	<p>O3e-76 (cont.)</p> <p>The FEIR adequately analyzes the potential effects the Project would have on nearby agricultural land and the potential for the project to make agriculture less viable from a financial and practical perspective. Subchapter 2.4.3.3 of the FEIR states, “The pressure, inconvenience, and increased costs of operating remaining farms in areas converting to other uses may render continued farming infeasible or, at least, heighten the attractiveness of selling other farms for development.” The analysis concludes that a potentially significant impact would occur due to the potential incompatibility, but concludes impacts would be fully mitigated by proposed mitigation measures. Please see Global Response: Agricultural Resources, Indirect Impacts for information responsive to this comment.</p> <p>The FEIR also analyzed the potential growth-inducing impacts and adequately acknowledged the project's potential growth-inducing effect on agricultural resources. The FEIR addresses the intensification of land uses on the project site that would result from project development and whether such intensification would encourage substantial economic or population growth, or the construction of additional housing in the surrounding area, either directly or indirectly. (FEIR, p. 1-45) The analysis further reports that the proposed project would amend the Valley Center and Bonsall Community Plan Land Use designations for the project site, which would result in an increase of allowable dwelling units from approximately 110 to 1,746. (FEIR, p. 1-46) This would result in a direct increase in population that would exceed the population allowed by both the General Plan and Community Plans. (FEIR, p. 1-46) As a result of this growth, the FEIR concludes that “the intensification of land uses on-site could encourage intensification in the immediate project vicinity. As more intense uses are developed on-site, existing adjacent less intense or vacant lands may be encouraged to intensify.” (FEIR, p. 1-46.)</p> <p>Thus, the FEIR acknowledges that the intensification of land uses on-site resulting from the change in designation from “Semi-Rural” to “Village,” which would result in an increase in allowable dwelling units from approximately 110 to 1,746 could encourage similar intensification and conversion of land uses in the immediate project vicinity, which could (FEIR, pp. 1-46 and 1-48) result in adverse</p>
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LETTER

RESPONSE

	<p>O3e-76 (cont.)</p> <p>physical environmental effects, including impacts to visual resources, air quality, biological resources, cultural resources, and noise. (FEIR, p. 1-49) While not expressly listed, it is evident from the analysis that the referenced intensification of land uses in the immediate project vicinity potentially would impact current agricultural resources, as such uses potentially give way to residential uses. However, as the FEIR analysis properly concludes, such potential impacts are too speculative for evaluation at this time because the specific nature, design, and timing of future projects is unknown, and any potential impacts would be evaluated at the time the future projects are identified and processed. (FEIR, p. 1-49) Specific to agricultural resources, while growth in the surrounding areas may be encouraged due to the intensification of uses on the project site, it is speculative to assume that such future development would occur on (i.e., convert) Prime or Farmland of Statewide Importance, the two relevant soil classifications. (See County Guidelines, p. 40)</p> <p>Accordingly, even if agricultural resources were expressly referenced in the FEIR text, such potential impacts, like the other impacts, are too speculative to identify, at this time.</p> <p>Community character is discussed throughout FEIR subchapter 3.1.4. The community character of both Valley Center and Bonsall is acknowledged as rural communities with relevant goals within each community plan addressing interest in preserving the rural character of the planning areas. Specifically, Goal 1 of the VCCP Community Character Goals is to preserve and enhance the rural character of Valley Center. The project proposes many different densities and architectural styles, integrated into a cohesive community through landscaping, trails, and a Town Center to provide community focus. The Design Guidelines and other provisions of the Specific Plan assure that monotony in design is avoided. The proposed project further assures consistency with relevant policies associated with this goal through the requirement for Site Plan review by the Valley Center Design Review Board.</p>
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LETTER

RESPONSE

	<p>O3e-76 (cont.)</p> <p>Further, by concentrating new housing in a compact form of development that is within a planned village setting, accessible to infrastructure and transportation; development pressure on areas that contain farmland of agricultural importance would be reduced and would not, in turn, encourage such existing agricultural uses from being developed. Accordingly, the project is consistent with LU-7 relative to retaining and protecting farming and agriculture as beneficial resources that contribute to the County's rural character. Please refer to Global Response: General Plan Amendment CEQA Impacts Analysis and Appendix W.</p> <p>To interpret VCCP Community Plan Goals in the manner the commenter proposes would prevent future amendments of the General Plan and would mean that the land would be required to remain agriculture in perpetuity. This interpretation would remove all future discretion from the Board of Supervisors on individual projects and be inconsistent with its other policies that clearly anticipate future growth and not be a reasonable interpretation of the General Plan in its entirety. Please see response to comment O3e-57, above.</p> <p>O3e-77</p> <p>The project is consistent with the Land Use Goals contained in the VCCP. The project proposes to amend the Community Plan by adding a third Village. This goal in the Valley Center community plan text will be revised to indicate that there are three Villages in the community plan. Proposed changes to the community plan text were available for public review on the County's website.</p> <p>The County's Community Development Model does not dictate the number of Villages that may be developed. Rather, it guides new village development into more compact development as a means to reduce associated impacts.</p>
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August 13, 2013

Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions which recognize only the two existing Villages, do not contemplate additional villages and are consistent with both the GP and VCCP, the Community Development Model, and the Smart Location requirements of LEED ND. The DEIR must, but does not, explain and analyze the Project's inconsistency with these provisions or environmental effects of these inconsistencies.

O3e-77
cont.

C. Village Boundaries Map (VCCP p. 9)

Comment: The SP and DEIR cannot avoid the clear violation of the existing Map, which shows the two existing villages, not three villages. Merely adopting a new Map showing three Villages instead of two fails to address the other resulting conflicts with the numerous identified GP and VCCP provisions. The DEIR must, but does not, explain and analyze the environmental effects of these multiple inconsistencies.

O3e-78

D. Rural Compatibility Policies (VCCP p. 11)

4. "Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important: Roads that follow topography and minimize grading; Built environment integrated into the natural setting and topography; Grading that follows natural contours and does not disturb the natural terrain; Structure design and siting that allows preservation of the site's natural assets; Retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas."

5. "Require new residential development to construct roads that blend into the natural terrain and avoid "urbanizing" improvements such as widening, straightening, flattening and the installation of curbs, gutters and sidewalks. Follow Valley Center's Community Right of Way Development Standards."

6. "Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space."

O3e-79

Comment: Neither the SP nor the DEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, VCCP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be applicable. The many pictures clearly show urbanized design, out of scale and character for a rural community. The massive grading replaces natural hills with manufactured slopes to accommodate urban design, ignoring natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the VCCP. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

E. Commercial Goals (VCCP p. 13)

"Commercial uses should be concentrated within the boundaries of these two Village[s]".

O3e-80

O3e-77 (cont.)

Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.

O3e-78

The project proposes to amend the Regional Land Use Element Map of the General Plan to change the existing Semi-Rural Regional Category to a Village Regional Category; amend the Valley Center Community Plan Map to change the existing land use designation from Semi-Rural SR-4 to Village Residential and Village Core (and revise the community plan text to include the project as a third village); amend the Bonsall Community Plan to change the existing land use designation from Semi-Rural to Village Residential land uses, (and revise the community plan text to include the project); and amend the Mobility Element to downgrade the segment of West Lilac Road from Running Creek Road to Main Street from a 2.2C to a 2.2F road.

General Plan Policy LU-1.1 provides that land use designations on the Land Use Map are to be assigned in accordance with the Community Development Model and boundaries established by the Regional Categories Map. This does not prevent future amendments to the Regional Land Use Map; rather the Regional Categories Map and the Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. The Land Use Maps must be interpreted in conjunction with the language of the General Plan's Goals and Policies which expressly provide authority to make future amendments as may be determined appropriate by the County Board of Supervisors. (County of San Diego General Plan, adopted August 3, 2011, page 3-18, which page is incorporated herein by this reference.)

General Plan Policy LU-1.2 provides a degree of flexibility to the General Plan to accommodate additional population increases as necessary in a manner that meets the requirements of the Sustainable Communities Strategy of the General Plan (consistent with Assembly Bill 32) (General Plan, pp 2-7 through 2-9.) The Community Development Model is a planning model adopted by the County to be used in part to assign future land use designations on the County's Land Use Map. Therefore, when LU-1.1 is viewed in the context of the General Plan's goals and policies, it is clear that future

LETTER

RESPONSE

	<p>O3e-78 (cont.)</p> <p>amendments to the Land Use Map and Regional Categories Map are allowed. 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 refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a thorough discussion on this related topic.)</p> <p>The FEIR frames the General Plan consistency analysis at subchapter 1.4 under “Environmental Setting,” and describes its current land use planning context (current general plan land uses and both community plans). (FEIR, subchapter 1.4.) Subchapter 1.6 describes the General Plan amendment required for approval of the project and is analyzed by the FEIR. Also, every chapter of the FEIR contains a discussion of the project’s consistency with the existing General Plan and whether any physical environmental impacts may result. The land use consistency analysis for the proposed project is presented in the FEIR subchapter 3.1.4 and in Appendix W. The FEIR does conclude that land use impacts would be less than significant in that the project would be consistent with the General Plan. The FEIR clearly and thoroughly analyzes the potential physical environmental impacts that could result from project approval and the amendment of the Regional Land Use Element Map to change the regional land use category from Semi-Rural to Village. Please also refer to the Global Response: Project Consistency with General Plan Policy LU-1.2 and FEIR Appendix W.</p>
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LETTER

RESPONSE

	<p>O3e-79 The comment states that the Specific Plan is not clear and does not identify what Design Standards apply.</p> <p>The Specific Plan meets the requirements of the County and Government Code Section 65451. The Specific Plan includes text and a “diagram” that specifies the distribution, location and extent of all land uses, public and private infrastructure and standards and criteria by which development will proceed.</p> <p>The Specific Plan regulates development by the following:</p> <ul style="list-style-type: none">• The land uses for the project. (See Specific Plan, Section II (B) for a description of the land uses)• The Specific Plan and zoning restricts building height to 35 feet with the exception of the non-habitable clock tower.• Buffers are provided to provide separation between existing agriculture and proposed homes. In some areas where buffers are not provided, the Specific Plan requires that various methods be used at the time of individual project design to separate existing from proposed uses. Grade separation, use of wide lots or more substantial landscaping could all buffer existing uses from those proposed by the project.• The Specific Plan also shows the circulation system necessary for the entire project. The Specific Plan identifies the general location of the roadways for the future phases; however, the final design and location would be completed through subsequent discretionary permits, including Tentative Maps, Site Plans and Major Use Permits.• The trail system is also identified in the Specific Plan and design guidelines are found in Section III of the Specific Plan.
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LETTER

RESPONSE

	<p>O3e-79 (cont.)</p> <ul style="list-style-type: none">• The Lilac Hills Ranch Specific Plan includes Design Guidelines (Section III) that will ensure that development will be consistent and compatible throughout. A detailed lot design and architectural design guidelines are a part of the Specific Plan in which future development applications will need to show compliance through a Site Plan that identifies which lot design and architectural style guidelines will be applied to each lot. The development guidelines that are found in Section III of the Specific Plan allow for and will result in a variety of lot sizes and architectural styles in the Specific Plan.• The Specific Plan also includes the application of the B Special Area Regulator, which would be applied within the areas designated with the C34 Zoning Use Regulation. The B Special Area Regulator is applied to those areas which will include uses subject to the Valley Center Design Guidelines. Similarly the V Setback Regulator will allow the setbacks for each lot to be established when the individual lot configuration is identified for each lot.• Section II-KI of the Specific Plan, provides a Sign Plan, which provides community sign standards on the types of signs, design and locations for project interior signs. Individual sign programs are required for each residential area as well as the Town Center and Neighborhood Centers, and must meet the stated guidelines.• Lighting guidelines are located throughout the Specific Plan in Ch. 3, and are specific to each land use. All lighting is designed to be directed downward and designed to minimize glare and intrusion into adjacent properties.• Subsequent to this public review. Section N was added to the Specific Plan to add Green Building Performance standards, in combination with other standards contained within Section III of the Specific Plan. In particular, Section N(1)(a) provides that the Implementing Site Plan shown in Phase 2 shall show the Recycling Facility for the recycling of containers and compost to conserve energy and raw materials. The inclusion of the Recycling Plant is an integral project component.
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LETTER

RESPONSE

	<p>O3e-79 (cont.)</p> <ul style="list-style-type: none">• The Specific Plan, Ch. III, Section D, includes extensive guidelines for grading of all areas of the project beginning on page III-16. The overall shape of the land would remain intact as shown by the grading cross-sections included as Figure 68 in the Specific Plan. The project Grading Plan is at FEIR Figure 1-15. Grading for the project maintains the overall general contour of the property, requiring 2,300 cubic yards of grading per home, which would require a minor grading permit on an individual lot basis. This is consistent with projects of this size. 99.7 percent of all steep slopes are retained in open space and private roads are used that reduce grading by reducing the design speeds and overall development foot print, and following the contours of the property.• Section IV Implementation includes a Community Phasing Plan, starting on page IV-1. Construction of the project is anticipated to occur over an eight to twelve year period in response to market demands and to provide a logical and orderly expansion of roadways, public utilities, and infrastructure. The five phases of the project are shown in Figure 15a of the Specific Plan and phasing would be implemented through the recording of the Final Maps. <p>Please also refer to the response to comment O3e-57, above, addressing Community Character. The comment does not explain how exceptions for roadway standards are in conflict with the provisions of the VCCP.</p> <p>O3e-80 The project proposes to amend the General Plan by adding new Village that meets the criteria of Policy LU-1.2. Indeed, the project is a new Village whose structure, design and function are based on the Community Development Model. Please refer to Global Response: Project Consistency with General Plan Policy LU-1.2 for a full discussion relevant to these issues. The Valley Center Community Plan text will be revised to indicate that there are three Villages in the community plan.</p>
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August 13, 2013

Policies:

1. "Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area.

9. The Application of Land Use Designation Semi-Rural 2 and regional category of semi-rural lands are proposed for those properties that are currently zoned commercial and located outside of the Villages."

Comment: Neither the SP nor the DEIR deals with the fundamental fact that the VCCP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and SP to remain so. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

F. Agricultural Policies (VCCP p. 15)

1. "Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.

3. Prohibit residential development which would have an adverse impact on existing agricultural uses."

Comment: Neither the SP nor the DEIR address this major focus of both the GP and VCCP to "support" Agriculture, not destroy it. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency.

G. Mobility Policies (VCCP p. 52-53)

2. "Road design shall reflect the rural character and needs unique the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated."

4. "Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing, natural topography without sacrificing safety or sight distance criteria."

5. "Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines."

12: "Where a clear circulation need that benefits the overall community can be demonstrated, public roads consistent with Department of Public Works policy shall be dedicated and constructed. Where appropriate, future subdivisions shall be required to access public roads via at least two separate access points."

Comment: As noted above, neither the SP nor the DEIR is clear as to which design standards apply. There appears to have been no consideration of : (1) whether this Project can provide two separate LEGAL access points to public roads; or (2) whether public roads within the project would provide a clear circulation need that benefits the entire community . The massive grading proposed appears to violate the requirement to minimize altering the landscape and follow existing natural topography. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

O3e-80
cont.

O3e-81

O3e-82

O3e-81 The project is consistent with the Agricultural Goals contained in the VCCP. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. Active agricultural areas are included throughout the project as part of the community landscaping. See the FEIR subchapter 2.4 for a detailed discussion on impacts to agriculture. See also comment C1c-60 and C1c-77 above.

O3e-82 The project is consistent with the Mobility Goal contained in the VCCP. The proposed street system is interconnected and provides residents with at least two ways to access their home. Roads are curved to fit the topography and are all two-lane, as is appropriate for a village of this size. The circulation plan designs roadways to flow with the natural terrain (see Figure 70). The project does include ten requests for exceptions to County Road Standards as part of this project and are described in Figures 1-4A and 1-4B. The purpose of the exceptions requests are to avoid impacts to surrounding properties and to support traffic calming measures. All of the exceptions being requested for the roadway improvements were included as part of the project's circulation design and considered as a part of the analysis for each subject area discussion within the FEIR. The exceptions would be granted by the County where capacity and safety are not unduly affected. (FEIR, subchapter 2.3.2.3.) The proposed roadway exceptions would not affect road capacity. As detailed in Table 1-2 of Chapter 1 of the FEIR, four of the 10 proposed roadway exception requests would affect design speed. Two of those roads are internal to the project site.

The grading necessary to connect the road system over the 608 acre project has been minimized to the maximum extent feasible consistent with meeting safety and sight distance criteria. The project's Master Landscape Concept Plan reinforces a community theme through the design of streetscapes incorporating informal patterns of street trees, entry monuments using natural or simulated natural materials, and historical landscape zones using site specific plant palettes. The streetscapes will also feature meandering paths and informal planting of trees, vineyards, and groves as detailed in Chapter III, Development Standards and Regulations. Community entries and key focal points enhance the rural theme through similar appropriate plant materials and theme

LETTER

RESPONSE

	<p>O3e-82 (cont.)</p> <p>signage. All proposed planting and improvements within the public right-of-way for streets within the Community are subject to approval by the County of San Diego's Department of Public Works. (Specific Plan, page II-28.)</p> <p>The Master Landscape Plan also unifies the many neighborhoods and enhance the rural feel of the community. Landscaping will emphasize plants appropriate to the climate of the area and will blend with the natural environment. The Community theme is further reinforced through the design and landscaping of Community recreation areas and the use of groves, drought tolerant and naturalizing plant materials to transition to natural open space areas. Vegetation indigenous to the area is emphasized, supplemented by compatible, non-invasive ornamental plant materials. The public road pathways have been designed to meet the design requirements of the Valley Center Community Road Design Guidelines. Grading and visual impacts associated with the project's development is discussed in FEIR subchapter 2.1. In addition community landscaping is required to comply with the applicable requirements of the Valley Center and Bonsall Design Guidelines, and the Design Guidelines of this Specific Plan for commercial and mixed-use planting areas. (Specific Plan, page II-28.)</p>
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August 13, 2013

H. Fire Protection Policies (VCCP p.54)

1. "All new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards."

Comment: The continued objections of the Deer Springs Fire District to this Project undermine conclusions regarding compliance with this policy. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency particularly when viewed in conjunction with objections from the Fire District.

O3e-83

I. Education Policies (School Facilities) (VCCP p. 54)

1. "Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding."

Comment: No school district has accepted the possible additional students generated by the Project. The residential construction will precede, not be coincident with, school construction. The potential school site will be converted into additional residences if not accepted by a school district. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

O3e-84

J. Open Space Policies (VCCP p. 62)

3. "Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible.

5. Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space."

Comment: The SP only tentatively designates a 12-acre public park site. The Project minimally meets the Park Lands Dedication Ordinance requirement of 3-acres per 1,000 population requirement, falling woefully short of the 10-acres per 1,000 GP goal for parks. At least 350 homes will be constructed and occupied before any parks, public or private are available. The SP makes no provision for construction of park amenities, just dedication of raw land. Overall Project site planning appears to destroy any existing connectivity for animal migration, instead of creating or maintaining a functional open space system. The Project design creates an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with "openness and access to surrounding open space." The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

O3e-85

IX. CONCLUSION

The Accretive Lilac Hills DEIR fails to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan. The SP and DEIR fail to substantiate the limited GP consistency discussion with facts and evidence and fail to justify exemption from the clear prohibitions against Leapfrog development exemplified by this project. These

O3e-86

O3e-83 The comments from DSFPD that are referred to herein are out of date and do not reflect the new comment letter provided by DSFPD, dated July 28, 2014. See Global Response: Fire and Medical Services.

O3e-84 The comment states that no school district has accepted the additional students that would be generated by the Project.

Subchapter 3.1.5.1 provides that based on the increased student body associated with the project, there would not be adequate capacity in the local schools to serve the project's student generation. However the school districts had indicated that Valley Center Elementary Upper School which is currently closed, could re-open to accommodate students. Additionally, BUSD has indicated its ability to place temporary portable classrooms on existing school sites as an interim solution to the new students. In addition a proposed school site would be offered to the local districts or could be used as a private school if not accepted by the school districts. In addition, the applicant will be required to pay school impact fees pursuant to California Government Code Section 65996(b).

O3e-85 The project requires 15.09 acres of public parks pursuant to the Park Land Dedication Ordinance (PLDO). The project would exceed this requirement by providing 23.6 acres of parkland. As shown in FEIR Figure 1-9, the project would provide numerous parks located throughout the project site including a 13.5-acre public park (gross acres). As detailed in the Specific Plan Section III, the project includes provision for private recreation areas to include dog parks, play structures, sports courts and fields, multi-purpose trails, and recreational centers.

The 10-acre per 1,000 is a County Goal for parks and does not pertain to park obligations related to private development as set forth in State law. However, the private developer would contribute to this goal by providing parks in accordance with State Law and the PLDO.

LETTER

RESPONSE

August 13, 2013

informational shortcomings deprive the public and the decisionmakers of essential information required by CEQA. Under the circumstances, the DEIR must be rewritten and recirculated for public review and comment.

} O3e-86
(cont.)

Very truly yours,
KEVIN K. JOHNSON APLO


Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Attachments:

- Exhibit 1: Letter from Valley Center Community Planning Group("VCCPG") dated March 11, 2013 to Mark Slovick, Project Manager re: Lilac Hills Ranch Specific Plan and Related Documents with Appended Letter from VCCPG dated October 22, 2012
- Exhibit 2: Letter from Valley Center Design Review Board dated February 25, 2013 to Mark Slovick et.al re: Accretive Investment Group's 2nd revised submission (02-13-13) with attached comments from October 15, 2012 and June 14, 2012
- Exhibit 3: Excerpts from LEED 2009 for Neighborhood Development Created by the Congress for New Urbanism, Natural Resources Defense Council and U.S. Green Building Council (Updated October 2012)
- Exhibit 4: June 13, 2012, County of San Diego Planning and Development Services Project Issue Checklist for Lilac Hills Ranch Master Planned Community – Project Number(s) 3800 12-001(GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

} O3e-87

O3e-86 Please refer to Global Response: General Plan Amendment CEQA Impact Analysis and Appendix W.

O3e-87 Attachments are acknowledged as public records.

LETTER

RESPONSE

EXHIBIT 1

DEIR Public Comment Letter dated August 13, 2013 from Kevin K. Johnson APLC re:
Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and
Community Plan Inconsistencies**

} O3e-88

O3e-88 Title and introduction of exhibit is acknowledged.

LETTER

RESPONSE

March 11, 2013

To: Mark Slovick, Project Manager, Lilac Hills Ranch Project

From: Valley Center Community Planning Group

Re: Lilac Hills Ranch Specific Plan and Related Documents,
GPA 12-001; SPA 12-001

On 11 February 2013, the San Diego County Department of Planning and Development Services [the County] electronically distributed the third draft of the Lilac Hills Ranch [the Project] Specific Plan and tentative maps, submitted to them by Accretive Investments [the Applicant], to the Valley Center Community Planning Group [VCCPG]. Printed hardcopies of the documents were received in the mail about a week later.

Notably, the released documents do *not* include the proposed general plan amendment text, the collection of technical reports that support the specific plan assertions, or a letter from the applicant that responds to the Project Issue Checklist. The Project Issue Checklist contains approximately 1000 major and minor issues with the Project, raised by the County, Bonsall Sponsor Group and VCCPG in response to the Applicant's second draft specific plan, submitted on 25 September 2012. The Applicant was to have submitted the Project Issue Checklist letter by 31 January 2013 as required in the County's response to the second draft specific plan dated 10 December 2012. However, the Applicant was granted an extension of 60-days to submit the letter. At about the same time the extension was granted, the County released the third draft of the Project's specific plan for public review.

The Project Issue Checklist letter required by the County is crucial to the effective review of all aspects of the Project. Without the letter, it is impossible to know what remedies, if any, the Applicant proposes to resolve those identified issues. The issues listed for the first and second drafts of the specific plan have largely remained unaddressed in the present third draft. The Applicant's third draft has particularly failed to address the major issues relating to building a project of such large urban scope in a rural, agricultural area removed from the infrastructure needed to sustain it. This Project is at odds with the San Diego County General Plan, adopted in August 2011, and the Valley Center Community Plan and Bonsall Community Plan, which are integral to the General Plan. The responses to the Project Issue Checklist will determine, in great measure, how the applicant intends to reconcile, or not, the Community Plans of Valley Center and Bonsall and the County's General Plan with their Project's specific plan. Presently, the Lilac Hills Ranch Specific Plan is diametrically opposite of the intended outcome of the General and Community Plans.

O3e-89

O3e-89

As part of the application process, the County prepared a Project Issue Checklist detailing all information and documentation needed to move forward with the processing of the project. A GPAR was included as an item required to allow the County to consider the issue of General Plan consistency. As of June 13, 2013 the County determined that all technical studies had been accepted and the FEIR addressed consistency with the applicable General Plan policies. This determination removed the need for a GPAR to be included in any further submittals. A GPAR is not required by state law or by County ordinance or policy.

See responses to comments O3e-3, O3e-10, and O3e-47 above. Also Global Response: Project consistency with General Plan Policy LU-1.2 and Appendix W.

LETTER

RESPONSE

Not surprisingly, the third draft of the specific plan continues to be vague about many important details and avoids specifying the details of the Project at the level required by state law. At the stage of the third draft, one expects that issues raised over six months ago would be addressed or explained in the context of the General Plan and Community Plans.

However, we are aware that in order to remain effectively engaged in the review of this Project, we must respond to the recently released third draft specific plan.

Based on the materials received to date, *the Valley Center Community Planning Group continues to be strongly opposed to this Project's approval or construction.* Because so much of what is presented in this third draft of the specific plan is essentially the same as the previous two drafts, we will reiterate our major concerns followed by specific concerns raised by the third draft. You should reference our previously submitted comments on specific plan drafts one and two along with our present comments, since nearly all still apply. We reserve the right to make further comments and to revise previous comments as more detailed documentation is released to the community in the future. This letter, and letters dated 11 June 2012, 9 July 2012, and 22 October 2012 [attached] should not be construed as our "one bite of the apple."

Major Concerns

1. The Project is too large and too dense for Valley Center and it is improperly located– Placing 1,746 homes and 5,000 people on 608 acres with densities as high as 20+ dwelling units per acre is simply incompatible with the rural location in which the Project has been sited.

2. Roads and Traffic– The nature of the roads that must carry traffic generated by Lilac Hills Ranch is one of the most fraught and difficult topics associated with this project. The area has been able to move cars across winding, two lane roads that pass through hilly landscape only because of its present lack of density. With the addition of 1,746 homes, the roads will, without extensive new road construction plus considerable widening and straightening of existing roads, will be greatly challenged to handle, safely and efficiently, the additional five thousand individuals who will populate the development. The County's very limited road construction budget is already over-taxed, and unlikely to provide for the huge influx of automobiles created by Lilac Hills Ranch. Questions of the cost of off-site road construction, evacuation needs and acquisition of rights-of-way over existing private roads by the Applicant, are also extremely serious.

3. Compliance with the General Plan– The Lilac Hills Ranch Specific Plan threatens to overturn virtually every element in the County's new General Plan adopted in 2011 after 12 years of discussion and community involvement, millions of dollars in government expenditures and countless hours of effort on the part of local citizens. If the Lilac Hills Ranch Project is allowed to proceed,

O3e-89
cont.

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Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2 2.

See also response to comments O3e-28 and O3e-45 above.

Please refer to response to comments O3e-3, O3e-35 through O3e-85.

<p>one has to question if there is any development that would be rejected because it violated the General Plan. Exactly what destruction of local communities does the General Plan prevent?</p> <p>4. Services and Infrastructure-Water, Schools, Fire, Waste Treatment- Infrastructure is expensive. Putting in new roads, adding additional lanes to a bridge, building a fire station, putting up a new school, installing sewer and waste treatment plants and building trails all cost large amounts of money. A principal reason why the General Plan Update strongly favors "compact, town center developments" while stating that it intends to limit "growth in areas without adequate roads, water and sewer service" is because of the demands on the public purse for building these infrastructure items over and over.</p> <p>Lilac Hills Ranch is seeking to build a city the size of Del Mar that will require an almost entirely new infrastructure--new roads, schools, sewer systems and a broad range of other infrastructure items. That a private development could or would build this expansively strains credulity. The Valley Center Community Planning Group doubts the viability of this approach.</p> <p>5. LEED/Sustainable and Walkable Community- It is necessary for the Lilac Hills Ranch project to argue that they are potentially able to qualify for LEED ND certification, or its equivalent, in order to avoid the General Plan prohibition on Leapfrog Development. The project, placed as it is, miles from the heart of Valley Center, violates Guiding Principle 2 and General Plan Policy L-1, which define and govern Leapfrog Development, not to mention one of the fundamental precepts of LEED ND, which is to avoid green field development. Leapfrog Development is defined as Village densities located away from established Villages or outside established water and service boundaries. Lilac Ranch Hills <i>is</i> leapfrog development and it cannot qualify as a LEED community under any reasonable understanding of the standards.</p> <p>6. Agriculture- The General Plan Update has set aside the area where Lilac Hills Ranch would be built as a place for agriculture and other rural and semi rural uses. In contrast to the claims made by the Project proponents, the area is not characterized by <i>historical</i> agricultural activity. It is a present-day agricultural area. Avocado, citrus, cactus commercial nurseries and other farm operations are located in and around the project areas. These agricultural uses attract insect and fungal infestations, which mean that aerial spraying is often necessary. Spraying could pose a danger to individuals living in the area. On the other hand, prohibiting spraying would make farming nearly impossible. Building Lilac Hills Ranch in the area for which it is currently planned would greatly damage many productive, beautiful and successful agricultural operations.</p> <p>7. Twists of meaning and lack of clarity in the plan- One of the most difficult aspects of the Lilac Hills Ranch Specific Plan is the extent to which it makes</p> <p style="text-align: right;">3</p>	<p>O3e-93 This comment does not address the environmental analysis provided in the FEIR. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. See Global Response: Project Consistency with General Plan Policy LU-1.2.</p> <p>O3e-94 Please refer to the Global Response: Project Consistency with General Plan Policy LU-1.2.</p> <p>O3e-95 The Specific Plan includes language, which provides a process to inform future residences of the adjacent agricultural uses and that the State "right to farm" act prohibits future land use protests. CALIFORNIA CIVIL CODE § 3482.5.</p> <p>As discussed in FEIR subchapters 2.4.6 and 3.4 of the Agricultural Resources Report (Appendix H) of the FEIR, a minimum 50-foot buffer with two rows of orchard trees is implemented at all of the agricultural adjacency (AA) areas regardless of the crop type grown within the off-site parcel. In addition to the 50-foot buffer, most of the AAs are also required to implement fences, FMZ restrictions, and nighttime lighting requirements. These mitigation measures and project design considerations will still serve to mitigate compatibility impacts should the crop type change in the future.</p> <p>The project would not preclude aerial spraying, which could still occur provided the applicable state and County regulations are adhered to. These regulations require prevention of "drift" onto neighboring properties and impose penalties. Nevertheless, the project design incorporates 50-foot buffers as well as land use restrictions where there are potential conflict locations in order to minimize the chance that humans would be within the areas subject to "drift" should it occur (illegally but accidentally). The Agricultural Technical Report discusses this topic in detail within subchapter 3.2.3.</p> <p>O3e-96 The comment expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required. See also Global Response: Project Consistency with General Plan Policy LU-1.2.</p>
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LETTER

RESPONSE

misleading claims. They would have us believe that they are building a LEED ND or equivalent development even though Lilac Hills Ranch violates virtually all LEED standards, that adding 5,000 residents to a rural area actually improves traffic over narrow winding back roads, that grading and moving 4.4 million cubic yards of earth (enough to build a path 4 feet wide around the equator of Earth) preserves natural resources and habitat for animals.

Elaboration of these major concerns is available in the comments submitted by the VCCPG on 22 October 2012 [attached below].

Other New Concerns

General Plan Conformance

The Lilac Hills Specific Plan takes care, in several sections, to address the General Plan and Valley Center Community Plan. Yet the Lilac Hills Ranch Specific Plan fails to adequately acknowledge the fact that both of these thoughtfully constructed governing documents intend a completely different set of uses for the Lilac Triangle of west Valley Center, and fails to provide justification for the dramatic changes it proposes. The area was zoned for and intended to accommodate agricultural activities and large-acreage residential uses. The proposed Lilac Hills Ranch project is clearly incompatible with these intended uses. Both the General and Valley Center Community Plans designate other areas for land-uses such as Lilac Hills Ranch project proposes. If one were to propose and construct a residential project of this magnitude that would be useful to society in general and this region in particular, they would apply their efforts to the central village area of Valley Center. The current project, as proposed, is a cynical endeavor.

On January 24, 2013 San Diego City Mayor Bob Filner, in discussing a large development called One Paseo that would add dense commercial and residential use to Carmel Valley said, "Look, the community plan was a contract as far as I could see."

The parcel on which One Paseo would be constructed is zoned for 500,000 square feet of office space. The project initially intended to construct 2.1 million square feet of development, but the project has since been scaled down to 1.4 million square feet. "I don't understand how anybody who said they respected the community starts off with four times what the community plan says," Filner said at a public hearing, "I don't understand how you start with that." "After all," the mayor said, "the community plan can be considered a contract and should not be violated without substantial reason. ... They are agreements with the community on the way we ought to develop," he said. "People spend a lot of time going into making that a shared vision and it's a shared vision that **only with the consent of both sides**, do you modify." (emphasis added)

O3e-96
cont.

O3e-97

O3e-97 See response to comments O3e-3 and O3e-10 above and Global Response: Project Consistency with General Plan Policy LU-1.2. With respect to Bob Filner's comment on One Paseo, the comment provides factual background information, but does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue with respect to the FEIR, no further response is required.

LETTER

RESPONSE

Those who read about the Lilac Hills Ranch Plan iteration after iteration well may have some of the same questions that Mayor Filner raises. The Applicant plans to locate up to 2.9 units per acre on land that currently allows, under the new County General Plan, 1 dwelling until per four acres (for 400 of the acres) or 1 dwelling per 10 acres (for 132 of the acres). Thus the land on which the Applicant wishes to build 1,746 homes is reserved in the General Plan for much lower density. The Applicant would increase the density not four times over what the General Plan permits (as in the One Paseo project) but more than 13 times the present allowable density. If four times the density may indicate a lack of respect for the community, 13 times the allowable density certainly indicates callous disregard for community character and community concerns.

O3e-98

O3e-98 This comment does not address the environmental analysis provided in the project FEIR. The commenter’s opinion is acknowledged and is included in the project’s FEIR for the decision makers to consider.

Consider the 10 guiding principles that the San Diego County General Plan outlines for development:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region’s economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

O3e-99

O3e-99 Please refer to response to comments O3e-35, and O3e-38 to O3e-46, above.

Can anyone who has read the Lilac Hills Ranch Specific Plan submission believe that it does not violate at least 8 or 9 of them? It requires the development of new roads, a new sewer system, and new water sources—all of them described vaguely and many of them resources to which the applicant does not have clear title or a well developed plan for acquiring. It moves over 4 million cubic yards of earth by grading and by blasting. It is far from the heart of Valley Center where denser development is being accommodated.