

Letter O4

Johnson Sedlack
ATTORNEYS AT LAW

Raymond W. Johnson, Esq., AICP, LEED GA
Carl T. Sedlack, Esq., Retired
Abigail A. Smith, Esq.
Kimberly Foy, Esq.
Kendall Holbrook, Esq.

E-mail: EsqAICP@gmail.com

Abby.JSLaw@gmail.com
Kim.JSLaw@gmail.com
Kendall.JSLaw@gmail.com
Telephone: (951) 506-9925
Facsimile: (951) 506-9725

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 130
San Diego, CA 92123
Mark.Slovick@sdcountry.ca.gov

VIA E-MAIL

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

To the County of San Diego:

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

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

I. Land Use Impacts

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

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

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

O4-1

O4-2

O4-1 This comment is an introduction to comments that follow. No further response is required.

O4-2 through O4-11 These topics are thoroughly addressed by the following resources: Global Responses: General Plan Amendment CEQA Impacts Analysis, General Plan Policy LU-1.2, and Appendix W of the FEIR. Further, FEIR subchapter 3.1.4.2 discusses in detail the project's compliance with the County General Plan, community plans, and applicable land use ordinances and other regulations. In addition, the Specific Plan does not allow strip malls or big box stores. The Specific Plan includes development guidelines that would ensure future commercial development is compatible with and would support the "town center" development concept. Future commercial, civic, and mixed-use development will require Site Plan approval to ensure that development will conform to the design guidelines for such development in accordance with Part III of the Specific Plan and Figure 82 – Town Center & Neighborhood Center Development Standards Table. Commercial development in the Town Center and to the two Neighborhood Centers would also be subject to the C34 Use Regulations as detailed in Table 5 of Part III of the Specific Plan, including the Community Design Review Area Regulations and the Design Review Area Regulations of the County Zoning Ordinance.

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

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

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

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

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

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

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

O4-2
cont.

O4-3

O4-4

O4-5

O4-6

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

O4-6
cont.

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

O4-7

The General Plan further has policies for commercial development:

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

O4-8

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

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

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

O4-9

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

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

O4-11

II. Visual Resources

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

O4-12

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

O4-13

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

O4-14

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

O4-15

III. Schools

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

O4-16

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

O4-17

IV. Growth Inducement

O4-12 Impact V-3 states that during construction, the project site would temporarily conflict with the project site’s surrounding visual characteristics. Mitigation measure M-V-2 identified at FEIR subchapter 2.1.5 would require that construction of the project phases be delayed to allow landscaping from the previous phase to mature prior to commencing construction of the next phase. The FEIR at FEIR subchapter 2.1.5 states that M-V-2 would be infeasible because certain infrastructure, such as roads, sewer, water, storm drains, and grading, must be constructed in their entirety and cannot be stopped within each discrete phase. Project delays would increase the length of the interim visual impact from construction of infrastructure in other phases. Regarding the comment to incorporate more mature landscaping at the onset of the project, the Specific Plan includes guidelines to incorporate best practices for landscaping.

O4-13 The Specific Plan shows that 35-foot structures would only be allowed in the Town Center. This area of the project site is not visible from any public vantage points outside the project. Therefore, implementation of the commenter’s suggestion would not result in any added reduction to the visual impacts and is not required to be adopted.

O4-14 Construction on the project site would be consistent with the County Light Pollution Ordinance (County Code of Regulatory Ordinances Section 51.201-51.209). Nighttime lighting would be restricted as required by the ordinance which regulates lamp types, shielding, and hours of operation. Due to the limited allowable nighttime hours, no reduction to the significant impact would occur as a result of further reductions.

O4-15 Cumulative lighting impacts would not result because each cumulative project would be required to comply with lighting and shielding requirements of the County Light Pollution Ordinance, which regulates lamp types, shielding and hours of operation. While cumulative lighting is not specifically identified, the FEIR concludes that the project, in conjunction with other cumulative projects, would result in a cumulatively significant adverse visual impact associated with the change in composition of the visual environment. However, due to compliance with existing regulation, cumulative lighting impacts would be less than significant.

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	<p>O4-16 As stated in the FEIR subchapter 3.1.5.2 (Issue 1), the project would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable performance objectives for schools solely. Significant impacts would not result from the demand for a new school or expansion of existing schools. The applicant would be required to pay school impact fees pursuant to California Government Code Section 65996(b). California Government Code Section 65996(b) provides that the statutory fees found in the Government and Education Codes are the exclusive means of considering, as well as mitigating, for school impacts. Should either school district determine that a new school facility is required, potential impacts associated with the new school facilities would be evaluated by the district when the location and other project details become available.</p> <p>O4-17 The FEIR references the proposed school throughout the project description and environmental document as an element of the project. It is the project's intent that a school be provided within the project site. However, if a school is not built on the designated school site, the Specific Plan allows for single-family homes to be built on the site in its place. Without a school and with the additional housing, the project would not exceed the 1,746 residential units that are allowable under the Specific Plan.</p> <p>As to the effect of the school on the project's smart growth characteristics, the smart growth concept relies on the establishment of diverse land uses, such as commercial, residential, civic, and institutional uses, all located within close proximity to each other in order to promote walkability and, thereby, reduce vehicle travel and the corresponding vehicle miles travelled (VMT). Although smart growth requires a mix of land uses, a school is not specifically required in order for a community to be considered smart growth or for the project to result in a VMT reduction relative to existing VMT rates within the area.</p> <p>An important factor in considering VMT is the number of internal trips that would be generated by a project as compared to the number of external trips. Internal trips are trips that never leave the project site, such as an on-site resident patronizing the on-site retail uses.</p>
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O4-17 (cont.)

External trips, on the other hand, are trips that originate within the project site and leave the site in order to get to their destination, such as a project resident going to work at an off-site location.

The VMT generated by a project is directly related to the number of vehicle trips that would remain internal to the project site (i.e., the internal capture percentage), which in turn is directly related to the number of non-residential uses provided within the project site. Diverse non-residential uses capture a certain amount of the residential trips that otherwise would leave the project site, thereby reducing the project's overall trip lengths and, correspondingly, reducing the total number of VMT generated by the project.

As shown in Table 4.8 of the FEIR Traffic Impact Study (TIS), with the school, the internal capture rate is estimated to be 22 percent, while without the school, the traffic engineer estimates that the internal capture rate would be approximately 18 percent. Because the two internal capture rates are relatively similar, the resultant trip lengths also would be similar under the two scenarios. This point is further evidenced by Table 4.8 of the TIS, which also shows that the total number of trips that would be generated by the project's non-residential uses is 5,754 average daily trips (ADT). Due to the type of community-serving non-residential uses that would be built as part of the project, it is reasonable to assume that the large majority of these non-residential trips would be internal; in other words, it is more likely that the trips would be generated by project residents patronizing the on-site Specialty Retail/Strip Commercial uses that would be built as part of the project rather than by patrons from outside of the project area who would need to travel to these uses. However, of the 5,754 ADT, the school would generate only 1,094 ADT, or 19 percent, of the total non-residential trips. Therefore, even if a school is not provided within the project, the other non-residential land uses would generate a substantial amount of project traffic, which would continue to reduce the project's overall VMT.

Table 4.12 of the TIS concluded that with all of the varied uses proposed within the project site (including a school) trip lengths in the entire Valley Center community would be reduced by 0.08 mile relative to existing trip lengths. Based on the fact that the school accounts for only 19 percent of the non-residential ADT, and the fact

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	<p>O4-17 (cont.)</p> <p>that the internal capture rate would remain relatively the same under both the “with” and “without school” scenarios, it is reasonable to conclude that trip lengths (and corresponding VMT) within the Valley Center community would still be reduced relative to existing VMT even without operation of a school within the project site.</p>
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The Project plainly has the potential for significant growth-inducing impacts where it brings housing, infrastructure and roadways to an underserved or otherwise undeveloped area. As such, it creates the potential for new development.

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

V. Air Quality

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

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

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

O4-18

O4-19

O4-20

O4-21

O4-18

Growth inducement is discussed in FEIR subchapter 1.8. The subchapter has been revised in the FEIR to provide additional clarification regarding whether or not the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

As discussed in subchapter 1.8.1, the project proposes the development of a sustainable village, which would provide infrastructure, utilities, and the availability of goods and services intended primarily to serve the village.

As to alleged “roadway expansion” related to the project, the commenter is incorrect. Subchapter 1.8.3 of the FEIR explains that project-related road system improvements will not add additional travel lanes, construct new roads, or require the installation of a new transportation network to serve undeveloped areas, or support or encourage growth within the surrounding area. Subchapter 2.3 of the FEIR also explains that most of the project-related direct and cumulative significant impacts to the existing transportation network in the area can be reduced to below a level of significance by relatively minor improvements (turn lanes and signalization) to existing road system elements or by payments to the County TIF Program. The few direct significant impacts to intersections and cumulative impacts to road segments and intersections that are not reduced to below a level of significance result from the required installation of mitigation measures that are either outside the jurisdiction of the County of San Diego or are beyond the proportional impacts of the project, and are therefore infeasible. FEIR subchapter 1.8.3 therefore determined that the project would not result in the removal of a barrier to additional growth related to transportation infrastructure.

As discussed as FEIR subchapter 1.8.2, the project’s limited neighborhood serving commercial services will not cause additional population growth for the area. As explained in FEIR subchapter 1.2.1.3, the project would include 90,000 total square feet of specialty commercial and office uses separated into three different, non-contiguous areas of the project. The types and size of the commercial areas are not designed or intended to be employment-generating lands such as those containing high-rise office buildings, industrial office or industrial research uses.

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	<p>O4-18 (cont.)</p> <p>FEIR subchapters 1.8.4.2 and 3.1.5.2 explain that the project will provide a K-8 school site that could be acquired by the school districts to accommodate students that would be generated by the project. As discussed in the Specific Plan, The 12-acre K-8 school site within Phase 3 has been designed and is proposed for public or private school use to serve the educational needs of the residents of the Community and surrounding areas. The two local school districts will have an opportunity to acquire the site based on their independent assessment of their facility needs. It is also possible that a private school may desire to acquire the site for a “charter” or other type of private school. The project does not propose to build a school, however as discussed in Section III of the Specific Plan, the school site will be reserved for acquisition in accordance with state law which requires that the site be available for two years after the site subdivision improvements for the lot have been accepted. The site may be acquired by either district and developed with a traditional public school or a charter school. The school site is designated VR-2.9 and is zoned RS. Should the site not be acquired within the prescribed time period, it may be developed in accordance with the provisions of the land use designation, zoning and the Specific Plan. Should the School site be developed with residential uses, the density (and resultant lots) would only be transferred from other areas within the project which are zoned with the RS use regulation. The total number of units for the project cannot exceed 1,746 under the provisions of the current Specific Plan. While the school districts do not have any known present plans to build a new school at the dedicated site, any possible new school facility within the project would be growth accommodating.</p> <p>FEIR subchapters 1.8.4.3 and 3.1.7 discuss various options for construction and operation of an on-site wastewater reclamation facility (WRF), and which on-site WRF would be sized to serve only the proposed project and not any other properties. One possible option for physical expansion of the Lower Moosa Canyon WRF would be limited to a potential maximum 1.0 mgd treatment capacity for the facility, which possible expansion project was already approved by the Valley Center Municipal Water District (VCMWD) in 1996 and studied under a separate CEQA document. Further, the VCMWD will determine which of the wastewater treatment options will be utilized for the proposed project, and it is therefore speculative as to whether an expansion of the Lower Moosa Canyon</p>
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	<p>O4-18 (cont.)</p> <p>WRF will occur. Any VCMWD requirement for the project to modify the Lower Moosa Canyon WRF would be limited, under applicable law, to expanded treatment capacity at the facility only for the project's needs, not the needs of other properties. Also, even if the Lower Moosa Canyon WRF was expanded by the VCMWD up to the 1.0 mgd maximum treatment capacity studied under the separate 1996 CEQA document, it is presently speculative to presume that such capacity expansion would be growth-inducing. Potential future projects would still be required to extend sewer service lines for project sites to the Lower Moosa Canyon WRF from possibly distant areas, which extensions could be economically and practically infeasible due to physical and environmental constraints. Accordingly, the FEIR determines, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to growth inducement related to wastewater treatment services are speculative and presently unknown.</p> <p>FEIR subchapters 1.8.4.3 and 3.1.7 also explain that the VCMWD has sufficient existing capacity to serve the potable water demands of the project and the community based on the VCMWD's replacement of the Country Club reservoir with two 5 mg reservoirs. The project would not require the construction of any new major water storage facilities. The project would only extend water service lines from the project boundaries to the existing VCMWD water storage facilities with pipes designed to serve the project's needs. No growth inducing impacts would, therefore, result related to any of the project's water infrastructure improvements.</p> <p>FEIR subchapters 1.8.4.1 and 2.7, and the project's Fire Protection Plan (Appendix J), explain that the existing Deer Springs FPD facilities have the capability to provide adequate fire protection services to the project. So existing fire protection infrastructure exists in the surrounding area to adequately serve the project. Also, as explained at FEIR subchapters 1.8.4.1 and 1.8.5, if either of the four new fire service options discussed at FEIR subchapter 2.7 were required as a condition of project approval, then such new facility could remove a barrier to growth as an improved fire response time could allow for increased density in the area near the project under County standards. But it is presently speculative to determine</p>
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	<p>O4-18 (cont.)</p> <p>whether a possible new or enhanced fire service facility would result in potentially adverse physical environmental effects due to growth inducement. No information is provided by the commentator or presently otherwise available about the size, slope, terrain, existence of environmental constraints or existing infrastructure elements relating to any surrounding properties, all of which factors could materially impact the ability for such to intensify land uses on those properties regardless whether the project is approved.</p> <p>Finally, FEIR subchapters 1.8.1 and 1.8.5 also note that intensification of land uses on-site could encourage similar intensification in the immediate project vicinity. But the FEIR determined, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to possible growth inducement from land use intensification are speculative and presently unknown. No information is provided by the commentator or presently otherwise available about the size, slope, terrain, existence of environmental constraints or existing infrastructure elements relating to any surrounding properties, all of which factors could materially impact the ability to intensify land uses on those properties regardless whether the project is approved.</p> <p>O4-19</p> <p>The comment initially summarizes the project’s operational impacts on air quality. The comment then states that the operational impacts of the project would be mitigated to levels below significant if the project were redesigned to include more mixed use, office, commercial, and light industrial uses. However, a development of this sort would not be consistent with the objectives of the project, nor would it help the County meets its regional housing requirements, as discussed on page 43 of the Air Quality Report (FEIR, Appendix D). Additionally, as the project’s operational impacts are primarily related to vehicle emissions, while increase mix use would potentially result in short trip distances increasing the commercial and industrial land uses also may worsen the impact as these land uses generally have higher traffic generation factors than residential land uses. Contrary to what the comment states, at full build-out, the project’s operational air quality impacts would be less than significant (see FEIR subchapter 2.1).</p>
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	<p>O4-20 The comment is an introductory statement to the commenter's recommendation that the County adopt various mitigation measures to reduce construction emissions. Please refer to responses to comments O4-21 through O4-54, which address the feasibility and applicability of each of the commenter's recommended mitigation measures. These responses consider "feasibility" as defined in Section 15364 of the CEQA Guidelines, which requires that an action be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.</p> <p>O4-21 The comment recommends that the County adopt the following mitigation measure: "All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease."</p> <p>This measure would require nonresidential buildings with refrigerated storage to provide electrification infrastructure for refrigerated transportation units, thereby minimizing idling time and the combustion of vehicle fuels.</p> <p>Based on an evaluation of the parameters of the comment's recommendations, Mitigation Measure M-AQ-7a has been added to the FEIR, as follows:</p> <p>"Any nonresidential building that utilizes large-scale refrigerated storage (e.g., restaurant; grocery store) shall equip each loading dock with an electrical hook-up to power refrigerated tractor trailers."</p>
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	<p>O4-21 (cont.)</p> <p>As for the recommendation to prohibit tractor trailers incapable of utilizing the electrical hook-up(s) via leasehold agreements, that recommendation is not feasible due to the administrative burdens associated with its implementation (i.e., the oversight and monitoring rigor required to track each tractor trailer delivery to confirm the use of electrical hook-ups), as well as the economic limitations that may be associated with its enforcement.</p> <p>Additionally, the recommendation that all leasing documents include the enumerated requirements, establish the elements of breach, and otherwise specify who is considered a beneficiary of the lease are not feasible. First, the negotiation and execution of leasehold agreements is a transaction to be determined by the contracting parties. The County (Lead Agency) and the applicant would not have the ability to dictate the terms of such leases. Second, whether the “general public” is a third-party beneficiary to a private contractual arrangement or has standing to enforce that agreement are questions for a judicial court outside the parameters of CEQA, not a CEQA lead agency.</p>
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- Install catalytic converters on gasoline-powered equipment.*
- Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*
- Utilize only electrical equipment for landscape maintenance.*
- Prohibit idling of trucks for periods exceeding three minutes.*
- Provide electrical vehicle (“EV”) and compressed natural gas (“CNG”) vehicles in any vehicle fleets.*
- Install EV charging facilities for a minimum of 10% of all parking spaces.*
- Install a CNG fueling facility.*
- Provide preferential parking locations for EVs and CNG vehicles.*
- Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
- Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species.*
- Plant Low-OFP, native, drought-resistant, tree and shrub species. Consider roadside, sidewalk, and driveway shading.*
- Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*
- Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.*
- Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*
- Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*
- Provide a complimentary cordless electric lawnmower to each residential buyer.
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*
- Provide preferential parking for carpool/vanpool vehicles.*
- Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
- Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
- Provide direct safe, direct bicycle access to adjacent bicycle routes.*
- Connect bicycle lanes/paths to city-wide network.*
- Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
- Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
- Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.

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O4-22

The comment recommends that the County adopt the following mitigation measure: “Install catalytic converters on gasoline-powered equipment.” The comment does not specify what gasoline-powered equipment should have catalytic converters. However, based on the type of development proposed, gasoline-powered equipment would include on-road vehicles and landscaping equipment.

A catalytic converter is a reaction chamber typically containing a finely divided platinum-iridium catalyst, into which exhaust gases from an engine are passed together with excess air so that carbon monoxide and hydrocarbon pollutants are oxidized to carbon dioxide and water. While not specifically required by law, catalytic converters have been installed in gasoline-powered vehicles since 1975 to meet U.S. Environmental Protection Agency (USEPA) and California Air Resources Board (CARB) air emission standards under the federal Clean Air Act and California Clean Air Act. And, the enactment of anti-tampering laws make it a federal crime for anyone to alter, remove, or render inoperative emissions control devices, including catalytic converters. (42 U.S.C. §7522(a)(3).) While catalytic converters are most commonly applied to exhaust systems in automobiles, they are also used on electrical generators, forklifts, mining equipment, trucks, buses, locomotives, motorcycles, and airplanes.

Given the widespread use of catalytic converters since 1975, it is highly likely that any on-road vehicles or new equipment purchased by the project’s future residents, tenants, or operators would have catalytic converters. Further, while it is theoretically possible that a private citizen may have an older, pre-1975 vehicle, neither the County, nor the project applicant nor the future HOA has the legal authority to restrict the purchases of individual property owners.

Regarding off-road gasoline powered equipment (landscaping equipment) that might be used by a resident, tenant, or operator on the project site, landscaping equipment typically consists of lawnmowers (riding and push type), blowers, chippers, tillers, and other similar off-road equipment with small engines generating less than 25 hp. Emissions from these engines are regulated by CARB’s small off-road engine (SORE) regulations, which have been in effect since 1998. The most recent amendments to the SORE regulations were approved by CARB in 2012. The requirements of the SORE

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	<p>O4-22 (cont.)</p> <p>regulations are similar to those affecting other off-road equipment used in the construction industry (e.g. tiered emission standards), but are required at the manufacturer level (not the individual operator level). Thus, any new equipment purchased by future residents, tenants, or operators would by law comply with the SORE regulations.</p> <p>In any event, the County does not have a mechanism or the staffing resources to monitor and enforce the power supply requirement for every piece of equipment used during the project's operation, especially given the cyclical nature of equipment used by building tenants.</p> <p>According to Section 15364 of the CEQA Guidelines, mitigation is feasible when it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Here, the recommended mitigation measure is not necessary relative to on-road sources, which have been subject to wide-spread catalytic converter use since the 1970s, and off-road sources, which are subject to an independent state-level regulatory construct administered by CARB. Additionally, the administrative burden associated with County-level oversight of this mitigation measure outweighs any potential, incremental benefit given the existing technological and regulations.</p> <p>O4-23</p> <p>The comment recommends that the County adopt the following mitigation measure: "Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible." The comment does not specify the equipment to be electrically powered. However, based on the project's planned land uses, it is assumed the comment is referring to equipment used in landscaping, e.g. lawnmowers, blowers, etc., as no other gasoline-powered equipment is typically associated with a development of this sort.</p> <p>While electrical-powered equipment may have some emission reduction benefits, the County does not have a mechanism or the staffing resources to monitor and enforce the power supply requirement of every piece of equipment used during the lifetime of the project's operation, especially given the cyclical nature of</p>
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	<p>O4-23 (cont.) equipment used by owners and building tenants. As defined in Section 15364 of the CEQA Guidelines, feasibility means an action is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. While the equipment is available, this measure is infeasible as neither the County, the project applicant, nor the future HOA have the authority to restrict equipment purchased and used by individual property owners.</p> <p>O4-24 The comment recommends that the County adopt the following mitigation measure: "Utilize only electrical equipment for landscape maintenance." Landscaping equipment typically consists of lawnmowers (riding and push type), blowers, chippers, tillers, and other similar off-road equipment with small engines generating less than 25 hp. It should be noted that all small engine equipment, such as that used for landscaping, is controlled by CARB's SORE regulations, which have been in effect since 1998. As previously discussed in response to comment O4-20.2, the requirements of the SORE regulations are similar to those affecting other off-road equipment used in the construction industry (e.g. tiered emission standards), but are required at the manufacturer level (not the individual operator level). Thus, any new equipment purchased by future residents, tenants, or operators would by law comply with the SORE regulations.</p> <p>However, in order to further support the use of electrical equipment for landscape maintenance, the following measure will be incorporated into the FEIR as mitigation measure M-AQ-7b,</p> <p>"The project's HOA shall require that all open space areas under its control be landscaped and maintained with electrical equipment, to the extent feasible." This mitigation measure will be added as a condition of approval to each site plan and is a performance standard within the Specific Plan.</p> <p>While the above-described mitigation measure would enhance the use of electric powered equipment, the County does not have a mechanism or the staffing resources to monitor and enforce the power supply requirement of every piece of equipment used during the project's operation, especially given the cyclical nature of equipment used by owners and building tenants.</p>
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	<p>O4-25 The comment recommends that the County adopt the following mitigation measure: “Prohibit idling of trucks for periods exceeding three minutes.” The comment recommends prohibiting truck idling in excess of three minutes in order to reduce emissions from diesel vehicles. Per existing law, and specifically CARB’s ACTM 13 (Cal. Code Regs., tit. 13, §2485), construction equipment and other categories of large trucks cannot idle for more than 5 minutes unless more time is required per the engine manufacturers’ specifications or for safety reasons. The existing policy of restricting idling to 5 minutes as established by CARB, is adequate. Additionally, from a policy perspective, it is undesirable in this instance to impose restrictions more onerous than those already required by existing state law due to the regulatory patchwork that such an approach would create, both within the State of California generally and the San Diego region specifically. Such an inconsistent approach could result in implementation challenges and confusion by truck operators.</p> <p>O4-26 The comment recommends that the County adopt the following mitigation measure: “Provide electrical vehicle (EV) and compressed natural gas (CNG) vehicles in any vehicle fleets.” The project does not include large commercial entities nor any identified vehicle fleet, such as those maintained by a city, delivery business, etc. Thus, the provision of EV or CNG vehicles in fleets is not applicable to the project.</p> <p>O4-27 The comment recommends that the County adopt the following mitigation measure: “Install EV charging facilities for a minimum of 10% of all parking spaces.” As part of the project design and required by Title 24, the infrastructure for charging stations for electric vehicles would be provided in the all residential buildings and as required by Title 24 for all non-residential parking lots. Additionally, charging stations for electric vehicles would be provided within the Town Center. This pre-existing design feature will have a benefit that is approximately equivalent to the comment’s recommendations; therefore, incorporation of the recommended mitigation measure is not required because there would be no additional emissions reduction benefit.</p>
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	<p>O4-28 The comment recommends that the County adopt the following mitigation measure: “Install a CNG fueling facility.” However, alternative fuel infrastructure is best provided in a planned, regional manner, based on the demand for such fuels. It is not feasible or practical for this individual project to forecast the potential demand for CNG fuel on the project site and to implement such a fueling facility via mitigation; rather, the market will dictate the addition of such fueling facilities. Of related note, four alternative fueling stations supplying CNG and seven providing E85 fuel are open to the public in San Diego County. Vehicle operators associated with the project would have access to these alternative fueling facilities.</p> <p>O4-29 The comment recommends that the County adopt the following mitigation measure: “Provide preferential parking locations for EV and CNG vehicles.” The County of San Diego Parking Design Manual, available for public review and inspection at http://www.sandiegocounty.gov/pds/docs/Parking_Design_Manual.pdf, includes requirements for provision of Clean Air Vehicle Parking in Section 5 (i), page 21. The section reads: “In accordance with the 2010 California Green Building Standards Code, newly constructed non-residential uses shall provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles...” These standards were updated in the 2013 Green Building Code, Section 5.106.5.2. The project will comply with these standards.</p> <p>O4-30 The comment recommends that the County adopt the following mitigation measure: “Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.” As part of its design, the project’s vegetation will provide shade and reduce evaporative emissions from parked vehicles. The comment’s recommendations would seem to be consistent with the project’s proposed vegetation plan. It also should be noted that measuring a reduction in evaporative emissions from parked vehicles requires highly location-specific analysis that would prove to be administratively and scientifically infeasible. That is, each parking location likely would have its own unique set of variables, such as topography, elevation, shading from vegetation and structures, etc., influencing the evaporative emissions.</p>
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	<p>O4-31 The comment recommends that the County adopt the following mitigation measure: “Plant at least 50% low-ozone forming potential (low-OFP) trees and shrubs, preferably native, drought-resistant species.” The landscape plant palette for the proposed slopes adjacent to the project’s natural areas would include only native, drought-tolerant, and low-fuel plant species. The project’s vegetation plans will also reduce energy consumption through the provision of shade and provide sequestration from vegetation growth. Therefore, the project design already appears to be consistent with this recommendation.</p> <p>O4-32 The comment recommends that the County adopt the following mitigation measure: “Plant low-OFP, native, drought-resistant, tree and shrub species. Consider roadside, sidewalk, and driveway shading.” Please see responses O4-30 and O4-31.</p> <p>O4-33 The comment states “Orient 75 percent or more buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during winter months.” The Lilac Hills Ranch Specific Plan provides design guidelines that include these concepts and provide the same effect. Please see the discussion of Sustainable Site Design and Sustainable Building on, pages V-10 and V-11 of the Lilac Hills Specific Plan. As a result, the existing measures implemented by the project are adequate and the measure proposed by the commenter is not required.</p> <p>O4-34 The comment recommends that the County adopt the following mitigation measure: “Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.” Please see responses to comments O4-30 through O4-33. Further, the provision of additional landscape pockets is undesirable because of increased water demand, which itself also results in emissions due to the combustion of fossil fuels required to treat and convey water.</p>
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	<p>O4-35 The comment recommends that the County adopt the following mitigation measure: “Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.” Exterior-mounted electrical outlets are required on all residential structures per Section 210.52 (e) of the 2010 California Electrical Code; as the recommendation for residential units is already required by existing regulation, no change is required. Additionally, as the electrical code does not require commercial structures to have outdoor electrical receptacles to be installed, the project would not require commercial structures to implement measures beyond the code due to safety and security concerns as commercial structures are not occupied throughout a 24-hour period.</p> <p>O4-36 The comment recommends that the County adopt the following mitigation measure: “Prohibit gas powered landscaped maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.” Please see responses O4-23 and O4-24.</p> <p>O4-37 The comment recommends that the County adopt the following mitigation measure: “Provide complimentary cordless electric lawnmower to each residential buyer.” To begin, the requested mitigation measure could not be feasibly administered because utilization of such lawnmowers would depend on the individual habits of individual homeowners; that is, even if the applicant provided complimentary lawnmowers, there is no feasible way to ensure the use of such lawnmowers. Further, the purpose of CEQA is not to drive the habits and acquisitions of individual consumers, residents, etc. Rather, such habits are market driven, while complimented by federal and/or state standards regulating engine specifications, fuel efficiency, etc. The San Diego Air Pollution Control District holds an annual lawnmower trade-in event to facilitate and encourage the turnover of gasoline-powered lawnmowers to electric lawnmowers. For more information, see e.g., http://www.sdapcd.org/homepage/2014_Lawnmower.pdf.</p>
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	<p>O4-38 The comment recommends that the County adopt the following mitigation measure: “Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.” A light vehicle network, or neighborhood electric vehicle (NEV) system, is a system that supplies communal vehicles, generally micro-cars, that may be used by multiple people. Typically, these vehicles have limited speeds and cannot be taken on roadways with speed limits higher than 45 miles per hour. As a result, the inclusion of such a system typically requires communities to be designed with separate, relatively high-speed thoroughfares for non-NEV vehicles. A local example of an NEV system is the car-to-go system in Downtown San Diego.</p> <p>As defined in Section 15364 of the CEQA Guidelines, feasibility means an action is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. While the vehicles used in NEV systems are available, NEV vehicles are typically short-distance vehicles, i.e., less than a 60-mile range, and would not necessarily replace personal vehicles, thus, no measureable reduction in VMT or vehicle emissions could be guaranteed. In addition, the development of the NEV would result in greater energy demand and associated emissions. Therefore, unlike when an individual replaces a fossil-fueled vehicle with an electric vehicle, there is no guarantee any emission reduction would be provided by the provision of a community specific NEV network. The legal and financial requirements to initiate such a system also would require state and regional level participation.</p> <p>O4-39 The comment recommends that the County adopt the following mitigation measure: “Provide preferential parking for carpool/vanpool vehicles.” The project has been designed to promote and encourage ride sharing.</p> <p>The Specific Plan requires the project to comply with the County’s Parking Design Manual, which states on page 21: “In accordance with the 2010 California Green Building Standards Code, newly constructed non-residential uses shall provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles, per Section 6792 of the Zoning Ordinance.” These standards were updated in the 2013 Green Building Code, Section 5.106.5.2. As existing regulatory standards establish the number of parking spaces</p>
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	<p>O4-39 (cont.) required, it is more preferable to proceed by way of regulatory compliance and avoid inconsistent, patchwork standards in areas under the County's jurisdiction, which would present administrative challenges and burdens.</p> <p>O4-40 The comment recommends that the County adopt the following mitigation measure: "Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking." See response O4-39 above, which discusses the project's inclusion of preferential parking for carpooling vehicles. Additionally, the project has been designed to promote and encourage ride sharing. Section III of the Specific Plan, Section C.4 identifies the Transportation Demand Management (TDM) program that would be prepared to reduce vehicle trips in favor of alternative modes of transportation. As stated in the Specific Plan, the TDM program will facilitate increased opportunities for transit, bicycling, and pedestrian travel, and would require that the Community HOA implement the following TDM measures, among others, prior to the recordation of the last Final Map in the Town Center: (1) Implement a ride-share program with transit vouchers or other options that may be determined by the HOA; and (2) Promote carpool/vanpool programs which may include a senior transportation service. Whether such practices are further subsidized or incentivized by individual business owners is beyond the enforcement and monitoring capabilities of the County, and should be addressed instead on a regional basis for purposes of establishing equitable standards.</p> <p>O4-41 The comment recommends that the County adopt the following mitigation measure: "Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development." As summarized in Table 1-3 of the FEIR, the project includes pedestrian-friendly design and includes traffic reduction measures, such as complete sidewalk coverage to ensure pedestrian safety within the project, internal trails, and bike lanes. The project would provide for a comprehensive trails network for safe bicycle and pedestrian access between the various project phases, land uses, parks/open spaces, schools and the Town Center area. The trails network will also provide connections to the various recreational trails and multi-modal facilities accessing the project site. Therefore, the project design is consistent with this recommended measure.</p>
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	<p>O4-42 The comment recommends that the County adopt the following mitigation measure: “Provide direct safe, bicycle access to adjacent bicycle routes.” The design of the project encourages residents to walk and bike through and among various neighborhoods. For example, a 16- plus mile community path and trail network supports pedestrians, bicyclists, and equestrians and is connected to the County trail system at the north and south ends of the project (Specific Plan, Part V, page V-11). The Specific Plan, Part III, starting on page III-8, describes the multi-use community trails and bicycle facilities that would be provided by the project. As described in the Specific Plan, bike travel is accommodated both on Main Street with 5-foot wide bike lanes in each direction (including through the Town Center) and on all of the multi-purpose and multi-use trails. Bike lanes and trails are designed to increase the safety of the bicyclist as they navigate the road and trail system in this part of the County. Please refer to Figure 20 of the Specific Plan, Part II for the location of the proposed trail network and the locations where it links to the regional trail network. In summary then, the project design is consistent with this recommended measure.</p> <p>O4-43 The comment recommends that the County adopt the following mitigation measure: “Connect bicycle lanes/paths to city-wide network.” See response O4-42 above. It is assumed the intent of the comment is to require connection to a “County-wide” network. The project would include bike lanes, multi-purpose trails, and pathways connecting to the County’s regional trail network. Please refer to Figure 20 of the Specific Plan, Part II for the location of the proposed trail network and the locations where it links to the regional trail network. In summary then, the project design is consistent with this recommended measure.</p>
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	<p>O4-44 The comment recommends that the County adopt the following mitigation measure: “Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.” The Specific Plan includes a Circulation Policy to: “Include alternative modes of circulation, such as transit, bikeways and pedestrian paths and trails, in the Lilac Hills Ranch Specific Plan” (Section II, page II-7). The Specific Plan, Section II also indicates that the Developer/HOA would work with the North County Transit District to locate and furnish a transit stop on either the Village Green or within the Town Center based on district needs. A transit stop in this location would maximize access to transit by locating it in the most densely populated area of the Specific Plan. In addition, interim private transit services would be provided upon build-out of the community and would terminate when a transit linkage is provided by the local transit district. The project also includes a measure to promote alternative transportation options for residents and businesses as part of a new resident information packet addressing alternative modes of transportation. Please see AQ-MM-7. In summary then, the project design is consistent with this recommended measure.</p> <p>O4-45 The comment recommends that the County adopt the following mitigation measure: “Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.” As discussed in response O4-44 above, the project developer/HOA would coordinate with the North County Transit District to locate and furnish a transit stop on either the Village Green or within the Town Center based on district needs. Transit stops would be equipped with benches and shelters. Therefore, the project design is consistent with this recommended measure.</p> <p>O4-46 The comment recommends that the County adopt the following mitigation measure: “Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.” As part of its transportation demand management program, the project would promote available websites providing transportation options for residents and businesses, and create and distribute a new resident information packet addressing alternative modes of transportation. Please see page III-11 of the Specific Plan. As such, the project design is consistent with this recommended measure.</p>
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July 28, 2014
County of San Diego

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

(* Would reduce impacts to GHGs as well)

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

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

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

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

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The comment recommends that the County adopt the following mitigation measure: “All buildings shall be constructed to LEED Gold standards.” Construction to LEED Gold standards would not necessarily reduce emissions of pollutants since LEED standards can be achieved through a number of measures not related to emissions. In addition, the project achieves many green building standards through its performance measures in Section III of the Specific Plan, including implementation of compact, walkable communities that emphasize alternative modes of transportation. As previously mentioned, requiring a LEED Gold certification would not necessarily achieve greater air emission benefits because the certification addresses various measures not directly related to air quality such as lighting, high efficiency appliances, use of recycled materials, water use, and energy performance. As a result, this measure is not needed to further reduce air quality impacts.

Furthermore, the project does incorporate various green building standards explained in Section III, N (Green Building Performance Standards) of the Specific Plan including installation of 2,000 kilowatts of on-site solar/photovoltaic systems capable of producing approximately 3,400,000 kilowatt-hours of electricity (which is approximately 22 percent of the project’s total electricity needs at build-out), the construction of “solar-ready” homes, the inclusion of electric vehicle charging connections in the garage, and the installation of water saving appliances and low water use landscaping. The Specific Plan also indicates that where the projects include fireplaces, including single-family residential, mixed-use residential and senior community residential, only natural gas or equivalent non-wood burning fireplaces shall be installed. Refer to Section III, M.4 of the Specific Plan for details. (See also subchapter 3.1.2.2, Project Design Features and Regulatory Compliance Measures, of FEIR subchapter 3.1.2, Greenhouse Gas Emissions.)

The project also would be constructed in accordance with the 2013 Title 24 Part 6 (California Energy Code) and Part 11 (California Green Building Standards) requirements. Title 24 is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available; and, the project would comply with the then-applicable requirements of Title 24 at the time of building permit issuance as required by law.

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	<p>O4-48 The comment recommends that the County adopt the following mitigation measure: “Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhands, skylights, etc.” The Lilac Hills Ranch Specific Plan provides design guidelines that include these concepts and provide the same effect. Please see the General Plan Conformance portion (Section V) of the Specific Plan which provides a discussion of SUSTAINABLE BUILDING measures that are included in the project design. Specifically, the buildings will be designed, constructed and built to CAL-GREEN building standards and will be designed to exceed 2008 Title 24 Energy Standards by 30 percent. All buildings would be solar ready and have roofs built for solar panels and pipes for solar hot water, and are individually planned to consider solar orientation. All buildings would have dual pipe irrigation systems to conserve fresh water resources. See also FEIR subchapter 3.1.4 and the Global Response: Project Consistency with General Plan Policy LU-1.2. As such, the project design is consistent with this recommended measure.</p> <p>O4-49 The comment recommends that the County adopt the following mitigation measure: “Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.”</p> <p>As discussed in subchapter 3.1.2, Greenhouse Gas Emissions, of the FEIR, the project will install 2,000 kilowatts (kW) of on-site solar/photovoltaic systems, which are estimated to produce 3,400,000 kW hours of electricity, or approximately 22 percent of the project’s total electricity needs at build-out.</p> <p>The project also would provide the infrastructure necessary to accommodate the future use of solar photovoltaic panels and/or systems, including wiring for roof mounted solar systems. By providing this infrastructure, the project provides an incentive to homeowners to install these systems and is expected to result in a reduction in emissions due to energy use. However, the emissions reduction was not quantified due to the uncertainty of resident participation, which is outside the control of the applicant. In addition, all buildings would be individually planned to consider solar orientation as discussed in the Sustainable Building requirements included in the Specific Plan, Section III, N.</p>
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	<p>O4-49 (cont.)</p> <p>At this time, given the limitations of energy storage technology, it is not technologically feasible to provide photovoltaic energy capable of meeting 100% of the project's electricity demand because, during non-daylight hours, energy demand can only be met by relying on more traditional energy sources.</p> <p>In any event, it also should be noted that the California Energy Commission, California Public Utilities Commission and California Air Resources Board have expressed a demonstrated commitment to achieving net zero energy by 2020 for residential structures and 2030 for commercial structures:</p> <p>“California has a policy goal of achieving zero-net-energy building standards by 2020 for low-rise residential buildings and by 2030 for commercial buildings. ... Making the zero-net-energy definition operational will require ongoing efforts through the 2016 and 2019 code development cycles. ... Recommendations to ensure success in meeting the zero-net-energy goals as they are currently outlined include adopting triennial building standards updates that increase the efficiency of new buildings by 20 to 30 percent in each update ...”</p> <p>(California Energy Commission, 2013 Integrated Energy Policy Report (2013), pp. 5-6; see also id. at pp. 34-42.) Given the long-term, multi-year build-out timeframe for this project, it is likely that the project will be subject to net zero energy standards, which may itself necessitate the installation of further solar systems on the project site. Achievement of those standards conservatively was excluded from the project's inventory data and significance conclusions due to the un-adopted status of the requisite regulatory framework.</p> <p>O4-50</p> <p>The comment recommends that the County adopt the following mitigation measure: “Install an ozone destruction catalyst on all air conditioning systems.” An ozone destruction catalyst converts ozone (O₂) to oxygen (O₃) as the catalyst makes contact with air moving through the air conditioner. While some filters exist that can be used to clean the air entering the dwelling, the destruction catalyst, such as on a vehicle radiator, is a new technology for building HVAC units and is not currently commercially available. As stated in Section 15364 of the CEQA Guidelines, feasibility means an action is</p>
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	<p>O4-50 (cont.) capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Thus, while ozone destruction catalysts technology exists in automobiles and industrial applications, the inclusion of the recommendation in the project is not feasible.</p> <p>O4-51 The comment recommends that “All Project buildings must be constructed to allow for least, cost-effective installation of solar energy systems in the future, using “solar ready” features such as, clear access without obstructions (chimneys, heating and plumbing vents, etc.); designing the roof framing to support the addition of solar panels; and installation of electrical conduit to accept solar electric system wiring.” The project has been designed to provide 2,000 kW of installed solar photovoltaic systems and the infrastructure necessary to accommodate the future use of solar photovoltaic panels and/or systems, including wiring for roof mounted solar systems for all units that will not be equipped prior to purchase. By providing this infrastructure, the project provides an incentive to homeowners to install these systems and is expected to result in a reduction in emissions due to energy use. Therefore, the project is already proposing to implement the measure recommended by the commenter.</p> <p>O4-52 The comment recommends that the County adopt the following mitigation measure: “Purchase only green/renewable power from the electric company.” The ability to purchase Green Power is also known as community choice aggregation, which is a state policy, Assembly Bill 117, that enables local governments (cities and counties) to aggregate electricity demand within their jurisdictions in order to procure alternative energy supplies while maintaining the existing electricity provider for transmission and distribution services. As AB 117 only authorizes local government agencies to develop CCAs, this measure is considered beyond the scope of the project and infeasible.</p> <p>O4-53 The comment recommends that the County adopt the following mitigation measure: “Install solar water heating systems to generate all hot water requirements.” All project residences will be pre-plumbed for the use of solar water heating; however, as specific lots</p>
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	<p>O4-53 (cont.) have not been designed, the benefits of this design feature were not quantified in the air quality analysis. Pre-plumbing for solar water heating will offer incentives to property owners to adopt this technology.</p> <p>O4-54 The comment recommends that the County adopt the following mitigation measure: "Use non-potable water for all landscaping." The FEIR includes an environmental design consideration to minimize water use that requires the following:</p> <ul style="list-style-type: none"> • All landscaping will conform to the requirements of the County's Water Conservation and Landscape Design Manual, and will be designed in conjunction with the Lilac Hills Ranch Water Reclamation Plan. Measures within this Plan will ensure that water use within the project's landscape is well managed. • The project may contain an integrated recycled water system which may provide for a dual distribution system for all landscaped areas. Reclaimed water is planned to become available within the basin containing the project site to be used on common landscaping except in the vicinity of any location where food is served or consumed. In this situation a potable system shall be used. All programs would be regulated by the VCMWD. • If mandatory potable water restrictions are imposed by the state, the San Diego County Water Authority (SDCWA), and/or the VCMWD, the project's landscape will be evaluated and revised, along with the Water Management Plan, to reduce or eliminate potable water consumption and most efficiently use the reclaimed water and groundwater. The following measures can be incorporated into the project should further water reductions be mandated: <ul style="list-style-type: none"> a) Turf areas can be replaced with synthetic turf. b) Groundcover can be replaced with mulch and/or river rock. c) Bubblers and/or drip heads can be used to replace low volume spray heads. d) Water schedules can be reduced. e) Planting areas using shrubs requiring moderate water levels can be replaced with low water consuming plant material. f) Mechanical means such as rain barrels will be deployed on each lot to capture runoff from roof areas and store for later irrigation use.
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	<p>O4-54 (cont.)</p> <ul style="list-style-type: none">• Water conservation features shall be incorporated into the project based on the most effective measures available and those recommended by the SDCWA and/or the VCMWD, and could include.<ul style="list-style-type: none">a) Interior water conservation features:<ul style="list-style-type: none">• High-efficiency clothes washers• High-efficiency dishwashers• Low-flush toilets• Low-flow water faucets and showerheads• Tankless water heatersb) Exterior water conservation features:<ul style="list-style-type: none">• Weather-based irrigation controllers• Low water use landscaping (xeriscape)• Restrictions limiting turf use and encouraging artificial turfc) Additional conservation features:<ul style="list-style-type: none">• Installation of “smart” meters with leak detection capability• Individually metered multi-family units <p>Additional reductions in water use would be due to the project’s proposed use of recycled water. The project includes a WRF, as described in subchapter 3.1.5, above. Any WRF alternative selected could convert wastewater generated by the project into recycled water for landscape irrigation for use on-site at the discretion of VCMWD. Overall, the projected recycled water generation would total 289 acre-feet/year based on the estimated indoor water use by the project (Appendix Q). (Any potential adjustments to recycled water amounts due to application of the temporary emergency potable water conservation restrictions pursuant to the EO and SWRCB regulations may result in adjustments to landscape irrigation techniques and plant palettes to be addressed in the Water Management Plan and consistent with the VCMWD Master Plan regulations regarding recycled water use.)</p>
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	<p>O4-55 This comment is referencing back to the recommended mitigation measures, indicating that certain measures that included an asterisks would also reduce impacts related to GHG. Refer to responses O4-21 through O4-54 for detailed responses on the feasibility and appropriateness of each referenced measure.</p> <p>O4-56 The comment asserts that the project design features are not required to be implemented by the project. However, the project design features are required to be implemented by the project. The design features have been relied upon in the environmental evaluation and in the event of project approval, their implementation is required and would be verified by the County through plan checks and similar verifications. In addition, the Specific Plan provides the guidelines for preparation of the subdivision and improvement plans and determines permitted land uses, densities, maximum residential units, required public facilities, and compliance with applicable County policies. Section III of the Specific Plan details the development standards and regulations that would apply to future development within the Lilac Hills Ranch Specific Plan. This section incorporates detailed Performance Standards that ensure the design elements of the project are met and measured against specified criteria. Section III, M.5 identifies CEQA Implementation Standards and specifies that all implementing discretionary and other permits as appropriate are required to include the relevant mitigation requirements included in the Certified EIR for this project. The project design considerations included in Table 1-3 are enforced by the County in the same manner as mitigation measures. As a result, it is ensured that all project design considerations would be implemented.</p> <p>O4-57 The comment asserts the analysis applies particulate matter (PM) mitigation without verification the measures will be effective. However, all mitigation applied and all factors used in the analysis are based on a well-documented mitigation measures recognized by air districts, such as the South Coast Air Quality Management District in their Rule 403 Implementation Handbook (April 2004) incorporated herein by reference.</p>
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	<p>O4-58 The comment states, “it is not clear that trip lengths described by the RDEIR are realistic and appropriate given the substantial distance from the Project site to major employment centers.” The vehicular trip lengths used in CalEEMod are calculated independent of the traffic analysis and are based on the type of land uses and the purpose of the trips, e.g., home to work, home to shopping, etc. Based on the total annual trips generated and the total VMT, CalEEMod estimated an average annual trip distance of 8.95 miles for the project. This trip distance is considered conservative as SANDAG projects the average trip length’s range depending on alternative to be 7.6 to 8.25 miles (Chen Ryan 2014). The SANDAG model is the more accurate prediction of trip length as SANDAG’s expertise is transportation planning and all SANDAG data are based on regional surveys and data collection, while CalEEMod was developed as a statewide model and has only limited data specific to each jurisdiction within the state.</p> <p>Therefore, to be clear, the FEIR’s analysis did not assume that the home-to-work trip length was 8.95 miles. Rather, the average trip length for all types of trips was calculated as 8.95 miles, a length which is based on the total VMT divided by the total trips generated.</p> <p>The actual trip distances calculated by CalEEMod vary by land use type. For purposes of the proposed project, the following trip distances were generated by CalEEMod for utilization in computing the project’s GHG emissions:</p> <ul style="list-style-type: none"> • Home-to-work trip length: 16.8 miles • Home-to-shopping trip length: 7.1 miles • Home-to-shopping trip length: 7.9 miles • Commercial-to-commercial trip length: 6.6 miles • Commercial-to-work trip length: 14.7 miles • Commercial-to-non-work trip length: 6.6 miles <p>(FEIR, Appendix O [GHG technical report], and Section 11.0 [Section 4, Project with Design Features GHG Emissions Calculations, 4.0 Mobile Detail, Trip Type Information].) As demonstrated by these data points, particularly the home-to-work trip length, the CalEEMod assumptions are consistent with the comment’s expectations relating to the distance from the project site to employment centers in the San Diego region.</p>
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	<p>O4-59 This is an introductory comment recommending adoption of a list of mitigation measures intended to address construction-related emissions. Specific responses to each measure recommended are provided in responses</p> <p>O4-60 The comment recommends that the County adopt the following mitigation measure: “Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.” The SDAPCD’s existing rules and regulations establish requirements for the control of fugitive dust. Specific rules applicable to the project’s fugitive dust include the following: Rule 50 (visible emissions), Rule 52 (particulate matter), Rule 54 (dust and fumes), and Rule 55 (fugitive dust control), all of which will be adhered to as required by the SDAPCD.</p> <p>Per Regulation IV, Rule 55, Section (d)(2)(i), visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the following or equally effective track- out/carry-out and erosion control measures that apply to the project or operation:</p> <ul style="list-style-type: none"> • track-out grates or gravel beds at each egress point; • wheel-washing at each egress during muddy conditions; • soil binders; • chemical soil stabilizers; • geotextiles; • mulching; • seeding; and/or, • for outbound transport trucks, using secured tarps or cargo covering, watering, or treating of transported material. <p>As gravel beds already are recognized by an applicable regulatory compliance mechanism, no additional action is needed.</p> <p>Additionally, Section 87.428 of the County’s Grading Ordinance requires that “[a]ll clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access</p>
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	<p>O4-60 (cont.) areas, or other operational or technological measures to reduce dispersion of dust.” As the requirements of SDAPCD Rule 55 and the County’s Grading Ordinance would require equal measures to reduce dust generation from the project construction, no additional mitigation is required.</p> <p>O4-61 The comment recommends that the County adopt the following mitigation measure: “Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, and limit site access).” As discussed in response to comment O4-60 above, the project would be required to comply with SDAPCD Regulation IV, Rule 55, Section (d)(2), and the County’s Grading Ordinance, Section 87.428, which already would require trackout control devices as necessary. Therefore, no additional mitigation is necessary.</p> <p>O4-62 The comment recommends that the County adopt the following mitigation measure: “All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.” Per SDAPCD Regulation IV, Rule 55, Section (d)(1), “No person shall engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60 minute period.” This rule applies to any construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas.</p> <p>Additionally, Section 87.428 of the County’s Grading Ordinance states, “All clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access areas, or other operational or technological measures to reduce dispersion of dust.”</p>
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	<p>O4-62 (cont.) Compliance with these rules would be achieved through implementation of construction best management practices for fugitive dust and would be indicated on grading plans prior to the issuance of grading permits. Therefore, no additional mitigation is necessary.</p> <p>O4-63 The comment recommends that the County adopt the following mitigation measure: "Pave all construction roads." Please see responses to comments O4-60 and O4-62 above for relevant information. In short, as existing SDAPCD and County rules and regulations already establish procedures for the control of dust control, no additional mitigation is required. In addition, paving of construction roads would have other environmental effects including air emissions from paving activities and increased impervious surfaces. As a result, it would be preferable to adhere to existing regulations for dust control.</p> <p>O4-64 The comment recommends that the County adopt the following mitigation measure: "Pave all construction access roads at least 100 feet on to the site from the main road." Please see responses to comments O4-60, O4-62 and O4-63 above for relevant information.</p> <p>O4-65 The comment recommends that the County adopt the following mitigation measure: "The maximum vehicle speeds on unpaved roads shall be 15 mph." Please see responses to comments O4-60 and O4-62 above for relevant information regarding the existing regulatory framework used to manage fugitive dust. The project grading inspector will be responsible for the monitoring of truck speeds. The project will be subject to construction inspections and inspectors will respond to community complaints should any be filed.</p> <p>O4-66 The comment recommends that the County adopt the following mitigation measure: "Limit fugitive dust sources to 20 percent capacity." The comment does not specify what capacity is being referred to. However, for dust control requirements please see responses to comments O4-60 and O4-62 above for relevant information.</p>
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July 28, 2014
County of San Diego

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

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- O4-67 The comment recommends that the County adopt the following mitigation measure: "Require a dust control plan for earthmoving operations." For dust control requirements, please see responses to comment O4-60 and O4-62 above. There is an extensive regulatory framework implemented by SDAPCD and County relative to fugitive dust control, and no additional mitigation is necessary as a result.
- O4-68 The comment recommends that the County adopt the following mitigation measure: "When materials are transported off-site, all material shall be covered, effectively wetted to limit visual dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained." To begin, the project does not propose to haul any soil off-site; see subchapters 3.5.1, page 36, of the project air quality report included as Appendix D to the FEIR. Second, if any material was hauled off-site, the California Vehicle Code Section 23114 requires covering of all loads and states, "a vehicle shall not be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle." As existing regulatory standards establish requirements for covering loads, no additional mitigation is required. Please also see responses to comments O4-60 and O4-62 above for additional mitigation.
- O4-69 The comment recommends that the County adopt the following mitigation measure: "All streets shall be swept at least once a day using street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets." Please see responses to comments O4-60 and O4-62 above for relevant information. In short, there is an extensive regulatory framework implemented by SDAPCD and County relative to fugitive dust control, and no additional mitigation is necessary as a result.
- O4-70 The comment recommends that the County adopt the following mitigation measure: "The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite." Please see responses to comments O4-60 and O4-62 above for relevant information. Given the extensive oversight already provided via the SDAPCD's and County's rules and regulations, no additional oversight is necessary.

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	<p>O4-71 The comment recommends that the County adopt the following mitigation measure: “Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.” Section 87.208c of the County of San Diego Grading Ordinance requires that prior to approving the grading plans or improvement plans, the County Official shall provide notice to each of the persons identified in the application as being owners of property located within 300 feet of the exterior boundaries of the property to be graded. The notice is required to include information about the manner in which more information concerning the application may be obtained and provides opportunity for comments to be submitted. As there is an existing requirement to provide surrounding property owners with contact information concerning grading operations, an additional measure is not required. In addition, it is standard practice within the County to post general contact information at construction sites with contact information for complaints. Also, please refer to responses to comments O4-60, O4-62, and O4-65 above.</p> <p>O4-72 The comment recommends that the County adopt the following mitigation measure: “Extend grading period sufficiently to reduce air quality impacts below a level of significance.” As discussed in subchapter 2.2.2.2 of the FEIR, the project applicant has provided approximate timeframes for the five phases of construction activities. Each phase is estimated to last approximately 1.5 years in length with the exception of Phase 3, which is estimated to be three to four years in length. Table 3 of Appendix D also provides the approximate timeframes for the five phases of the project.</p> <p>The air quality analysis reasonably assumed that the grading period would occur over a 10-year period. Extending the grading period would not necessarily reduce the impacts as they are based on the worst case maximum single-day event of construction, which would likely occur under an extended scenario as well. Indeed, extending the grading period may prolong the general nuisance associated with construction activities to surrounding residents. In addition, the timing and rate of grading activities will largely depend on market and economic conditions, and it may not be economically feasible to extend this period artificially.</p>
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	<p>O4-73 The comment recommends that the County adopt the following mitigation measure: “The simultaneous disturbance of the site shall be limited to five acres per day.” The FEIR assumes a maximum disturbed area of 10-acres (page 38 of Appendix D). This acreage assumption is a conservative estimate that assumed a daily movement volume of 50,000 cubic yards of soil, although the highest average cut-and-fill volume for any phase would be less than that, estimated at 12,353 cubic yards.</p> <p>For a project of this size and magnitude, it is neither practical nor feasible to impose a lesser acreage limit of the permissible daily area of disturbance. It also should be noted that unnecessarily prolonging project build-out could have other secondary effects as discussed in response to comments O4-72. For these reasons, the County finds that it would not be beneficial to artificially limit allowable site disturbance.</p> <p>O4-74 The comment recommends that the County adopt the following mitigation measure: “Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particles.” As discussed in the FEIR, Appendix D, page 49, the calculation of air emissions assumed the active grading areas of the site would be watered three times a day. A mitigation measure to this effect is not needed as this measure would be implemented through grading permit conditions.</p> <p>O4-75 The comment recommends that the County adopt the following mitigation measure: “Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.”</p> <p>As a practical matter for managing large grading operations and meeting the restrictions of the County grading ordinance and SDAPCD Rule 55, graded areas are revegetated or stabilized as soon as possible to avoid violations and associated fines with visible dust plumes. The County’s existing Grading Ordinance already require slopes to be landscaped in a timely manner; therefore, an additional mitigation measure to address planting is not required as it will be achieved through an established regulatory compliance</p>
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	<p>O4-75 (cont.)</p> <p>mechanism. Specifically, Section 87.417 of the Grading Ordinance requires that “planting shall commence as soon as slopes are completed on any portion of the site and shall be established upon all slopes prior to the final approval of the grading. In order to minimize the period during which a cut or filled surface remains exposed, such planting shall provide for rapid short-term coverage of the slope as well as long term permanent coverage.” Erosion control planting is provided for all slopes over 3 feet in vertical height and additional planting is provided for slopes over 15 feet in vertical height.</p> <p>Landscape plans also are required by the County prior to approval of grading plans. The landscape plans must include specifications for irrigation. Specifically, as required under Section 87.418 of the Grading Ordinance, “the irrigation system shall provide uniform coverage for the slope area at a precipitation rate not exceeding the intake rate of the soil. A functional test of the irrigation systems shall be performed to the satisfaction of the County Official prior to final approval of the rough grading.”</p> <p>Finally, all landscaping, including required BMPs shown on stormwater management plans, are installed prior to approval of rough grading. The stormwater management plans also implement stringent requirements that prevent erosion. For example, the requirements of Section F.3.1, Erosion Control, of the County’s Stormwater Standards Manual are implemented through stormwater management plans. All of these regulatory compliance mechanisms that are enforced through existing regulation ensure that soil erosion would be minimized to the maximum extent practicable during grading and construction; therefore, an additional mitigation measure is not warranted.</p> <p>O4-76</p> <p>The comment recommends that the County adopt the following mitigation measure: “Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.” Existing regulations already address the management of dust associated with stockpiles, dirt, and debris. Specifically, Section 87.207(a)(8) of the County’s Grading Ordinance requires that grading or improvement plans must include dust control measures sufficient to comply with Section 87.428, which itself states: “All</p>
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	<p>O4-76 (cont.) clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access areas, or other operational or technological measures to reduce dispersion of dust.” Please also see the response to comment O4-74 above, which discusses the project’s watering of the site three times per day. In summary, an additional mitigation measure would be duplicative of existing regulations and is not required.</p> <p>O4-77 The comment recommends that the County adopt the following mitigation measure: “Any site access points within 30 minutes of any visible dirt deposition shall be swept or washed.” Mitigation measure AQ-MM-2 includes a measure, i.e., track-out gravel beds to limit the potential for tracking of dirt onto adjacent roadways by removing the soil from the vehicles at all project access points prior to entering the adjacent roadways. Additionally, Rule 55 of the SDAPCD requires any dust or spillage to be removed from adjacent roadways within 24 hours on continuous operations or at the conclusion of daily operations. As a result, an additional mitigation measure would be duplicative of existing measures and regulations and is not required.</p> <p>O4-78 The comment recommends that the County adopt the following mitigation measure: “A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.” Existing grading and stormwater regulations addresses erosion and dust control through requirements for providing vegetative cover to exposed soils, watering soils, covering stockpiles, and implementing the requirements of stormwater management plans (see Section 87.428 of the County’s Grading Ordinance). Additionally, Rule 55 of the SDAPCD states that no person shall allow a discharge of visible dust emissions beyond the property line for an aggregated period of 3 minutes in any given hour. The only method of compliance with this standard is to stop work in high wind situations and use water and other stabilizing techniques common to dust suppression and control. As a result, an additional mitigation measure would be duplicative of existing regulations and is not required.</p>
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	<p>O4-79 The comment recommends that the County adopt the following mitigation measure: “Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.”</p> <p>The project includes a phasing plan as discussed in the REIR, Section 1.2. The project does not propose to haul material off-site. Thus, the project would not generate construction truck trip during peak periods. Additionally, any materials being delivered to the project site would be required to follow to the construction traffic control plan. The remaining parameters of this recommendation would unduly constrain the ability of the construction contractor(s) to feasibly proceed with the build-out of a project of this scale, size and duration. A reasonable degree of flexibility is required during the construction phase to allow the construction crew to adapt to the demands of the day, and shifts in anticipated activities can reasonably be expected. Additionally, this measure would unduly constrain the ability of the project to be carried out in an economical manner and may pose technical limitations due to the need for blasting and large scale grading that could require multiple pieces of large equipment. Thus, the additional mitigation measure would not be enforceable or meaningful as it is impractical to implement.</p> <p>O4-80 The comment recommends that the County adopt the following mitigation measure: “Develop a trip reduction plan to achieve a 1.5 AVR for construction employees.”</p> <p>Pursuant to California Health and Safety Code Section 40717.9, no public agency shall require an employer to implement an employee trip reduction program unless the program is required by federal law. Accordingly, pursuant to Health and Safety Code Section 40717.9, the County is not authorized to effectively mandate that the construction employer(s) implement mandatory employee carpooling.</p>
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	<p>O4-81 The comment recommends that the County adopt the following mitigation measure: “Require high pressure injectors on diesel construction equipment.”</p> <p>CARB currently regulates construction equipment through application of its in-use off-road diesel vehicle regulation, which gradually requires the owners of construction fleets to meet emissions performance standards that result in the turnover of fleets with cleaner equipment. At this time, it is more desirable and feasible to proceed by way of regulatory compliance, in lieu of speculating as to the availability of high pressure injectors on diesel construction equipment. As defined in Section 15364 of the CEQA Guidelines, feasibility means an action is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The identity of the construction contractor(s) that will assist with build-out of the project is unknown, and whether or not the equipment of those fleets can be supplemented with high pressure injectors is unknown. As a result, this measure would not be considered feasible. Please refer to response to comment O4-83.</p> <p>O4-82 The comment recommends that the County adopt the following mitigation measure: “Restrict truck operation to ‘clean’ trucks, such as a 2007 or newer model year or 2010 compliant vehicles.” As discussed in response O4-81 above, CARB currently regulates construction equipment through application of its in-use off-road diesel vehicle regulation, which gradually requires the owners of construction fleets to meet emissions performance standards that result in the turnover of fleets with cleaner equipment. Additionally, the USEPA regulates the manufacture of new non-road engines, such as those used in construction equipment, by requiring manufacturers to design and produce new engines with increasing efficiencies; those federal regulations refer to different “tiers” of equipment, with Tier IV being the most efficient.</p> <p>It is more feasible and desirable to proceed by way of compliance with CARB’s fleet turnover regulation, as those standards are those adhered to by fleet owners across the State. Unilaterally imposing different standards could create administrative, technological and legal burdens. Also, considering the fact that the existing regulations will improve the emission profile of construction vehicles over time</p>
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	<p>O4-82 (cont.) through phased-in implementation, it would be impractical for the County to attempt to regulate construction equipment over the span of 10 years as the project is implemented. For these reasons, this mitigation would be infeasible.</p> <p>O4-83 The comment recommends that the County adopt the following mitigation measure: “Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.” As stated in Table 1-3, the project will utilize Tier III, or higher, construction equipment will be used during the project’s construction phases, except where such equipment is not commercially and feasibly available. Since 1994, the EPA has adopted stricter emission standards to reduce emissions from off-road diesel engines by integrating engine and fuel controls as a system to gain the greatest emission reductions. To meet these tiered emission standards, engine manufacturers have been required to produce new engines with advanced emission control technologies similar to those already expected for highway trucks and buses. As compared to Tier I equipment, Tier II and III equipment is estimated to achieve a 46 percent reduction in PM exhaust emissions while Tier IV is estimated to achieve a 97 percent reduction in PM exhaust emissions (SCAQMD 2015). Under Tier IV, total exhaust emissions from these engines will decrease by more than 90 percent. Particulate traps are unnecessary because the CARB certified construction equipment achieves particulate reduction similar to what the particulate traps would achieve As the project will use Tier III or higher construction equipment, an additional measure is not needed.</p> <p>O4-84 The comment recommends that the County adopt the following mitigation measures: “Utilize only CARB certified equipment for construction activities.” As outlined in the project design considerations included in the FEIR Table 1-3 Tier III, or higher, construction equipment will be used during the project’s construction phases, except where such equipment is not commercially and feasibly available. The project is already committed to using CARB certified equipment; therefore, additional measures are not required.</p>
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	<p>O4-85 The comment recommends that the County adopt the following mitigation measure: “The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of three minutes.” The comment provides no scientific basis for the three-minute idling proposal. Further, per existing law, and specifically CARB’s ACTM 13 (Cal. Code Regs., tit. 13, §2485), idling time for specified engine categories shall not exceed five minutes unless more time is required per engine manufacturers’ specifications or for safety reasons. Enforcing a more stringent standard of three minutes would be difficult to enforce due to a lack of availability of County staff to monitor idling times of construction equipment. In addition, construction equipment manufacturers recommend the equipment warm-up at low idle for five minutes and a low idle for five minutes prior to machine shut down (for example, see Safety Checklists and Start-Up & Shut Down Procedures for Caterpillar machines that include this recommendation at https://safety.cat.com/cda/alias/Checklists). It would not be appropriate for the County to impose a standard greater than CARB requirements that would violate the safety recommendations of construction equipment manufacturers. The existing idling restrictions of five minutes as established by CARB are adequate and avoid the dilemma of inconsistent, patchwork standards in areas under the County’s jurisdiction, which would present administrative challenges and burdens.</p>
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	<p>O4-86 The comment recommends that the County adopt the following mitigation measure: “Restrict engine size of construction equipment to the minimum practical size.” The parameters of this recommendation would unduly constrain the ability of the construction contractor(s) to feasibly proceed with the build-out of a project of this scale, size and duration. A reasonable degree of flexibility is required during the construction phase to allow the construction crew to adapt to the demands of the day, and shifts in anticipated activities can reasonably be expected. Additionally, this measure would unduly constrain the ability of the project to be carried out in an economical manner and may also pose technical limitations due to the need for blasting and large scale grading that could require large engines. Finally, from an implementation perspective, there is no clear way to determine what constitutes the “minimum practical size” needed for any particular equipment engine for any particular activity. As a result, this measure would not be considered feasible.</p> <p>O4-87 The comment recommends that the County adopt the following mitigation measure: “Use electric construction equipment where technically feasible.” As recognized by the comment, implementing this measure would present feasibility issues as the availability of electric construction equipment is limited by market conditions. Finding contractors who could achieve this measure would not be feasible due to market limitations associated with electric construction equipment, particularly for a project of this scale. The preferred course of action is to measure the acceptability of the construction fleet by reference to its CARB-certified status; that is, if the fleet complies with State law, then its utilization is appropriate.</p> <p>O4-88 The comment recommends that the County adopt the following mitigation measure: “Substitute gasoline-powered for diesel-powered construction equipment.” The recommendation is not technologically feasible because there are very few pieces of commercially available construction equipment that use gasoline. Based on the limited availability of gasoline-powered construction equipment and the scale of the project that will have a high demand for equipment, it would not be feasible to implement this measure.</p>
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	<p>O4-89 The comment recommends that the County adopt the following mitigation measure: "Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel." The majority of heavy duty construction equipment that would be required to implement the project is diesel-powered. Requiring the use of alternatively fueled construction equipment may not be feasible for this project considering the extent of construction activities that will be required to implement the project and the limited market availability for this type of equipment. CARB has an existing diesel fuel program in place that sets stringent standards for diesel-powered vehicles. Existing CARB regulations require in-use fleets to upgrade or purchase replacements that meet specified standards, depending on the size of the fleet, thereby ensuring construction fleets continually improve their emissions portfolio over time. Further, as the project would be implemented over a period of 10 years, emission reductions would be achieved as construction fleets continue to comply with more stringent CARB regulations. For these reasons, it is unnecessary to require the use of alternative fuels to reduce construction-related emissions. See responses 04-83 and 04-92.</p>
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natural gas, liquefied natural gas, propane, or biodiesel.*

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

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

VI. GHGs

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

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

O4-90
O4-91
O4-92

O4-93

O4-94

O4-95

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O4-105

O4-106

O4-107

O4-90 The comment recommends that the County adopt the following mitigation measure: "Use methane-fueled pile drivers." The recommendation is not feasible because methanol fueled pile drivers are not commercially available. The lack of commercial availability of this product and uncertainty about its availability in the future renders the measure infeasible.

O4-91 The comment recommends that the County adopt the following mitigation measure: "Install catalytic converters on gasoline-powered equipment." The recommendation is not feasible because there are very few pieces of commercially available construction equipment that use gasoline. As such, gasoline-powered construction equipment is not anticipated to be used at the project site. The limited commercial availability of construction equipment that uses gasoline and uncertainty about its availability in the future renders the measure infeasible.

O4-92 The comment recommends that the County adopt the following mitigation measure: "Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke."

CARB has verified Lubrizol's PuriNOx for 1988 through 2003 model year diesel engines used in on-road applications (Executive Order DE 04-008). However, as detailed in the executive order, the verification is subject to certain terms and conditions that limit the usability of the fuel in all types of construction equipment. For example, the fuel is only to be used with on-road heavy-duty engines originally manufactured from model year 1988 to 2003 and included as one of the engine families listed in Attachment 1 of the executive order. In addition, the following restrictions are associated with use of this fuel:

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	<p>O4-92 (cont.)</p> <ul style="list-style-type: none"> • The engine must be certified in California for on-road applications. • The application must be able to tolerate a reduced peak engine power of 20 percent. • The engine must not use optical or conductive fuel sensors, nor water absorbing fuel filters. • The vendor must ensure that customers are fully aware of the attached application, storage and usage requirements. • The customer must meet the application storage and usage requirements. • The engine must be four-stroke. • The engine can be turbocharged or naturally aspirated. • The engine can be mechanically or electronically controlled. • The engine may include exhaust gas recirculation system. • The engine may or may not have a pre-existing original equipment manufacturer oxidation catalyst. • The engine should be well maintained and not consume lubricating oil at a rate greater than that specified by the engine manufacturer. • Lube oil, or other oil, should not be mixed with the fuel. <p>Finally, commercial availability of PuriNOx is limited. No local distributors of the product were identified. Due to the variety of restrictions associated with use of this fuel and lack of commercial availability, implementation of this measure would not be feasible. Please also see the response to comment O4-89.</p> <p>O4-93 The comment recommends that the County adopt the following mitigation measure: “Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.” Please see the response to comment O4-89 above.</p> <p>O4-94 The comment recommends that the County adopt the following mitigation measure: “All forklifts shall be electric or natural gas powered.” The only phase of the construction process during which forklifts would be used is during construction of the buildings. At this time, the availability of electric or natural gas powered forklifts to provide for the construction needs of the project cannot be ensured because most construction contractors do not own or have access to alternatively-fueled fork lifts. As a result, this measure is not</p>
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	<p>O4-94 (cont.) considered feasible. In addition, existing regulation is in place that will continually improve the emission profile of construction equipment used to implement the project. Please also see the response to comment O4-89 above.</p> <p>O4-95 The comment recommends that the County adopt the following mitigation measure: "Suspend use of all construction equipment operations during second stage smog alerts." A Stage I occurs when ozone levels reach 20 parts per hundred million (pphm) and a Stage II alert is called at 35 pphm. The last health advisory for smog occurred in July 1998. A health advisory is issued when ozone levels reach 15 pphm. The San Diego Air Basin has not recorded a Stage I ozone episode (commonly called a smog alert) since 1991 nor a Stage II episode since 1979. Therefore, this recommendation is not relevant to the San Diego Air Basin and is not required.</p> <p>O4-96 The comment recommends that the County adopt the following mitigation measure: "Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow." As discussed in chapter 1 and subchapter 2.3 of the FEIR (page 1-35, 2.3-18), a Traffic Control Plan would be prepared to manage construction traffic. A traffic control plan is a standard requirement to be implemented prior to any grading as a condition of each Tentative Map and Tentative Parcel Map. Preparation and implementation of this plan would ensure impacts associated with construction traffic are minimized.</p> <p>O4-97 The comment recommends that the County "provide dedicated turn lanes for movement of construction trucks and equipment on and off-site." The preparation of a Traffic Control Plan would address any impacts associated with construction traffic and turning movements. Please also refer to response to comment O4-96.</p> <p>O4-98 The comment recommends that the County adopt the following mitigation measure: "Reroute construction trucks away from congested streets and sensitive receptor areas." Please refer to response to comment O4-96: Preparation of a Traffic Control Plan as a condition of future implementing maps to be implemented prior to any grading would ensure construction traffic is routed appropriately to minimize impacts to surrounding roadways and residents.</p>
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	<p>O4-99 The comment recommends that the County adopt the following mitigation measure: “The applicant shall be required to solicit bids that include use of energy and fuel efficient fleets.” As stated in Table 1-3 of the FEIR, Tier III, or higher, construction equipment will be used, with the exception of concrete/industrial saws, generator sets, welders, air compressors, or for construction equipment where Tier III, or higher, is not available. As a result, the project already includes a measure that would ensure the use of fuel efficient fleets that exceed the requirements of existing law.</p> <p>O4-100 The comment recommends that the County adopt the following mitigation measure: “Configure construction parking to minimize traffic interference.” Preparation of a Traffic Control Plan as a condition of future implementing maps to be implemented prior to any grading would ensure that construction parking would minimize traffic interference. The Plan would identify measures to minimize conflicts with surrounding roadways and residents, such as appropriate parking locations for equipment and construction worker parking. Please refer also to response to comment O4-96.</p> <p>O4-101 The comment recommends that the County adopt the following mitigation measure: “Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.” The applicant has agreed to incorporate this measure into the project design. As a result, mitigation measure M-AQ-5b has been added to the FEIR, as follows: “Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged by the contractor. Evidence shall include copies of rideshare materials provided to employees and any incentives offered.”</p> <p>O4-102 The comment recommends that the County adopt the following mitigation measure: “Minimize construction worker trips by requiring carpooling and providing for lunch onsite.” From an implementation perspective, requiring that construction workers carpool would be administratively difficult to enforce. Moreover, it is impossible to know whether the locations of individual workers’ residences would allow for efficient carpooling.</p>
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	<p>O4-102 (cont.) The addition of the project design feature to encourage participation in ridesharing programs discussed in the response above would best achieve the intent of minimizing vehicle trips from construction workers. Also, as discussed below, many construction sites in San Diego County are frequented by mobile food vendors and construction workers commonly pack a lunch for consumption on the construction site. It is not reasonable for the County to require project applicants or the owner of a construction company to provide for on-site lunch. See also the response to comment O4-80.</p> <p>O4-103 The comment recommends that the County adopt the following mitigation measure: "Provide shuttle service to food service establishments/commercial areas for the construction crew." Mobile food vendors, such as food trucks, regularly visit construction sites in the County of San Diego. Additionally, it is not uncommon for construction workers, like many workers in other industries, to pack their own lunches and remain on-site during the lunch hour. For the reasons discussed above, there would be low demand for such a shuttle service, which would minimize its benefits. As a result, this measure would not likely reduce vehicle trips and would not be considered an effective measure.</p> <p>O4-104 The comment recommends that the County adopt the following mitigation measure: "Provide shuttle service to transit stations/multimodal centers for the construction crew." At this juncture, it is not appropriate to mandate the provision of shuttle service to transit stations/multimodal centers during the construction period because it is unknown whether the project's construction workers would commute to the project site from residences or locations proximate to other transit stations/multimodal centers. In other words, this type of measure only is effective if the workers live near transit stations or multimodal centers – a fact that cannot be reasonably discerned at this time. The addition of the project design feature to encourage participation in ridesharing programs discussed in response to comment O4-101 would best achieve the intent of minimizing vehicle trips from construction workers and would be the most feasible to implement.</p>
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	<p>O4-105 The comment asks if the construction air quality analysis assessed the impacts from material deliveries, as well as the commute of 260 construction workers. The analysis did include the truck deliveries, as well as the worker commutes in the evaluation of air quality impacts. As discussed on page 37 of the Air Quality Technical Report, Appendix D of the FEIR, the air quality model used to calculate project emissions, CalEEMod, calculates construction emissions for land use development projects based on various project-specific inputs, including building type, acreage, soil hauling, construction phasing, equipment lists, and worker commutes and materials delivery. Project-generated emissions of criteria air pollutants and ozone precursors were modeled based on the project description and default settings included in CalEEMod. Thus, all truck and construction worker commutes were taken into account.</p> <p>O4-106 The comment suggests that the FEIR should have concluded that the proposed project's GHG emissions would result in a significant environmental impact because the FEIR found the project's air quality impacts to be significant. While the comment is correct that subchapter 2.2, Air Quality, of the FEIR concluded that the project would result in unavoidably significant impacts to air quality, that conclusion – in and of itself – is not evidence of a significant impact attributable to GHG emissions. Rather, as shown in the FEIR, the impacts of criteria air pollutants, toxic air contaminants, and odors on air quality are evaluated via different significance criteria and methodologies than the impacts of GHG emissions (compare FEIR subchapter 2.2.2.1 with subchapter 3.1.2.3. This separate treatment is further substantiated via the framework established in Appendix G of the CEQA Guidelines, which treats the two subjects (i.e., air quality and GHGs) as separate environmental resource areas.</p> <p>O4-107 The comment questions the basis for the 33 percent reduction in GHG emissions related to construction activities utilized in EIR's analysis. As discussed in section 5.1.1, On-site Construction Emissions, of the project's GHG Technical Report (see FEIR Appendix O), the CO₂E sources of emissions include off-road equipment as well as hauling, and vendor and worker on-road trips. CARB staff has advised CalEEMod users that the model overestimates off-road construction emissions by 33.3 percent due to outdated exhaust emission load factors (CARB 2010b). Due to this</p>
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	<p>O4-107 (cont.)</p> <p>acknowledged over estimation by CalEEMod, the project's construction emissions from off-road construction equipment calculated in CalEEMod were reduced by 33.3 percent (i.e., multiplied by 0.666) to arrive at a more accurate estimate. Therefore, to be clear, the FEIR did not apply a 33 percent reduction, across the board, to all construction-related GHG emission source types. Rather, the referenced reduction was applied to one specific mobile source type associated with construction activities: off-road equipment.</p> <p>The evidence supporting the 33 percent reduction from the emission values presented in the CalEEMod default outputs for off-road construction equipment is a presentation delivered by CARB staff on September 3, 2010, titled "Workshops on Information Regarding the Off-Road, Truck and Bus and Drayage Truck Regulations." This workshop presentation is available at http://www.arb.ca.gov/msprog/ordiesel/documents/emissions_inventory_presentation_full_10_09_03.pdf; additionally, a copy has been included in Appendix O of the FEIR. As discussed on slide 50 of the workshop presentation, the 2007 off-road emissions factor model (i.e., OFFROAD2007), which is integrated into CalEEMod, uses engine load factors that are 25 to 50 percent higher than actual data collected from testing programs and manufacturers' maintenance inventories. As such, CARB staff has recommended that all off-road emissions calculated with this model's database be reduced by 33 percent, which is a reasonable mid-point within the 25 to 50 percent over-estimation range. Relatedly, per the 2011.1 CalEEMod User's Guide, "Horsepower and load factors are loaded with the default average values of the model tier according to population based on OFFROAD2007, but the user can override these values." (Environ International Corporation, California Emissions Estimator Model, User's Guide, Version 2011.1, February 2011, p. 22.) As the off-road engines' load factors are directly related to amount of fuel consumed by the off-road engines, all off-road equipment emissions were reduced by the CARB-recommended 33 percent.</p>
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With regard to operational emissions, the GHG analysis states that trip lengths were calculated based on default model numbers based on the type of trip, for instance, "home to work." It is not clear that the "home to work" trip lengths is accurate or realistic for this project. In reality, most workers will travel much farther to employment centers than the average 8.95 miles stated in the RDEIR. Two of the closest urban areas with employment centers are Escondido and San Marcos, both more than 15 miles from the project; Rancho Bernardo, Poway, and San Diego are much farther and could more realistically be assumed to be the major employment centers that would serve the Project. The Project itself does not propose office or light industrial development thereby providing employment opportunities for residents. A reasonable alternative would include greater emphasis on employment-generating uses for project residents.

04-108

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

04-109

04-110

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

04-111

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

04-112

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

04-113

04-108 The comment is critical of the home-to-work trip length utilized to estimate the GHG emissions attributable to the proposed project's mobile sources, opining that 8.95 miles is not "accurate or realistic." The comment notes that many employment centers in the San Diego region are more than 15 miles from the site. As discussed, however, in subchapter 3.1.2.2, Greenhouse Gas Emissions, and Appendix O (GHG Technical Report) of the FEIR:

The vehicular trip lengths used in CalEEMod are calculated independent of the traffic analysis and are based on the type of land uses and the purpose of the trips, e.g., home to work, home to shopping, etc. Based on the total annual trips generated and the total VMT, CalEEMod estimated an average trip distance of 8.95 miles for the project. This trip distance is considered conservative as SANDAG projects the average trip length's range depending on alternative to be 7.6 to 8.25 miles (Subchapter 2.3, Transportation/Traffic, and Appendix E.). The SANDAG model is the more accurate prediction of trip length as SANDAG's expertise is transportation planning and all SANDAG data are based on regional surveys and data collection, while CalEEMod was developed as a statewide model and has only limited data specific to each jurisdiction within the state.

Therefore, to be clear, the FEIR's analysis did not assume that the home-to-work trip length was 8.95 miles. Rather, the average trip length for all types of trips was calculated as 8.95 miles, a length which is based on the total VMT divided by the total trips generated.

The actual trip distances calculated by CalEEMod vary by land use type. For purposes of the proposed project, the following trip distances were generated by CalEEMod for utilization in computing the project's GHG emissions:

- Home-to-work trip length: 16.8 miles
- Home-to-shopping trip length: 7.1 miles
- Home-to-other trip length: 7.9 miles
- Commercial-to-commercial trip length: 6.6 miles
- Commercial-to-work trip length: 14.7 miles
- Commercial-to-non-work trip length: 6.6 miles

(FEIR, Appendix O [Section 4 and Section 11.0 [Section 4, Project with Design Features GHG Emissions Calculations, 4.0 Mobile Detail, Trip Type Information, p. 47 of 60].) As demonstrated by

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	<p>O4-108 (cont.) these data points, particularly the home-to-work trip length, the CalEEMod assumptions are consistent with the comment's expectations relating to the distance from the project site to employment centers in the San Diego region.</p> <p>O4-109 The comment states that the proposed project would result in a significant impact because it would emit approximately 33,000 MTCO₂E per year and, therefore, exceed a bright-line numeric quantity set forth in the County's Guidelines for Determining Significance, Climate Change (November 7, 2013). Because the County's 2013 Guidelines are no longer being implemented, subchapter 3.1.2, Greenhouse Gas Emissions, of the FEIR assesses the significance of the project's GHG emissions relative to six methodologies. Substantial evidence supports the findings under each methodology that the project's GHG emissions would not result in a significant environmental impact. Please see "Methodology 1: Comparison of Project Emissions to the Existing Condition" in subchapter 3.1.2 for further information regarding the absence of any scientifically defined and agreed upon "bright-line" standard by which to assess the significance of GHG emissions.</p> <p>O4-110 The comment challenges the FEIR's assumptions for the unmitigated GHG condition relative to area sources, and specifically the assumption regarding the presence of wood-burning fireplaces. For purposes of the project's "unmitigated" emissions, the analysis assumes the presence of some wood-burning fireplaces (35 percent of the total number of fireplaces contained in the project's residential units) because there is no regulatory prohibition applicable to unincorporated areas of San Diego County, issued by the County or the San Diego Air Pollution Control District, that limits or restricts the inclusion of wood-burning fireplaces in new construction. Additionally, other than for fire prevention purposes, there are no regulations limiting wood burning in the County of San Diego. As provided in the CalEEMod User's Guide, the elimination of wood burning fireplaces and substitution of natural gas fireplaces, as well as the removal of fireplaces entirely, is considered a viable project attribute capable of reducing PM10, CO and GHG emissions. (Environ International Corporation, California Emissions Estimator Model, User's Guide, Version 2011.1, February 2011, p. 36.) This concept is further evidenced by its inclusion as a specific mitigation measure selection option in CalEEMod.</p>
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	<p>O4-111 The comment questions the FEIR’s assumptions regarding the proposed project’s VMT, calls for the inclusion of office and light industrial uses, and observes that – if the proposed on-site school is not developed – VMT and the corresponding GHG emissions will increase. To preface, the project includes 90,000 square feet of commercial, office and retail uses that would be located in three distinct areas – a mixed-use pedestrian-oriented town center and two neighborhood centers. (FEIR, subchapter 1.2; see also Figure 1-4a.) The project also includes a 12-acre site for a K-8 school located in Phase 3; in the event the site is not needed and developed for educational uses, the site could be used for residential development. (FEIR, subchapter 1.2.)</p> <p>In response to the comment’s observation that the on-site school may not be constructed, the commenter seems to misunderstand how GHG emissions from new land use development are assessed. More specifically, all new development is assumed to generate trips; and, each trip has an associated distance (i.e., trip length) that produces corresponding VMT estimates. Thus, VMT is directly associated with the number and length of trips generated by new land uses. Here, the GHG emissions analysis accounted for the on-site school in the trip generation calculations, and the inclusion of this land use increased (not reduced) total trip generation associated with the project. (Please see Appendix O [GHG Technical Report].) As such, removing the school from the project would effectively reduce VMT associated with the project by approximately 2 million annual VMT. (VMT associated with each use is shown in Appendix O Section 11.0 [Section 4, Project with Design Features GHG Emissions Calculator, 4.0 Mobile Detail, 4.2 Trip Summary Information, p. 46 of 60].)</p> <p>Additionally, no reduction in trip lengths was applied due to the potential presence of an on-site school. In other words, no quantitative or qualitative emissions reduction credit was given for reduced VMT from the inclusion of the on-site school within the project boundary. (See Appendix O, Section 11 [Section 4, Project with Design Features GHG Emissions Calculations, 4.0 Mobile Detail, 4.1 Mitigation Measures Mobile, p. 45 of 60].) Please also see response to comment O4-108 above for additional information on the trip lengths used in the analysis.</p>
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	<p>O4-112 Based on prior comments, the comment concludes that the assumptions utilized in the GHG analysis are unsupported. Please see responses to comments O4-107 through O4-111, above, for relevant information. As the methodological assumptions discussed therein remain valid and substantiated, the FEIR's assessment of the proposed project's impacts remains valid.</p> <p>O4-113 The comment states that the proposed project's GHG impacts must be deemed significant under the CEQA Guidelines because the post-project emissions are larger than the existing condition emissions. However, as discussed under Methodology 1: Comparison of Project Emissions to the Existing Condition in subchapter 3.1.2 of the FEIR, this numeric change is not a meaningful or informative indicator of the project's impacts.</p> <p>As discussed therein, the existing science on climate change is inadequate to quantify the specific amount of GHG emissions that would impact the global climate. Therefore, it is not possible to determine what particular quantity of GHG emissions would be significant to the global climate and no agency with regulatory expertise in California has identified a specific mass emission limit applicable to land use development. As a result this numeric change is an obvious increase in emissions, but does not itself provide a meaningful or informative indicator of project impacts. The comment does not identify any contrary scientific authority, such that no further response is required.</p>
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Impacts must also be deemed significant in that the Project does not support or further County General Plan policies relative to emissions reductions. The Project does not locate development near or within *existing* development as provided in County General Policies. The commercial uses are limited in nature and do not create opportunities for employment for residents; the school may not be developed, as repeatedly stated in the EIR; and, besides the parks, there are seemingly no other “civic” uses. The Project is not consistent with regulations in that it does not provide *diverse* opportunities for *jobs*, housing and services, and is not *supportive of mass transit*. The low-income housing may also not become a reality, and it is not clear that the low income residents will have employment opportunities close to home, in order to eliminate vehicle trips. The Project conflicts with and undermines County policies to reduce vehicle miles traveled. As such, per the threshold of significance, GHG impacts are significant.

O4-114

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

O4-115

VII. Agricultural Resources

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

O4-116

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

O4-117

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

O4-118

VIII. Noise

O4-114 The comment states that the proposed project does not support or further the County of San Diego General Plan’s policies relating to GHG emission reductions; therefore, the comment concludes that the project’s impacts are significant. However, Methodology 5: County of San Diego’s General Plan in subchapter 3.1.2 of the FEIR considers the project’s consistency with relevant General Plan policies, and identifies no potential conflict. A detailed assessment of the project’s consistency with all of the General Plan’s goals and policies is included in Appendix W of the FEIR; additionally, relevant information is provided in subchapter 3.1.4 of the FEIR. As stated on page 3-92 of the FEIR: “Overall, the project would be consistent with the General Plan; therefore, land use impacts associated with policy inconsistencies would be less than significant.”

O4-115 The comment states that all design measures utilized to reduce the proposed project’s GHG emissions must be made “enforceable requirements” in order for the analysis to incorporate the quantitative benefit of those reductions into the GHG emissions inventory, such that they should be presented for adoption as mitigation measures. In this instance, however, the project’s GHG impacts have been determined to be less than significant; therefore, pursuant to CEQA Guidelines section 15126.4(a)(3), mitigation measures are not required. Further, the design measures relied upon in Subchapter 3.1.2, Greenhouse Gas Emissions, to estimate the project’s GHG emissions are derived from the project’s Specific Plan, the implementation of which will be subject to County monitoring and enforcement; the enforcement of those design measures also is substantiated further in Section 7.2 (Enforcement) of the GHG Technical Report (see FEIR Appendix O).

O4-116 Please refer to the Global Response: Agricultural Resources, Direct Impacts. The County disagrees that the mitigation for agricultural impacts is inadequate or uncertain. This comment expresses opinions of the commenter and will be made available to decision makers prior to the final decision on this project.

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	<p>O4-117 The commenter accurately states that the current zoning is <i>Limited Agriculture (A70)</i> and the project would rezone the site to either Residential Use (RU) or C34 General Commercial-Residential Use Regulation. However, as described in subchapter 2.4.2.2, agriculture is allowed in any zone within San Diego County, and there are no exclusive agricultural zones. The concept presented in the Specific Plan for the project is of a village which would be compatible with the rural/agricultural nature of Valley Center. Further, the Specific Plan does not preclude agriculture within the project site. Therefore, the project would not conflict with existing zoning and impacts to agricultural zoning would be less than significant. Regarding the second part of this comment Agricultural Preserves, as defined by Board of Supervisors Policy I-38, are “established for the purpose of defining the boundaries of those areas within which the County will be willing to enter into contracts pursuant to the Act. Landowners within a preserve may (emphasis added) enter into a Contract with the County to restrict their land to the uses stated above (i.e., a Williamson Act Contract) whereby the assessment on their land will be based on its restricted use rather than on its market value.” The fact that the project site, at AA 13, is adjacent to Agricultural Preserve #88 does not in itself elevate the significance of potential land use conflicts as there is not an active Williamson Act Contract within Agricultural Preserve #88. Accordingly, the buffers and fencing proposed in Mitigation measures AG-M-2 through 4 would adequately serve to reduce potential adjacency impacts to below a level of significance.</p> <p>O4-118 Please refer to the Global Response: Agricultural Resources, Indirect Impacts.</p>
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The conclusions of the RDEIR relative to noise impacts are unsupported and further analysis and mitigation is required.

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

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

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

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

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

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

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

O4-119

O4-120

O4-121

O4-122

O4-123

O4-124

O4-125

O4-126

O4-127

O4-128

O4-129

O4-119 The comment asserts the analysis and mitigation of noise impact improperly deferred as the comment believes the impacts would continue to be significant and unavoidable.

Under CEQA, where the formulation of the precise means of mitigating impacts is infeasible or impractical, or where feasible mitigation measures are known, but practical considerations prohibit developing the specific measure during the planning process, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. The mitigation measures identified in the FEIR meet such requirement.

The measures identified in the FEIR provide specific standards to be met with triggers for implementation. For operational sources, the determination that the majority of the identified significant impacts were due to a lack of specific information of the future potential sources, such as the make and model of equipment, the location of the sources in relation to property lines, or presence of intervening topography or structures. As noise is a localized issue, the potential impacts on noise sensitive land uses (NSLU) are greatly dependent on these parameters. It is often the case that noise impacts can be avoided or mitigated by the selection of equipment, location and orientation of the equipment, and through use of barriers, sound cabinets, and louvers.

Specific exceptions to this include construction and industrial noise sources. These sources can be very loud and can carry much further than noise sources associated with residential or commercial land uses. As identified in the noise analysis, typical construction would only result in noise impacts when surrounding properties within the project boundary, i.e., surrounding the "not apart properties", thus, a mitigation measure restricting construction activities in proximity to these properties has been included which precludes this from happening.

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	<p>O4-120 The comment summarizes M-N-1, and asserts it is not required. However, as it is mitigation the measure is a required to be implemented, thus under this measure, an additional noise study shall be performed to ascertain the future noise levels based on the site specific design and exterior noise levels at the future residences shall be reduced to comply with the County standards through use of walls or other means. The wall modeled in the analysis was simply demonstrating it is possible to meet the County's standards through mitigation.</p> <p>The comment asserts M-N-2 layout possible mitigation but indicated they are not enforceable. The concepts provided in M-N-2 are feasible mitigation strategies and the project will be required to implement the necessary measure to meet the County's standards. These will be implemented and verified prior to allowing the subject properties from being constructed.</p> <p>Please note that all identified mitigation would be included in a mitigation monitoring and reporting program administered by the County. For additional information, please see response to comment O4-39 regarding mitigation deferral.</p> <p>With respect to rock crushing noise, the noise analysis identified it as a potentially significant impact. However, as with the operation noise, the primary issue is the location of the activity. Given the size of the subject site, there would be ample room to locate a rock crusher far from project boundaries or NSLU property lines within the project. The 350-foot distance was a calculated distance identified in the noise analysis as a distance at which the rock crusher noise would attenuate to the equivalent of the County noise standard, i.e. 75 dB(A) $L_{eq}(8)$. Please also refer to response to comment 51f-8.</p>
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	<p>O4-121 The comment states that the off-site mitigation measures such as providing wall on private property are feasible and the analysis simply shows them to be undesirable. However, as stated in the analysis “many of [the] measures are beyond the scope of the proposed project’s authority, such as constructing barriers on private property where the issues of liability and maintenance into perpetuity becomes a concern.... Additionally, some measures, such as wall barriers, may not be desired by the local residents due to visual impacts or they may not be effective due to needs for driveways and other access points limiting the continuity of the wall. Measures such as reduced speed limits or traffic calming devices may have an unacceptable traffic impacts.” Thus, these measures are infeasible, not simply undesirable.</p> <p>While NSLU along Covey Lane and Lilac Hills Ranch Road would experience substantial increases in ambient noise levels over existing levels, which are considered significant impacts, the noise levels would not exceed the County’s “acceptable” noise compatibility guidelines. Please see FEIR subchapters 2.8.2.1 and 2.8.3.1 for additional information regarding the analysis of off-site noise impacts.</p> <p>O4-122 The comment asserts the project phasing should be made a requirement of the project, and that any overlap would increase impacts beyond those identified in the FEIR. As the phasing is part of the project description, a change in phasing would require an amendment to the FEIR and subsequent review to ensure impacts are not worsened or are mitigated. Additionally, N-DC-5 requires that all construction activities limit construction noise to 75 dBA L_{eq} at all existing and future residences. As this would be included in the mitigation monitoring and reporting plan, this measure will be enforced by the County and construction noise would not exceed the County standards.</p>
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	<p>O4-123 The comment summarizes the findings of the noise study relative to off- and on-site noise impacts and asserts the 10 acres used in the noise analysis is not a requirement nor justified. The analysis actually assumes to locations would be active on the site for a total of 20 acres which calculated based on the soil to be moved and confirmed with the project applicant. As stated on page 14 of the technical report the total active construction area “is based on a 50,000 cubic yard a day cut, transport, and spread. (50,000 cy/27=X/10 ft=Y/43,560 sq ft =Z acres * 3 activities = ~10 acres, then assume a max of two crews working on site for 20 years).” Use of 10 acres is a maximum (worst case) construction area and is based on practical limitations for construction techniques.</p> <p>O4-124 The comment summarizes the limitation of the construction to Monday to Friday and recognizes it limits noise impacts, but identified additional mitigation measures for reducing noise impacts from construction. Please see responses to comment O4-45 through O4-50 for responses to specific recommendations.</p> <p>O4-125 Please refer to response to comment O4-24.</p> <p>O4-126 Please refer to response to comment O4-85.</p> <p>O4-127 The project includes mitigation measures (MM-N-1 and MM-N-2 of the Noise Report and FEIR) that requires all proposed structures located in areas where noise levels may exceed the County standards to conduct an additional noise study and include design measure to reduce exterior and interior noise levels to comply with County standards for interior locations, e.g., residential requires an exterior noise level of 60 CNEL and interior noise level of 45 CNEL or less. This measure would ensure interior noise levels meet County standards, and a windows closed condition is not required.</p>
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	<p>O4-128 The recommendation does not establish any nexus or rough proportionality between this recommendation and the project's noise impact. Additionally, the STC requirement is arbitrary and may or may not meet the required noise level reduction depending on site specific conditions. As the project includes a mitigation measures (MM-N-1 and MM-N-2 of the Noise Report and FEIR) that would require similar windows or better as necessary based on site-specific analysis the window requirements are best addressed in the subsequent analyses required by these mitigation measures.</p> <p>O4-129 A Traffic Control Plan (TCP) will be prepared as a condition of project approval. See FEIR Table 1-3 for details of the TCP. Implementation of the TCP will assist in the reduction of traffic related impacts.</p>
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- To minimize or eliminate motor-derived noise from construction equipment, contractors shall utilize construction equipment that either uses electricity or alternative fuels (such as natural gas or propane) where technically feasible.

O4-130

IX. Traffic

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

O4-131

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

O4-132

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

O4-133

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

O4-134

X. Water Supply

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

O4-135

Will the Project employ recycled water?

O4-136

XI. Population and Housing

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

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

O4-137

O4-130 Please refer to response to comment O4-89.

O4-131 The comment states that conclusions regarding traffic impacts are not supported and that further analysis and mitigation is required, stating "for instance" it is not shown the types of trips and trip lengths described are accurate. The comment addresses general subject areas, which received extensive analysis in the FEIR. For example, Section 4.0 of the Lilac Hills Ranch Traffic Impact Study (June 3, 2014) (TIS) [FEIR Appendix E], provides detailed information regarding the proposed project, including land uses and estimated trip generation, trip distribution, and trip assignment. In addition, TIS Section 4.4 addresses vehicle miles traveled and provides a comparison of average vehicle trip lengths, which were derived from SANDAG model runs; use of the SANDAG Series 12 regional transportation forecast model is standard practice in the San Diego region. As the comment does not raise any specific issue regarding the analysis, no more specific response can be provided or is required. However, 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.

O4-132 The comment states the project purports to achieve County goals of furthering public transit opportunities and access but the analysis assumes that adequate public transit exists to service the project, which the comment states is not accurate.

FEIR subchapter 2.3.2.4 addresses the project's consistency with the Public Transit section of the County's General Plan Mobility Element. The section notes that while mass transit to the project site has not been established yet, the project's Transportation Demand Management (TDM) Program includes coordination with North County Transit District (NCTD) as to the future sighting of transit stops/stations within the project site. (See Lilac Hills Ranch Specific Plan (June 2014) Section III, Development Standards and Regulations [Specific Plan], p. III-11.) As the project site is built out, NCTD may adjust routes and services to meet the needs of the growing community. (Id.) Additionally, the project would allocate a site for public transportation within the Town Center, and the applicants will continue to coordinate with NCTD and MTS regarding potential transit options for the project site. (Id.)

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	<p>O4-132 (cont.)</p> <p>Additionally, existing public transit in the area includes NCTD's bus route 388/389 and Riverside Transit Agency's ("RTA") existing bus route 217, which run along the Interstate 15 corridor in North County. NCTD route 388/389 includes a stop at the SR-76 Park and Ride location.</p> <p>Existing transit services and TDM facilities along the I-15 corridor that may provide opportunities for coordination with the project include: RTA Route 217 commuter express between Hemet, Temecula, and Escondido; RTA Route 202 commuter express between Temecula and the Oceanside Transit Center, with a stop at the Park and Ride lot at I-15/SR-76; and the Caltrans operated Park and Ride located at I-15 and Gopher Canyon Road. Additionally, NCTD/MTS Route 610 peak period service is phased for year 2018. (See SANDAG Comments, Letter L1.)</p> <p>Additionally, to facilitate resident access to I-15 transit services and TDM facilities, the project would provide project residents with a private on-demand transit service to nearby transit hubs. (Specific Plan, pp. III-11 to III-12.) This privately operated transit service would be funded through homeowner association (HOA) fees, would be available to all project residents, and would provide residents with a connection between the project site and nearby transit hubs such as those planned near the I-15/Gopher Canyon Road interchange or I-15/SR-76 interchange.</p> <p>O4-133</p> <p>The comment states the FEIR does not adequately explain why mitigation for Impact TR-12 is considered infeasible, and that the mitigation for both TR-12 and TR-16 (M-TR-7) is confusing and does not explain why the mitigation is infeasible. The significant impacts referred to in the comment are cumulative impacts to Gopher Canyon Road between E. Vista Way and Little Gopher Canyon Road (Impact TR-12), and Pankey Road between Pala Mesa Drive and SR-76 (Impact TR-16). (FEIR, subchapter 2.3.) The comment incorrectly refers to mitigation measure M-TR-7, which does not relate to these impacts. Rather, both the FEIR and Lilac Hills Ranch TIS explain that mitigation for impacts TR-12 and TR-16 is infeasible. (FEIR, subchapter 2.3; TIS Section 6.4.) In each case, while the project would add a small amount of traffic to the subject roads (3.5 percent and 5.2 percent, respectively), it would be necessary for the project to fund the full cost of the improvement (approximately \$8.5 million and</p>
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	<p>O4-133 (cont.)</p> <p>\$2.2 million, respectively) as the improvements are not currently included in the County's traffic impact fee (TIF) program. As such, the cost of the improvement is not roughly proportional to the impact and, therefore, it is not legally feasible to condition the project to construct the improvements.</p> <p>O4-134</p> <p>The comment states that as to Impact TR-20, and Impacts TR-30 through TR-37 that the project should be conditioned to pay fair-share fees when, and if, a fee-based program is established. With respect to Impact TR-20 [SR-76/Pankey Road, a Caltrans facility], County staff coordinated with Caltrans, and Caltrans confirmed that it has no project, funding, or program to make the necessary improvements to which the applicant can make a fair-share contribution. (FEIR, subchapter 2.3.) Therefore, because improvements necessary to reduce the identified significant cumulative impacts are the responsibility of another jurisdiction, and there is no plan to construct the improvements, nor a fund into which the applicant could pay a fair-share, mitigation is infeasible. (See Global Response: Significant and Unavoidable Impacts to I-15, for additional information regarding this subject.)</p> <p>As there is no evidence that the necessary improvements would be constructed in the first instance, nor would they be constructed within the timeframe necessary to mitigate the project's impacts, mitigation contingent upon the establishment of improvement plans and a corresponding fee-based program would be speculative and inadequate to mitigate the project's impacts. Similarly, as to Impacts TR-30 through TR-37 [I-15 between Riverside County Boundary and SR-78], the SANDAG 2050 Regional Transportation Plan includes freeway mainline widening although there is no funding source or funding program established to pay for the improvements. Moreover, based on the RTP 2050 timeframe, even if a funding program were established, the improvements would not be in place to mitigate the identified significant impacts, which could occur as early as 2020. Therefore, as there is no evidence that the improvements would be constructed in a timeframe that would effectively mitigate the project's impacts, contingent mitigation would be both speculative and inadequate. Please see Global Response: Significant and Unavoidable Impacts to I-15, for additional information responsive to this comment.</p>
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	<p>O4-135 Pursuant to Senate Bill 610 and Senate Bill 221, a Water Supply Assessment (WSA) was prepared for the project by the VCMWD (see Appendix Q of the FEIR). The WSA report evaluates water supplies that are or will be available during normal, single-dry year, and multiple dry water years during a 20-year projection to meet existing demands, existing plus projected demands of the project, and future water demands served by the VCMWD. As detailed in the WSA and in subchapter 3.1.7 of the FEIR, in light of water demand offsets including the use of recycled and existing groundwater, the project's total anticipated imported water demand would be less than the project's site's existing water demand. Based on the VCMWD's water supply reliability analysis contained in the 2010 Urban Water Management Plan, the WSA concludes that the VCMWD would have adequate water supply to meet and exceed expected demands for a 20-year planning horizon, including the project.</p> <p>O4-136 The project does include for the collection and transmission of recycled water; however, the ultimate determination for recycled water use would be made by the Valley Center Municipal Water District. (see FEIR Chapter 1.0).</p> <p>O4-137 Please see response to comment O4-18, above.</p>
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the project consistent with population projections in relevant land use and planning documents? If not, this, too, is a significant project impact.

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

XII. Alternatives

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

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

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

XIII. Conclusion

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

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

O4-137
cont.
O4-138

O4-139

O4-140

O4-141

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O4-138 Please see response to comment O4-18, above.

O4-139 As discussed in Chapter 4.0 the FEIR includes nine alternatives to the proposed project. The analysis of alternatives includes two possible “No Project” scenarios as required by the County EIR Format and General Content Requirements in situations where the project proposes an amendment to the County’s General Plan. The additional seven alternatives represent a reasonable range as each reduces at least one significant environmental impact of the proposed project.

O4-140 As shown in Table 4-2 of the FEIR, the General Plan Consistent Alternative would reduce environmental impacts in all areas analyzed, where the Reduced Intensity Alternative would only reduce three out of the eight environmental impact areas. Therefore, the General Plan Consistent Alternative is considered the Environmentally Superior selection consistent with CEQA Guidelines Section 15126.6(e)(2). This alternative is rejected, however, due to its inability to meet most of the project’s objectives. (See FEIR subchapter 4.4.3).

O4-141 Comment noted. Consistent with Public Resource Code Section 21081(a) and CEQA Guidelines Section 15091(a) the County will prepare CEQA Findings that address and describe the specific reason(s) why any alternative described in the FEIR was rejected. Such reasons for rejection of an alternative include infeasibility based on technical, legal, and/or financial reasons as cited by the commenter, as well as for social factors and “other” possible considerations. Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3); see California Native Plant Soc’y v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1002.

O4-142 Concluding sentence. No response required.