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Via E-Mail

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Re: Planning Commission Consideration of Lilac Hills Ranch Project

Dear Ms. Fitzpatrick and Planning Commissioners:

This firm represents the Cleveland National Forest Foundation (“CNFF”) in connection with the proposed Lilac Hills Ranch project (“Project”). CNFF offers the following comments regarding the Project, its inconsistency with the County’s General Plan, and the Final Environmental Impact Report’s (“FEIR”) failure to accurately analyze these inconsistencies.¹

General plans represent a legally enforceable “constitution” that governs land development. They also represent a community’s vision for its future. San Diego County recently spent many years and millions of dollars updating its General Plan and Community Plans. All of this planning, money, and hard work should not be lightly tossed aside to further the interests of one developer. Yet that is what appears to be happening in this case.

First, the Project flatly conflicts with General Plan Policy LU 1.2, which prohibits “leapfrog” development unless that development meets the LEED for Neighborhood Development (LEED ND) or an equivalent standard. The County claims that the Project is consistent with this policy because the Project meets a different, allegedly “equivalent” standard – the National Green Building Standard (“NGBS”). But LEED ND and NGBS

¹ Because the Project’s inconsistency with the General Plan is so fundamental, this letter focuses primarily on that issue. This firm is still reviewing the FEIR and will submit additional comments on the FEIR’s deficiencies at a later date.

are not equivalent. LEED ND contains 12, mandatory criteria that protect farmland, wetlands, and other resources, and that require projects to be constructed in “smart” locations near existing development and transit. NGBS contains *none* of these mandatory criteria. Rather, the NGBS standard would allow the County to approve new, leapfrog development *in any location at all*, making a mockery of LU 1.2’s careful restriction on leapfrog development.

Attached at the end of this letter is a chart listing the 12, mandatory LEED ND criteria. The chart also demonstrates that the NGBS standard does not contain any equivalent, mandatory standards and that the Project fails to meet the majority of the LEED ND standards.

In reviewing this project, CNFF has collaborated with Tim Frank, Director of the Center for Sustainable Neighborhoods, a group that concerns itself with defining smart growth solutions for urban and rural areas alike. Tim served on the LEED ND Core Committee, which wrote the standard, and concurs that the proposed Project comes nowhere close to meeting the letter or intent of LEED ND, and that the NGBS standard does not provide an equivalent standard.²

Second, the Bonsall and Valley Center Community Plans, which are integral parts of the General Plan, describe how these communities wish to remain rural. They both contain numerous policies to protect the communities’ rural, agricultural character. For example, Bonsall Community Plan Policy P LU-1.1.2 states: “Maintain the existing rural lifestyle by continuing the existing pattern of residential, equestrian, and agricultural uses within the Bonsall CPA.” There is no reasonable basis to conclude that this Project, which will place a brand new, 5,000 person town in this rural area, and which the County acknowledges will induce more growth, will maintain the communities’ rural lifestyle or continue the existing pattern of residential uses in the area.

The Project’s Final Environmental Impact Report (FEIR) concludes otherwise, but only by using tortured logic. For example, the FEIR concludes that the Project will maintain the existing rural lifestyle by incorporating design features that will reduce aesthetic effects along the Project’s perimeter. *See generally*, FEIR, Appendix W. The County may not claim consistency with policies to maintain rural character merely by noting that the Project will contain aesthetic buffers. Notably, the Valley Center and Bonsall Community Planning Groups both emphatically rejected the Project due to its

² Mr. Frank’s experience is further described in Exhibit 1.

inconsistency with Community Plans, among other reasons. The FEIR contains no evidence to rebut the Planning Groups' findings.

Last, the FEIR touts the Project as a “sustainable community” that offers the latest and greatest in “new urbanism” and “green” design. It even claims that the Project is a transit-friendly community because it will be located “less than a half-mile from I-15, with access to regional destinations.” FEIR at Global-98. Use of these trendy buzzwords cannot hide the fact that this Project represents a far-flung, sprawl development that will condemn thousands more County residents to hours-long commutes to distant job centers. It also cannot mask the fact that the Project will destroy hundreds of acres of productive farmland, open up this area to further development, and destroy the General Plan's commitment to smart growth.

Moreover, the FEIR's claim that the Project is transit-friendly because it is located a half mile from the I-15 is blatantly misleading.³ Although portions of the Project boundary may be that close to the I-15 *as the crow flies*, the Project's entrances are 1.6 to 1.8 miles from the I-15 as the car drives, and many homes in the Project's interior would be much further away. FEIR at Global-88. Additionally, there are no existing or planned transit stops along the I-15 near the Project. FEIR at 1-15 (nearest transit stop is 8 miles away), Agencies-17 (SANDAG stating that “there are no planned transit services identified in the adopted 2050 [Regional Transportation Plan] for the proposed project area.”). It is telling that the FEIR must stoop to such misdirection in an attempt to portray the Project as “sustainable.”

The Project is clearly inappropriate and CNFF urges the Planning Commission to uphold the General Plan, recommend denial of this ill-conceived Project, and recommend that the FEIR not be certified. Notably, when the County updated its General Plan in 2011, the Project applicant, Accretive Investments, Inc., submitted comments requesting that the County include a “western village” in Valley Center—the same village that this Project represents. The County emphatically rejected Accretive's proposal, stating that “[t]he County does not necessarily agree that the western village concept is consistent with the guiding principles of the General Plan Update or with the purported benefits of such a project . . . Adding a western village is an increase in density that is *inconsistent*

³ The FEIR repeats the misleading assertion that the Project is less than a half mile from the I-15 in numerous places. *See, e.g.*, FEIR at 1-36, 3.1.2-34 (“The project also requires less roadway infrastructure because of . . . its location one quarter mile from a regional transportation corridor, the I-15.”), 3.1.4-12, 3.1.4-23 (the Project will “encourage transit use . . . [because t]he project site is less than a half-mile from the I-15 corridor”).

with the General Plan Update project objectives, guiding principles, and goals and objectives.” See Exhibit 2 at I1-9. This analysis remains true today. The Project must be rejected.

I. The Project Blatantly Conflicts With General Plan Land Use Policy LU 1.2.

CNFF is pleased that the County recognizes that the Project must comply with LU 1.2’s requirement to meet LEED ND or an equivalent standard. FEIR, Global-79, 101. However, CNFF vehemently disagrees with the County’s conclusion that the Project can meet this policy by complying with the ICC 700 National Green Building Standard (“NGBS”) program. LEED ND and the NGBS standards are not at all equivalent. Further, there is no basis for the FEIR’s assertion that the Project also meets the “intent” of the LEED ND standard. FEIR, Global-86. If the County believes this to be true, it should ask the U.S. Green Building Council—the authors of the LEED ND standard—to conduct a prerequisite review for smart location and linkages. It is telling that the County has refused to obtain this inexpensive, prerequisite review.

In claiming that the Project meets LU 1.2, the County asserts that it has great deference in interpreting its General Plan. However, courts have described how “there can be no ‘interpretation’ of [an agency’s guiding standard] contrary to its express terms.” *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1172. See also *Southern Cal. Edison Co. v Public Utilities Com.* (2000) 85 Cal.App.4th 1086, 1105 (“an agency’s interpretation of a regulation or statute does not control if an alternative reading is compelled by the plain language of the provision”); *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1062 (agency’s “view of the meaning and scope of its own ordinance” does not enjoy deference when it is “clearly erroneous or unauthorized”).

Additionally, as the California Supreme Court recently emphasized, deference is not unlimited. In the context of deciding whether a city’s land use ordinance was constitutional, the Court noted that “courts recognize that such ordinances are presumed to be constitutional, and come before the court with every intendment in their favor.” *California Building Industry Association v. City of San Jose*, (2015) 61 Cal.4th 435. However, “although land use regulations are generally entitled to deference, judicial deference is not judicial abdication . . . There must be a reasonable basis in fact, not in fancy, to support the legislative determination.” *Id.* (emphasis added).

Here, as described below, the County attempts to interpret its General Plan in a manner that is directly contrary to its express terms and is clearly erroneous. Likewise,

its rationales for how the Project is consistent with the General Plan are fanciful and have no basis in fact. The County does not have unfettered authority to rewrite its General Plan through the guise of creative “interpretation.”

A. The NGBS Standard Is Not Equivalent to LEED ND Because It Lacks Fundamental Features Required by LEED ND.

LEED ND requires projects to meet 12, fundamental criteria in order to be certified. These “prerequisite” standards include criteria in three different categories: (1) smart location and linkage (“SLL”), (2) neighborhood pattern and design (“NPD”), and (3) green infrastructure and buildings (“GIB”). No matter how many other “smart growth” or environmentally sensitive features a project has, it cannot obtain LEED ND certification without satisfying these specific prerequisites.

Of particular relevance here, a project must be constructed in a “smart location,” protect wetlands and imperiled species, conserve agricultural land, be a compact development with a connected and open community, and meet certain minimum density and efficiency standards. LEED ND at vii.⁴ LEED ND requires that projects meet very specific, detailed criteria in order to satisfy these prerequisites.

In contrast, the FEIR acknowledges that “[t]he NGBS has few mandatory provisions . . . Instead, the NGBS is an expansive point-based system that requires a project to include many different types of green practices.” FEIR at Global-83. In other words, the NGBS system allows a developer to obtain certification for a project in a far-flung location that is distant from transit, requires extensive driving, and destroys valuable agricultural land and wetlands so long as it obtains enough qualifying points by, for example, including community gardens, protecting a certain percentage of open space, or even developing a mission statement that includes the project’s “green” goals.⁵

⁴ The LEED ND standard was attached to CNFF’s August 16, 2013 letter as Exhibit 9 and is available at http://www.usgbc.org/sites/default/files/LEED%202009%20RS_ND_07.01.14_current%20version.pdf

⁵ In fact, a project can obtain 17 points, which is nearly 10 percent of the points needed to obtain the top, 4-star rating, simply by establishing a team that is “knowledgeable” about green development practices and writing down the team’s goals in a mission statement, training on-site supervisors regarding green development, making a checklist of green project features, and requiring purchasers of lots to construct the buildings in conformance with NGBS certification standards. Specific Plan, Appendix H at 1.

See Specific Plan, Appendix H at 1 – 10. The only mandatory provisions in the NGBS program are that the project must: 1) include a checklist of green development practices to be used on the project, and 2) use a natural resources inventory to create a site plan and protect priority natural resources/areas during construction. *Id.* at 1.

Because NGBS lacks the LEED ND, or equivalent, prerequisite standards, it is not an equivalent program to LEED ND. As the County admits, the word “equivalent” means something that is “practically equal in effect in performance or outcome.” FEIR, Global-81. Here, NGBS does not provide a standard that is practically equal in performance or outcome. Rather, it allows development that is constructed far from existing transit and services, fails to meet minimum density requirements, and will impact critical wetlands and farmland, among other things. LEED ND would not allow such a development.

The NGBS standard may be a fine certification program for projects in some locations, but it utterly fails to carry out the General Plan’s prohibition on leapfrog development that is inconsistent with LEED ND or an *equivalent*. Indeed, NGBS does not appear to be particularly useful in California at all, as it offers no apparent benefit beyond what state law already requires in terms of compliance with Title 24 standards and with CEQA’s mandate for environmental analysis and mitigation. Notably, the NGBS standard was adopted in 2008,⁶ three years before the County updated its General Plan. Yet the County chose to reference the LEED ND standard in Policy LU 1.2, rather than the NGBS standard.

Critically, even if this particular Project met all or most of the LEED ND prerequisites—which it does not—the County is proposing to approve the NGBS standard as an “equivalent” to LEED ND *for all future developments subject to LU 1.2*. Thus, although this Project allegedly meets NGBS’s highest, “four star” rating, the County is not requiring that future leapfrog development proposals will have to meet this standard. Rather, they could meet NGBS’ much more lenient, “one star” rating and still be deemed equivalent to LEED ND certification. A one star rating only requires that a project obtain 79 points, 17 of which can be met merely by drafting a mission statement, hiring “knowledgeable” consultants and training on-site supervisors in green building techniques. See footnote 3. A project could therefore obtain NGBS one star certification

⁶ See <https://www.nahb.org/en/research/nahb-priorities/green-building-remodeling-and-development/ngbs-green-certification.aspx>.

(or likely a higher certification level as well) *without meeting a single LEED ND prerequisite requirement.*

Although LEED ND also allows different levels of certification based on the number of “points” the development garners, it contains the 12 prerequisite requirements. This ensures that all projects meet certain, basic minimum requirements for location, efficiency, and design. As such, the standard is far more stringent than NGBS. The notion that they are equivalent is entirely without basis.

The County states that other provisions of California law support the notion that it may substitute a corresponding or equal program for LEED ND. FEIR at Global-82. It cites as an example Public Contract Code Section 3400, which disallows public agencies from requiring use of brand name products in public contracting unless they specify that contractors may substitute an equal product in lieu of the specified brand name. This code provision does not assist the County. The provision is intended to “encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that *function as well, in all essential respects*, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.” Pub. Contract Code § 3400(a). Case law also makes clear that this provision allows contractors to substitute products that have equal quality and functionality, but that merely differ in aesthetics. *Argo Construction Co. v. Los Angeles County*, 271 Cal.App.2d 54, 59 (1969).

Here, NGBS does not function as well, in all essential respects, as LEED ND. On the contrary, it allows fundamentally different types of development that have far greater impacts related to agricultural land, wetlands, growth-inducement, climate change, traffic, and vehicle travel. These differences are not minor and are not similar to the aesthetic differences at issue in *Argo Construction Company*. No reasonable person, and no reasonable judge, would agree that the NGBS standard is equivalent to LEED ND.

The County also states: “an interpretation that an equivalent program means it must be identical to LEED®-ND would also mean that it was pointless for the Board of Supervisors to have inserted the term ‘equivalent’ when adopting Policy LU-1.2.” FEIR at Global-82. It argues that Policy LU 1.2 should not be interpreted in a manner that renders the word “equivalent” as meaningless. CNFF agrees that the word “equivalent” cannot be ignored, and that this term allows the County to utilize a standard that is not identical to LEED ND in every single respect. However, the County must utilize a standard that is actually equivalent to LEED ND in all *essential* respects. It may not simply choose a standard—such as NGBS—that differs in numerous, fundamental ways

from LEED ND and that allows starkly different types of development, in different locations, and with far greater impacts. It is the County's interpretation of LU 1.2 that renders the word "equivalent" meaningless.

1. The NGBS Standard Lacks Mandatory "Smart Location" Criteria.

The FEIR acknowledges that "the NGBS program does not have a specific component identified as a Smart Location Prerequisite." *Id.* Instead, the NGBS has four criteria for "lot selection" that are intended to ensure that a project has a low impact. Specific Plan, Appendix H at 1. Projects can obtain points if they are constructed on an infill, greyfield or brownfield site, or if they are constructed on a parcel with slopes no greater than 15 percent. *Id.* Notably, *the Project does not claim credit for meeting any of these locational criteria. Id.*

LEED ND, in turn, requires that projects meet one of four criteria to qualify for the prerequisite "smart location" criteria. It can be developed on an infill site, a site with high connectivity to adjacent, previously developed land, or a transit corridor that meets minimum requirements for daily transit service. LEED ND at 1-3. Alternatively, a project can meet the criteria by including a residential component where the project boundary is within ¼ mile walk distance of at least five, *existing*, diverse uses, or the project's geographic center is within ½ mile walk distance of at least seven, *existing* diverse uses. *Id.* at 5. As described more fully below, the Project fails to meet any of these criteria.

The NGBS standard is not "practically equal" in outcome to LEED ND's criteria because it allows developers to construct new developments that are not on infill sites, are not adjacent to previously developed land, are not on a transit corridor, and that are not within easy walking distance of existing commercial uses. Rather than *requiring* that projects be in "smart" locations, it merely provides "points" for projects that meet various locational criteria.

The County asserts that LU 1.2 should not be interpreted to require projects to meet the LEED ND locational criteria because "this would mean that new villages could only be established in very limited areas within the unincorporated County that qualify as urban infill areas under LEED®-ND." FEIR at Global-82. It also claims that most areas that would meet the LEED ND locational criteria are likely already designated as "villages" in the General Plan, and that the County may already approve new village designations in those locations under Policy LU 1.4, which allows expansion of existing

villages. *Id.* In essence, the County argues that an interpretation of LU 1.2 that requires new villages to meet the LEED ND locational criteria would prevent approval of any new villages and render the whole provision superfluous.

The County's argument is unconvincing. First, the County provides no evidence that there are very few areas where new villages could meet the LEED ND locational criteria. The County's speculation on this point also seems to ignore that both LEED ND and Policy LU 1.2 do not only apply to large projects such as this one. Rather, LEED ND can be used for projects as small as two buildings,⁷ and LU 1.2 applies to areas where there will be new village *densities*, not just new, large villages. Accordingly, there are likely numerous locations in the unincorporated County where a few, dense, multi-family buildings could be constructed in compliance with the LEED ND "smart location" criteria.

In any event, it would not matter even if there were only a couple areas where the County could approve new village densities that comply with LEED ND. The policy is *intended* to strictly limit where new leapfrog developments occur. Thus, allowing establishment of new village densities only in very limited areas is entirely consistent with the language and intent of this policy.

It is the County's interpretation of LU 1.2 that is unreasonable. This policy is intended to carry out the General Plan's goals for smart growth and protection of agricultural land and wildlife habitat. It is phrased as a *prohibition* on leapfrog development, although with a narrow exception. But under the County's reading of LU 1.2, the County could place new, leapfrog developments *anywhere at all* in the County, so long as the development provided its own public services and contained a handful of features that allowed it to qualify for the most basic NGBS certification standard. This interpretation is flatly contrary to LU 1.2's plain language, would eviscerate the policy's intent, and would render the policy entirely meaningless.

2. The NGBS Standard Does Not Require That Projects Protect Wetlands, Agricultural Land or Floodplains.

LEED ND states that "[d]irect impacts to wetlands and water bodies *are prohibited*, except for minimal-impact structures, such as an elevated boardwalk, that allow access to the water for educational and recreational purposes." LEED ND at 13.

⁷ See A Citizen's Guide to LEED for Neighborhood Development, attached as Exhibit 3 at 2.

NGBS, in turn, merely allows developers to obtain 7 points if “[n]atural water and drainage features are preserved and used.” Specific Plan, Appendix H at 3. It also allows between 2 – 7 points if a project preserves certain percentages of the site as undeveloped. *Id.* at 5.

Likewise, LEED ND requires a project to be located so that it does not disturb prime soils, unique soils, or soils of state significance, or be located on an infill site, transit corridor, or an area designated for development pursuant to a transfer of development right agreement. LEED ND at 15. Alternately, a project can meet the prerequisite criteria if it mitigates for disturbing prime agricultural land by preserving offsite agricultural land at a 2 to 1 ratio. LEED ND at 16. NGBS, in contrast, merely allows a developer to obtain between 2 – 7 points for avoiding environmentally sensitive areas, which includes steep slopes, prime farmland, critical habitats, and wetlands. Specific Plan, Appendix H at 5. Thus, NGBS contains no requirement to protect farmland at all. Further, a developer could even obtain the maximum of 7 points if it destroyed all farmland on a project site but left a certain percentage of other land undeveloped, even if that land consisted of steep slopes, wetlands or other areas that could not lawfully or practically be developed anyway.

LEED ND also prohibits developments in floodplains unless the project is located on an infill or previously developed site where compensatory storage is used in accordance with a FEMA-approved mitigation plan. LEED ND at 19. NGBS, however, contains no requirements whatsoever with regard to building in floodplains. The closest it comes is that it allows developers to garner points if they conduct a hydrological/soil stability study that is used to guide the design of all buildings on the site. Specific Plan, Appendix H at 2.

Clearly, LEED ND and NGBS are not equivalent. NGBS allows development in floodplains, on agricultural land (with no mitigation), and in wetlands. LEED ND does not.

3. The NGBS Standard Lacks Mandatory Neighborhood Design Elements and Other Standards.

LEED ND requires that projects contain a minimum of 7 dwelling units per acre. LEED ND at 42 (*see also id.* at 43, describing this as the “minimum density requirement”). Further, this density must be achieved within five years of the date that the first building of any type is occupied. *Id.* at 43. NGBS merely allows a developer to obtain 5 – 10 points for developments that contain 7 units per acre or greater. Specific

Plan, Appendix H at 9. It does not have a requirement for when these densities must be achieved.

LEED ND also requires that projects achieve numerous, specific criteria to promote walking and provide a comfortable street environment for pedestrians. LEED ND at 41. It regulates building heights on street frontages, requires 90 percent of new building frontages to have a principal entry on the front of the building, requires continuous sidewalks along 90 percent of streets, and limits garages fronting the streets. *Id.* NGBS contains no similar requirement, but merely allows developers to garner 5 points if a project provides an unspecified amount of “[w]alkways, bikeways, street crossings, and entrances designed to promote pedestrian activity.” Specific Plan, Appendix H at 9.

Moreover, LEED ND requires that projects achieve an open and connected community by ensuring that internal project connectivity is at least 140 intersections per square mile and that all streets and sidewalks that are counted toward this requirement must be available for public use and not gated. LEED ND at 44. It also requires that the Project contains connections to adjacent properties every 800 feet, with some exceptions. *Id.* NGBS only contains the option to garner points for providing some walkways and bikeways, and has no limit on gated communities. Specific Plan, Appendix H at 9.

Last, LEED ND requires minimum energy and water efficiency for buildings, and requires all projects to prevent pollution from construction activity. LEED ND at 78-82. Once again, the NGBS standard does not require any of these things, and merely allows developments to garner some points for minimizing pollution and achieving certain water and energy efficiency standards. Specific Plan, Appendix H at 1-10.

In sum, LEED ND and NGBS are not equivalent. NGBS allows projects to be developed that lack sidewalks and do not implement energy and water efficiency measures beyond what is already required by law. Further, it does not contain any minimum density requirement. A project could be certified under NGBS that has 1 unit per acre, has no sidewalks or pedestrian facilities, destroys dozens of acres of wetlands, paves over hundreds of acres of prime agricultural land, and is built miles from any transit stations. This standard is anything but equivalent to LEED ND. No reasonable person, and no reasonable judge, would find the two standards to be equivalent. The Planning Commission must reject the notion that the County can comply with LU 1.2 by certifying leapfrog development proposals under NGBS instead of LEED ND.

4. The County Is Wrong That Numerous Other Public Agencies Have Determined That NGBS and LEED ND Are Equivalent.

Home Innovation claims that “the NGBS has been consistently considered as on par, or more stringent, than LEED as a green building rating system for residential projects at the federal, state, and local level.” FEIR at Global Response LU 1.2, Exhibit A at 1; *see also id.* at Exhibit A, Appendix A. This claim is misleading. The federal, state, and local programs cited by Home Innovation explicitly limit their equivalence findings to LEED’s Homes, New Construction, or Operations & Maintenance standards; they *do not* claim that NGBS is equivalent to the LEED for Neighborhood Development. This includes the following programs: HUD’s HOPE VI grant program; USDA’s Rural Development program; Georgia’s Qualified Allocation Plan (QAP); Decatur, Georgia’s Green Building Standards; Hawaii’s QAP; Idaho’s QAP; Louisiana’s QAP; Baltimore County’s High Performance Building Standards; New York’s QAP; North Carolina’s Community Partners Program; Vermont’s QAP; and Washington’s EnergySpark Program.⁸

CNFF takes no position on whether NGBS certification may be equivalent to other LEED rating programs, such as for New Construction or Operations & Maintenance. However, it is emphatically *not* equivalent to the LEED ND standard. Home Innovation’s evidence actually demonstrates that numerous agencies have determined that NGBS is *not* equivalent to LEED ND.

B. Substantial Evidence Does Not Support the County’s Conclusion that the Project “Correpond[s] In Performance Or Outcome With the LEED-ND Certification Program.”

The County not only claims that the Project complies with the allegedly “equivalent” NGBS standard, but also asserts that the Project conforms with the intent of LEED ND. FEIR, Appendix W at 137. This effort makes a mockery of the LEED ND standard and principles. The “analysis” is full of misleading statements and significant oversights. Substantial evidence does not support the conclusion that the Project

⁸ It appears that only one of the programs cited by Home Innovations even mentions LEED ND. *Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, Docket No. FR-5696-N-01. Available at <https://www.hudexchange.info/resource/2849/allocations-application-waivers-alternative-requirements-cdbg-dr-funds-sandy/>

conforms to the 18 LEED ND principles identified by the County.⁹ The County's misleading analysis presents an inaccurate picture of Project impacts, in violation of CEQA. Guidelines § 15125(d). The evidence also fails to support the County's contention that the Project is consistent with the General Plan, as required by law.

Below are a number of the 18 LEED ND principles identified by the County. Although the County claims that the Project is consistent with these principles, the evidence is to the contrary. The numbering below is not sequential because each issue corresponds to the County's equivalent, numbered principle.

1. Sustainable Location (Principle 1).

The FEIR claims that the Project is consistent with LEED ND's fundamental requirement that new developments be constructed in a "smart location." FEIR, Appendix W at 139-40 (citing LEED ND SLL Prerequisite 1). This is a flagrant distortion of the LEED ND principle; the Project blatantly violates the letter and intent of this principle. SLL Prerequisite 1 requires that projects meet one of four criteria.

- First, it can be developed on an infill site. LEED ND at 1. This Project obviously fails to meet that criteria.
- Second, it can be developed on a site with high connectivity to adjacent, previously developed land. *Id.* The Project clearly does not meet this criteria, as it is surrounded by farmland.
- Third, a project can be developed on a transit corridor that meets minimum requirements for daily transit service. *Id.* at 3. The Project also completely fails to meet this requirement, as there is no existing transit service within many miles of the Project site, and no commitment to develop transit service at Project build-out.
- Last, a project may meet the criteria by including a residential component where the project boundary is within ¼ mile walk distance of at least five, *existing*, diverse uses, or the project's geographic center is within ½ mile walk distance of at least seven, *existing* diverse uses. *Id.* at 5. Here, there are no existing, diverse uses (e.g., shops, churches) on or adjacent to the Project site.

⁹ The County interpreted LEED ND to contain 18 "principles," and it analyzed the Project's consistency against these principles rather than analyzing its consistency with LEED ND's 12 prerequisite criteria and numerous other criteria.

The FEIR claims that the Project nevertheless meets the intent of this LEED ND requirement because the Project will eventually include a town center and two neighborhood centers that will contain diverse uses. It claims that all homes in the project will be located within ½ mile of at least seven diverse uses in these town and neighborhood centers. FEIR, Appendix W at 140. Notably, the FEIR does not state that all homes will be located within ½ mile *walk* distance of such uses. Further, eventually providing diverse, commercial uses in the neighborhood and town centers is not at all equivalent to building homes near *existing*, diverse uses. The town center may not be constructed until the second phase of development, and the neighborhood centers may not be constructed until the 3rd and 5th phases of development (if ever). Thus, many residents will *not* have diverse, commercial and public uses within a short walking distance of their homes for many years. This is why LEED ND requires homes to be constructed near existing uses and only allows projects to garner points for compact, mixed-use development if diverse, commercial uses are open for business by the time 20 – 50 percent of homes are constructed. *See* LEED ND at 55.

Additionally, the neighborhood center planned for phase 5 is tiny and will not have at least seven diverse uses. Thus, the senior residents of this gated community will not be located near a variety of walkable, commercial uses. Last, LEED ND requires homes to be constructed within ¼ mile, not ½ mile, of diverse uses in order to garner points for being a mixed-use development. *Id.* The FEIR frankly admits that the Project will not meet this standard.

Notably, the County has refused to obtain a Smart Location & Linkage Prerequisite Review for the Project, which allows project proponents to verify that a project's location meets the requirements of the LEED-ND Smart Location & Linkage prerequisite. *See* Exhibit 4 at p. 8. If the County was serious about demonstrating that the Project is consistent with LEED ND or equivalent standards, it would at least require the developer to obtain this preliminary review. Its failure to do so is a tacit admission that the Project fails to meet this LEED ND principle.

2. Compact and Efficient Development Footprint (Principle 2).

The FEIR claims that the Project is consistent with the LEED ND's principle for compact development. FEIR, Appendix W at 141 (citing NPD Prerequisite 2). However, NPD Prerequisite 2 requires that projects either be sited in a transit corridor—which this Project is not—or build residential components of a project at a minimum density of 7 dwelling units per acre of buildable land. LEED ND at 42. Further, this density must be

achieved within five years of the date that the first building of any type is occupied. *Id.* at 43.

The EIR asserts that this Project will have a density of 6.8 units per acre at full build out. FEIR, p. Global-102 (Project will have 6.82 dwellings per acre). As explained below, the County has calculated the Project's density incorrectly, thus greatly overstating its density. But even using the FEIR's density calculation, the Project does not meet the 7 dwellings per acre minimum standard. Further, the FEIR contains no evidence that this density will be achieved within 5 years of the first building being occupied.

Additionally, the FEIR calculates the Project's density incorrectly pursuant to the LEED ND standard. It states that the LEED ND standard uses a "net" acreage approach that "excludes all non-residential areas such as open space, common areas, parks and roads." FEIR at Global-102. This is incorrect. LEED ND requires agencies to calculate density based on the number of dwelling units per acre of "buildable land available for residential use." LEED ND at 42. LEED ND defines "buildable land" as "the portion of the site where construction can occur, *including land voluntarily set aside and not constructed upon*. When used in density calculations, buildable land excludes public rights-of-way and land excluded from development *by codified law or LEED for Neighborhood Development prerequisites*." *Id.* at 16.

Thus, the FEIR incorrectly excluded common areas and roads from the acreage used to calculate density, and also improperly excluded open space and park lands that are not protected by codified law. The FEIR calculated the Project's 6.8 units per acre density based on the assumption that the Project has only 256 acres of "net usable residential land area." FEIR at Global-102. However, there are far more than 256 acres of "buildable land available for residential use," and therefore the Project density is far less than 6.8 dwelling units per acre. For example, the Project includes more than 15 acres of public and private parks, 10 acres for a religious facility, 12 acres for a school, 5 acres for a stormwater detention basin, and many acres devoted to providing an agricultural buffer around the Project perimeter, among other things. *See, e.g.*, Specific Plan, Part 2 at II-8 – II-9. On the other hand, the Project includes only 104 acres of biological open space preserve that could arguably be excluded from the LEED ND calculation due to the fact that a portion of that land may be excluded from development pursuant to codified law (e.g., the County's Resource Protection Ordinance).

Accordingly, the buildable land available for residential use is likely close to 500 acres out of the total 608 acre Project site (FEIR at 1-1). In any event, it is certainly far

more than 256 acres. The Project density is therefore far less than 6.8 dwelling units per acre. There is no substantial evidence to support the FEIR's conclusion that the Project meets the LEED ND prerequisite standard (or the NGBS's voluntary standard) to achieve a minimum density of 7 dwelling units per acre. Notably, the FEIR admits that the Project's "overall density [is] not more than 2.9 dwelling units per acre (du/ac) over the entire project site." FEIR, Appendix W at 23.

3. Mixed-Use Development (Principle 3).

The FEIR claims that the Project is consistent with the LEED ND's principle to provide mixed use neighborhood centers. FEIR, Appendix W at 141 (citing NPD Credit 3). However, this credit requires that residential development be located within ¼ mile walking distance of at least 4-6 diverse uses (e.g., restaurants, shops, churches) and that such uses will be in place by the time that 20 – 50 percent of the project's total, residential square footage is constructed. LEED ND at 55. In other words, the shops must be built concurrently with the residences and cannot be constructed after all the homes are built. Here, the Project proposes to develop a village center in phase 2 of construction. FEIR at 1-5. Accordingly, there is no assurance that its commercial and neighborhood services will be open before a significant portion of the Project's residences are constructed. Further, as described above, the Project flatly violates LEED ND's requirement to locate residences within ¼ mile of a variety of diverse uses. Rather, the Project is designed merely to locate residences within ½ mile of diverse uses.

4. Conservation of Wildlife Habitat (Principle 5).

The FEIR claims that the Project is consistent with the intent of LEED ND's requirement to preserve and enhance water quality and natural hydrologic systems. FEIR, Appendix W at 145 (citing LEED ND SLL Prerequisite 3). However, this mandatory LEED ND requirement states that "[d]irect impacts to wetlands and water bodies *are prohibited*, except for minimal-impact structures, such as an elevated boardwalk, that allow access to the water for educational and recreational purposes." LEED ND at 13. Here, the Project will directly impact more than 4 acres of wetlands and waters under the U.S. Army Corps' of Engineers' jurisdiction, 6 ½ acres under state jurisdiction, and 2 acres of wetlands under the County's Resource Protection Ordinance. FEIR at 2.5-46. The Project flagrantly violates this mandatory LEED requirement.

5. Storm Water Management, Natural Filtering and Drainage (Principle 7).

The FEIR claims that the Project is consistent with LEED ND's principles for managing stormwater and site disturbance. FEIR, Appendix W at 148 (citing LEED ND GIB Credits 7, 8). The FEIR asserts that the Project's drainage plan will meet all relevant laws and will help ensure the high quality of water leaving the project site. *Id.* However, LEED ND Credit 8 requires that 80 – 95 percent of rainfall does not leave the project site at all, but is retained on site through infiltration. LEED ND at 93. Thus, the Project's measures for ensuring that runoff leaving the Project site meets water quality standards does not address this principle at all. Likewise, as further described below, GIB Credit 7 requires minimization of grading, and the Project fails to meet this principle. Rather, it proposes to grade 505 acres and move more than 4 million cubic yards of material. Such massive grading does not meet sound principles of minimizing disturbance and runoff.

6. Water Efficient and Native Palette Landscaping (Principle 8).

The FEIR claims that the Project is consistent with LEED ND's principle for minimized site disturbance in design. FEIR, Appendix W at 148 (citing LEED ND GIB Credit 7). But this principle has nothing to do with water efficiency or landscaping. Rather, it requires minimization of grading and retention of existing, native trees and vegetation. LEED ND at 91. The County's description of the Project's water efficiency and landscaping measures therefore fails to demonstrate compliance with the letter or intent of this LEED ND principle.

7. Pedestrian and Bike Paths Connecting the Community Amenities (Principle 11).

The FEIR claims that the Project is consistent with LEED ND's principles for compact development that promotes walking and biking, including NPD Credit 9 (access to civic and public space) and NPD Prerequisite 2 (compact development). FEIR, Appendix W at 149. However, NPD Prerequisite 2 requires that projects either be sited in a transit corridor—which this Project is not—or build residential components of a project at a minimum density of 7 dwelling units per acre of buildable land. LEED ND at 42. The EIR admits that this Project has a density of, at most, only 6.8 units per acre. FEIR, p. Global-102 (Project will have 6.82 dwellings per acre).

8. Agricultural Land Conservation (Principle 13).

The FEIR claims that the Project is consistent with LEED ND's principles for preserving agricultural land because it will preserve 43 acres of farmland off-site and retain approximately 42 acres of agricultural land on-site. This does not meet the letter or spirit of LEED ND SLL Prerequisite 4: Agricultural Land Conservation. That prerequisite requires a project to be located so that it does not disturb prime soils, unique soils, or soils of state significance as identified in a state Natural Resources Conservation Service soil survey, or located on an infill site, transit corridor, or an area designated for development pursuant to a transfer of development right agreement. LEED ND at 15. The Project obviously does not comply with any of these criteria.

Alternately, a project with a residential density of at least 7 units per acre can still meet the criteria if it mitigates for disturbing prime agricultural land by preserving offsite agricultural land at a 2 to 1 ratio. LEED ND at 16. Here, the Project will "mitigate for the 43.8 acres of Prime and Statewide important soils impacted, at a 1:1 ratio, through the purchase of 43.8 mitigation credits." FEIR at 2.4-28. There are two problems with this mitigation. First, the mitigation is at a 1:1 ratio rather than a 2:1 ratio. Second, the Project is only mitigating impacts to prime farmland and farmland of statewide importance. However, to meet the LEED ND standard (or equivalent), the Project must mitigate disturbance of prime soils, unique soils, or soils of state significance. The County ignores the need to mitigate impacts on "unique soils" here, even though the Project will destroy many of the 329 acres of designated unique farmland. FEIR at 2.4-6.

9. Building Site Selection (Principle 15).

The FEIR claims that the Project is consistent with LEED ND's principles for developing buildings in a manner that minimizes site disturbance by preserving existing noninvasive trees and pervious surfaces. FEIR, Appendix W at 151. The LEED ND principle cited by the County—GIB Credit 7—requires either that a project is built on previously developed land or that a specific portion of the previously undeveloped land in the project site is left undisturbed. LEED ND at 92. For projects with a residential density less than 15 units per acre, such as this Project, 20 percent of the undeveloped area must remain undisturbed. Land that is already preserved pursuant to law or a general plan does not count toward that area. Projects also must preserve certain percentages of existing, large trees.

Instead of demonstrating consistency with these specific mandates, the EIR merely states that the Project includes some resource protection plans that will protect some

specific woodland. However, the Project includes grading on 505 acres that would disturb more than 4 million cubic yards of material. FEIR, Appendix D, Air Quality Report at 12. This type of disturbance hardly demonstrates a minimization of site disturbance in design and construction, as required by LEED ND.

10. Sustainable Building (Principle 16).

The FEIR claims that the Project is consistent with LEED ND's principles of sustainable building because: 1) buildings will be constructed to exceed 2008 Title 24 Energy Standards by 30 percent, 2) the Project will install some photovoltaic panels, 3) buildings would conserve fresh water, and (4) the Project would plant trees to reduce the "heat island" effect. FEIR, Appendix W at 151-52. However, it is impossible to tell if the Project actually meets the LEED ND standards because LEED ND uses different energy efficiency and sustainability criteria than the Project, and the County never explains if those programs are equivalent. For example, LEED ND requires that residential buildings in a project "must achieve a Home Energy Rating System (HERS) index score of at least 75" in order to garner points for sustainable building principles. LEED ND at 85 (GIB Credit 2: Building Energy Efficiency). Likewise, under LEED ND, multi-family and non-residential buildings must demonstrate an average 18% (1 point) or 26% (2 points) improvement over ANSI/ASHRAE/IESNA Standard 90.1-2007 in order to qualify for points. *Id.* In order to demonstrate that the Project is equivalent to LEED ND, the County must compare the HERS and ANSI standards with Title 24's requirements. Without this comparison, the public has no idea whether the programs achieve equivalent energy efficiency.

The Project's commitment to exceed 2008 Title 24 standards by 30 percent is also not impressive. New Title 24 standards were adopted in 2013, and these standards—which are now mandatory—already exceed the 2008 standards by 25 – 30 percent. *See* FEIR at 3.1.2-14. Thus, the Project proposes to do nothing more than comply with the law when it comes to building energy efficiency. Compliance with the law's bare minimum requirements hardly demonstrates that the Project is "sustainable" or deserving of accolades for its energy efficiency.

Further, there is no evidence that planting some trees meets the LEED ND criteria for reducing the "heat island" effect. Once again, LEED ND contains very specific criteria that projects must meet. For example, projects must either use roofing materials that have specific reflective values for 75 percent of the roof area of new project buildings or provide shading for 50 percent of nonroof hardscape areas (e.g., roads, sidewalks, parking lots). LEED ND at 95. In contrast, the County merely notes that the

Project will include tree planting, which will provide some shade. It entirely fails to demonstrate that such shading will cover 50 percent of nonroad hardscape areas or meet any of LEED ND's other specific criteria.

11. Integrated Transportation Planning (Principle 17).

The FEIR claims that the Project is consistent with LEED ND's Transit Facility principle and Transportation Demand Management principle. FEIR, Appendix W at 153 (citing Neighborhood Pattern and Design Credits 7, 8). Credit 7, in turn, embodies the intent to "encourage transit use and reduce driving by providing safe, convenient, and comfortable transit waiting areas and safe and secure bicycle storage facilities for transit users." LEED ND at 64. The requirements to obtain this credit include that the developer must work with the relevant transit agency to identify transit shelters and other improvements that "will be installed no later than construction of 50% of total project square footage." The developer must install the shelters or provide funding to the agency for installation. In addition, the developer must reserve space for transit shelters within and bordering the project site that will be needed within two years of project completion.

The FEIR claims consistency with these policies because the Project will reserve a space for one transit stop in the village core. FEIR, Appendix W at 152. The County makes no effort to demonstrate that the developer or transit agency will actually construct a shelter at, or even ever utilize, this transit stop, much less that it will do so by the time that half of the Project's square footage is constructed. Nor does it attempt to demonstrate that the developer will install or fund shelters bordering the project site that will be needed within 2 years of Project construction. The Project's mere identification of one possible transit stop comes nowhere close to meeting the letter or intent of LEED ND Neighborhood Pattern and Design Credit 7.

II. By Reinterpreting and Watering Down General Plan Policy LU 1.2, the County is Proposing a De Facto Modification of Its General Plan, Yet Has Not Conducted Environmental Review of That Action.

The County previously recognized that it must conduct environmental review for aspects of the Project that represent actual or de facto changes to the General Plan. When the Project application was first submitted, County staff noted that "a number of General Plan policies [] may require substantial revision in order to accommodate the project as currently proposed." Project Issue Checklist at pdf. p. 16. It described how "[s]uch changes were not anticipated in the Program Environmental Impact Report (EIR) for the County's General Plan Update. As such, the GPA may necessitate a broader

environmental analysis that utilizes the certified General Plan Update EIR as a basis and evaluates the potential impacts of revising the policies.” Project Issue Checklist at pdf. p. 16.

Now the County is proposing to adopt a new interpretation of General Plan Policy LU 1.2 that will allow large new developments to be plunked down virtually anywhere in the County. As described above, the County’s new interpretation of LU 1.2 will allow leapfrog developments to be approved if they meet NGBS’ most basic certification standards, regardless of whether they destroy wetlands and agricultural land, are located at a great distance from existing communities, and fail to meet all of the other LEED ND prerequisite requirements. This new interpretation of the General Plan will have numerous foreseeable impacts on County land, environmental resources and development patterns. The County may not adopt this new interpretation without first conducting adequate environmental review. *See Paulek v. Western Riverside County Regional Conservation Authority* (2015) 2015 WL 4438949, at *11 (“the removal of the conservation overlay from the phase 9 property is a ‘project’ under CEQA as the change embodied a fundamental land use decision that has the potential for causing ultimate physical changes in the environment, because land that was protected for conservation purposes will no longer be subject to such protections.”).¹⁰

When the County updated its General Plan in 2011, it only analyzed the environmental effects of allowing growth in and near *existing* communities. As the County explained in response to a comment from the state Attorney General:

the comment incorrectly suggests that the General Plan Update will create ‘Villages.’ A core tenet of the General Plan Update is not to create new communities but to concentrate future growth around the cores of existing communities . . . The comment again makes reference to “new” Villages which is not a proposal of the General Plan Update.

Exhibit 5 at S1-12 – S1-13. Likewise, the County emphasized that the General Plan update “focuses new growth around Smart Growth Opportunity Areas (SGOA) in accordance with the SANDAG Regional Comprehensive Plan (RCP).” *Id.* at O14-12.

¹⁰ Just as the removal of the conservation overlay in *Paulek* would permit leapfrog developments in new locations, so too does the County’s adoption of the NGBS standard as “equivalent” to LEED ND allow development in additional, rural locations where it would not previously have been allowed.

See also id. (“the proposed General Plan Update focus[es] new growth in and adjacent to urbanized areas.”).

Accordingly, although the County’s General Plan update included LU 1.2, which allows some new, leapfrog developments, the County clarified that any such developments would not be allowed just anywhere. Rather, they would still have to be located near the core of an existing community. This makes perfect sense in light of the LEED ND standard that the County adopted, which requires projects to be constructed in locations where there is already a certain amount of existing development.

The County asserts that it does not make sense to comply with LEED ND’s locational prerequisite because “most areas in the County that would qualify as urban infill under LEED®-ND are likely already designated as a Village Regional Category under the current General Plan.” FEIR at Global-82. It notes that a different policy—LU 1.4—allows expansion of existing villages. *Id.* Thus, the County claims that LU 1.2 is superfluous unless it is interpreted to allow development in far-flung locations distant from existing communities. This interpretation is untenable. By adopting LU 1.2, the County specifically and purposefully limited where new development could go. Whether or not there are only a few locations that meet the criteria of LU 1.2 is entirely irrelevant. The County committed to this policy and must carry it out. In any event, the County cites no substantial evidence to support its speculation that “most areas” that would qualify under LEED ND are “likely” already designated as villages.

The County also complains that the General Plan is supposed to be “dynamic” and “must be periodically updated to respond to changing community needs.” FEIR at Global-83. But if the County wants to change its General Plan, it must do it through an open, public process and must conduct environmental review for that General Plan modification. Here, the County is attempting to modify its General Plan through the back door by “interpreting” the plan’s policies in the context of one particular development approval. And it is doing this without conducting environmental review to analyze the full suite of reasonably foreseeable environmental effects from this policy interpretation.

III. The Project Conflicts with the Valley Center Community Plan, Bonsall Community Plan, and General Plan.

The Project conflicts with numerous, fundamental, mandatory provisions of the Bonsall and Valley Center Community Plans. Although the Project would amend the Community Plans to add a reference to the new, proposed “village,” these modifications do not make the Project consistent with the Plans. Rather, the Plans still contain

numerous fundamental policies with which the Project conflicts. The Project also conflicts with General Plan policies to promote transit and support regional, smart growth planning.

The EIR fails to accurately analyze the consistency of the Project with these policies and fails to contain substantial evidence supporting its determination that the Project is consistent with the Community Plans. *See generally* FEIR, Appendix W. When the Project was first proposed, County staff identified dozens of ways in which the Project was inconsistent with the Community Plans. *See generally* Project Issue Checklist. Incredibly, the County now concludes that the Project *does not conflict with a single policy of the General Plan or either Community Plan*. This incredible conclusion is not supported by common sense or substantial evidence.

The County may not approve the Project due to its inconsistencies with the policies and goals listed below. *Napa Citizens for Honest Government v. Napa County* (2001) 91 Cal.App.4th 342, 379. In order to approve the Project, the County would have to amend these policies, which in turn would require the County to conduct environmental review analyzing the reasonably foreseeable effects of these amendments.

A. Community Plan Policies Regarding Preservation of Rural Character and Agriculture.

List of Policies¹¹

- Bonsall Community Plan:
 - Policy LU-1.1.1: Require development in the community *to preserve the rural qualities of the area*, minimize traffic congestion, and to not adversely affect the natural environment.
 - Policy P LU-1.1.2 *Maintain the existing rural lifestyle* by continuing the existing pattern of residential, equestrian, and agricultural uses within the Bonsall CPA.
 - Policy LU1.1.3 Require development to be sensitive to the topography, physical context, *and community character* of Bonsall.

¹¹ All emphases in policies are added. This list is illustrative, not exhaustive.

- Goal 1.2 Continued development that is appropriately designed to match the *rural character of the Bonsall community*.
- Policy 1.2.1 *Require* development that is designed to be consistent with the *rural character of the Bonsall community*.
- Goal LU-5.2 The preservation of groundwater resources, *community character* and protection of sensitive resources in the Bonsall Community Planning Area.
- Goal CM-1.1 A circulation system which *preserves the rural character of the community*
- Goal COS-1.1 The *preservation* of the unique natural and cultural resources of Bonsall and the San Luis Rey River and associated watershed, with *continued support for its traditional rural and agricultural life-style*.
- Goal COS-1.2 The continuation of agriculture as a prominent use throughout the Bonsall community.
- Description of findings and intent in Bonsall Community Plan:
 - “Developed residential areas throughout Bonsall consist primarily of low density . . . lots, many of which are combined with agricultural and equestrian uses. This type of development, as well as the rolling hill and valley topography of the area, gives Bonsall its rural atmosphere.” BCP at 12.
 - “Agriculture is also important in maintaining the rural character of the community.” BCC at 12.
 - “Community Vision: Bonsall remains a semi rural community and seeks to preserve its relatively unspoiled natural topography and scenic resources. Bonsall is scenic, characterized by its preservation of agriculture . . . steep slopes, ridgelines, and panoramic views. The community of Bonsall provides a safe living and working environment for the residents with adequate law enforcement, fire protection, and emergency services. Residential development is

consistent with the community's rural character and its resources.”
BCC at 20.

- Valley Center Community Plan
 - Policy 2: Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require site design that is consistent with the rural community character.
 - Land Use General Goals: A pattern of development that conserves Valley Center's natural beauty and resources, and retains valley center's rural character . . . Development that maintains Valley Center's rural character through appropriate location and suitable site design.¹²
 - Agricultural Goals 1. Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure the continuation of an important rural lifestyle in Valley Center.
 - 3. Prohibit residential development which would have an adverse impact on existing agricultural uses.
 - Findings for Community Character: “Valley Center is a rural community, and the intent of the Community Plan is to maintain the rural character of the Planning Area . . . Although urbanization has greatly diminished agricultural uses in other areas of the County, Valley Center has managed to maintain its rural identity.” VCCP at 4.
 - Findings for Land Use: “Valley Center residents want to preserve in their community the rural heritage, character and quality of life that is so quickly disappearing from San Diego County . . . Valley Center has been successful in remaining a rural community because of its relative physical isolation from urban areas, and because of the active participation of its residents in the planning process.” VCCP at 8.

¹² These general goals also describe how Valley Center will have “[t]wo economically viable and socially vibrant villages . . .” As part of the Project approvals, this language would be changed by inserting “three” in the place of “two.” However, this change makes the Community Plan internally inconsistent, as Valley Center cannot support three villages, including this one (which the EIR admits is growth-inducing), while still retaining the area's rural character.

County's Rationale for Consistency

The FEIR claims that the Project is consistent with all of these goals and policies. In particular, it asserts that the Project is consistent because it will 1) protect 104 acres of open space, 2) be designed to reduce visual effects along the Project perimeter, 3) use wider lots and landscape buffers in areas where there are existing homes, 4) plant an agricultural buffer of 50 feet along the Project boundary, 5) minimize traffic congestion by having mixed uses, 6) allow some on-site community gardens and agriculture, and 7) use architectural guidelines that contain rural-themed concepts. FEIR, Appendix W at 1-3, 19-21.

Why the Project is Inconsistent

When the Project was first proposed, the County recognized that it would “change the character of this [Valley Center] rural agricultural community.” Project Issue Checklist, pdf. p. 15. Specifically, County staff noted that “[t]he predominance of small lot development, as well as the uniformity of lot sizes within the development area would not be consistent with rural development patterns within the Valley Center Community Plan area.” *Id.* The County offers no new evidence to rebut this finding.

The County cannot “protect” the communities’ rural character by approving a 1,700+ home new town that will induce more growth in the area. It cannot “protect” agricultural land by paving it over and making farming more difficult for the remaining farms in the area. Regardless of any landscaping or buffers planted around portions of the Project’s exterior, the Project plunks down thousands of new residents, plus a hotel and other commercial services, in a large development in the middle of a thoroughly rural area. No reasonable person could find that approving this Project will help “[m]aintain the existing rural lifestyle by continuing the existing pattern of residential, equestrian, and agricultural uses,” as required by the Bonsall Community Plan. *See San Bernardino Valley Audubon Society v. County*, (1984) 155 Cal.App.3d 738, 753; County General Plan at 10-10 (defining “Community Character”).

Nor could any reasonable person find that the Project conforms with the various other, similar policies and goals above, including ones to protect agriculture. Notably, Western Cactus Enterprises, Inc. and the San Diego County Farm Bureau both submitted comments criticizing the EIR’s failure to fully analyze or disclose the many ways in which the Project will impact adjacent and nearby agricultural operations. The notion that the Project will protect agriculture is fanciful at best. As the EIR discloses, the Project will actually destroy 84 out of 90 acres of existing row crops, 6 out of 9 acres of

nursery agriculture, nearly all vineyards, and 276 out of 292 acres of orchards. FEIR at 2.5-45. The County's proposal to retain a few, token acres of orchard crops as a buffer around the outside edge of the Project does not make up for these losses. As the EIR describes, these are not meant to be commercially viable orchard crops. FEIR at Organizations-463.

B. Community Plan Policies to Protect the Natural and Visual Environment.

- Bonsall Community Plan
 - Policy LU-5.1.3 Minimize grading to preserve natural landforms, major rock outcroppings and areas of existing mature trees. Integrate hillside development with existing topography and landforms.
 - Policy LU-5.1.6 Minimize cut and fill grading for roads and access ways to the absolute minimum necessary.
 - Policy CM-1.1.4 Prioritize the preservation and protection of sensitive habitats, such as wetlands, over road location, relocation, or realignment. Encourage all mitigation to be on-site and site-specific. Require mitigation within the Bonsall CPA where on-site and site-specific mitigation is not appropriate, whenever feasible.
 - Policy LU-3.1.2 Require mitigation actions to remain within the CPA.
- Valley Center Community Plan
 - A. Environmental Concerns and Issues: 1. Require that discretionary permits preserve environmentally significant and/or sensitive resources such as undisturbed steep slopes, canyons, floodplains, ridge tops and unique scenic views in order to reinforce the rural character of the area
 - B. Rural Compatibility Issues: 4. Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important: • Roads that follow topography and minimize grading; • Built environment that is integrated into the natural setting and topography

- 5. Require new residential development to construct roads that blend into the natural terrain and avoid “urbanizing” improvements such as widening, straightening, [and] flattening

County’s Rationale for Consistency

The County claims that the Project is consistent with all applicable Community Plan policies. For example, it asserts that the Project will 1) protect 99.7 percent of existing Resource Protection Ordinance steep slopes, 2) use grading guidelines to ensure that natural topography will remain on the rest of the site, 3) leave undisturbed one sixth of the Project site, including the primary wetland drainages, 4) include roads that will follow the natural topography and minimize grading. FEIR, Appendix W at 5-6, 23.

Why the Project is Inconsistent

The Project includes grading on 505 acres that would disturb more than 4 million cubic yards of material. FEIR, Appendix D, Air Quality Report at 12. This type of disturbance conflicts with the Community Plans’ commitment to minimize grading.

Additionally, the EIR offers no rationale for how the Project is consistent with Bonsall Community Plan Policies CM-1.1.4 and LU-3.1.2, which require that mitigation for Project impacts in Bonsall be located within the Bonsall community planning area. Indeed, the Project fails to abide by this policy. For example, the Project applicant is required to purchase agricultural easements but is not required to purchase easements in Bonsall’s community planning area to offset impacts on Bonsall’s agricultural land. FEIR at 2.4-28. Additionally, the FEIR requires mitigation in the form of on-site or off-site preservation or restoration of various habitat types; however, it does not require that off-site mitigation occur within Bonsall. FEIR at 2.5-35.

C. Community Plan Policies Related to Transportation and Traffic.

- Bonsall Community Plan
 - Policy CM-1.1.3 Coordinate with Caltrans to design and construct State Route 76, East Vista Way (S13), and Interstate 15 to efficiently carry traffic through the Bonsall CPA. Design and construct interior roads, such as Camino del Rey, West Lilac, Gopher Canyon, and Olive Hill to carry primarily local traffic and remain rural to the degree consistent with safety requirements.

- Valley Center Community Plan
 - 9. Require that the road system function at a service level no worse than "C" at peak hours as development occurs.

County's Rationale for Consistency

The County claims that the Project is consistent with these policies. FEIR, Appendix W at 11, 30. In particular, it notes that the Project will amend the General Plan to add certain segments of roads to the list of roads that are allowed to have failing levels of service. In a contradictory assertion, it also claims that the Project will meet the Valley Center Community Plan's requirement to maintain certain levels of service because the County prepared a Traffic Impact Study that identifies traffic impacts and includes mitigation.

Why the Project is Inconsistent

The Project flatly conflicts with these policies. Rather than minimizing traffic congestion, the Project would amend the General Plan to allow greater congestion. It would downgrade a section of Lilac Road to the east of the I-15 and within the Bonsall Planning Area from 2.2-C to 2.2-F, thereby allowing the level of service to fall to "F." Allowing greater traffic congestion is not consistent with policies to reduce traffic volumes, efficiently carry traffic and maintain level of service "C." Nor does the FEIR contain any evidence that West Lilac Road will remain rural or that the Project complies with the Valley Center Community Plan's specific mandate to maintain Level of Service "C" at peak hours.¹³

The County has also failed to coordinate with Caltrans with regard to the I-15, as required by Policy CM-1.1.3. To the contrary, Caltrans has written comments criticizing

¹³ Although the state is moving away from using level of service as a measurement of impacts in urban areas under CEQA (*see* SB 743), it still makes sense for the General Plan to use this standard in rural areas such as the Project area. This is because the County should not be approving projects that will cause lots of new traffic due to long commutes, and that will impede emergency access and egress. Misuse of level of service standards in urban settings can frustrate good, dense development; however, use of level of service standards in rural areas protects the environment by forcing agencies to account for emissions and other impacts related to long vehicle commutes in these areas.

the Project's failure to address traffic impacts on the I-15, and the County has steadfastly refused to work with Caltrans to find acceptable mitigation or other solutions.

D. General Plan Policies Related to Transit and Smart Growth.

The County General Plan contains policies to “coordinate with SANDAG” and other transit agencies in order to “maximize opportunities for transit services,” “provide for transit-dependent segments of the population,” “improv[e] regional opportunities for . . . transit,” and “identify alternative methods for inter-regional travel.” General Plan Policies M-8.1, M-8.3, M-8.6, M-8.7. It also contains a stated policy to “[w]ork with SANDAG to implement SB 375 and to achieve regional goals in reducing GHG emissions associated with land use and transportation.” General Plan Implementation Plan, p. 55.¹⁴ Further, it contains policies, such as LU 1.2, to ensure smart growth.

The Project is not consistent with these policies. Rather than coordinating with SANDAG to place new development in designated Smart Growth Opportunity Areas in accordance with the SANDAG Regional Comprehensive Plan, this Project would place thousands of residents far from transit in an area not identified by SANDAG for growth. SANDAG informed the County that the Project site is not listed on the region's smart growth concept map. FEIR at Agencies-17. In fact, the Project does not even meet the general requirements to be on the smart growth concept map, as that map primarily includes rural villages with densities of at least 10.9 dwelling units per acre—far greater than the Project's density. FEIR at Agencies-23.

The Project is also flatly inconsistent with SANDAG's Regional Transportation Plan/Sustainable Communities Strategy (“SCS”) and with SB 375. As the FEIR notes, this SCS sets forth a projected land use development pattern and transportation network that is supposed to help reduce driving and attendant GHG emissions. FEIR at 3.1.2-9 – 10. The SCS is based on the County's 2011 General Plan and the land use projections contained in it. However, as SANDAG described to the County, this Project is not included in the General Plan, and SANDAG did not anticipate growth in this area when it developed its SCS. FEIR at Agencies-17. The FEIR even admits that “the project site was not identified for development in the 2050 RTP/SCS's 2020 and 2035 forecasted development pattern.” FEIR at 3.1.2-34.

¹⁴ http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/Implementation_Plan.04.24.13-clean.pdf.

These facts and admissions demonstrate unequivocally that the Project is not consistent with the SCS. As the FEIR describes, the SCS's strategy is to "focus housing and job growth in the urbanized areas where there is existing and planned infrastructure, protect sensitive habitat and open space, [and] invest in a network that gives residents and workers transportation options that reduce GHG emissions" FEIR at 3.1.2-10. Here, the Project does not focus housing in urbanized areas, does not protect open space, and does not provide workers with transportation options that reduce GHG emissions. Rather, it places thousands of residents a dozen miles or more from any urban or job centers in a location with absolutely no transit. FEIR at Agencies-17 (SANDAG describing how "there are no planned transit services identified in the adopted 2050 RTP/SCS for the proposed project area.").

IV. The Specific Plan Contains an Unlawful Precedence Clause.

The Specific Plan states that, in the case of conflicts or discrepancies between the Accretive Project Specific Plan and the County's General Plan, the Valley Center and Bonsall Community Plans, and County development regulations and zoning standards, the Accretive Specific Plan will prevail. Specific Plan at II-2. The County appears to be attempting to make the Specific Plan take precedence over other General Plan elements or other development standards. This is not allowed. Rather, state law "requires zoning ordinances to be consistent with the county's general plan, and the general plan is required to be consistent within itself." *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 703 (noting that precedence clauses are illegal).

Conclusion

CNFF urges the Planning Commission to recommend that the Board of Supervisors not certify the FEIR or approve the Project.

Lisa Fitzpatrick
August 5, 2015
Page 32

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Erin B. Chalmers



Tim Frank

Attachments:

Exhibit 1: Tim Frank Bio and Experience

Exhibit 2: 2011 General Plan Update EIR (Accretive comments and County response)

Exhibit 3: A Citizen's Guide to LEED for Neighborhood Development

Exhibit 4: LEED ND FAQs

Exhibit 5: 2011 General Plan Update EIR (Attorney General comments and County response; County response to CNFF comment)

699115.1

LEED ND Mandatory Standards	Does NGBS Contain an Equivalent Requirement?	Does Project Meet the LEED ND Standard?
Smart Location and Linkage Prerequisite 1: Smart Location	No	No.
SLL Prerequisite 2: Imperiled Species and Ecological Communities	No	Uncertain, but possible.
SLL Prerequisite 3: Wetland and Water Body Conservation	No	No.
SLL Prerequisite 4: Agricultural Land Conservation	No	No.
SLL Prerequisite 5: Floodplain Avoidance	No	Yes.
Neighborhood Planning and Design Prerequisite 1: Walkable Streets	No	No.
NPD Prerequisite 2: Compact Development	No	No.
NPD Prerequisite 3: Connected and Open Community	No	No.
Green Infrastructure and Buildings Prerequisite 1: Certified Green Building	No	No.
GIB Prerequisite 2: Minimum Building Energy Efficiency	No	Uncertain, but possible.
GIB Prerequisite 3: Minimum Building Water Efficiency	No	Uncertain, but possible.
GIB Prerequisite 4: Construction Activity Pollution Prevention	No	Uncertain, but possible.

Exhibit 1

Tim Frank has been an advocate for sustainable development for more than 20 years and currently serves as the director of the Center for Sustainable Neighborhoods, an organization that supports policies and projects that help build sustainable neighborhoods and regions.

His clients have included the Nature Conservancy, Planning and Conservation League, American Farmland Trust, NRDC and Sierra Club.

He served on the committee that wrote LEED for Neighborhood Development, the green building standard for neighborhoods. He subsequently served for several years on the US Green Building Council's Location and Planning Technical Advisory Group.

His work for the Sierra Club included serving as the chair of the Sierra Club's National Challenge to Sprawl Campaign, which sought to promote sustainable approaches to real estate development. During his tenure leading that campaign, the Club went from never having endorsed a real estate project, to supporting projects in all 50 states in urban, suburban and rural areas alike.

His work now focuses on finding solutions that work and that can attract broad based support.

Tim recently helped shape the plan for the revitalization of Berkeley's downtown, and twice has led campaigns to support it at the polls that have garnered respectively 64% and 74% of the popular vote. These campaigns were backed by a solid phalanx of business, labor, environment and affordable housing leaders.

Tim has been a frequent speaker on smart growth in forums that have ranged from Housing California's annual summit, to the California Coalition for Rural Housing, to the CalTrans Blue Print Planning Network. He served on the advisory committee for the California Economic Summit in 2012 and 2013.

Tim serves on the legislative committee for the Non Profit Housing Association of Northern California, as Board Chair of Good Jobs First, and as a board member of the Sierra Business Council.

He lives in a walkable neighborhood in Berkeley California.

Exhibit 2

FINAL ENVIRONMENTAL IMPACT REPORT

**San Diego County General Plan Update
DPLU Environmental Log No. 02-ZA-001
State Clearinghouse (SCH) #2002111067**

**COMMENT LETTERS AND RESPONSES
TO COMMENTS ON THE DRAFT EIR**

INDIVIDUALS

Lead Agency:

**County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123**

Contact: Devon Muto, Chief of Advanced Planning

August 2011

List of Commenters – Individuals

Letter	Commenter
I 1	Accretive Investments, Inc.
I 2	Adams, Matt
I 3	Bonita Road Partners LLC
I 4	Borrego Country Club Estates
I 5	Bretz, William
I 6	Bullock, Michael
I 7	Burgess, Carol
I 8	Burgess, Richard L.
I 9	Burton, Thomas W.
I 10	Caldwell, Milton
I 11	Canfield, Gary
I 12	Coombs, Diane
I 13	Dahlgren, Elizabeth
I 14	Dahlgren, Ronald E.
I 15	Elliott, John
I 16	Esry, Bev
I 17	Esry, Wes
I 18	Fallgren, Brian
I 19	Father Joe's Villages
I 20	Fege, Anne
I 21	Fox, G. Sydney
I 22	Fox, Ivan
I 23	Fritz, Patsy
I 24	Gamble, Joanne
I 25	Grimes, Dennis
I 26	Hamann Companies (Gibson, John)
I 27	Hamann Companies (Gibson, Luke)
I 28	Hamann Companies (Hamann, Jeff)
I 29	Hanna, Michael
I 30	Hanson, Stephen
I 31	Heilig, Laura J
I 32	Heilig, Robert
I 33	Higgins, Kim and Scott
I 34	Hoppenrath, Margaret
I 35	Hughes
I 36	Iberdrola Renewables, Inc.
I 37	JAG Architecture
I 38	Jamison, Shelia and Duane
I 39	Krause, Charles and Doris

Letter	Commenter
I 40	Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP)
I 41	Lind, Barbara
I 42	McGuffie, Troy
I 43	Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP)
I 44	Miner, Doug
I 45	Morgan Run Country Club and Resort
I 46	Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP)
I 47	Northcote, Randy
I 48	Northcote, Rebecca L.
I 49	Northcote, Robert J.
I 50	Pardee Homes
I 51	Paul Company LLC and Star Ranch
I 52	Perkiss-Driscoll, Shirley
I 53	Pote, Susan M.
I 54	Pruitt Lenac, Barbara G.
I 55	RBF Consulting
I 56	Republic Services - Allied Waste (Represented by Sheppard Mullin Richter & Hampton LLP)
I 57	Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP)
I 58	Sack, Ursula
I 59	Sage Community Group (Lilac Ranch - Represented by Prairie Schwartz Heidel, LLP)
I 60	Shapouri, Ali
I 61	Shotwell, Keala
I 62	Star Ranch
I 63	Star Ranch (Represented by Prairie Schwartz Heidel, LLP)
I 64	Starkey, Rodney and Alameda
I 65	Suncal Companies
I 66	Tomlin, Travis
I 67	Venable, Kenneth
I 68	Vick, Mary
I 69	Weber, Thomas
I 70	Westfall, Gordon A.
I 71	Weston-Valley Center, LLC

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson**ACCRETIVE INVESTMENTS, INC.**

August 31, 2009

Mr. Jeff Murphy
 County of San Diego
 Department of Planning and Land Use
 General Plan Update
 5201 Ruffin Road, Suite B
 San Diego, CA 92123

RE: COMMENTS ON THE DRAFT GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Murphy:

I1-1. Thank you for the opportunity to comment on the Draft General Plan Update ("GPU") and the Draft Environmental Impact Report ("EIR"). Our comments are provided below:

General Plan Update Comments and Questions:

I1-2. The discussion of "Special Study Areas" has been moved out of the Land Use Element and into the Introduction. Please explain the purpose of this modification and the impact to the GPU and its EIR, if the Introduction chapter is not adopted as a part of the GPU. Specifically, would the Special Study Areas continue to be a part of the official framework in the Land Use Element? We believe it is necessary for there to be a supporting policy in the Land Use Element addressing Special Study Areas for them to be used subsequently at the Community Plan level as is discussed in the Introduction. Do you agree or disagree?

For example, in Valley Center, a Special Study Area could be used to depict the general geographic location of a "Western Village", which would become a receiving area for any density (or intensity) that would be transferred out of the Northern or Southern Villages, in order to improve the Level of Service ("LOS") for several important Mobility Element roads in that community without being in conflict with the current GPU policies.

I1-3. County staff started to evaluate just such an option in response to potential road network deficiencies related to development in the Northern and Southern Villages. Subsequently, staff suspended further work on that option when the Board directed that a general plan amendment be processed separately from the GPU. However, the Board action does not preclude staff from evaluating the creation of a "Western Village" as a feasible mitigation measure that has been identified as part of the EIR process. Rather, the Board action was narrowly focused on, and in anticipation of, a separate project being brought forward as a GPA.

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

- I1-4. We request a change to Land Use Element Policy LU-1.4 as follows:
- Prohibit leapfrog development which is inconsistent with the Community Development Model and Community Plans. 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.*
- While leapfrog development is not desirable, as written, LU-1.4 would preclude establishing any type of village density away from established town centers. Higher densities or intensities in certain areas that are in close proximity to freeways or state highways, for example, may be appropriate at some point in future. Furthermore, in limited circumstances, allowing such development may help improve the LOS on Mobility Element roads.
- I1-5. Establishing total restrictions, such as those contained in LU-1.2 and LU-1.4, potentially usurp the discretionary powers of the Board of Supervisors and prevent the Board from being able to respond to the future concerns of the community. Therefore, please revise the policies to include permissive language.
- I1-6. We also request a change to Land Use Element Policy LU-14.4 as follows:
- Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond Village boundaries (or extant Urban Limit Lines) except when necessary for public health, safety, or welfare.*
- Sewer systems should not be used as growth control mechanisms. Regulating growth is the function of the GPU. There are several circumstances where the extension of sewer facilities could be beneficial. For example, sewer facilitates enable the use of smaller lot sizes, thereby resulting in smaller development footprints thus contributing to water conservation goals and reducing project impacts associated with grading.
- Draft Environmental Impact Report (EIR) Comments and Questions:**
- I1-7. The EIR should analyze a change to LU-14.4, which would allow the extension of sewer service outside of established village boundaries. Such a change is necessary to meet water conservation goals, and also reduce impacts to groundwater from leach fields. Arbitrary restrictions on sewer service will result in large lots with minimum lot sizes of more than 1 acre to accommodate the use of septic systems. Large lot subdivisions will have higher water usage requirements than the smaller lots envisioned by conservation subdivisions. As written, the EIR fails to analyze numerous direct impacts and corresponding mitigations measures due to the sewer prohibition, including: higher water usage requirements, increased roadway surfaces necessary to access these larger lots that increase the costs of infrastructure, the amount of impervious surfaces and thus raising the volume of water in storm drain systems and other actual

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

- I1-7. cont.** physical limitations presented by conventional septic systems and leach fields when another feasible alternative is available.
- I1-8.** Please explain Table 2.15-28 in the EIR. This table is misleading and indicates a "Possible Option" for LOS E/F Roads is to make "Land Use Modifications" if the traffic impacts relate to Town Centers or Environmental Constraints. However, the EIR did not analyze such mitigation measures. Further, the GPU does not provide any guidance or discussion of "Land Use Modifications" or relate policies for mitigation purposes. The addition of a Special Study Area policy to the Land Use Element would alleviate this deficiency along with the elimination of mandatory language in several of your land use policies that preclude legitimate changes from occurring without the initiation of a comprehensive update.
- I1-9.** Finally, the EIR must describe all feasible mitigation measures which could minimize significant adverse impacts. With respect to Valley Center, a "Land Use Modification" has been identified as a feasible option to mitigate (or resolve) Mobility Element road deficiencies in Valley Center and should be analyzed in the EIR. Without such additional analysis, the EIR is deficient. Specifically, the EIR should evaluate the impacts/benefits of reducing density in the Northern and Southern Villages of Valley Center and relocating this density to the far western edge of the Valley Center boundaries along the I-15 and Old Highway 395 along the planned alignment of proposed Mobility Element road 3 (Western Village). The public would then be able to evaluate potential LOS improvements to Mobility Element roads (i.e. Valley Center Road). This issue may be resolved by designating the Western Village as a Special Study Area in the Land Use Map.
- I1-10.** Specifically, the Land Use Modification proposed by the Valley Center Community Planning Group ("VCCPG") does not minimize significant adverse impacts to traffic and emergency services. However, the Western Village Land Use Modification completely mitigates adverse impacts to traffic and emergency services as shown in the attached traffic model run produced by SANDAG, Exhibit A. This model run is based on the Western Village modification which is the transfer of residential and commercial/mixed-use density from the North and South Villages in Valley Center to the far western edge of the VCCPG boundaries along the I-15 and Old Highway 395 and generally east along the planned alignment of future circulation element road 3 (and west of West Lilac Road). The specific land use transfers are shown in the attached Exhibit B compared against both the Referral Map, the EIR Project, and the map recommended by the VCCPG.
- I1-11.** In addition, the designation of the Western Village as a Special Study Area would be consistent with the principles of the GPU, because it would result in a(n):
- Reduction in wastes sent to landfills;
 - Conservation of energy and water;
 - Reduction of greenhouse gas emissions;
 - Deduction in total vehicle miles driven;
 - Incorporation of a sustainable storm drain system;
 - Provision of a critical east-west road per the Community plan;
 - Protection of significant environmental resources;

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

I1-11.
cont.

- Reduction in the cost of community services facilitated by building a planned community that prevents fragmentation of growth and dispersal of development;
- Attainment of the core concept of the development strategy contained within the County's General Plan by directing growth to areas where existing or planned infrastructure and services can support growth.

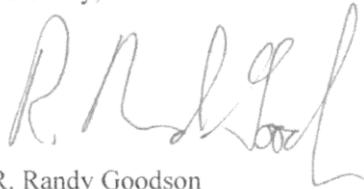
We therefore request that the GPU and EIR consider such Land-Use Modifications and/or Special Study Area.

I1-12.

Conclusion

Thank you for the opportunity to comment on the revisions to the GPU and the EIR.

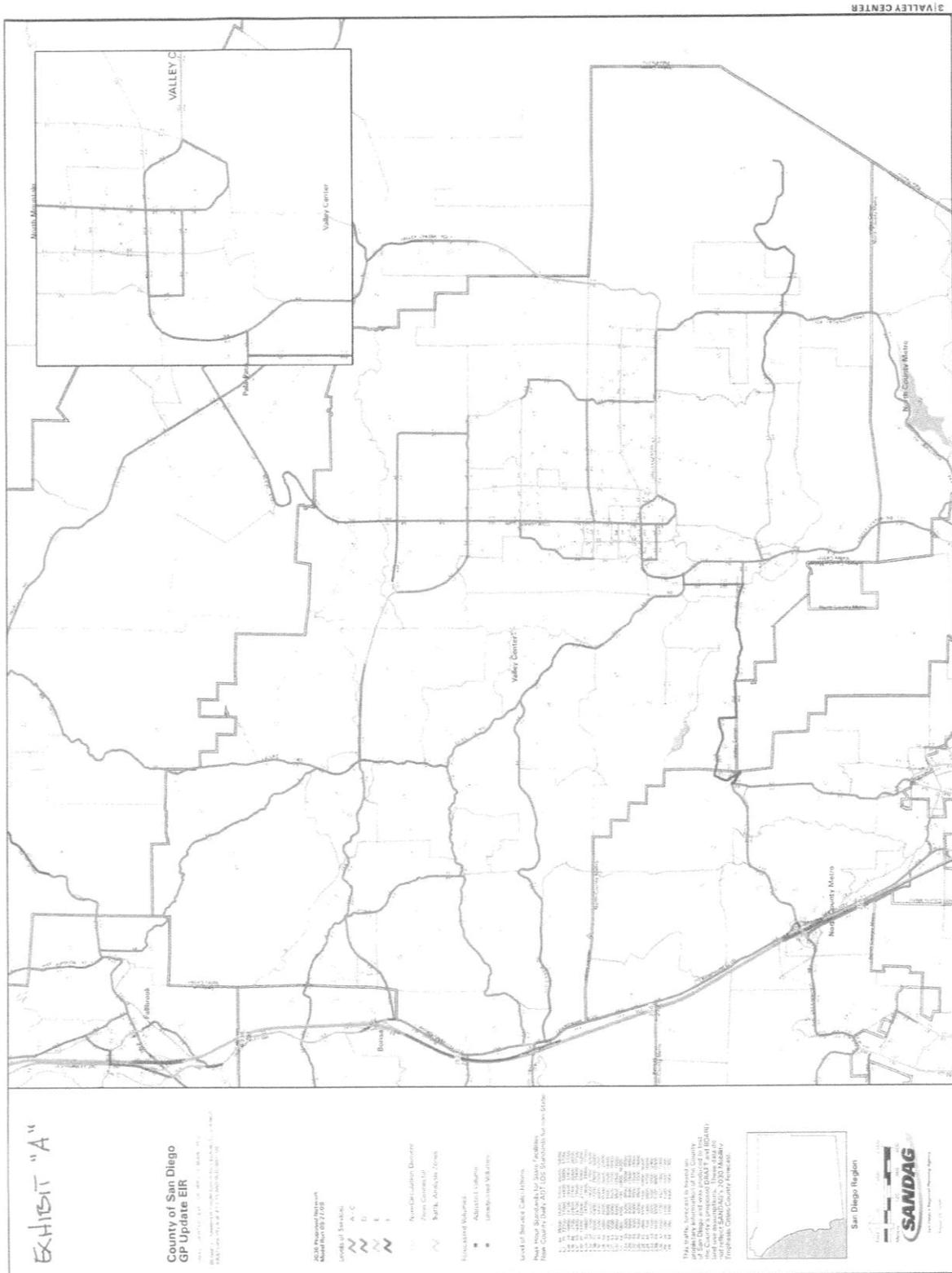
Sincerely,



R. Randy Goodson

Cc: Eric Gibson, DPLU Director of Planning and Landuse
Devon Muto, DPLU Chief of Advanced Planning

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)



Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

EXHIBIT "B"
VALLEY CENTER VILLAGE MODIFICATIONS
Referral Plan and Environmentally Superior Plan Comparison to YCCPG Proposed Reductions

Referral Plan				Environmentally Superior Plan				YCCPG Per D. Memo - August 2009				Improved Traffic Circulation Alternative				
Land Use	Acres	DU/AC	Units	Land Use	Acres	DU/AC	Units	Land Use	Acres	DU/AC	Units	Land Use	Acres	DU/AC	Units	Additional Units
North Village				North Village				North Village				North Village				
Residential	34.1	0.5	16	Residential	23.0	0.5	12	Residential	102.9	7.3	751	Residential	102.9	6.0	621	
Semi-rural Residential (SR-2)	0.2	0.0	0	Semi-rural Residential (SR-2)	0.3	0.0	0	Village Residential (VR-2) A	24.1	5.8	140	Village Residential (VR-2) A	24.1	5.8	140	
Semi-rural Residential (SR-1)	49.1	15.0	739	Village Residential (VR-1)	20.9	15.0	313	Village Residential (VR-2) B	24.1	5.8	140	Village Residential (VR-2) B	24.1	5.8	140	
Village Residential (VR-1)	8.0	10.9	87	Village Residential (VR-1)	8.0	10.9	87	Village Residential (VR-3) A	20.6	2.95	60	Village Residential (VR-3) A	20.6	2.95	60	
Village Residential (VR-2)	34.7	7.3	253	Village Residential (VR-2)	24.1	7.3	176	Village Residential (VR-3) B	173.7	5.9	1023	Village Residential (VR-3) B	173.7	5.9	1023	
Village Residential (VR-3)	71.4	4.3	307	Village Residential (VR-3)	98.4	4.3	423	Mixed Use	20.0	...	...	Mixed Use	20.0	...	...	155
Village Residential (VR-4)	38.9	2.9	397	Village Residential (VR-4)	27.3	2.9	65	General Commercial	83.5	...	...	General Commercial	78.8	...	...	...
Village Residential (VR-5)	2.0	2.0	205	Office Professional	53.3	2.0	108	Office Professional	61.8	...	...	Office Professional	61.8	...	...	...
Village Residential (VR-6)	435.2	4.0	2391	Industrial	292.7	3.0	1141	Industrial	61.8	...	...	Industrial	61.8	...	...	...
Mixed Use	...	...	...	Mixed Use	...	...	...	Public/Semi-Public Facilities	18.2	...	...	Public/Semi-Public Facilities	18.2	...	...	...
General Commercial	106.7	...	...	General Commercial	79.5	...	...	Non-Residential Subtotal	269.3	...	...	Non-Residential Subtotal	264.3	...	...	...
Office Professional	9.7	...	...	Office Professional	5.8	...	...	Village Subtotal	443.0	2.3	1023	Village Subtotal	408.0	2.0	868	455
Industrial	87.2	...	...	Industrial	61.8	...	...	Residential	20.8	0.05	1	Residential	20.8	0.05	1	
Public/Semi-Public Facilities	118.4	...	...	Public/Semi-Public Facilities	118.2	...	...	Semi-rural Residential (SR-2)	30.0	0.5	15	Semi-rural Residential (SR-2)	30.0	0.5	15	
Non-Residential Subtotal	322.0	...	...	Non-Residential Subtotal	265.3	...	...	Semi-rural Residential (SR-1)	...	...	...	Semi-rural Residential (SR-1)	...	...	...
Village Subtotal	758.7	2.6	2001	Village Subtotal	496.0	2.3	1143	South Village				South Village				
Residential	35.7	0.96	2	Residential	20.8	0.05	1	Residential	...	...	...	Residential	...	...	...
Semi-rural Residential (SR-2)	...	...	...	Semi-rural Residential (SR-2)	30.0	0.5	15	Semi-rural Residential (SR-2)	...	...	...	Semi-rural Residential (SR-2)	...	...	...
Semi-rural Residential (SR-1)	...	...	...	Semi-rural Residential (SR-1)	...	...	...	Village Residential (VR-1)	...	...	...	Village Residential (VR-1)	...	...	...
Village Residential (VR-1)	10.2	...	453	Village Residential (VR-1)	...	...	...	Village Residential (VR-2)	11.6	7.3	85	Village Residential (VR-2)	11.6	5.6	65	
Village Residential (VR-2)	18.0	...	197	Village Residential (VR-2)	...	...	...	Village Residential (VR-3)	57.0	4.3	246	Village Residential (VR-3)	57.0	3.9	221	
Village Residential (VR-3)	34.3	7.3	251	Village Residential (VR-3)	11.6	7.3	85	Village Residential (VR-4)	97.0	2.0	194	Village Residential (VR-4)	97.0	2.0	194	
Village Residential (VR-4)	27.1	4.3	116	Village Residential (VR-4)	37.0	4.3	246	Village Residential (VR-5)	161.6	1.0	178	Village Residential (VR-5)	161.6	1.0	178	
Village Residential (VR-5)	13.7	...	40	Village Residential (VR-5)	...	...	...	Specific Plans	378.0	1.90	719	Specific Plans	378.0	1.78	674	
Village Residential (VR-6)	68.4	2.0	336	Village Residential (VR-6)	...	...	...	Residential Subtotal	51.6	...	...	Residential Subtotal	51.6	...	...	45
Village Residential (VR-7)	49.0	2.71	1773	Village Residential (VR-7)	...	...	...	Mixed Use	...	...	...	Mixed Use	...	...	...
Specific Plans	361.6	1.10	178	Specific Plans	161.6	1.0	178	General Commercial	56.2	...	...	General Commercial	36.2	...	...
Mixed Use	...	...	...	Mixed Use	...	...	...	Office Professional	...	...	...	Office Professional	...	...	...
General Commercial	31.1	...	...	General Commercial	31.6	...	...	Industrial	...	...	...	Industrial	...	...	...
Office Professional	4.9	...	...	Office Professional	29.2	...	...	Industrial (Recreation)	10.4	...	...	Industrial (Recreation)	10.4	...	...
Industrial	...	...	...	Industrial	...	...	...	Public/Semi-Public Facilities	...	...	...	Public/Semi-Public Facilities	...	...	...
Open Space (Recreation)	10.4	...	...	Open Space (Recreation)	10.4	...	...	Non-Residential Subtotal	149.0	...	...	Non-Residential Subtotal	149.0	...	...
Public/Semi-Public Facilities	34.6	...	...	Public/Semi-Public Facilities	30.5	...	...	Village Subtotal	527.0	1.4	719	Village Subtotal	507.0	1.3	674	45
Non-Residential Subtotal	178.7	...	...	Non-Residential Subtotal	149.0	...	...	YCCPG Totals	970.0	1.8	1742	YCCPG Totals	945.0	1.6	1542	200
Referral Plan Totals	1405.3	2.3	3274	Env. Superior Plan Totals	1023.0	1.8	1862	Delta between Improved Traffic Alternative and Referral Plan				Delta between Improved Traffic Alternative and Referral Plan				-1732
								Delta btw Improved Traffic Alternative with additional unit reduction of 200 unit and Referral Plan				Delta btw Improved Traffic Alternative with additional unit reduction of 200 unit and Referral Plan				-1932

A. Private property owner's project -- Area B 2 and B3
 B. This area north of village core calculated at a blend of 5.8 du/ac.
 C. This area calculated at a blend of 1.6 du/ac.
 D. This area calculated at a blend of 2.25 du/ac.
 Delta btw Improved Traffic Alternative with additional unit reduction of 200 unit and Referral Plan

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson

- I1-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- I1-2 This comment does not raise a significant environmental issue for which a response is required. The Introduction chapter of the draft General Plan is part of the proposed project and is not proposed for deletion; therefore, the theoretical effect of its removal does not require analysis.
- I1-3 This comment first discusses a concept of transferring density from the north and south villages of Valley Center for the creation of a third western village. The General Plan Update does not include this concept. Additionally, there is no requirement that reduced densities in the north and south villages must be offset by transfers to a third, new village. This concept is outside of the scope of the General Plan Update.
- In the next paragraph, this comment incorrectly suggests that staff evaluated this concept in response to road network deficiencies. This is not accurate. A Specific Plan Area (SPA) was initially included in the western portion of the Valley Center at the direction of the Board of Supervisors as a means to fund construction of the Road 3A segment.
- The comment correction indicates that the SPA was subsequently removed at the direction of the Board of Supervisors who directed staff to:
- “...remove the Road 3A SPA from the General Plan Update discussion completely, as it will proceed, if at all, on a separate track as a separate GPA” (refer to Minute Order 23 from Board of Supervisors hearing of July 23, 2008)
- Whether or not the Board’s action allows for a “western village” to be considered mitigation is not an issue related to the content of the EIR that requires response; especially because a “western village” is not an appropriate alternative or mitigation measure.
- I1-4 The County does not concur with substantive changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group. In addition, approach suggested by the comment was never studied as part of the General Plan Update project.
- I1-5 The County does not concur with changes to the Land Use Element goals and policies this late in the planning process, as discussed in response to comment I1-4 above.
- I1-6 The County does not concur with changes to the Land Use Element goals and policies this late in the planning process, as discussed in response to comment I1-4 above. It should be noted that Policy LU-14.4 has been revised. See response to comment I1-7 below as well as response to comment O9-12.

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

11-7 The County does not agree with this comment. The sewer restriction in Policy LU-14.4 correlates with the draft land use map. The DEIR based its analysis on those maps and, therefore, the potential impacts of the associated land use patterns are evaluated. The impacts suggested by the comment are addressed in the DEIR where appropriate. Water usage is addressed in the water availability analysis in Section 2.16 of the DEIR. Roadway construction is addressed mainly in Section 2.15 and Appendix E, although general impacts are addressed throughout the other issue sections. The issue of the cost of infrastructure is not a CEQA issue. Impervious surfaces and drainage are addressed in Section 2.8. Lastly, septic systems are addressed in Section 2.16. For all impacts identified in these sections, mitigation measures are also specified.

It should be noted that Policy LU-14.4 has been revised as follows (see also response to comment O9-12):

"Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond either Village boundaries or extant Urban Limit Lines, whichever is more restrictive, except:

- When necessary for public health, safety, or welfare.
- When within existing sewer district boundaries; or
- Where specifically allowed in the Community Plan."

11-8 Table 2.15-28 Criteria for Accepting LOS E/F Roads has been completely revised within the DEIR. This table was based on a former version of the criteria for accepting a road classification with level of service E or F. Table 2.15-28 has now been changed to reflect the new criteria, which no longer includes "Land Use Modifications." It should be noted that the DEIR did evaluate land use modifications that were considered to be within a reasonable range that related to reducing impacts to road segments with deficient levels of service. However, it was not considered reasonable for all level of service E or F roads to be brought to acceptable levels through land use modifications given the desired road network.

11-9 The County does not agree that the addition of a "western village" is appropriate as an alternative or mitigation measure in the General Plan Update DEIR. First, the addition of a "western village" is not necessary for decreases in density in the south and north village to be considered. In fact, such decreases were considered in the DEIR. Reducing the densities in the north and south villages to a level that will avoid deficiencies in the Valley Center road network is an available option to the Board of Supervisors but one that was considered beyond of the range of options developed for the community through the lengthy General Plan Update planning process. Adding a western village is an increase in density that is inconsistent with the General Plan Update project objectives, guiding principles, and goals and objectives. Additionally, the additional village would result in a number of additional environmental impacts.

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

- I1-10 The VCCPG's proposed modifications reduce impacts to the extent feasible within the framework and objectives of the General Plan Update. The County appreciates the information provided by the commenter but cannot confirm that it is accurate or consistent with the methodology used for the rest of the project. A SANDAG model run is not sufficient to support the claims made by the commenter. The model run is based on numerous assumptions that must be verified. Further, because the addition of a western village is not appropriate for consideration in the General Plan Update as explained in response to comment I1-9, the County will not be providing that verification review as part of the General Plan Update. The commenter is currently requesting a General Plan Amendment from the County separate from the General Plan Update and any analysis specific to the western village is more appropriately conducted as part of that process.
- I1-11 The County does not necessarily agree that the western village concept is consistent with the guiding principles of the General Plan Update or with the purported benefits of such a project as listed in this comment.
- I1-12 The requested land use modification and/or Special Study Area is beyond the reasonable range of alternatives identified for the DEIR. See also response to comment I1-9 above.

Exhibit 3

A Citizen's Guide to LEED for Neighborhood Development: How to Tell if Development is Smart and Green



LEED for Neighborhood Development was jointly developed by the U.S. Green Building Council, Natural Resources Defense Council, and the Congress for the New Urbanism. It is administered by the U.S. Green Building Council.

Acknowledgements

The Citizen's Guide to LEED-ND was developed by Raimi + Associates and the Natural Resources Defense Council (NRDC), with guidance by a national advisory committee of experts in smart growth and LEED-ND, and input from diverse local and regional advocates. A special thank you to all those contributors and committee members who have freely given their time and expertise.

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How To Use This Guide

This guide is a plain-English reference aid designed to help you improve your community and neighborhood. It explains a sophisticated and innovative set of environmental standards called LEED for Neighborhood Development (LEED-ND). The name “LEED” stands for Leadership in Energy and Environmental Design, a program administered by the U.S. Green Building Council, a private, non-profit organization. You may know LEED as a program that evaluates and certifies green buildings across the country.

GREEN BUILDING DESIGN & CONSTRUCTION	LEED FOR NEW CONSTRUCTION
	LEED FOR CORE & SHELL
	LEED FOR SCHOOLS
	LEED FOR HEALTHCARE
	LEED FOR RETAIL
GREEN INTERIOR DESIGN & CONSTRUCTION	LEED FOR COMMERCIAL INTERIORS
	LEED FOR RETAIL INTERIORS
GREEN BUILDING OPERATIONS & MAINTENANCE	LEED FOR EXISTING BUILDINGS
GREEN HOMES DESIGN & CONSTRUCTION	LEED FOR HOMES
GREEN NEIGHBORHOOD DEVELOPMENT	LEED FOR NEIGHBORHOOD DEVELOPMENT

LEED Rating Systems Jeffrey Lovshin/ U.S. Green Building Council

LEED-ND takes the green certification concept beyond individual buildings and applies it to the neighborhood context. In particular, LEED-ND contains a set of measurable standards that collectively identify whether a development or proposed development of two buildings or more can be deemed environmentally superior, considering the development’s location and access, its internal pattern and design, and its use of green technology and building techniques. These standards include prerequisites (required as a baseline for sustainable neighborhood development) and credits (additional best practice standards for sustainable neighborhood development).

The LEED-ND’s standards may be downloaded in their entirety from the U.S. Green Building Council’s neighborhoods page at: www.usgbc.org/neighborhoods.

LEED-ND was developed primarily for application in situations where private developers pursuing environmentally sound principles would find it in their interest to obtain a green stamp of approval for their projects. But the system is not only a certification system for green projects. It is also a ready-made set of environmental standards for land development. The standards can be useful to anyone interested in better community planning and design, including neighbors, citizens, community organizations and leaders, government officials, and others.

Co-developed by the Natural Resources Defense Council, the Congress for the New Urbanism, and the U.S. Green Building Council, LEED-ND takes a broad approach to neighborhood sustainability, reflecting the most current research and ideas about smart, green, sustainable, and well-designed neighborhoods. When used for formal certification, LEED-ND is rigorous and complex, but the principles behind the system are much simpler. The purpose of this *Citizen’s Guide* is to make those principles easier to understand and use in a variety of circumstances. We believe the guide can be useful for citizens with a wide variety of interests, including:

- Smart growth and land use planning
- Transportation
- Sustainable design and livable cities
- Environmental advocacy and natural resource protection
- Housing and affordability
- Climate change and action
- Equity and social justice
- Public health

HOW THE GUIDE IS ORGANIZED

You may wish to read the *Citizen's Guide* section by section in its entirety, or simply use the Table of Contents to find topics of particular interest.

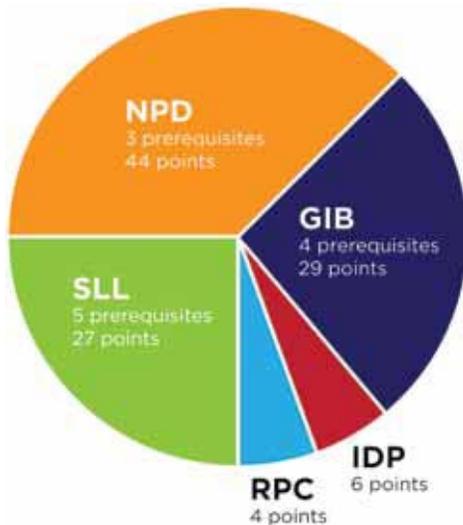
This introductory section is followed by one called “What is a Sustainable Neighborhood?” that establishes a frame for the three that follow, each illuminating a key concept for neighborhood sustainability, referencing the LEED-ND credits and prerequisites that inform each concept.

These are followed by “How Can LEED-ND Help Improve Your Community?” which provides some creative suggestions to get you started using LEED-ND’s diverse standards in your own community. These suggestions include using LEED-ND to evaluate and improve development proposals, to guide improvements to existing neighborhoods, to inform community planning and zoning, and other policy-making.

Following this are supplementary materials, including a “Sustainable Neighborhood Development Checklist.” The checklist is a sort of “crib sheet” for every LEED-ND credit and prerequisite, presenting them in an easy-to-use format for evaluating development proposals, assessing existing neighborhoods, and informing community planning and policy. It is organized by topic, so you can use it in its entirety or just to evaluate certain topics. The checklist includes an optional scoring exercise so you can calculate what the LEED-ND score would for the project you are assessing. It is also a great source for nationally-tested standards or numerical thresholds to incorporate into design guidelines, planning policy, or other work you are doing.

Finally, the supplementary materials include a summary of the LEED-ND Rating System, and a summary of the basics of formal LEED and LEED-ND certification procedures.

What is a Sustainable Neighborhood?



LEED-ND Credit Breakdown

Credit: Jeffrey Lovshin/
U.S. Green Building Council

LEED-ND was designed to reflect the key aspects of neighborhood sustainability. Understanding these concepts and their relationship to each other can provide citizens with guidance and technical prowess as they work in their own neighborhoods and communities.

This section of the guide provides a snapshot of neighborhood sustainability by summarizing the key strategies of the LEED-ND Rating System, which is organized into three basic sections:

- **Smart Location and Linkage (SLL)**—where to build
- **Neighborhood Pattern and Design (NPD)**—what to build
- **Green Infrastructure and Buildings (GIB)**—how to manage environmental impacts

WHAT IS A NEIGHBORHOOD?

LEED-ND applies to neighborhoods and parts of neighborhoods. But a neighborhood is more than territory within a boundary drawn on a map. At best, it is a place with its own unique character and function, where people can live, work, shop, and interact with their neighbors. The most sustainable neighborhoods tend to exhibit high levels of walkability, a sense of place, social cohesion and stability, and neighborhood resiliency amidst changing economic and sociopolitical conditions. As summarized by architects Andres Duany and Elizabeth Plater-Zyberk, good traditional neighborhoods include:

- A discernible center
- Housing within a five minute walk of the center
- A variety of dwelling types
- A variety of stores and commercial activity
- Flexible backyard “ancillary” buildings for working or living
- A school within walking distance
- Playgrounds near all dwellings
- Connected streets
- Narrow, shaded streets conducive to pedestrians and cyclists
- Buildings close to the street at a pedestrian scale
- Parking or garages placed behind buildings and away from street frontages
- Prominent civic and public buildings
- A community decision process for maintenance, security, and neighborhood development

Smart Location and Linkage: Where to Build

LEED-ND can be used to help you discern whether a proposed development—or even an existing neighborhood, plan, or policy—rates as a good one when compared to environmental and community criteria. When making this determination, the first question to ask may be the most basic of all: Is this a good place to build something? LEED-ND encourages strategies that conserve resources such as reinvesting within existing neighborhoods, cleaning up contaminated sites, protecting natural areas, and facilitating connections to the surrounding community.

Key Prerequisites and Credits

SLL Prerequisite 1:	Smart Location
SLL Credit 1:	Preferred Locations
SLL Credit 2:	Brownfields Redevelopment
SLL Credit 3:	Locations with Reduced Automobile Dependence
SLL Credit 5:	Housing and Jobs Proximity

SMART LOCATIONS

Selecting and planning for the location of development is fundamental to environmental sustainability and, according to research, the most important determinant of how much residents will drive.¹ Even if a building or larger development uses green construction techniques, a poor location that destroys natural areas, requires people to drive long distances, or exposes people to toxic substances will likely overshadow

the benefits of green construction. Building on, or “redeveloping,” **previously developed sites** (where there has been previous construction or paving) and “infill” sites (which are surrounded or mostly surrounded by previously developed land) is a key smart growth strategy. As a result, it is strongly rewarded in the LEED-ND rating system. Building in these locations uses land efficiently and preserves open space, ecological areas, and agricultural land around cities. It also tends to cluster housing, jobs, stores, and public spaces together. When these conveniences are within easy reach, it makes public transit, cycling, and walking more feasible and reduces the length of car trips.

LEED-ND also rewards cleaning up and redeveloping **contaminated sites**—or “brownfields”—such as old gas stations, industrial facilities, storage facilities for toxic substances, or contaminated military sites. Though many brownfield sites qualify as smart locations—being infill, transit-served and walkable—they often lie vacant unless there are incentives for cleanup, which can be complicated, unpredictable, and expensive.

Key Prerequisites and Credits

SLL Prerequisite 2:	Imperiled Species and Ecological Communities
SLL Prerequisite 3:	Wetland and Water Body Conservation
SLL Prerequisite 4:	Agricultural Land Conservation
SLL Prerequisite 5:	Floodplain Avoidance
SLL Credit 6:	Steep Slope Protection
SLL Credits 7, 8, 9:	Site Design for, Restoration of, or Long-Term Conservation Management of Habitat or Wetlands and Water Bodies
<i>Also see:</i>	GIB Credit 7: Minimized Site Disturbance

DESIGN WITH NATURE

Locating development in a way that is **sensitive to its natural setting** is an important aspect of protecting local environmental quality. This is particularly important for habitat areas, wetlands and water bodies, prime agricultural land, and floodplains. As a result, several LEED-ND prerequisites prohibit or strictly limit development in these types of natural areas.

Other important strategies include restoring and conserving habitat areas and wetlands, minimizing on-site construction impacts, and protecting steep slopes from erosion that can pose safety risks and pollute downstream lakes and rivers. Infill and previously developed sites are much less likely to contain valuable biological resources like farmland, wetlands, and plant and wildlife habitat.



Idaho Falls, Idaho

Credit: Lisa Town

Key Credits

SLL Credit 1: Preferred Locations
Also see: NPD Prerequisite 3: Connected and Open Community
NPD Credit 6: Street Network

CONNECTED NEIGHBORHOODS

Good connections for pedestrians, cyclists, and vehicles—both within a neighborhood and to surrounding areas—are essential for a neighborhood to capitalize on a smart location. This means frequent **street connections and pathways** to surrounding areas, a high degree of internal connectivity, and

few barriers—such as cul-de-sacs or difficult-to-cross streets—to adjacent areas and uses. Research shows that walking and physical fitness increase with greater street connectivity, measured by the number of intersections per square mile.²

Curving, suburban-style streets with long blocks and multiple dead-ends, on the other hand, require long, circuitous walking or driving routes to nearby destinations, reducing walking. Street connectivity is an important cross-cutting strategy for neighborhood sustainability since it also improves access to parks, schools, transit, businesses, jobs, and shopping—all rewarded in LEED-ND.



Eastgate Town Center
Chattanooga, Tennessee - Axo Sequence

Credit: Victor Dover/Dover, Kohl & Partners

PUBLIC TRANSIT

Locating housing and jobs in compact clusters near public transit, widely referred to as “transit-oriented development,” increases the likelihood that people will take transit or walk rather than drive. In the United States, most vehicle miles traveled VMT are by single-occupancy vehicles, which generate more greenhouse gas emissions and pollution per mile than car sharing, carpooling, walking, cycling, and most forms of public transit. Transit-oriented development reduces greenhouse gas emissions, provides riders necessary to support transit systems, offers an alternative to automobile use, reduces demand for parking, and captures many of the other benefits of infill development. In addition to locating near transit service, providing comfortable shelters, benches, lighting, and schedule information at transit stops can encourage transit use. And even when residents of transit-oriented housing do drive, their central location means their trips are often shorter.

Key Credits

SLL Credit 3: Locations with Reduced Automobile Dependence

Also see: NPD Credit 7: Transit Facilities

NPD Credit 8: Transportation Demand Management



Seattle, Washington

Credit: RACTOD/
www.ReconnectingAmerica.org

Neighborhood Pattern and Design: What to Build

Once planners or developers have decided where to build, it has to decide what to build. Should there be homes? Shops? Parks? Which activities will the neighborhood be designed for? What will it look like, and how will it feel to walk through? The Neighborhood Pattern and Design section of LEED-ND addresses some of these topics. It encourages strategies like walkable streets, diverse and compact neighborhoods, high-quality public spaces, reduced dependence on automobiles, and community participation in design.

Key Credits and Prerequisites

NPD Prerequisite 2: Compact Development
NPD Credit 2: Compact Development

NEIGHBORHOODS THAT USE LAND EFFICIENTLY

Neighborhoods that make efficient use of land help limit the spread of suburban sprawl, which consumes and fragments the rural landscape along with watersheds, wildlife habitat, and prime farmland.

In addition, more efficient neighborhood design means that destinations like schools, shops, and parks can be closer together, making walking and cycling more efficient. Public transit systems are also more likely to be successful in compact neighborhoods because there are more potential riders near each station and, even



The rendering shows the central square of a prototypical neighborhood for east El Paso, Texas. Through changes in El Paso's zoning regulations, the inclusion of public spaces such as the one shown can again become a feature of new neighborhoods.

Credit: Dover,
Kohl & Partners.

when people do drive, they tend to drive less. Finally, compact development requires less infrastructure—such as water, sewer, and electricity facilities—to serve the same number of people, saving economic resources. Because of its underlying benefits, compact neighborhood design is assigned a high number of points in the LEED-ND rating system. A neighborhood's level of compactness is also known as its “density.”



Orenco Station
Hillsboro, Oregon

Credit: Lisa Town

DIVERSE AND CONVENIENT NEIGHBORHOODS

Though it is still considered best practice to separate polluting or heavy industrial land uses from others, there are a number of benefits to mixing residential, commercial, and live-work land uses. The diverse uses of **blended neighborhoods** tend to support each other and reinforce a sense of neighborhood character, while decreasing the need to travel long distances for goods, services, or work. Uses can be mixed within the same neighborhood—such as when homes are located next to a corner store—or even within the same building—such as live-work spaces or ground-level shops with housing or office space above them.

In addition, a neighborhood with a wide **range of housing types and sizes**—such as large and small townhouses, duplexes, single-family homes, apartment buildings, or special needs housing—can support a diverse population that includes students, families, seniors, group housing, young singles, or couples. This mix reinforces neighborhood stability by allowing people to stay in the same community throughout different stages of their lives. It can also add a sense of texture and character to a place, encouraging social and economic diversity, along with multiple levels of affordability. When housing is available at affordability range of prices, people who earn less but are vital parts of any community—such as teachers, police officers and public sector employees, or artists—can live and work in the same community as those with higher incomes. This encourages economic opportunity and social diversity, and can sometimes reduce commute times by allowing people to live closer to work.

LEED-ND rewards neighborhoods that are **designed for a variety of ages and abilities**. Key techniques include designing some housing to have “stepless” entrances and other accessible features, making public portions of buildings universally accessible, and including wheelchair access at traffic intersections and between buildings.



Denver, Colorado

Credit: Charles Perry/Perry Rose LLC



St. Louis, Missouri

Credit: Sean Thomas/Old North St. Louis Restoration Group

Key Credits and Prerequisites

NPD Prerequisite 1: Walkable Streets
NPD Credit 1: Walkable Streets
NPD Credit 5: Reduced Parking Footprint
NPD Credit 14: Tree-Lined and Shaded Streets

WALKABLE STREETS

Walking has cross-cutting benefits for public health, environmental sustainability, and neighborhood vitality, and further unlocks the advantages of neighborhoods with smart locations, a mix of uses, and compact development. A number of features working together can ensure that a street is **comfortable, safe, and inviting for pedestrians**. These include a connected pedestrian network and elements of high-quality urban design.



Charlottesville, Virginia

Credit: citydata.com

Too many poorly designed neighborhoods are uninviting to pedestrians. For example, buildings that are set far back from the street, are separated from the sidewalk by large parking lots, or are too low in comparison to the width of streets often lack a sense of place or undermine pedestrian comfort. Excessive blank walls, a lack of frequent building entrances onto public space, shuttered or infrequent windows, and unattractive building facades can also deteriorate the pedestrian environment. Frequent garage doors and driveway intrusions across the sidewalk can further diminish the pedestrian experience.



San Francisco, California

Credit: Dan Burden/
www.pedbikeimages.org

By contrast, streets designed for walkability include building entrances that are easy to reach from the sidewalk and include doorways and window displays that create a sense of interest and architectural diversity along the path. Frequent, well-established street trees can make pedestrians more comfortable by providing shade and contact with nature. Continuous sidewalks, low-speed traffic, and on-street parking that provides a buffer between the sidewalk and the street can also increase pedestrian comfort and safety.

Key Credits

NPD Credit 5: Reduced Parking Footprint
NPD Credit 8: Transportation Demand Management

REDUCED PARKING AND TRANSPORTATION DEMAND

Large surface **parking lots** discourage pedestrian access from sidewalks and other nearby buildings, especially when they are located between sidewalks and buildings.

Parking lots also diminish the quality of nearby public spaces like parks, plazas, or sidewalks. The pavement used to construct parking lots also leads to more polluted stormwater runoff after rainstorms. LEED-ND calls for all off-street parking not to exceed a maximum size and to be located to the side or rear of or underneath buildings.

In addition, parking and building design, and operation all affect how much people drive. Strategies like an on-site vehicle sharing program, providing shuttle service to jobs or transit, providing transit passes to project occupants, or selling parking spots separately from dwelling units can all **reduce the need for car ownership**. Other strategies that can reduce how many trips people take include ride sharing, flexible working hours, pedestrian and bicycle promotion, and reduced amounts of parking.

Key Credits

SLL Credit 4: Bicycle Network and Storage
 See Also: NPD Credit 5: Reduced Parking Footprint

BICYCLE-FRIENDLY DESIGN

Cycling is an efficient mode of transportation without the negative environmental effects or high installation costs of many other modes. It can improve public health by providing regular physical activity. Like pedestrian facilities, successful bicycle facilities should be arranged in a connected network, providing safe, comfortable, and well-maintained access to a variety of destinations while decreasing conflicts with cars and transit vehicles. To be credited in LEED-ND, a **bicycle network** must consist of continuous off-street paths (Class I bikeways), on-street lanes (Class II bikeways), or bicycle-friendly low-speed streets. Sufficient, secure, and well-placed bicycle parking for visitors and for building occupants also encourages cycling. Compared to car parking, bike parking requires very little space: just one off-street car parking spot usually takes up about same amount of space as 10 to 12 bicycle parking spots.



Portland, Oregon

Credit: Laura Sandt/
www.pedbikeimages.org



Seattle, Washington

Credit: VeloBusDriver

Key Credits

NPD Credit 3: Mixed-Use Neighborhood Centers
 NPD Credit 9: Access to Civic and Public Spaces
 NPD Credit 10: Access to Recreation Facilities
 NPD Credit 12: Community Outreach and Involvement
 NPD Credit 13: Local Food Production
 NPD Credit 15: Neighborhood Schools

MIXED USES AND COMMUNITY SPACES

In the same way that a mixed-use environment creates a sustainable and diverse neighborhood by integrating both residential and commercial uses into one building or neighborhood, they also place a variety of shops, services, and amenities within walking distance of neighborhood residents and each other. This reduces car trips and facilitates walking, which contributes to health and fitness. A sustainable neighborhood also offers public facilities and services for residents and visitors in various stages of life. These can include schools, libraries, civic buildings, community centers, places of worship, recreation facilities, and community gardens. Amenities like these are critical to meeting a community's cultural, social, spiritual, and physical needs.



Portland, Oregon

Credit: Heather Bowden



Holland, Michigan

Credit: Dan Burden/
www.pedbikeimages.org



Orenco Station
Hillsboro, Oregon

Credit: Lisa Town

Parks, open spaces, gardens, and ecological areas are particularly important for urban environments where green space and places of refuge can be in short supply. Proximity to parks is often associated with increased physical activity, more social interaction, and reduced stress. Likewise, physical and economic access to sources of **healthy food** such as community gardens, farmer's markets, full-service grocery stores, or other sources of fruit and vegetables is associated with higher intakes of health foods and reduced risk of chronic diseases.



New York, New York

Credit: Christopher Titzer



Vancouver, British Columbia, Canada

Credit: Dan Burden/
www.pedbikeimages.org

Community members involved in planning for a neighborhood's future are often more likely to invest in it, care for it, and maintain it. This sort of personal investment supports a neighborhood's long-term stability and sustainability. If new development or other major changes are proposed in a neighborhood, basic facets of community involvement should include meetings with surrounding property owners, residents, and businesses; modifying project designs to meet stated community needs; and maintaining open lines of communication throughout the project. A more advanced technique is the multi-day "charrette," which is an intense period (anywhere from a few hours to a few days) of design activity involving design professionals and local stakeholders working in close collaboration.

Green Infrastructure and Buildings: How to Manage Environmental Impacts

Even if your neighborhood has a great location and layout, it won't have excellent environmental performance without thoughtful and innovative green design. This includes strategies like incorporating energy and water efficiency, reusing older buildings, recycling materials, reducing stormwater runoff, and eliminating pollution sources.

Key Credits and Prerequisites

GIB Prerequisite 1 and Credit 1: Certified Green Building(s)
 GIB Prerequisite 2 and Credit 2: Building Energy Efficiency
 GIB Prerequisite 3 and Credit 3: Building Water Efficiency
 GIB Credit 4: Water-Efficient Landscaping

GREEN BUILDINGS

“Green buildings” emphasize environmental excellence and sensitivity in their design, incorporating strategies like energy and water efficiency, high indoor air quality, and sustainably sourced (or recycled) materials. LEED-ND contains

prerequisites and credits for energy efficiency, water efficiency, and certified green buildings—underscoring their foundational role for a sustainable neighborhood.



Solar Powered Affordable Housing
 West Hollywood, California

Credit:
 limelightpower

In addition to water efficiency inside buildings, **water used outside buildings** for landscaping and street trees determines a neighborhood's overall water use. Planting native species is preferable as they are less disruptive to natural ecosystems; in arid climates they tend to be drought-tolerant and require less irrigation. For plants that require irrigation, using efficient irrigation equipment, capturing rainwater, or recycling wastewater can reduce overall water consumption.



Hart Building
 Dallas, Texas

Credit: Steve Minor

Key Credits

GIB Credit 5: Existing Building Reuse
 GIB Credit 6: Historic Resource Preservation and Adaptive Use

REUSING OLDER BUILDINGS

Reusing as much of a building as possible—whether it be the entire building, the building shell, or just salvageable components of the building—is a fundamental green building strategy rewarded in most LEED rating systems, including LEED-ND. In



Old Town
Fort Collins, Colorado

Credit: Carol Jacobs Carre

in addition to eliminating waste and reducing the energy and resources needed to produce building material, reusing or adapting buildings reinforces a neighborhood's existing character. Neighborhood landmarks and historic or architecturally significant buildings are particularly valuable because they can provide visible public gathering places and generate interest and investment in a neighborhood.

Key Credits and Prerequisites

- GIB Prerequisite 4: Construction Activity Pollution Prevention
- GIB Credit 8: Stormwater Management
- GIB Credit 17: Light Pollution Reduction

REDUCING POLLUTION

A neighborhood's design and manner of construction influences the amount of air and water pollution it generates. **Preventing pollution during construction** is considered so

essential to good building practice that it is a prerequisite in LEED-ND (GIB Prerequisite 4: Construction Activity Pollution Prevention). It is also often required to some extent by federal, state, or local regulation. The main goals are to prevent (1) on-site wind and water erosion, (2) air and dust pollution, and (3) pollution or sedimentation—excessive sand and gravel—in downstream creeks, rivers, and lakes.

Contaminated **stormwater** is one of the largest sources of water pollution in the United States, but neighborhoods can reduce stormwater pollution by keeping as much runoff as possible from flowing off the site. This reduces erosion, pollution, and flooding of downstream water bodies by naturally filtering and reabsorbing stormwater runoff. It can also help recharge natural aquifers below the neighborhood. Green stormwater retention techniques include use of street-side "swales" (low-lying, and often marshy areas), water-pervious paving materials, stormwater retention basins, green roofs, open green space, and landscaping, all of which can facilitate stormwater capture, absorption by trees and plants, or reuse.

Light pollution occurs when bright lighting or glare negatively affects neighboring homes, public spaces, and natural areas. Light pollution can disturb nearby wildlife movement and life cycles, decrease a neighborhood's livability, and limit views of the night sky. For human health, light pollution has been



Rain Garden
Vastra Hamnen, Sweden

Credit: La Citta Vita



Bioswale Curb Extension
Portland, Oregon

Credit: Greg Raisman

linked to disruptions in natural circadian rhythms and depressed immune function. Important strategies for reducing light pollution include directing artificial light downward instead of upward and outward, and using more frequently spaced, lower intensity lights instead of only a few very bright lights. Another basic strategy is for non-essential lighting to automatically turn off when not needed.



Green Roof at Walter Reed
Community Center
Arlington, Virginia

Credit:
Arlington
County



Green Roof at Portland State
University, Portland, Oregon

Credit:
Alex Abboud

KEEPING THINGS COOL

Key Credits

GIB Credit 9: Heat Island Reduction
NPD Credit 5: Reduced Parking Footprint
NPD Credit 14: Tree-Lined and Shaded Streets

“Heat islands”

are localized areas, usually within cities, where the ambient

temperature is significantly warmer than the natural environment or surrounding areas. Unshaded pavement, dark-colored rooftops, and other building and infrastructure surfaces that absorb and then radiate heat from the sun can all contribute to creating heat islands. A study by the Local Government Commission found wide streets without a tree canopy to be 10 degrees warmer on hot days than nearby narrow, shaded streets.³ In addition to creating discomfort for pedestrians and health risks for vulnerable populations and manual laborers, heat islands can also create difficult growing conditions for plants and increase irrigation demand. Proven techniques to counteract heat island effects include tree planting, smaller and narrower streets and parking lots, light-colored solar-reflective roofing (which also reduces demand for air conditioning), vegetated roofs or other landscaping, open-grid and solar-reflective paving, and covering parking with solar-reflective roofing.

Key Credits

GIB Credit 10: Solar Orientation
GIB Credit 11: On-Site Renewable Energy Sources
GIB Credit 12: District Heating and Cooling
GIB Credit 13: Infrastructure Energy Efficiency

NEIGHBORHOOD-WIDE ENERGY EFFICIENCY

An energy-efficient building is good. An entire neighborhood that is energy-efficient is better. The initial **layout and orientation** of a neighborhood can affect its ability to use solar energy both actively (such as for photovoltaic cells) and passively (such as for natural

lighting or direct solar heating through windows and walls). In the United States, sunlight from the south is stronger and more consistent than sunlight from other directions, while northern light can provide a consistent, glare-free source of interior daylighting. For this reason, it is ideal when neighborhood blocks (or lower density buildings) can maximize their northern and southern exposure.

Similarly, installing **renewable energy sources and distribution systems** at a neighborhood scale, which serves multiple buildings or homes, is often more cost- and energy-efficient than installing them building-by-building. Examples include geothermal wells, photovoltaic (solar) or wind-powered electrical systems, combined heat and power plants using biofuels, hydroelectric power, and wave or tidal power. Heating and cooling multiple buildings through a centralized system requires less infrastructure and capacity per individual building. This is true whether it harnesses renewable sources, conventional boilers and air-conditioning systems, or heat that is a by-product of industrial processes. Installing either shared

renewable energy sources or shared heating and cooling usually requires close collaboration between multiple buildings landowners.

Energy-efficient streetlights, traffic lights, park lights, water pumps, and sewer systems can also significantly reduce a neighborhood's total level of energy consumption. Common examples of energy-efficient infrastructure include light-emitting diode (LED) technology for traffic and other lights, efficient or adjustable-power water pumps, or solar-powered lights.

Key Credits

- GIB Credit 14: Wastewater Management
- GIB Credit 15: Recycled Content in Infrastructure
- GIB Credit 16: Solid Waste Management Infrastructure

REUSE AND RECYCLING

Reusing and recycling materials preserves natural resources while reducing waste and energy used in industrial manufacturing. There are often opportunities to use **recycled material** for new infrastructure—including streets, sidewalks, or water piping. Commonly available types of materials include reused cement or asphalt, rubberized asphalt incorporating scrap tires, refabricated metal for piping, or industrial byproducts such as coal fly ash mixed into concrete. LEED-ND also encourages recycling and reusing construction debris and rewards neighborhood design that facilitates pick-up services or drop-off points for household composting, recycling, and hazardous waste disposal.

Reusing wastewater from buildings reduces overall water use, demands on public infrastructure, energy use, and chemical inputs from conventional wastewater treatment. Wastewater reuse can range from relatively simple graywater systems that harness non-sewer wastewater for irrigation, to complex constructed wetlands or biological wastewater systems that completely treat all forms of wastewater onsite.

How Can LEED-ND Help Improve Your Community?

The goal of this *Citizen's Guide* is to empower you to improve your own community or neighborhood, utilizing LEED-ND as a flexible tool and source of information. This section provides some suggestions for how to get started. These suggestions are intended to spark the creativity and expertise of citizens and advocates, who will undoubtedly improve on them and come up with applications of their own. As a helpful companion, see the *Citizen's Guide's* "Sustainable Neighborhood Development Checklist," which allows you to quickly estimate the performance of a project, plan, or policy. It can provide standards for a specific topic, or you can look directly at the LEED-ND Rating System for more detail. If you just need a refresher on what is included in the Rating System, please refer to the "LEED-ND Summary" Appendix or the Rating System itself, available for free at www.usgbc.org/neighborhoods.

1. Evaluate Development Proposals

Have you ever wondered whether or not a proposal for new development was a good idea, whether it was environmentally friendly, and whether or not you should support it? Have you wondered if there were key areas where it could be improved? These are complicated questions that are not made any easier by the competing claims and messages of developers, neighborhood groups, government agencies, or other voices. LEED-ND offers one way to begin answering these questions impartially.

Perhaps the most basic use of the system is to promote and publicly support projects that obtain LEED-ND certification, particularly if they do so at a high (gold or platinum) level. While LEED-ND is not a guarantee that you will approve of every aspect of a project, it is a very good indication that a project's environmental performance will be superior to average development.

A Project Evaluation Program: The Washington Smart Growth Alliance

The Washington (DC) Smart Growth Alliance operates a "Smart and Sustainable Growth Recognition Program." Based on review by an independent jury, the Program provides recognition for development projects that meet criteria for smart location, mixed land uses, environmental protection, walkability, and community coordination. LEED-ND can be a good starting point for creating a similar recognition or endorsement program in your own community, or updating one that already exists.

For projects that do not (or cannot) pursue LEED-ND certification, another approach is to perform your own internal LEED-ND audit using the checklist in this *Citizen's Guide* to evaluate some or all of the categories and standards in the system. If a project meets the LEED-ND prerequisites and scores enough points to be certifiable at a high level, consider publicly supporting it. If the project is certifiable at one of the lower (basic or silver) levels, it may well be an asset to the neighborhood but may require further inquiry. If it does not appear to be certifiable at any level, consider opposing it. (If you belong to an organization or agency that already maintains guidelines for which projects to support, it might be helpful to refine or augment those guidelines with standards from LEED-ND).

Publicly supporting a project could include speaking at public hearings and community meetings, providing marketing support, or writing letters of support. As talking points for this material, look at the project's LEED-ND scorecard (the official U.S. Green Building Council scorecard if it is certified, or your own internal checklist if it is not, but could have been) and see which credits it achieves. This is a good articulation of the project's key strengths. If you are opposing a project, a list of which LEED-ND credits it does not achieve is a helpful talking point.

2. Improve Development Proposals

You may also find opportunities to collaborate with private, public, or non-profit developers on a specific proposal. This is a great way to encourage sustainable neighborhoods and establish long-term working relationships with developers and other stakeholders in your community. LEED-ND can provide a helpful guide for this process.

LEED-ND as a Basis for Financial Assistance:

In 2010, the federal Department of Housing and Urban Development (HUD) announced that it would consider LEED-ND's location criteria when awarding competitive housing grants, including its Sustainable Communities Regional Planning Grants. This includes LEED-ND-based standards for such things as transit service, proximity to neighborhood shops and services, sensitivity to environmental features, and the amount and character of nearby development. If you are part of a grant-giving organization or agency, you can use LEED-ND in a similar way, incorporating standards for smart and sustainable development into your project selection process.

As a first step, you can encourage projects to become LEED-ND certified or insist that they pursue certification to earn your support. In some cases, you may wish to ask that projects attain certification at a certain level such as silver, gold, or platinum. This will ensure that they meet basic location and design criteria for sustainability, and enable you to follow through on them when the project is built. But, whether or not a project pursues certification, you can use LEED-ND to identify a project's strengths and weaknesses and generate some tangible design recommendations—about walkable streets, cycling facilities, energy efficiency, or any other topics that LEED-ND addresses.

While LEED-ND standards are not a substitute for good design, they can show developers, designers, community members, and advocacy groups where a project is doing well environmentally and where it has room for improvement. The sooner you get involved in the design process, the better your chances for making a difference.

3. Guide Improvements to Existing Neighborhoods

LEED-ND's basic purpose is to assess or certify new development. But you can also use it to guide planning and investment in existing neighborhoods. For most neighborhoods, this process will involve three main steps:

- 1. EVALUATE THE NEIGHBORHOOD.** Work with local governments or other community organizations to conduct an audit of a neighborhood using the LEED-ND categories, prerequisites and credits. You can use the checklist at the end of the *Citizen's Guide* to aid the evaluation.
- 2. FOCUS ON STRENGTHS AND WEAKNESSES.** Identify areas where the neighborhood or community performs well under LEED-ND. Where it does not, solicit stakeholder input on community needs.
- 3. RESPOND WITH A PLAN.** Propose retrofits, targeted redevelopment, infrastructure improvements, or other measures that build on the neighborhood's strengths and address its weaknesses. The level of detail and effort can vary widely—from an informal list of suggestions to a detailed design and policy

proposal that becomes the backbone of a neighborhood plan. If a neighborhood is already the focus of a planning effort, participate in that process to ensure that it addresses the needs you have identified and protects the neighborhood's strengths.

The Syracuse SALT District

The 156-acre Syracuse, Art, Life, and Technology (SALT) District, in Syracuse, New York, is the focus of an ongoing neighborhood improvement and retrofit effort by a broad variety of partners—including the Syracuse Center of Excellence, Home Headquarters affordable housing development, Syracuse University, the City of Syracuse, and multiple residents and community groups. These partners coordinated their neighborhood improvement efforts through the lens of LEED-ND. Their first step was to assess the existing neighborhood using LEED-ND, identifying strengths and weaknesses by each prerequisite and credit. Next, through a collaborative stakeholder process, the project team proposed design and policy responses that would address those issues and improve neighborhood sustainability. The result for the SALT District was a certified LEED-ND Gold plan that provides policies and design proposals for improving the street and pedestrian network, improving stormwater management, adding parks and open space, increasing green building and energy efficiency efforts, and targeted redevelopment. The process applied in the SALT District—assessing an existing neighborhood and developing a retrofit plan using LEED-ND—is one that could be replicated in neighborhoods across the country, whether or not they pursue LEED-ND certification.

4. Inform Community Planning and Zoning

While LEED-ND is useful at the neighborhood scale, you can also apply it on a wider scale, informing community-wide plans, zoning codes, and other planning documents. Many local governments have comprehensive, citywide plans that provide long-term policy guidance for land use and transportation. Some also address the design of buildings and public space, economic development, public infrastructure, natural resource protection, parks, housing, health, or a variety of other issues. These are typically updated periodically.

You can audit your community's plan, assessing how well it promotes these topics and suggesting improvements. Use the Sustainable Neighborhood Development Checklist at the end of the *Citizen's Guide* to walk yourself through this process. You can also use the checklist as a source for policy language to adapt, or look directly at the LEED-ND Rating System for more detail. All LEED-ND credits and prerequisites also have a general "Intent" statement (easily found in the official Rating System) that can sometimes be adapted for use in a community plan.

Most local governments have a zoning code that guides how and where development can happen. Zoning codes can regulate anything from building heights and parking requirements to building uses, design, and pedestrian orientation. They are often very detailed and technical. As a result, they can be intimidating to the layperson (or even the professional), but LEED-ND can suggest specific topics and standards to look for and encourage (see the *Citizen's Guide's* Sustainable Neighborhood Development Checklist, or the LEED-ND Rating System).

A Sustainable Development “Overlay Zone”

Zoning is the set of regulations that a city, town, or county uses to guide development within its own borders. You can talk to your local government about creating areas of town where zoning specifically promotes sustainable development. This could include requiring development projects to meet some or all of LEED-ND’s standards, or it could include limiting development in areas that don’t meet LEED-ND’s location criteria. Be careful that requirements for sustainability don’t create a disincentive in the very areas that are appropriate for development.

Topics to look for and assess in zoning codes include:

- Density (NPD Credit 2: *Compact Development*);
- Building and sidewalk design for walkable streets (NPD Credit 1: *Walkable Streets*; NPD Credit 14: *Tree-Lined and Shaded Streets*);
- Transit service and access (SLL Credit 3: *Locations with Reduced Automobile Dependence*, NPD Credit 7: *Transit Facilities*); parking standards for cars and bicycles (NPD Credit 5: *Reduced Parking Footprint*; NPD Credit 8: *Transportation Demand Management*);
- Affordable and diverse housing (NPD Credit 4: *Mixed-Income Diverse Communities*); and
- Urban agriculture set-asides (NPD Credit 13: *Local Food Production*).

Incentive Example: Fee Reductions

Kane County, Illinois offers discounts on road impact fees (Ordinance 07-232, 2007) for development projects that meet certain minimum standards for density, location, and design, including:

- 40 percent discount for walkable transit; diverse uses; density; and small blocks.
- Additional 10 percent discount for infill or redevelopment.
- Additional 10 to 20 percent for higher densities.

LEED-ND can provide best practices and standards when designing incentives like these.

In addition, you can encourage local governments, redevelopment agencies, developers, land trusts, affordable housing organizations, or other decision-makers to require or provide benefits to projects that meet LEED-ND standards. For instance, the City of East Lansing, Michigan requires private development that receives city assistance and is over a certain size to attain LEED-ND or LEED-NC Silver-level certification (Resolution 2009-10, April 2009). The City of Nashville’s 2009 Zoning Ordinance (BL2009-586) provides a “height bonus” for LEED-ND certified projects. Other cities—including Oakland, California and Boston, Massachusetts—require certain projects to submit a LEED-ND checklist demonstrating their level of performance.

Potential benefits that might be provided include:

- Streamlined development approval process
- Fee reductions
- Tax credits
- Grants

- Allowing additional density or building height
- Sharing the cost of new infrastructure required by projects
- Marketing assistance

A Local Government Guide to LEED-ND

The U.S. Green Building Council has published a white paper focusing on how local governments can implement LEED-ND, outlining some constraints they may face, and suggesting a variety of approaches and examples. It's a helpful complement to the *Citizen's Guide*.

5. Inform Specific State, Local, and Regional Policy

Local governments often maintain topic-specific ordinances, master plans, design standards, or operations standards. Examples of these could include a parking or water conservation ordinance, a bicycle or pedestrian master plan, streetscape design standards, infrastructure replacement standards, a climate action plan, or an economic development plan. You can use the Sustainable Neighborhood Development Checklist at the end of this *Citizen's Guide* to assess these policies. It is organized by topic, so if needed you can consult just the policy topics that match your interest.

Many regions and states also have plans, policies, and regulations that might either deter or promote LEED-ND implementation. You can again use the Checklist at the end of the *Citizen's Guide* to review these state or regional policies and advocate reform if necessary. In some cases, there may be opportunities to remove barriers to LEED-ND implementation. In other cases, you may be able to adapt LEED-ND standards directly into these policy documents. Examples may include:

- State or regional land use plans
- State building codes
- Regional transportation funding
- Development standards or guidelines from air quality agencies
- Congestion management agency policies
- Regional water, wastewater, or stormwater regulations

Supplementary Materials

So far, we have looked at the key concepts of neighborhood sustainability and suggested some ways you might use LEED-ND in your own community. Now what? First of all, we encourage you to come up with your own ways of promoting smart and green neighborhoods, since you know your own community better than we do.

As discussed above, the “Sustainable Neighborhood Development Checklist” can help in your day-to-day work. It summarizes all credits and prerequisites in LEED-ND by topic and is designed to make the system more accessible, portable, and easy to adapt to a number of contexts. You can use it in all of the circumstances we suggested in the previous section.

If you want, you can also estimate the score for a project if it were to pursue LEED-ND certification through the U.S. Green Building Council's formal process. When you want to propose specific best practices for a proposal, plan, regulation, or policy document, you can use the checklist or go straight to the LEED-ND Rating System for more detail. It can be a struggle for local citizens, designers, planners, and governments to create feasible standards for sustainable development on their own. LEED-ND has the potential to fill this gap with criteria that have been developed in a consensus process and field-tested in various contexts.

Most importantly, we welcome you to be creative and bold in your use of LEED-ND and your important efforts to improve where you live. As someone who knows your community well and cares about a sustainable future for it, you are doing important work for which you are uniquely qualified.

SUSTAINABLE NEIGHBORHOOD DEVELOPMENT CHECKLIST

This informal checklist summarizes all credits and prerequisites in the LEED-ND Rating's Systems. You can use it to assess the strengths and weaknesses of a development proposal, site plan, existing neighborhood, or even a zoning code or neighborhood plan. You can also use it as a source for standards and thresholds to include in plans, regulations, designs, or topic-specific policy efforts, although the LEED-ND Rating System itself can provide additional detail for this task. If your interest is in a specific topic(s) like cycling or walkable streets, or if you are assessing a policy document like a water efficiency ordinance or parks and recreation plan, you can use just the parts of the checklist that relate to that topic. Please note that this checklist is a simplification and is not LEED-ND itself, which requires sophisticated verification of compliance with standards and provides a much more authoritative evaluation. This checklist is organized into the following topics:

Smart Location and Linkage	Neighborhood Pattern and Design	Green Infrastructure and Buildings
<ul style="list-style-type: none"> ■ Location ■ Ecosystems and Open Spaces ■ Contaminated Sites ■ Transit-Accessible Locations ■ Cycling Facilities ■ Jobs and Housing Proximity 	<ul style="list-style-type: none"> ■ Walkable Streets ■ Compact Development ■ Neighborhood Connections ■ Mixed Uses ■ Affordable and Diverse Housing ■ Parking and Transportation Demand ■ Parks and Recreation ■ Universal Design ■ Community Participation ■ Local Food ■ School Access and Design 	<ul style="list-style-type: none"> ■ Construction Techniques ■ Energy Efficiency and Conservation ■ Energy Production and Distribution ■ Water Efficiency and Conservation ■ Stormwater and Wastewater ■ Green Building Process ■ Historic and Existing Building Reuse ■ Heat Islands ■ Recycling and Reuse ■ Light Pollution

Some people may want to spend 30 minutes or an hour to quickly move through the checklist, estimating when necessary to get a ballpark idea of performance. Others may want to spend more time doing research, making calculations, or even mapping site conditions to get a more detailed and accurate assessment. In either case, we recommend you take notes as you move through the checklist, particularly as you have ideas for how the proposal, plan, or neighborhood could be improved. As an optional second step, you can estimate a score under the LEED-ND Rating System.

PROJECT NAME: _____ ADDRESS/LOCATION: _____

TYPE OF PROJECT: _____

STEP 1: Sustainable Neighborhood Development Checklist							Step 2: Optional LEED-ND Scoring Exercise						
TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE					
SMART LOCATION AND LINKAGE (SLL)													
LOCATION	Is located on a site that is any of the following (only one required for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 1: Smart Location					
	Infill (75% surrounded by existing development)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	Well-connected to adjacent development by an existing street network	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	Well-served by transit or neighborhood amenities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	Is located on a site that is one of the following (pick just one for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5			Credit 1: Preferred Locations					
	Infill and also a previously developed site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	Infill but not a previously developed site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3								
	Adjacent to existing development, and also a previously developed site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2								
	A previously developed site, but not adjacent or infill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1								
	Is surrounded (within ½ mile) by a well-connected existing street network. If possible, estimate the existing number of intersections per square mile nearby (pick just one for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					Credit 1: Preferred Locations				
200 to 250 intersections per square mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1									
250 to 300 intersections per square mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2									
300 to 350 intersections per square mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3									
350 to 400 intersections per square mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4									
More than 400 intersections per square mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5									
Is located in an economically distressed area while also providing affordable housing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3				Credit 1: Preferred Locations					
ECOSYSTEMS AND OPEN SPACES	Does not build on habitat where species are threatened, endangered, or imperiled or creates a habitat conservation plan under the Endangered Species Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 2: Imperiled Species					
	Does not build on wetlands or water bodies and leaves buffers of undeveloped land around them of at least 50 to 100 feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 3: Wetland/Water Body Conservation					
	Does not build on prime agricultural land, unless the project is infill, transit-served, or makes up for soil loss by creating permanently protected soil easements elsewhere.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 4: Agricultural Land Conservation					

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
ECOSYSTEMS AND OPEN SPACES	Does not build on floodplains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 5: Floodplain Avoidance
	Conserves pre-existing on-site habitat, native plants, wetlands, and water bodies in perpetuity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 7: Site Design for Habitat/Wetland Conservation
	Restores degraded on-site habitat, wetlands, or water bodies, and conserves them in perpetuity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 8: Restoration of Habitat/Wetlands
	Implements a long-term (at least 10 years), fully funded management plan for on-site wetlands, water bodies, and habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 9: Long-Term Management of Habitat/Wetlands
	Limits development on steep slopes (greater than 15%), and restores many or all previously developed steep slopes with native or noninvasive plants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 6: Steep Slope Protection
CONTAMINATED SITES	Does one of the following (pick just one for scoring): Remediates a contaminated site and then locates there.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 2: Brownfield Redevelopment
	Remediates a contaminated site in an economically distressed area , and then locates there.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			
TRANSIT-ORIENTED LOCATIONS	Is located on a site that is either of the following (pick just one for scoring): Within walking distance (¼ mile for buses or streetcars and ½ mile for rail, ferry, and bus rapid transit) of high levels of transit service (See the LEED-ND Rating System for detailed transit thresholds).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-7			Credit 3: Locations with Reduced Auto Dependence
	In an area documented to have low vehicle miles travelled (See the LEED-ND Rating System for detailed thresholds).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-7			
CYCLING FACILITIES	Does both of the following: Is located within ¼ mile of a bicycle network that is either 5 miles long (minimum) or connects to 10 diverse land uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 4: Bicycle Network/ Storage
	Provides secure and covered bicycle storage (for at least 10% of nonresidential and 30% of residential building occupants), as well as bicycle parking for visitors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
JOBS AND HOUSING PROXIMITY	Does one of the following (pick just one for scoring): Existing jobs within ½ mile walk distance outnumber project's dwelling units, and the project provides affordable housing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3			Credit 5: Housing/ Jobs Proximity
	Existing jobs within ½ mile walk distance outnumber project's dwelling units.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			
	Provides jobs on an infill site within ½ mile walk distance of both existing housing and an existing (or new) rail, ferry, tram, or bus rapid transit stop.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			
					27 Points Possible			SLL SUB-TOTALS

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
NEIGHBORHOOD PATTERN AND DESIGN (NPD)								
WALKABLE STREETS	Includes all of the following at minimum: Public-facing building entries (onto any public space except a parking lot) on 90% of building frontage. A minimum "building-height-to-street width-ratio" of 1 to 3 (1 foot of building height for every 3 feet of street width) along at least 15% of street length. Sidewalks along 90% of street length (both sides of the street). Garage doors along no more than 20% of street length.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 1: Walkable Streets
	Includes some or all of the following (See Rating System for scoring thresholds): Minimal distance between the sidewalk and most buildings, with mixed-use and nonresidential buildings particularly close to the sidewalk. Frequent building entries (at least every 75 feet). Unshuttered windows along the sidewalk for nonresidential buildings. No blank walls more than 50 feet along sidewalks. Frequent on-street parking (available along at least 70% of streets). Sidewalks along 100% of street length (both sides of the street). Elevated ground-floors for at least half of all dwelling units (at least 24 inches above sidewalk grade). A minimum "building-height-to-street width-ratio" of 1 to 3 (1 foot of building height for every 3 feet of street width) along 30% of street length. Low design speeds for most streets (20 mph for residential, 25 mph for non-residential). Driveway crossings along no more than 10% of sidewalk length.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-12			Credit 1: Walkable Streets
	Lines 60% of street length with non-invasive trees (spaced an average of at least every 40 feet from trunk center to trunk center).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 14: Tree-Lined and Shaded Streets
	Provides noon-time shade along at least 40% of sidewalks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			
	Meets minimum required densities (At least seven dwelling units per acre for residential and 0.50 floor-area ratio for non-residential—see Rating System for calculation and scoring details).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 2: Compact Development
	Exceeds increasing density thresholds (At least 10 dwelling units per acre for residential and 0.75 floor-area ratio for non-residential—see Rating System for calculation and scoring details).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-6			Credit 2: Compact Development
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
COMPACT DEVELOPMENT								

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
NEIGHBORHOOD CONNECTIONS	Does either of the following (only one required for scoring): Includes a street or pathway into the project at least every 800 feet, and has at least 140 intersections per square mile within the project (estimate if possible). Or , only if the project has no internal streets: is surrounded (within ¼ mile) by an existing street network of at least 90 intersections per square mile (estimate if possible).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 3: Connected Community
	Does all of the following: Does not include cul-de-sacs. Includes a street or pathway into the project at least every 400 feet. Has high intersections per square mile within the project (pick just one of the following for scoring this credit): 300 to 400 intersections per square mile Has more than 400 intersections per square	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 2		Credit 6: Street Network
MIXED USES	Enables walking access (within ¼ mile) to the following number of existing or new land uses, clustered within neighborhood centers (pick just one of the following for scoring this credit): 4 to 6 uses 7 to 10 uses 11 to 18 uses More than 19 uses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				Credit 3: Mixed-Use Neighborhood Centers
	Uses can include commercial or civic facilities such as restaurants, schools, pharmacies, supermarkets, theatres, parks, libraries, or shops.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 2 3 4		
	Provides multiple housing types of different sizes, such as large and small apartments, duplexes, townhomes, and/or single-family homes. (See Rating System for detailed housing diversity thresholds).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1-3		Credit 4: Mixed-Income Diverse Communities
	Provides a percentage of new rental and/or for-sale housing at high levels of affordability, available for at least 15 years (See Rating System for detailed affordability thresholds).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1-3		
AFFORDABLE AND DIVERSE HOUSING	Provides both high levels of affordability and multiple housing types of different sizes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1		

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE	
PARKING AND TRANSPORTATION DEMAND	<p>Does all of the following:</p> <ul style="list-style-type: none"> Minimizes total surface parking area (no greater than 20% of development area) and includes no individual surface lot over 2 acres. Locates any off-street parking at the side or rear of buildings (not along the sidewalk). Provides bicycle storage for building occupants, bicycle parking for visitors, and spaces for carpool or shared vehicles. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 5: Reduced Parking Footprint	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
PARKS AND RECREATION	<p>Includes shelters, benches, lighting, and information displays at all new and existing transit stops.</p> <p>Provides any or all of the following options (for scoring, award 1 point for every 2 options achieved):</p> <ul style="list-style-type: none"> Subsidized transit passes to half of regular price or cheaper. Developer-sponsored-transit services—such as a shuttle—to off-site employment centers and/or major transit facilities. Well-publicized vehicle sharing facilities on-site, or within ¼ mile walk distance. For 90% of dwelling units or non-residential space, separates the cost of a parking space from the price of dwelling units or non-residential space. A comprehensive transportation demand management (TDM) program to reduce trips by 20%. <p>Enables access (within ¼ mile walk distance) to public space such as squares, parks, paseos, and plazas.</p> <p>Enables access (within ½ mile walk distance) to publicly accessible indoor or outdoor recreational facilities (at least 1 acre in size outdoor or 25,000 square feet indoor).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 7: Transit Facilities	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-2			Credit 8: Transportation Demand Management	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
UNIVERSAL DESIGN	<p>Provides either of the following (only one necessary to score a point):</p> <ul style="list-style-type: none"> For residential projects, universal accessibility for people of diverse abilities in 20% of dwelling units. For non-residential projects, universal accessibility for people of diverse abilities along 100% of public rights-of-way. <p>Does either of the following (pick just one for scoring):</p> <ul style="list-style-type: none"> Relies on multiple forms of community input and feedback to guide project concept and design, both before and during development. Relies on multiple forms of community input and feedback as above, but also conducts a design charrette or obtains an endorsement from a smart growth jury or program. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 9: Access to Civic/ Public Spaces	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 10: Access to Recreation Facilities	
COMMUNITY PARTICIPATION		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 11: Visitability and Universal Design	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			Credit 12: Community Outreach and Involvement	

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
LOCAL FOOD	Provides both of the following: Permanently set aside gardening space, free local produce shares (from within 150 miles) for residents, or proximity to a farmer's market (on-site or within ½ mile walk distance). Allows growing of produce, including in yards or on balconies, patios, or rooftops.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 13: Local Food Production
	Achieves both of the following: Is located within walking distance of a school (½ mile for elementary and middle schools; 1 mile for high schools). New school campuses included in the project are no larger than 5 acres (elementary), 10 acres (middle schools), or 15 acres (high schools).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 15: Neighborhood Schools
GREEN INFRASTRUCTURE AND BUILDINGS (GIB)								
CONSTRUCTION TECHNIQUES	Creates and implements an erosion and sedimentation control plan for construction activities, reducing soil erosion and downstream pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 4: Construction Pollution Prevention
	Does both of the following: Preserves all heritage trees and most other noninvasive trees, especially larger ones. Preserves a proportion of previously undeveloped land (10% to 20%) on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 7: Minimized Site Disturbance in Design and Construction
	Ninety percent of building square footage meets minimum energy efficiency requirements. (Minimum 10% improvement over ASHRAE 90.1—see Rating System for details).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 2: Minimum Building Energy Efficiency
ENERGY EFFICIENCY AND CONSERVATION	Ninety percent of building square footage exceeds increasing thresholds for energy efficiency. (Minimum 18% improvement over ASHRAE 90.1 and/or 75 HERS Score—see Rating System for details and increasing thresholds).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-2			Credit 2: Building Energy Efficiency
	Orients 75% of buildings or dense blocks length-wise along east-west axes (within 15 degrees) to maximize passive and active solar access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 10: Solar Orientation
					44 Points Possible			NPD SUB-TOTALS

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
ENERGY PRODUCTION AND DISTRIBUTION	Generates renewable energy on-site, providing the following percentage of the project's annual electrical thermal and energy cost (pick just one for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				Credit 11: On-Site Renewable Energy Sources
	5%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			
	12.5%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			
	20%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3			
	Provides at least 80% of building heating and cooling through a shared neighborhood-wide system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			Credit 12: District Heating/ Cooling
	Provides energy-efficient new neighborhood infrastructure such as traffic lights, street lights, and water and wastewater pumps (15% minimum improvement over a conventional model).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 13: Infrastructure Energy Efficiency
WATER EFFICIENCY AND CONSERVATION	Meets minimum requirements for water efficiency in buildings (at least 20% reduction over a baseline - see Rating System for details).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 3: Minimum Building Water Efficiency
	Exceeds increased threshold for water efficiency in buildings (at least 40% reduction over baseline—see Rating System for details).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 3: Building Water Efficiency
	Reduces water consumption for outdoor landscaping (at least 50% reduction over baseline).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 4: Water-Efficient Landscaping
	Is able to retain and treat all stormwater on-site from the following sizes of rainstorm (pick just one for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				Credit 8: Stormwater Management
	80 th percentile rainstorm (more rain than 80% of storms for the past 20-40 years)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			
	85 th percentile rainstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			
	90 th percentile rainstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3			
	95 th percentile rainstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4			
STORMWATER AND WASTEWATER	Treats and reuses wastewater on-site (pick just one of the following for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				Credit 14: Wastewater Management
	25% of wastewater reused	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			
	50% of wastewater reused	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	LEED-ND POINTS POSSIBLE	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
GREEN BUILDING PROCESS	Uses LEED or a similar green building rating system to certify at least one project building.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Required			Prereq 1: Certified Green Building
	Uses LEED or a similar green building rating system to certify the following percentages of the project's building square footage (pick just one for scoring):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 1: Certified Green Buildings
	At least 10%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2			
	At least 20%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3			
	At least 30%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4			
	At least 40%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5			
HISTORIC AND EXISTING BUILDING REUSE	Reuses and restores at least 20% of the existing building stock.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 5: Existing Building Use
	Includes a historic building(s), and rehabilitates if necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 6: Historic Resource Preservation/Reuse
HEAT ISLANDS	Uses one of the following strategies—or a combination of the two —to reflect instead of absorb solar heat:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 9: Heat Island Reduction
	Solar-reflective roofs (usually light-colored) or vegetated roofs. Shade, open-grid pervious paving, or solar-reflective paving for at least 50% of roads, sidewalks, parking areas, and other "hardscape."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
REUSE AND RECYCLING	Uses recycled content in at least 50% of the total mass of public infrastructure materials such as paving, road base, and water/sewer piping.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 15: Recycled Content in Infrastructure
	Provides at least four of the following five:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 16: Solid Waste Management Infrastructure
	Recycling services for residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Hazardous waste disposal services for residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Composting services for residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Recycling receptacles on every mixed-use or nonresidential block	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Recycling or salvaging of at least 50% of construction waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
LIGHT POLLUTION	Provides both of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1			Credit 17: Light Pollution Reduction
	Motion sensors in "shared areas" (publicly or privately owned) to reduce lighting when unoccupied and during daylight hours. Limits "light trespass" to surrounding areas by directing exterior lighting downward and reducing its brightness, especially in rural areas and residential or mixed use neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
					29 Points Possible			GIB SUB-TOTALS

TOPIC	DOES THE PROJECT DO THE FOLLOWING?	YES	MAYBE	NO	PROJECT "YES" POINTS	PROJECT "MAYBE" POINTS	LEED-ND SOURCE CREDIT OR PREREQUISITE
INNOVATION AND DESIGN PROCESS (ID)							
INNOVATION AND EXEMPLARY PERFORMANCE	Exhibits exemplary environmental performance in areas not addressed by, or greatly exceeding, the LEED-ND rating system. Write in below (for scoring, add up to five):						Credit 1: Innovation and Exemplary Performance
	1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	Employs a project team member credentialed as a LEED Accredited Professional, in smart growth by the Natural Resources Defense Council and Smart Growth America, or in new urbanism by the Congress for the New Urbanism.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		Credit 2: LEED Accredited Professional
					6 Points Possible		ID SUB-TOTALS
REGIONAL PRIORITY CREDIT (RP)							
REGIONAL PRIORITY	Addresses geographically-specific environmental, social equity, or public health priorities. Write in below (for scoring, add one point per strategy used up to four, even if the strategy is already addressed in LEED-ND. A complete list of Regional Priority Credits is available from U.S. Green Building Council):						Credit 1: Regional Priority Credit
	1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
	4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1		
					4 Points Possible		RP SUB-TOTALS
110 POINTS POSSIBLE							
TOTAL							
							PROJECT TOTALS (Certification Estimates)
		Certified: 40-49 points	Silver: 50-59 points	Gold: 60-79 points			Platinum: 80+ points

LEED-ND RATING SYSTEM SUMMARY

NUMBER	TITLE	POINTS	BRIEF DESCRIPTION
Smart Location and Linkage			
Prereq 1	Smart Location	Required	Develop on a site that is infill, connected to adjacent development, or served by transit or neighborhood amenities.
Prereq 2	Imperiled Species and Ecological Communities	Required	Conserve any on-site imperiled species and habitat.
Prereq 3	Wetland and Water Body Conservation	Required	Do not build near or on wetlands or water bodies.
Prereq 4	Agricultural Land Conservation	Required	Protect prime agricultural land.
Prereq 5	Floodplain Avoidance	Required	Prevent most building on floodplains.
Credit 1	Preferred Locations	1-10	Develop on a site that is highly accessible and connected to other nearby development.
Credit 2	Brownfield Redevelopment	1-2	Remediate a contaminated site and redevelop.
Credit 3	Locations with Reduced Automobile Dependence	1-7	Develop in an area that is well-served by transit or has a low average driving rate.
Credit 4	Bicycle Network and Storage	1	Locate along a bicycle network and provide bicycle storage and parking.
Credit 5	Housing and Jobs Proximity	1-3	Locate jobs and housing, particularly affordable housing, nearby each other.
Credit 6	Steep Slope Protection	1	Protect steep slopes from development.
Credit 7	Site Design for Habitat or Wetland and Water Body Conservation	1	Conserve pre-existing on-site habitat, wetlands, or water bodies in perpetuity.
Credit 8	Restoration of Habitat or Wetlands and Water Bodies	1	Restore degraded on-site habitat, wetlands, or water bodies, and conserve in perpetuity.
Credit 9	Long-Term Conservation Management of Habitat or Wetlands and Water Bodies	1	Implement a long-term management plan for on-site habitat, wetlands, or water bodies.
Neighborhood Pattern and Design			
Prereq 1	Walkable Streets	Required	Include public-facing building entries, building heights appropriate to street widths, continuous sidewalks, and limited garage entries.
Prereq 2	Compact Development	Required	Meet minimum density thresholds.
Prereq 3	Connected and Open Community	Required	Connect neighborhood streets to each other and adjacent areas.
Credit 1	Walkable Streets	1-12	In addition to complying with the items in Prerequisite 1 above, improve the pedestrian experience at the street level by providing: frequent building entries, ground-level windows, on-street parking, elevated ground-floor units, low street speeds, and/or minimal driveway interruptions of sidewalks.
Credit 2	Compact Development	1-6	Add homes and/or nonresidential space to make efficient use of land.
Credit 3	Mixed-Use Neighborhood Centers	1-4	Provide neighborhood shops, services, and amenities clustered in neighborhood centers within walking distance of residents and each other.

Credit 4	Mixed-Income Diverse Communities	1-7	Provide diverse housing types and affordability levels.
Credit 5	Reduced Parking Footprint	1	Minimize surface parking lots and discourage them along building frontages. Also provide bicycle and car-share parking.
Credit 6	Street Network	1-2	Provide superior connection of streets to each other and adjacent areas, and avoid cul-de-sacs.
Credit 7	Transit Facilities	1	Include shelters, benches, lighting, and information displays at transit stops.
Credit 8	Transportation Demand Management	1-2	Encourage use of environmentally preferable transportation choices with transit passes, shuttles, vehicle sharing, and/or unbundled parking pricing.
Credit 9	Access to Civic and Public Spaces	1	Provide squares, parks, and plazas within walking distance of residents and commercial tenants.
Credit 10	Access to Recreation Facilities	1	Provide indoor or outdoor recreational facilities.
Credit 11	Visitability and Universal Design	1	Design public spaces and dwelling units for all abilities.
Credit 12	Community Outreach and Involvement	1-2	Base project designs on community input.
Credit 13	Local Food Production	1	Provide access to gardening space, local produce, or a farmer's market.
Credit 14	Tree-Lined and Shaded Streets	1-2	Line and shade streets with trees.
Credit 15	Neighborhood Schools	1	Locate within walking distance to local schools.
Green Infrastructure and Buildings			
Prereq 1	Certified Green Building	Required	Include at least one building certified under LEED or a similar green building rating system.
Prereq 2	Minimum Building Energy Efficiency	Required	Meet minimum requirements for building energy efficiency.
Prereq 3	Minimum Building Water Efficiency	Required	Meet minimum requirements for building water efficiency.
Prereq 4	Construction Activity Pollution Prevention	Required	Implement an erosion and sedimentation control plan for construction.
Credit 1	Certified Green Buildings	1-5	Include multiple buildings certified under LEED or a similar green building rating system.
Credit 2	Building Energy Efficiency	1-2	Provide superior building energy efficiency.
Credit 3	Building Water Efficiency	1	Provide superior building water efficiency.
Credit 4	Water-Efficient Landscaping	1	Reduce water consumption for outdoor landscaping.
Credit 5	Existing Building Use	1	Reuse existing buildings.
Credit 6	Historic Resource Preservation and Adaptive Use	1	Reuse and restore historic buildings.
Credit 7	Minimized Site Disturbance in Design and Construction	1	Preserve heritage trees and previously undeveloped land.
Credit 8	Stormwater Management	1-4	Retain and treat stormwater on-site.
Credit 9	Heat Island Reduction	1	Use roofing and paving that reflects instead of absorbs solar heat.

Credit 10	Solar Orientation	1	Increase passive and solar access by orienting buildings or dense blocks to maximize north- and south-facing exposure.
Credit 11	On-Site Renewable Energy Sources	1-3	Generate renewable energy on-site.
Credit 12	District Heating and Cooling	2	Provide building heating and cooling through a shared neighborhood-wide system.
Credit 13	Infrastructure Energy Efficiency	1	Provide energy-efficient neighborhood infrastructure.
Credit 14	Wastewater Management	1-2	Reuse treated wastewater.
Credit 15	Recycled Content in Infrastructure	1	Use recycled content in neighborhood infrastructure.
Credit 16	Solid Waste Management Infrastructure	1	Provide neighborhood composting, recycling, and hazardous waste collection.
Credit 17	Light Pollution Reduction	1	Limit exterior illumination and direct it downward.
Innovation and Design Process			
Credit 1	Innovation and Exemplary Performance	1-5	Exhibit exemplary environmental performance in areas not addressed by the LEED-ND rating system.
Credit 2	LEED Accredited Professional	1	Have a team member that is: a LEED Accredited Professional, and credentialed in smart growth by the Natural Resources Defense Council and Smart Growth America, or credentialed in new urbanism by the Congress for the New Urbanism.
Regional Priority Credit			
Credit 1	Regional Priority Credit	1-4	Address geographically specific environmental, social equity, or public health priorities.
Project Totals (Certification estimates)		110 Points Possible	
Certified: 40-49 points Silver: 50-59 points Gold: 60-79 points Platinum: 80+ points			

LEED AND LEED-ND BASICS

LEED, an acronym for “Leadership in Energy and Environmental Design,” is a family of green building rating systems developed by the United States Green Building Council (USGBC). LEED provides verification of high environmental performance in building and neighborhood design and construction. Since the first LEED pilot program in 1998, LEED has become the most widely-used green building certification system in the United States. As of the beginning of 2011, there were more than 7,000 LEED-certified projects in the United States and around the world, with approximately 23,000 more registered for future certification.⁴ Planning to construct a similar verification system for neighborhood location and design began in 2003 and, after a pilot program, LEED-ND was fully launched in 2010.

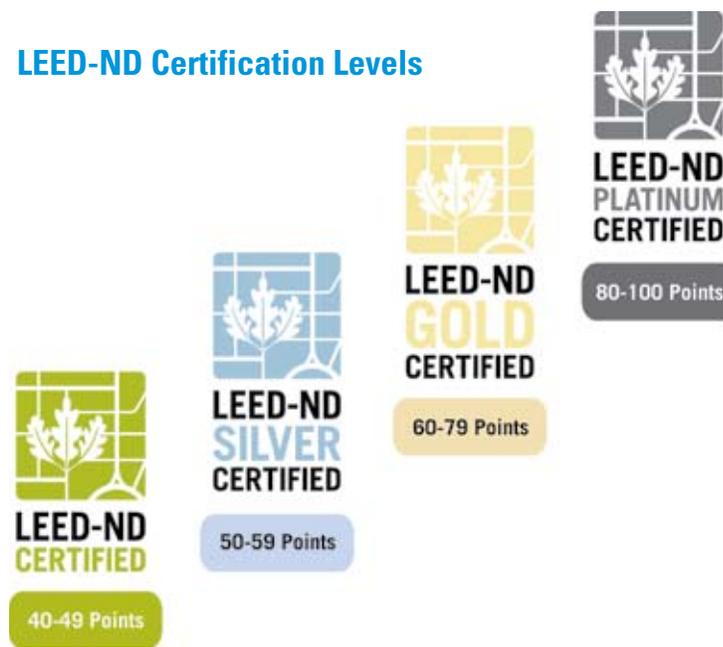
DIFFERENT LEED RATING SYSTEMS

Since LEED’s first launch, USGBC has developed multiple LEED rating systems targeted towards specific types of development. The LEED family of rating systems now includes rating systems for New Construction, Schools, Building Core and Shell, Commercial Interiors, Existing Buildings, Homes, and Neighborhood Development. USGBC expects to launch LEED rating systems for Healthcare, Retail, and Retail Interiors in 2011. Though topics and requirements of different LEED rating systems sometimes overlap, they are designed to apply to the specific technological issues and building requirements of different development types.

PREREQUISITES AND CREDITS

All LEED rating systems contain a combination of required prerequisites and optional credits. Since 2009, all LEED rating systems—including LEED for Neighborhood Development—evaluate projects based on a 100-point base scale (not including up to 10 special “innovation” and “regional priority” bonus points, explained in the Rating System). Projects seeking certification must meet all prerequisites and earn at least 40 points by achieving various credits. Beyond basic certification, projects may achieve Silver (50 points), Gold (60 points), or Platinum (80+ points) certification for increasingly high performance.

LEED-ND Certification Levels



WHAT'S UNIQUE ABOUT LEED-ND?

LEED for Neighborhood Development (LEED-ND) promotes best practices in location, design and development at the neighborhood scale. It is the first LEED rating system to focus beyond the building level and evaluate whole neighborhoods—or multi-building projects that contribute to neighborhoods—and prioritize criteria such as site location, urban design, transportation, housing affordability, walkability, socio-economics, and neighborhood-wide green infrastructure, in addition to green buildings.



Similarities
Follows LEED 2009 process
Third-party certification
Mix of prerequisites and credits
110 possible points
Preliminary and final review submittals

Differences
Developed through partnership
Focuses on area larger than building scale
Focus on location and land use
Focus on design of public realm
Credit categories
Multi-stage certification process

LEED-ND CERTIFICATION PROCESS

The LEED-ND rating system is applicable to a broad variety of advocacy efforts and community projects. For some of these applications, LEED-ND certification is possible and desirable, while for others it is not. Certified projects can vary widely by project size and type, but certification is most appropriate for projects smaller than 320 acres and larger than one building, being developed by a single developer or coordinated development group, and being constructed within a predictable timeframe.

For all LEED rating systems except LEED-ND, certification occurs after a project is fully constructed. However, due to the long time frame of large-scale planning and development projects, the LEED-ND Rating System has developed a three-stage certification process. This allows projects to be recognized by USGBC as they move through the planning, entitlement, and construction process, and to receive feedback throughout the project development process. USGBC's three stages of LEED-ND certification are as follows:

STAGE 1. Conditional Approval of a LEED-ND Plan. This stage is optional for projects in their initial planning phase, before or at the beginning of the entitlement process. Approval at this stage can be used to garner support during the entitlement process and give credibility to project designs.



STAGE 2. *Pre-Certified LEED-ND Plan*. This stage is available for projects that are approved and fully entitled to be built, but that have not yet completed construction. Pre-certification at this stage can help projects secure financing and set clear performance standards.

STAGE 3. *LEED-ND Certified Neighborhood Development*.

This stage is available for projects that are completed and ready to be occupied. Certification is finalized at this stage.

For more detailed information about stages of certification, eligible project types, and the certification process, see the introductory material in the *LEED for Neighborhood Development Rating* system, the *LEED Reference Guide for Green Neighborhood Development*, or the U.S. Green Building Council website (www.usgbc.org/neighborhoods).

Endnotes

1. R. Ewing and R. Cervero, Travel and the Built Environment, *Journal of the American Planning Association*, 76 (Summer 2010):1.
2. S. Handy, "Understanding the Link Between Urban Form and Nonwork Travel Behavior," *Journal of Planning Education and Research* 15 (1996): 183–98. R. Ewing and R. Cervero, Travel and the Built Environment, *Journal of the American Planning Association*, 76 (Summer 2010):1.
3. Local Government Commission, "Local Government Commission Report," Newsletter 30, No. 8 (August 2008): 2.
4. U.S. Green Building Council, "LEED Projects and Case Studies Directory," www.usgbc.org/LEED/Project/RegisteredProjectList.aspx

