

From: patsyfritz@aol.com
To: [Fitzpatrick, Lisa](#)
Subject: 8/7/2015 Planning Commission Hearing on Lilac Hills Ranch re: LU1.2
Date: Wednesday, August 05, 2015 1:45:27 PM
Attachments: [5.9.15 Late Public Comment on RDEIR Lilac Hills Ranch re LU1.2.docx](#)
[email 4.6.15 re 1291 miles Mobility Element Rds.docx](#)
[e-mail 4.15.15 re LU1.2 Memo to BoS from DCAO per Eric Lardy.docx](#)
[rebuttalto claim re Calthorpe excerpt from APPENDIX A , LHR RDEIR.docx](#)

San Diego County
Planning Commission

attn: Lisa.Fitzpatrick,
Planning Commission Secretary

re: Lilac Hills Ranch SP/GPA Hearing
August 7, 2015

Dear Ms. Fitzpatrick:

Please submit the
following Public Comment to the Commission
in advance of the August 7, 2015 Hearing
on Lilac Hills Ranch.

Please confirm that it has been sent.

Thank you!

Dear Chairman Woods

and Members of the San Diego County
Planning Commission:

In the latest reiteration of the EIR - sprung on us without opportunity to comment - DPDS chooses to ignore the Board of Supervisors inclusion of LEED-Neighborhood Development in General Plan Policy LU1.2 as the design criteria for a development seeking exclusion from the PROHIBITION against Leapfrog Development - or its EQUIVALENT.

Commissioners Beck, Woods and Brooks attended the "public workshops" that DPDS hosted in February to unveil its ersatz version of "equivalent."

March 4 I requested that the Board of Supervisors direct staff to return with a report on its actions re General Plan Policy LU1.2, which the Board voted (4-0) that DPDS return April 22. A week before April 22, DCAO Aghassi canceled the April 22 agenda item pending further outreach to stakeholders. DPDS has never returned to the Board.

TWO DAYS after the Board's Match 4 vote, Accretive contracted with non-County consultants to use a scoring system developed by an arm of the National Home Builders Association (NAHB) - the parent organization of the BIA (Building Industry Association) in San Diego - the developers muscle lobbyists. Accretive also had the consultant advise DPDS about it two days after March 4 and the Board's directive), and then FULLY ADOPTED this special-interest designation as

"equivalent" to LEED-Neighborhood Development -- without returning to the BOS to seek Board approval or vote to AMEND the General Plan -- simply to benefit developers - and expose 800,000 acres of privately-owned land in the unincorporated area of the County to the potential of unfettered leapfrog development. Clearly this would require a new EIR for the County's General Plan.

Since the public was kept in the dark about DPDS's new alliance with NAHB/BIA as its consultant, I continued to inquire about DPDS attempt at circumventing the Board's NEED-ND requirement in the General Plan.

I filed a late PUBLIC COMMENT on the RDEIR May 9 with the results, because DPDS actions took place long after the Close of Public Comment on the RDEIR.

This report is attached for your review.

It SHOULD have been included in the supporting documents for the FEIR, for you to read.

It was omitted.

It is interesting that DPDS's own version of the LEED-ND "equivalent" bore the code name, "The Golden Strategy." You'll spot that on the e-mails, attached.

Clearly DPDS was solely and completely interested in "awarding the GOLD" to the developer, instead of protecting the public and the environment that the BOS intended and CEQA demands.

Respectfully submitted

Patsy Fritz
33265 Mill Creek Road
Pauma Valley CA 93061

EXCERPT FROM

“Exhibit A” of the Lilac Hills Ranch DEIR,
claiming it meets LEED-ND criteria:

. . . (3) Designed to Meet the LEED for Neighborhood Development
Certification or an Equivalent

The Project is designed to meet the LEED for Neighborhood Development Certification or an equivalent program, and was planned by Calthorpe (1.) and Associates in order to create a new urban village with these principles. LEED for Neighborhood Development, or LEED-ND, is a rating system that integrates the principles of smart growth, new urbanism and green building into the first national system for neighborhood design.

As stated in the Policy LU-1.2, the proposed Project is not required to be LEED-ND certified, but requires that the Project be designed to meet LEED-ND certification or an equivalent.

The project is equivalent to the standards and principles of the LEED-ND program because the project integrates principles of smart growth new urbanism and green building design.

Comment by Fritz: What are we basing claims on next?

“Is this project ‘equivalent’ to LEED – ND?”

“No, but I did stay at a Holiday Inn last night!”

1. *Peter Calthorpe teamed up with other leaders of the urban planning movement, to form the Congress for the New Urbanism (“CNU”). The CNU principles have resulted in the metric for sustainability now referred to as the Leadership for Energy and Environmental Design, or “LEED” criteria.*

LU-1.2 - Memo to Board of Supervisors

From: Lardy, Eric <Eric.Lardy@sdcounty.ca.gov>

To:

Bcc: patsyfritz@aol.com

Date: Wed, Apr 15, 2015 10:49 am

Attachment

[LU-1.2memo.pdf](#)

Hello,

Please find attached a memo from Sarah Aghassi, Deputy Chief Administrative Officer for the Land Use and Environment Group to the Board of Supervisors regarding General Plan Land Use Policy 1.2. Following receipt of a number of requests for additional community and stakeholder outreach it has been determined to postpone the April 22nd report to the Board.

Staff will be conducting further outreach to all interested parties in the near future. Per Board direction provided at the March 4, 2015 hearing, these outreach efforts will not delay the processing of current applications. Please assist us in distributing this correspondence to additional interested parties, and request that additional interested parties send an e-mail to eric.lardy@sdcounty.ca.gov in order to be placed on our list of interested parties.

Please let us know if you have any questions,

Eric Lardy

Land Use / Environmental Planning Manager

PLANNING & DEVELOPMENT SERVICES

5510 Overland Avenue, Suite 310

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858-694-3052 (Cell) 619-550-9723

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FW: Mobility Element Roads

From: Lardy, Eric <Eric.Lardy@sdcounty.ca.gov>
To: patsyfritz <patsyfritz@aol.com>
Cc: Gretler, Darren M <Darren.Gretler@sdcounty.ca.gov>; Real, Sami <Sami.Real@sdcounty.ca.gov>; McGee, Conor <Conor.McGee@sdcounty.ca.gov>
Date: Mon, Apr 6, 2015 10:05 am

Hello, Patsy.

Here are answers to your questions on the Mobility element roads. We could have a map prepared, but we would have to charge you for the cost of making and giving you the map, since it is not something that we have prepared. A hard copy map that size costs \$30.00, and would likely take about two – three hours of time for a GIS analyst to produce, which we would charge \$84 an hour for the time. Please let me know if you would like us to make this, or if we can help you find an alternate solution for what you are looking for.

What I need to know is this: are all 1,940.48 miles of "County maintained roads" Mobility Element Roads? **No. Not all County maintained roads are ME roads**

What I need is the total mileage for Mobility Element Roads. **1,291 miles**

What about Highway 76, as an example, that runs the length of Pauma Valley and beyond. Is that considered a "County Mobility Road?" **Yes. Highway 76 is a County ME road**

Is that" County-maintained?" **No. All of SR-76 is maintained by Caltrans**

Eric Lardy

**Land Use / Environmental Planning Manager
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From: patsyfritz@aol.com [<mailto:patsyfritz@aol.com>]
Sent: Thursday, April 02, 2015 12:56 PM
To: Lardy, Eric
Cc: Citrano, Robert; Spurgin, Andrew; Farace, Joseph; Wardlaw, Mark; Gretler, Darren M; Palmer, Lindsay; Real, Sami; Ortiz, Francisco "Nick"; Lingelser, Heather
Subject: RE: Mobility Element Roads

Eric, could you give me an idea when you'll have the Mobility Road mileage?

Also, I would love a road map showing this, but delineating County-maintained Mobility Roads from Mobility Roads maintained by other jurisdictions (e.g., State Highways like 76). Two different colors would be a god way to show the difference. Thanks for your continued good help. Much appreciated!

Patsy

Patsy Fritz
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Pauma Valley, CA 92061

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(760) 742-4511

9 May 2015

Late Public Comment

To: County of San Diego
Department of Planning & Development Services

Attn: Mark Wardlaw, Director
Mark Slovick, Project Manager

Subject: Recirculated Draft Environmental Impact Report
Lilac Hills Ranch Project
PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP),
PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM),
PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP)

Gentlemen:

This Late Public Comment is necessitated by actions of the San Diego County Department of Planning and Development Services' ("PDS") re-defining County General Plan policy LU1.2 regarding "leapfrog development," in Public Workshops February 11 and 21, 2015 (a de facto County-initiated General Plan Amendment without action by the Board of Supervisors); the action (4-0) by the Board of Supervisors ("BOS") on March 4, 2015, relating to interpretation of Policy LU 1.2; and advisory April 15, 2015 by Deputy Chief Administrative Officer/General Manager, Land Use and Environmental Group Sarah Aghassi, to the BOS to continue the BOS-proposed April 22, 2015 Agenda Item, pending public input on this issue (see attached).

For reference, the San Diego County General Plan Policy states:

LU-1.2 Leapfrog Development.

Prohibit leapfrog development which is inconsistent with the Community Development Model.

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

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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On February 11 and 21, 2015, at the Public Workshops, Director Wardlaw distributed his “draft matrix” that substituted “1/2 mile from a County Mobility Road” for the strict site-location criteria in LEED-ND. Director Wardlaw stated that PDS had established guidelines to judge development project applications as the “equivalent” to LEED – Neighborhood Development (“LEED-ND”) Certification criteria; that these judgmental guidelines would be submitted to the County Planning Commission (P/C) in March in “workshop” form – but not for a vote – and, following the Planning Commission Workshop, would be submitted to the Board of Supervisors (BOS) as a “report.” Not as an Agenda Item for BOS discussion, public input, and vote. In other words, a de facto General Plan major policy change without the required P/C and BOS Public Hearings.

On February 26, the proposed March 13 Planning Commission Workshop was postponed by PDS e-mail. It has not been re-scheduled.

Also on February 26, PDS Project Manager Mark Slovick e-mailed to Jon Rilling, the Accretive Investments officer and project manager for Lilac Hills Ranch, “The Golden Strategy,” PDS’ title for its draft matrix of subjective guidelines proposed as “equivalent” to LEED-ND.

On March 4, in public testimony to the Board of Supervisors (Agenda Item 3), I requested BOS review of the PDS-proposed substitute for LEED-ND equivalent. The Board voted 4-0-0 to have PDS return April 22.

On April 6, pursuant to California Public Records Act (CPRA) request, Eric Lardy, Land Use/Environmental Planning Manager, PDS, responded that there are 1,291 miles of Mobility Element Roads in the County. Per the General Plan Update EIR, certified August 3, 2011 (page 1-3), there are “approximately 807,000 acres of privately-owned unincorporated land within 23 CPAs and Subregions.”

Thus, using subjective criteria to exempt Lilac Hills Ranch from the “leapfrog development” prohibition in LU1.2, instead of LEED – ND (i.e., using the PDS criteria proposed in the Public Workshops on February 11 and 21, 2015), would set the precedent to unleash leapfrog development all across the unincorporated area of the County of San Diego County – as far as the 1,291 miles of Mobility Element Roads could reach, voiding the General Plan.

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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On March 15, DCAO Aghassi issued her advisory to the BOS (attached), which was also e-mailed by PDS to participants in the February Workshops and other interested parties. This postponed the April 22 presentation to the BOS because “it is necessary to conduct further analysis and stakeholder outreach related to LU-1.2”

Note that the BOS action, March 4, 2015 directing PDS to return with options related to LU 1.2, included that they “do so without slowing down current applications being processed by the Department of Planning & Development Services (PDS).”

At this time the only application in the Lilac Hills Ranch Draft EIR that references LU 1.2 and its strict limitation on leapfrog development is Appendix A (excerpt attached).

It states that Lilac Hills Ranch is exempt from the leapfrog prohibition on the ludicrous and non sequitur claim that it the project was designed by Peter Calthorpe, a founder of the Congress for New Urbanism (1993). That’s one of the three organizations that joined together to develop the LEED Green Building rating system. Then, without Calthorpe involved, 16 years later (2009) the same three organizations developed LEED - Neighborhood Development. So – who invented this specious exemption for Lilac Hills Ranch? *The developer himself!*

Look, guys & gals – this is the COUNTY’S EIR. This is to be produced to INFORM the decision-makers of San Diego County. You can’t let mis-truths be presented in a County environmental document. I want you to review a segment of e-mail correspondence between Eric Lardy, PDS and myself, as I ferreted out the ORIGIN of, and RESPONSIBILITY for, this balderdash: it was the developer, his own self-serving self. See also “LEED 2009 for Neighborhood Development,” Exhibit 6 of the April 14 letter from Shute, Mihaly & Weinberger, LLP, to the BOS on this same subject. Page VI lists the developers of LEED – ND. No Peter Calthorpe there. Even if there were, he is not the criterion the BOS placed in the General Plan!

See next page for the April 14, 2015 e-mail string from PDS. Note title and date of the pdf:

▶▶▶[Golden_Strategy](#)◀◀◀[_-_CDM__LEED-ND_1-27-15.pdf](#) (Note: the ▶▶▶emphasis is mine.)

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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Date: Sat, Feb 14, 2015 3:49 am

Attachment: [PDS_CommunityWorkshop1_Agenda_Draft.pdf](#)

Attachment: [BE_Public_Workshop_2-11-15b_-_Slides.pdf](#)

Attachment: [▶▶▶▶Golden_Strategy◀◀◀_-_CDM_LEED-ND_1-27-15.pdf](#)

Patsy,

Attached are the presentation and materials from the workshop.
Additionally, here are the answers to your questions.

- A. The DEIR was prepared by a County approved consultant, but was reviewed by County staff.
- B. LU-1.2 is only applied to projects that propose a General Plan Amendment for a new Village Regional Category. At this point, there are only two applications that include new Village Regional Categories. Those are Lilac Hills Ranch and Warner Ranch.

From P. Fritz: Accretive's Lilac Hills Ranch (LHR) is well known and I now have, thanks to the earlier link you supplied, "Appendix A" stating "The Project is designed to meet the LEED for Neighborhood Development Certification or an Equivalent program ...".

Thank you for confirming that Appendix A in the LHR DEIR "was prepared by a County approved consultant, but was reviewed by County staff."

Eric, the terminology "reviewed" by County staff is a little fluffy for my understanding. Was the "Appendix A" text APPROVED by County staff, or not? Please help me through this fog.

Response: (from E. Lardy, DPDS)

The Analysis was completed by the applicant.

The DEIR was prepared by a County approved consultant, but was reviewed by County staff.

The County has not approved this analysis or made a recommendation on the project at this time.

Gentlemen, the reason for this Late Public Comment is based on the above events uncovered in 2015 following the July 28, 2014 close of Public Comment on the Lilac Hills Ranch RDEIR: the developer's OWN self-serving claim to exemption from the Leapfrog Development prohibition, and not fact, was circulated to the public. The criteria for LEED – ND or equivalent cannot be met by this project.

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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It's not that you were oblivious to these facts.

Starting in May, 2014 you added a Planner II to the PDS staff (annual cost: \$140,000+) and contracted with a consultant (cost: \$40,000+) to solve your quandary of how to approve a quintessential sprawl project that is so clearly in opposition to the Guiding Principles of the \$18,600,000 County General Plan and its prohibition against Leapfrog Development.

Your solution: insert an ersatz LEED-ND "rationale" into the County's new Healthy Families Initiative and claim that Lilac Hills Ranch thus merits an exception to the County's leapfrog development prohibition.

And so we find added to the County "Thriving" initiative these goals to bypass the County's land use Constitution, the County General Plan:

- iv. Identify *specific challenges in the development and permitting process* for problem solving.
- v. Implement and engage coalitions for *review and action on identified policy issues*.
- ii. Prioritize practices and *implement change to plans and processes*.

Why is staff so interested in going around the *legislative* process that included certification of the General Plan's Environmental Impact Report? This 13-year effort was no whim of the Board of Supervisors.

It pains me to report your title for the bogus LEED-ND. You call it "***The Golden Strategy.***"

And before presenting it to the public (and before, notably, you present it to the Planning Commission or the Board of Supervisors) you presented "***The Golden Strategy***" to Accretive Investments, applicant for Lilac Hills Ranch – the guys going for "the gold."

Was this name proposed by Accretive's lobbyist, Chris Brown, who calls his consulting biz "***Alchemy?***" Or do you see yourselves as medieval wizards?

Are developer profits EVERYTHING to you? Does the General Plan mean NOTHING?

As a member of the public – and far more members of the public paid into the \$18,600,000 than developers ever did – the public sees this as OUR protection – for our farms, neighborhoods, air quality, fire protection, safe roads - it is NOT a "developer's tool."

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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Accretive's RDEIR claims that it meets the standards of the Community Development Model.

Lilac Hills Ranch absolutely does not.

Presented for adoption is the TM for Phase 1, but NO LATER PHASES -- 352 lots with access to minimal parkland only; NO JOBS, NO TRANSIT, ENTIRELY AUTO-DEPENDENT, HIGH VMT, PRODUCING INCREASED VOLUME OF GHG, NO PUBLIC SERVICES (a Fire District that cannot meet the General Plan's requirement for 5-minute response; a Sheriff's substation far to the east in Valley Center's town core) NO FOOD, HARDWARE, MEDICAL SERVICE or PHARMACY – just a ghost of a chance for a “town center” in the FINAL phase that may, or may not be built and cannot ever attract commercial business that needs consumer volume to survive.

Lilac Hills Ranch will NEVER have a grocery store because the area is so sparsely settled it could never reach the 45,000 population a grocery store requires to locate there. Because there are NO JOBS, the grocery industry knows that ALL shopping will be OFFSITE – “on the way home from work.” Applying for ACOE approval, Accretive admitted its “General Store” would offer “jams and jellies” – in other words, a Disneyland version, and very, very cute.

Does Lilac Hills Ranch meet the Community Development Standard of “feathering out” density so URBAN does not meet, and clash with RURAL, AGRICULTURAL LAND – the farmland that it will rip up and destroy?

Of course not! Have you looked at the TM for Phase 1? Row-after-row of chicklet-size lots – some as small as .11 acre – right smack across the road from existing homes within 4-acre and 10-acre zoning. And it's outside a sewer district – all the neighbors use septic systems.

Lilac Hills Ranch Specific Plan as presented is stale, tired old 1960's urban sprawl, claiming to be “walkable” – except for the fenced-in seniors in the southeast enclave, who would have to climb the grade for a mile and a half (if they can manage to sprint safely across the traffic on Covey Lane) to buy their jams & jellies. Luckily, they're old. We know how to make jam.

Please pay attention to these REQUIREMENTS for the Community Development Model from the General Plan. Lilac Hills Ranch complies with NONE of these:

“... the ideal Community Development Model is only achievable with a wide-ranging and extensive transit network.” Lilac Hills Ranch has NO transit. Transit is required for LEED-ND.

Late Public Comment

Lilac Hills Ranch PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), and related;
attn: Mark Wardlaw, Director, PDS

Mark Slovick, Project Manager, PDS

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Also, this from the General Plan on the Community Development Model (that Lilac Hills Ranch scorns): “The ‘Village’ would contain ... a broad range of commercial and civic uses ... meets critical objectives for compliance with the mandates of AB 32, the *California Global Warming Solutions Act of 2006*. The bill requires the reduction of GHG emissions to 1990 levels by 2020, about a 25 percent reduction from current levels.

“Governor Schwarzenegger’s Executive Order S-E-05 requires further reductions to 80 percent below 1990 levels by 2050. As automobile use and energy consumption are principal contributors to GHG emissions, compact land use patterns and development practices that reduce trip generation and distances will be essential.”

Under no circumstances can you assert that Lilac Hills Ranch “complies with the General Plan.” Only in 2015 did we discover your “Golden Strategy” to approve this gas-guzzling, farm-destroying, profiteering scheme to destroy our \$16,800,000 General Plan.

I would have told you last year, before the close of Public Comment on the RDEIR. But you kept us all out of the loop.

Better late, though, than never.

Patsy Fritz

PS – Please review the attached excerpt from DCAO Sarah Aghassi’s introduction to the April 13, 2011 Board of Supervisor’s Hearing on the General Plan Update – at which LEED-ND was introduced in the Leapfrog Prohibition Policy LU1-2.

Take these wise words to heart.

(DRAFT) – DCAO SARAH AGHASSI’S introduction for BOS Meeting 4.13.11 on GENERAL PLAN UPDATE

- State law requires counties and cities to prepare and adopt comprehensive and long-range general plans for development in their jurisdictions, thereby providing for a consistent framework for land use and development decisions
- Over the past couple of decades, the state has passed a number of laws impacting general plans, such as laws curbing development in rural areas, ensuring adequate fire protection and public safety in the wildland urban interface and reducing vehicle miles traveled and greenhouse gas emissions.
- The general plan update process that the County has undertaken will be the first comprehensive update of our County’s general plan since 1978 – it is our mechanism for planning for the future – accommodating our needs for housing, commercial and residential development; preserving the environment; ensuring adequacy of public safety services such as fire protection and emergency medical services; and the efficient expenditure of taxpayer dollars on infrastructure
- The Board approved the framework for the update to the general plan including direction for staff to undertake a “ground-up” approach to planning by working with the community and stakeholders – and by also endorsing the Guiding Principles . . .