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March 16, 2015

VIA EMAIL AND HAND DELIVERY

Mark Slovick, Project Manager
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

File No. 025388-0011

Re: Golden Door Comments on Notice of Preparation for Newland Sierra, PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597, LOG NO. PDS2015-ER-08-001

Dear Mr. Slovick:

As you know, we represent the Golden Door Properties LLC (the "Golden Door"), an award-winning spa and resort that opened in 1958. This historic haven is situated on approximately 600 acres on the south side of Deer Springs Road in northern San Diego County ("North County"). The Golden Door focuses on the health and fitness of its guests, and its property encompasses a peaceful array of hiking trails, luxurious spa amenities, tranquil Japanese gardens, and a bamboo forest. Agricultural cultivation on the property includes avocado groves and fresh vegetable gardens as well as citrus and olive trees.

We appreciate the opportunity to share with you our comments regarding the Notice of Preparation ("NOP") for Newland Real Estate Group, LLC's ("Newland") Sierra project (the "Project") which is proposed to be located just across Deer Springs Road from the Golden Door's property. As you know, we have attended public meetings and workshops regarding this Project, held several meetings with County of San Diego Planning and Development Services staff ("County staff") and the Project applicant, and obtained and reviewed voluminous materials relating to the Project's Application and NOP. We have assessed the Project's potential impacts based on the information available to date, and we have a number of significant concerns. This Project proposes to implement urban-style development in a rural area of unincorporated San Diego County (the "County") that lacks the connectivity and transit infrastructure to comply with modern smart growth planning principles. The Project also risks turning Deer Springs Road into a massive freeway bypass system and destroying the community's rural character. We have proposed several alternatives to be reviewed in the Project's environmental impact report ("EIR") to determine the extent to which these alternative would mitigate or avoid the Project's significant impacts. We have also provided a number of comments on specific issues that we believe require review in the EIR.

This Project was proposed once before as the Merriam Mountains project, and was rejected by the Board of Supervisors in 2010. The General Plan Update in 2011 decreased the density permitted on the Project site such that the site is largely zoned RL-20, allowing one residential unit per 20 acres, permitting approximately 100 units. County staff then reviewed a request to increase the density by approximately 1,100 residential (General Plan Property Specific Request NC42), which County staff noted would require amendments to the General Plan's Guiding Principles and additional environmental review of the General Plan. Despite the two recent decisions by the County Board of Supervisors (the 2010 rejection of the first Merriam Mountains proposal and 2011 application of appropriate density in the General Plan Update to maintain a low rural and semi-rural density on the Project site), the Project now proposes 2,135 residential units, 81,000 square feet of commercial development, a charter school, and the expansion of Deer Springs Road.

The County has heard from this community for years that we value the rural character of our community and want it to be preserved in line with these recent actions related to the Project site. Public participation in this process is imperative to ensure that yet another bite at the apple does not result in a drastic density increase against the will of the community and the policy direction given twice by the County Board of Supervisors. We thank you for the opportunities you have provided for public comment and education thus far, and we encourage you to aggressively pursue public outreach throughout this process.

I. THE EIR SHOULD ANALYZE ALTERNATIVES THAT REDUCE IMPACTS

An EIR must demonstrate that the lead agency identified and investigated all significant environmental effects of a proposed project. 14 Cal. Code Regs. § 15126.2(a). Through mitigation measures or project alternatives, the California Environmental Quality Act ("CEQA") requires a public agency to mitigate or avoid any significant environmental effects of a project whenever feasible. Pub. Res. Code § 1002.1(b). An agency may reject a proposed project alternative or mitigation measure and approve a project, despite significant environmental impacts, only if the agency makes appropriate findings that the mitigation or alternative is infeasible. Pub. Res. Code § 21081.5; *Cal. Native Plant Soc'y v. City of Santa Cruz*, 177 Cal. App. 4th 957, 959 (2009). A measure is "infeasible" if it is incapable of being accomplished in a successful manner within a reasonable time. Pub. Res. Code § 21061.1.

Like other EIR findings, a finding of infeasibility must be based on substantial evidence. *Preservation Action Council v. City of San Jose*, 141 Cal. App. 4th 1336 (2006); *Ctr. for Biological Diversity v. Cnty. of San Bernardino*, 184 Cal. App. 4th 1342, 1357 (2010). The findings of expert consultants may not be sufficient to constitute substantial evidence of infeasibility if they are not adequately supported. *See Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F. Supp. 2d 1098, 1125-29 (E.D. Cal. 2013). An agency must directly respond to any proposed mitigation measure or project alternative unless the measure is facially infeasible. If a proposed measure is not facially infeasible, an agency must respond with a good faith and reasoned analysis. *Los Angeles Unified Sch. Dist. v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1029-30 (1997).

The Project proposes a drastic density increase in a rural area that contradicts the recently adopted General Plan Update and regional plans developed by the San Diego Association of Governments (“SANDAG”). The General Plan Update designates most of the Project site as RL-20, one unit per twenty acres, which would limit development to approximately 100 units. Moreover, SANDAG’s land use and density projections for 2020, 2035, and 2050 forecast a largely rural and agricultural region along the Interstate 15 corridor in North County. *See* Attachment A, SANDAG Land Use and Population Density Maps. The EIR should analyze alternatives that reduce density on the Project site, mitigate the impacts of density increases on the Project site, or shift density increases to alternate locations in order to mitigate or avoid traffic, greenhouse gas, fire safety, biological, and other impacts.

To avoid and mitigate potential impacts, that would result from the Project as currently designed, the Golden Door suggests that the EIR evaluate the following alternatives.

A. Alternate Route Alternative: The EIR Should Analyze an Alternative that Includes a Four-Lane Road (“Newland Sierra Parkway”) Through the Project Site that Avoids Dumping Traffic onto Deer Springs Road

The Project is configured to dump Project traffic on to Deer Springs Road, which already accommodates substantial bypass traffic from regional trips fleeing the congested freeway system, as indicated by a license plate conducted last year by Linscott Law & Green (“LLG”). *See* Attachment B, LLG License Plate Survey (May 5, 2014). The Project would add trips to Deer Springs Road both from trips traveling to and from the Project, but also from external trips with origins and destinations within the Project. Indirect, winding roads within the Project site, featuring many cul-de-sacs, grade changes, and intersections, and no connections to the north, northeast, or northwest, cause trips from the western portion of the Project to exit the Project and travel across Deer Springs Road to reach the commercial center and school located on the eastern portion of the property. A traffic volumes report completed by LLG, indicates that the Project will cause a net 5,110 annual trips across the segment of Deer Springs Road between Mesa Rock Road and Sarver Lane by 2040. Attachment C, LLG, Traffic Volumes Report I-15/Deer Springs Road Interchange. pp. 25, 29 (Dec. 10, 2014).

The most direct route for many residents on the Project’s west side—where the majority of residential units are located—to reach the commercial center would be to exit the Project at Sarver Lane and cross Deer Springs Road, re-entering the Project at Mesa Rock Road. Further, the Project proposes to add pedestrian, bicycle, and equestrian traffic to a multi-purpose trail adjacent and parallel to Deer Springs Road. Dumping project traffic on to Deer Springs Road poses a safety threat to the non-vehicular traffic on that road, including the new non-vehicular traffic accommodated on the Project’s proposed multi-use path. In addition, “traffic-calming” measures should be installed on Deer Springs Road to encourage the traffic from Newland’s own project, or traffic seeking to reach Newland’s own commercial center, to use the Project’s internal roads to reach Interstate 15, rather than a winding two lane country road such as Deer Springs Road.

The EIR should study an alternative that constructs a direct four-lane road (which can be referred to as “Sierra Parkway”) which accommodates all of the planned traffic that needs to travel through the Project and keeps trips off of Deer Springs Road, causing traffic to instead travel through the Project on the north side of the ridgeline immediately north of Deer Springs Road (the “Alternate Route Alternative”). This “*Newland Sierra Parkway*” road would connect the dense residential configuration on the west side of the Project with the commercial center and Interstate 15 on the east side of the Project and provide for a more unified project connecting both residential and commercial uses rather than sprawling in disconnected fashion across the property. Caltrans is currently developing a Project Study Report (“PSR”) to re-design the Interstate 15/Deer Springs Road interchange and should be asked to analyze a configuration that provides direct access to the “*Newland Sierra Parkway*,” directly funneling traffic from the interchange to Newland’s proposed commercial center, rather than forcing the traffic to take a circuitous route to the south and then multiple turns to reach the commercial center and access the Project. (The current interchange alignment across Interstate 15 does not run “north-south” but instead cuts diagonally to the south to directly connect to Deer Springs Road. The Golden Door has submitted a letter (*see* Attachment D) requesting that Caltrans include such a configuration in its PSR. The new “*Newland Sierra Parkway*” road should also connect to an expanded park-and-ride facility and transit center which should be integrated into the Project’s commercial center and provide direct access to Interstate 15. Attached hereto as Attachment E is a rudimentary map depicting the approximate location of such a road.¹

The Alternate Route Alternative would also include a traffic circle or four-way intersection with a full stop at the Sarver Lane/Deer Springs Road intersection. This design would increase safety to motor vehicles as well as pedestrians, cyclists, and equestrians. This design is also essential to allow residents to the south of Deer Springs Road to safely cross Deer Springs Road at this intersection to connect to Newland’s own proposed trail system, as well as to the new trail proposed for the north side of Deer Springs Road. This traffic intersection could also substantially decrease the need to condemn private property near the Deer Springs Road/Sarver Lane intersection—particularly through the TERI, Inc., property—that would be needed to facilitate Newland’s proposed “direct connect” high-speed curve now proposed as part of the project, to funnel traffic at a high speed directly into Deer Springs Road, with no stops or cross-walks. Finally, this four way intersection at Sarver Lane would allow traffic to travel north and connect to the proposed “*Newland Sierra Parkway*” to reach Newland’s commercial center which is embedded on the far east side of the project, rather than diverting traffic trying to reach Newland’s commercial center onto Deer Springs Road at a high rate of speed.

The Alternate Route Alternative should be designed to encourage trips on the new four-lane road through the Project rather than on to Deer Springs Road in order to avoid traffic, noise, air quality, and safety impacts to the community and the pedestrians, cyclists, and equestrians traveling along Deer Springs Road, and instead route trips through the Project. County Road 12 should be re-designated to include this four-lane road across the Project rather than Deer Springs

¹ Note that the map has not been drawn to scale, nor does it depict the route’s precise contours. This map is intended for general illustrative purposes only.

Road east of Sarver Lane. The Project's commercial center portends to be a significant draw for trips from the west, which should be routed through the Project site rather than impacting the existing community's uses on Deer Springs Road.

Newland's intention is to build a "master-planned" and integrated community. An alternative which provides for an internal road that directly links the east and west sides of Newland's own project should be studied, rather than allowing Newland to simply dump its project traffic onto Deer Springs Road.

B. GHG Reduction Alternative: The EIR Should Analyze a Transit-Oriented Alternative to Reduce Greenhouse Gas Emissions

The EIR should also study an alternative with all residential units clustered around the commercial center on the eastern side of the Project near Mesa Rock Road and Interstate 15 that would reduce greenhouse gas ("GHG") emissions (the "GHG Reduction Alternative"). The GHG Reduction Alternative would allow all Project residents to walk to the commercial center as part of a mixed use project and provide a transit connection via an expanded park-and-ride facility and a transit center with direct access on to Interstate 15. Under this alternative, the developer should provide for a peak hour shuttle system (funded by the developer) to the Escondido Transit Center (similar to the One Paseo shuttle system required by the San Diego City Council as part of its approval of that project).

This alternative would remove the units on the west side of the property and the steep, winding roads throughout the Project, thus eliminating the need to drive from one side of the Project to the other. This design could also limit the Project's primary entrance to Mesa Rock Road—with direct access to the Project from Interstate 15—and limit additional ingress and egress points to emergency access. Again, direct freeway access could be studied in Caltrans' PSR (*see* Attachment D, Golden Door Letter to Caltrans, Mar. 16, 2015), and Newland's current design which requires multiple turns to access the commercial center from the freeway interchange to discourage or prohibit transit or shuttle bus easy access, or use of the commercial center parking lot as a park-and-ride, should be discarded. The residential units could be designed as multistory town homes, and would extend further north along Interstate 15, but would not necessarily result in a reduction in the total number of residential units proposed by the Project, though the number of units that could be accommodated by a transit-oriented design should be studied as well. A key feature of this GHG Reduction Alternative would be to allow transit more direct access to the commercial center, so that buses or shuttles provided by the Project can operate more effectively with greater usage.

This clustered, transit-oriented design of the GHG Reduction Alternative would minimize the Project's single-occupant vehicle trips by providing transit for longer trips and walkability for trips internal to the Project, thus reducing vehicle miles traveled ("VMT") and GHG emissions. The County General Plan embraces smart-growth communities and a multi-modal mass transit system, stating that "[t]he General Plan will reduce GHG emissions primarily through minimizing vehicle trips and approving land use patterns that support increased density in areas where there is infrastructure to support it, increased opportunities for transit, pedestrians,

and bicycles, and through green building and land development conservation initiatives.” Attachment F, General Plan Introduction and Vision and Guiding Principles at 1-16. In addition, the County Mobility Element states the following:

Reducing vehicle miles traveled is also an important component of reducing greenhouse gas emissions. Along with compact land use patterns, a well-connected road network contributes to reducing vehicle miles traveled. The Mobility Element requires the provision of multi-modal facilities to accommodate alternative modes of travel, such as public transportation, bicycling, and walking. In addition, goals and policies are included to minimize single occupancy vehicular travel through carpooling, vanpooling, and other transportation demand management methods.

Attachment G, General Plan Mobility Element at 4-3.

In addition, SANDAG has developed a Regional Transportation Plan (“RTP”) and Sustainable Communities Strategy (“SCS”) that favor a transit-first approach to new development. The RTP is a regional blueprint for a transportation system that meets the State’s sustainable development planning priorities through 2050. It allocates funding across transportation priorities, including transit, highway improvements (consisting largely of HOV lane additions), and local roads. SB 375, which went into effect in 2009, requires that an SCS be prepared as part of the RTP to integrate land use and transportation planning in an effort to curb VMT and associated GHG emissions. SANDAG published its RTP/SCS in October 2011. The SCS’ guiding principles include “focus[ing] housing and job growth in urbanized areas where there is existing and planned transportation infrastructure . . . [and] invest[ing] in a transportation network that provides residents and workers with transportation options that reduce GHG emissions.” Attachment H, RTP/SCS at 3-2. In addition, the 2050 RTP “focuses major roadway and transit improvements in urban and suburban areas of the region, encouraging growth away from the region’s more rural areas.” *Id.* at 6-39.

According to these planning principles, when a rural area is proposed to be transformed into an urban area (such as proposed by the Project), transit must be a central focus and not an afterthought. Because the Interstate 15 corridor in North County is not urbanized and lacks existing transit infrastructure, new development should consist of “transit-first” or even “transit-obligate” communities that proceed only after the construction of, and funding of contributions to, planned transit facilities to ensure that their added impacts and increased emissions are fully mitigated or avoided. As proposed, the Project lacks any meaningful transit proposals, instead requiring long, single-occupant vehicle trips from its rural location to urban and job centers. Additionally, the Project is designed to “sprawl” across the property, with the majority of the residential units placed on the far west side of the property behind disconnected winding roads and cul-de-sacs, without any direct internal Project roadway that can be used to easily or quickly reach the commercial center. The Golden Door’s GHG Reduction Alternative, however, would embrace the County’s updated General Plan policies favoring connectivity and transit, the

RTP/SCS, the Community Development Model, and the planning principles embodied in SB 375.

Further, the GHG Reduction Alternative would cluster development near the area currently designated as village in the County's General Plan. We understand that the County does not intend to create a "new" village designation for the Project; therefore, any added density should be clustered in or near the existing village designation rather than spreading out in a very disconnected fashion into existing rural lands. A failure to provide for this design would cause the Project to conflict with the County's General Plan policies. The Project should be consolidated around Newland's commercial center, so that all new Project residents can reach the commercial center (and new transit and park-and-ride facilities that should be included in the center) by walking or biking a short distance. Depending upon the design, the GHG Reduction Alternative could eliminate the need for a General Plan and Community Plan amendment and would likely reduce potential significant land use impacts from the Project.

C. Alternate Location Alternative: The EIR Should Analyze an Alternative Location that Is Located in Closer Proximity to Existing Communities and Infrastructure

The EIR should analyze an alternative location for the Project that complies with General Plan policies. The preamble to the General Plan's Land Use Element provides clear policy direction that, "[f]ocusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the rural landscape that helps define the unique character of the unincorporated County." Attachment I, General Plan Land Use Element at 3-2. The Land Use Element goes on to state that, "the core concept for the County's development directs future growth to areas where existing or planned infrastructure and services can support growth and locations within or adjacent to existing communities. By giving priority to areas identified for urban level densities, this concept also helps to retain the rural setting and lifestyle of remaining areas of the County." *Id.* at 3-5. Further, General Plan Goal LU-2 seeks to maintain the rural character of existing rural lands in the unincorporated County, and Goal LU-5 directs development patterns and techniques that curb GHG emissions and VMT while preserving rural lands. *Id.* at 3-24, 3-27 to 3-28. The Project, however, is located far from existing communities and infrastructure and would urbanize existing rural lands.

The EIR should analyze alternative locations that meet the principles set forth in the General Plan—locations that are closer to existing communities and infrastructure, in close proximity to transit, and that do not convert existing rural lands. The North County Metro Sites Inventory has identified areas for housing development, that may serve as a guide for determining an alternative location for the Project. Alternate locations could consist of a single site or a combination of sites that would accommodate the amount of development proposed by the Project. By way of example, the General Plan's Housing Element Inventory for North County Metro includes site NC 2-1 which is located in the same planning area as the Project, could accommodate a similar number of residential units, is located in closer proximity to existing communities and transit infrastructure, and appears to largely avoid the Project's

impacts. *See* Attachment J. The EIR should study alternative locations, such as NC 2-1, that accommodate the housing and commercial development proposed by the Project with fewer environmental impacts and more in line with the General Plan's Guiding Principles and policies.

D. Agricultural Alternative: The EIR Should Analyze an Alternative that Implements an Agricultural Use of the Property

The alternatives section of the EIR should include an Agricultural Alternative that would utilize the steep slopes of the Project site for the production of avocados and other lucrative produce, providing an economically viable alternative for the Project applicant, which is consistent with the land use designations for the property in the General Plan. Agriculture is an appropriate use of the Project site because the majority of the site is designated as Rural Lands in the General Plan. The General Plan notes that, “[t]he Rural Lands category is applied to large open space and very-low-density private and publicly owned lands that provide for agriculture, managed resource production, conservation, and recreation and thereby retain the rural character for which much of unincorporated County is known.” Attachment G, General Plan Land Use Element at 3-8 (emphasis added). The General Plan goes on to note that “the undeveloped nature of Rural Lands benefits all of San Diego County by . . . [p]reserving and providing land for agricultural opportunities.” *Id.* at 3-9. The Agricultural Alternative would be consistent with the site's designation in the General Plan, and would also allow the preservation of open space, enhancement of the County's economy, provision of jobs, and creation of an economically viable use for the property.

Avocado production is a lucrative economic enterprise that is a feasible alternative to residential development on the Project site. The San Diego County Farm Bureau notes that San Diego County ranks first nationally for the production of avocados, is the twelfth largest farm economy among 3,000 counties, and that the annual value of farming to San Diego County economy is \$5.1 billion. Attachment K, San Diego County Farm Bureau, San Diego County Agriculture Facts. The County of San Diego Department of Agriculture 2013 Crop Statistics and Annual Report shows that avocado production in San Diego County increased in value over 2012 for a total of \$197,915,300 or over \$9,000 per acre of avocado production. Attachment L, County of San Diego Dept. of Agriculture, Weights and Measures, 2013 Crop Statistics and Annual Report (“San Diego County Ag. Report”), at 6.

In addition, other lucrative crops such as citrus, wine grapes, and nursery plants could all be grown on the property. The steep hillsides and rocky soils of Merriam Mountains, combined with the morning fog and later morning heat of the area would be good growing conditions for wine grapes. The flatter, lower lying areas of the property could also be used for nursery and greenhouse plants, which in San Diego County were worth over \$1 billion in 2013 according to the County Crop Report. Attachment L, San Diego County Ag. Report, at 5. If organic farming methods were used, the potential for higher economic returns would grow. In addition, organic farming can eliminate pesticide use, and better harmonize with the habitat around the farming operation.

Finally, as noted by the San Diego County Farm Bureau, farming provides carbon sequestration that can reduce GHG emissions (Attachment K, San Diego County Farm Bureau, San Diego County Agriculture Facts) as opposed to the proposed Project which would significantly increase GHG emissions from increased VMT and construction.

E. The EIR Should Analyze Other Reduced-Density Alternatives that Would Minimize Environmental Impacts

In addition to the alternatives described above, the EIR should analyze other reduced-density alternatives. These alternatives should include reductions in both residential and commercial density to determine the extent to which various reductions in density reduce traffic, greenhouse gas, fire safety, biological, and other impacts.

II. THE EIR SHOULD PROVIDE A BROAD-BASED ENVIRONMENTAL REVIEW TO ENSURE IT ANALYZES ALL OF THE PROJECT'S IMPACTS

An EIR must “identify and analyze the significant effects on the environment, state how those impacts can be mitigated or avoided, and identify alternatives to the project, among other requirements.” *Cal. Native Plant Soc’y*, 177 Cal. App. 4th at 979 (internal citation omitted). A significant effect is a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” 14 Cal. Code Regs. § 15382. Among other things, the County will need to determine whether there is a “reasonable plan of actual mitigation” from the relevant agency that is fully enforceable through project conditions, agreements, or other legally binding instruments. *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1187-89 (2005); *see also* Cal. Pub. Res. Code § 21081.6(b); 14 Cal. Code Regs. § 15126.4(a)(2).

Further, the Project constitutes a project of statewide, regional, or areawide significance under CEQA Guidelines Section 15206, because the Project proposes a General Plan Amendment and consists of more than 500 dwelling units. *See* 14 Cal. Code Regs. § 15206(b)(1), (b)(2)(A). As such, the Project must hold a public scoping meeting pursuant to CEQA Guidelines Section 15082(c)(1), provide sufficient copies of its Draft EIR to the State Clearinghouse, and allow a 45-day period for public comment on the Draft EIR. Moreover, pursuant to CEQA Guidelines Section 15086(a)(5), the County must consult with and request comments on its Draft EIR from Caltrans, SANDAG, and North County Transit District (“NCTD”), and any other agencies with transportation facilities within area described in Section 15086(a)(5). This designation under CEQA as a project of statewide, regional, or areawide significance further demonstrates the breadth of the Project’s impacts and need for thorough public participation.

Based on the Project’s drastic density increase in a rural area and lack of proximity to existing communities and infrastructure causing far-reaching connectivity issues, the scope of the EIR must encompass a broad array of communities in order to determine the extent of the

Project's impacts. The Golden Door's comments on specific potential impacts are provided below.²

A. Aesthetics

The urbanization of the Twin Oaks Valley area would irrevocably destroy the community's rural character. Community residents and businesses have expressed time and time again that we value the feel and appearance of our rural community. We have chosen to reside or operate our businesses in this area because of its tranquil, rural characteristics, not in spite of them. Newland's current design exacerbates this disruption of the surrounding Twin Oaks Valley area, and seems to be designed to maximize the disruption to surrounding properties while minimizing Newland's own infrastructure costs. Under the current design, many of the housing units are placed at the far west side of the property, without any easy or direct connection to Newland's commercial center, which is in turn placed on the far east side of the property. Rather than build a direct four lane road to connect the two disconnected parts of the project into a cohesive whole, the project includes winding internal roads and cul-de-sacs designed to dump the Project's traffic onto Sarver Lane and Deer Spring Road, and to discourage residents seeking to reach Newland's commercial center from entering the Project on the west side.

Additionally, the rural atmosphere outside of the Project site is further ruined by Newland's proposal to realign Deer Springs Road to take land from surrounding property owners to the south to "smooth the curve" and allow high speed travel into Deer Springs Road without stopping or entering Newland's own Project roads. The community trail, including equestrian uses, along the north side of Deer Spring Road, is rendered unusable and inaccessible from the south by this high speed "raceway" design.

The County has acknowledged this unacceptable increase in density its October 22, 2014 letter to Newland discussing the Pre-Application noting in a list of "major project issues" that "[t]he project proposes to locate a high density urbanized development, characterized by small lots, commercial and civic use types within an existing semi-rural community, which may conflict with some goals and policies of the General Plan." See Attachment M, Letter from Mark Slovick, County Planning and Development Services, to Rita Brandin, Newland, at 4 (Oct. 22, 2014) (emphasis added). The EIR should analyze the Project's impacts to community character and consider alternative designs and mitigation measures which minimize or eliminate the Project's disruption of surrounding roads and property.

² While the Golden Door does not provide specific comments on mineral resources, public services, or recreation impacts or on mandatory findings of significance, the Golden Door generally encourages a wide-lensed approach to reviewing such impacts due to the breadth of the communities that may be impacted by the Project.

B. Agriculture and Forestry

Analysis of agricultural impacts should not be limited to the Project site. The surrounding area consists primarily of agricultural lands, including 120 acres of agricultural production on the Golden Door's property. Project-related impacts, including increased traffic from construction and operations, decreased water supply, and fugitive dust and other particulate emissions from construction could impact surrounding agricultural operations. In addition, the Project's and cumulative growth-inducing impacts could decrease the land available for agricultural production, which as noted above, is a significant source of jobs and economic activity in San Diego County. The EIR should analyze the Project's direct and indirect impacts on agriculture.

C. Air Quality

The Initial Study notes that the Project could result in a potentially significant impact from objectionable odors. Such odors could be particularly harmful to the Golden Door's guest experience. The EIR should analyze the extent of any objectionable odors and specify whether such odors will be limited to construction and operations within the Project site or will result from construction or other trips on Deer Springs Road that could impact the Golden Door and other properties located on Deer Springs Road.

In addition, both construction and Project air emissions could significantly impact the surrounding community. This rural area is unaccustomed to the air pollutants associated with urbanization, and agricultural uses may be particularly sensitive to the effects of air pollutants on their crops. Moreover, the amount of rock crushing proposed by the Project could result in significant air quality impacts during the lengthy construction process. The EIR should analyze the impacts of air pollution from multi-year construction and Project operations on surrounding properties.

D. Biological Resources

The Project site is home to valuable species and habitat. As noted in the Initial Study, the Project site is located within the North County Multi-Species Conservation Program ("NCMSCP") subregional plan. The NCMSCP designates the Project site as having very high, high, and moderate habitat value. *See* Attachment N, NCMSCP Habitat Evaluation Map. In addition, the Project site contains areas designated as ecologically valuable Pre-Approved Mitigation Area ("PAMA"). The NCMSCP sets a goal of conserving 75 percent of natural lands in the PAMA; yet, Newland only proposes to conserve approximately 60 percent of natural lands on its Project site. The NCMSCP's 75 percent goal should be the minimum amount of preservation required by the County on the Project site. The EIR should analyze the Project's conformance with the NCMSCP and impacts on PAMA.

County staff noted in their report on the General Plan Property Specific Request NC42 that the Project site contained sensitive habitat and that the urban development proposed would not support the General Plan's Guiding Principles for steep slope development and habitat

conservation: “The site is entirely constrained by steep slopes, sensitive habitat and is also located within the Very High Fire Hazard Severity Zone. Because of the predominance of upland chaparral habitat, the County’s habitat evaluation model qualifies the site as low value. However, a site-specific study indicated that this area supports rare plants and is conducive to wildlife movement. . . . Specifically the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat.” *See* Attachment O, Property Specific Request NC42. The Property Specific Request also includes maps that indicate the steep slopes on the site, and moderate to high habitat value for the property. The June 20, 2012 County staff report on the NC42 request also states that, “portions of the requestor’s property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.” Attachment P, County Staff Report for NC42 and Study Area, at 2 (June 12, 2012). The EIR should provide at least the level of analysis noted by County staff regarding the NC42 request, which proposed a less drastic density increase than the Project does.

Altering the rural character of the Project site could significantly impact various populations and habitats. Moreover, the Project site includes both north-south and east-west wildlife corridors, including a stepping stone corridor for the California Gnatcatcher, a species that has been sighted on the property. Attachment Q, Merriam Mountains Project Recirculated Environmental Impact Report, State Clearinghouse No. 2004091166 (“Merriam Mountains EIR”), Biological Resources Subchapter, at 3.2-8, 3.2-10 (Mar. 2009). Any urbanization of this rural area should not come at the expense of precious habitat. The EIR should study impacts to species due to urbanization of the rural site and impacts to the California Gnatcatcher. The EIR should further analyze the Project’s impacts to wildlife movement.

The Project’s impacts will require substantial mitigation. The EIR should analyze mitigation measures for impacts to biological resources, including off-site mitigation and whether such off-site mitigation land is available. Mitigation lands for biological impacts from development is at a premium in San Diego County. Because the site could be used for biological mitigation for another project, the EIR should analyze how the significant loss of this potential mitigation land could impact development throughout San Diego County, including development in incorporated urban areas that could purchase parts of the property to mitigate their development impacts. In addition, the housing, population, and land use sections of the EIR should analyze how the loss of this property as potential mitigation land could affect development in urban areas, where the County General Plan, the SANDAG Regional Comprehensive Plan and the General Plans of incorporated cities like San Diego direct growth. If, for example, the PAMA located on the Project site is not available as mitigation land, it could constrain development in urban areas that will require biological mitigation land to allow development. This could create significant regional land use impacts that implicate fundamental public policy impacts not only on the County General Plan, but the General Plans of incorporated cities throughout the County.

In addition, the fuel modification zones proposed by Newland indicate a tension between the need for fire safety and the prerogative to preserve valuable habitat. It should be noted that Property Specific Request NC42 provides a map showing that the entire property is within the

“Very High” Fire Hazard Severity Zone. *See* Attachment O. The extensive clearing of vegetation needed to protect homes from fire hazards deprives wildlife of previously available habitat. This conundrum of choosing between fire safety measures and biological conservation efforts only serves to highlight the need to uphold the General Plan’s density designation for the Project site rather than shoehorning an urban-style development on to land with both high habitat value and high fire hazard severity. The EIR must analyze the impacts that result from mitigation measures. The EIR, therefore, should analyze impacts to biological resources from the Project’s fire safety mitigation measures and vice versa.

E. Cultural Resources

The Project will require extensive grading, blasting, and excavation that could exhume fossils or cultural remains of Native American tribes in the area. Senate Bill 18 requires cities and counties to contact, and consult with, California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. In addition, the Project must be analyzed against the San Diego County Resource Protection Ordinance (“RPO”). The EIR for the Merriam Mountains proposal that was rejected by the County Board of Supervisors found two RPO sites that would be impacted by the project’s requirement to expand Deer Springs Road. *See* Attachment R, Merriam Mountains EIR, Cultural Resources Subchapter at 2.5-8. The Merriam Mountains EIR notes that impacts to RPO sites that are within an essential public facility are exempt from the RPO.

F. Geology and Soils

The Project site is composed of steep slopes that could pose the potential risk of landslide. In addition, mountainous regions are typically created through earth movement over millions of years. A thorough analysis of potential earthquake faults will be required.

G. Greenhouse Gas Emissions

GHG emissions present a pressing global environmental concern. As the Initial Study notes, on-road transportation is the primary contributor of GHG emissions in the San Diego region. The Project, however, follows an outdated auto-centric development model with development sprawling across the property in a disconnected manner. Because of its location far from existing communities, job centers, and transit infrastructure, the Project will cause long single-occupant automobile trips that increase VMT, resulting in harmful GHG emissions. The EIR should analyze mitigation measures and alternatives that reduce the Project’s VMT, including the integration of developer-funded shuttles or transit into the project design.

The County’s Climate Action Plan (“CAP”) was invalidated by a 2014 Court of Appeal decision. *Sierra Club v. Cnty of San Diego*, 231 Cal. App. 4th 1152 (2014) *petition for review denied*, No. S223591 (Cal. Mar. 11, 2015). The County’s General Plan relied on the CAP to mitigate GHG emissions impacts. *See* Attachment S, San Diego County General Plan Update EIR, State Clearinghouse No. 2002111067, Global Climate Change Subchapter, at 2.17-30 (Mitigation Measure CC-1.2) (Aug. 2011). The Project’s EIR, however, cannot merely rely on

the invalidated CAP for GHG impact mitigation, but must propose enforceable mitigation measures and alternatives. The Climate Action Plan is attached hereto as Attachment T. Additionally, the County should carefully consider whether it can move forward to analyze this major regional project without first adopting a replacement Climate Action Plan.

The Project's Application notes that the Project is located within six miles of three of NCTD's Sprinter stations. *See* Attachment U, Project Application, Project Description at 22. The EIR should analyze the feasibility of relying on such distant points of access to transit to reduce long vehicle trips, especially given that the developer's application includes no proposal to link the project to these stations with a shuttle system or transit. In addition, the Initial Study notes "[e]arly project coordination with . . . Metropolitan Transit System (MTS) and the North County Transit District (NCTD)." Initial Study at 44. Reliance on MTS or NCTD services to mitigate the Project's GHG impacts must result in concrete and enforceable mitigation measures. The EIR cannot rely on mere "early project coordination" with transit entities to mitigate GHG impacts.

H. Hazards and Hazardous Materials

The Project is located in a High Fire Hazard Severity Zone. Drastically increasing the density on this property puts thousands of people in increased danger from fire hazards and exponentially increases the potential for fire-related damage to property value. This increased density directly conflicts with the County General Plan Safety Element Policy S-1.1- Minimize Exposure to Hazards: "Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards." Attachment V, San Diego County General Plan Safety Element at 7-4 (2011). It should be noted that the County recently went through the General Plan Update process of designating land at appropriate density levels to minimize the exposure of people to the risk of fire hazards. The staff report for the NC42 Property Specific Request discussed above notes that the entire site is in a Very High Fire Hazard Severity Zone. *See* Attachment O. The Project contradicts the thoughtful consideration that was given to the density designation on this site during the multi-year General Plan Update process. The EIR should analyze reduced-density alternatives and mitigation measures that will avoid or mitigate density-related fire safety impacts.

In addition, the influx of residents, commercial shoppers, and students, faculty, and staff at the charter school on the Project site will severely hinder evacuation efforts during a fire. During the fires in May of last year, area roads were at a standstill and Interstate 15 and State Highway 78 both experienced closures. With the Project's proposed "Ready, Set, Go" evacuation plan, individuals within the Project and in the surrounding areas will simultaneously be attempting to flee. The Project's steep, circuitous loop roads and cul-de-sacs, as well as the grouping of the majority of residential units on the west side of the Project furthest from Interstate 15, could result in residents being trapped within the Project if limited emergency access points are blocked by congestion or are impassable due to the location of a wildfire. It is important to provide multiple emergency access points to increase the opportunities for safe, passable routes in and out of the Project in the event of an emergency. Further, the Project's Application states that its fire plan will include a "regional approach." *See* Attachment U,

Project Application, Project Description at 23. The EIR should analyze a plan that includes moving evacuees out the north side of the Project—to North Twin Oaks Valley Road, Gopher Canyon Road, and Lawrence Welk Court—to avoid evacuation in a single direction or taking the risk of trapping residents if the fire is to the south. Improvements to northern access points necessary to mitigate fire safety impacts cannot be deemed infeasible simply due to costs to the developer.

In addition, the Golden Door echoes comments made by the Fire Marshal and Deer Springs Fire Protection District calling for independent analysis and additional information regarding various issues, including response times, the Project's internal "loop roads," and the effect of impacts from other development on the Fire Protection Plan. *See* Attachment W, Letter from James Pine, San Diego County Fire Authority, to Mark Slovick, County Planning and Development Services (July 21, 2014).

A crucial mitigation measure that must be studied is the redesign of the Project to include a direct four-lane road ("*Newland Sierra Parkway*"), as discussed above in Section I.A, that will provide a new east-west evacuation route for the thousands of new residents that Newland wants to add to the west side of the project, and the elimination of the current circuitous loop roads, cul-de-sacs and limited use fire roads now proposed by the developer. In an emergency, it is crucial that all residents and the community have access to a new direct four-lane east-west road across the project to evacuate to the east, rather than limiting evacuation points.

I. Hydrology and Water Quality

Water availability is a significant concern for agricultural and domestic uses in the areas surrounding the Project site—and throughout California generally. Some properties in the area use water from on-site wells. Water is a precious resource, particularly to the agricultural properties in the Twin Oaks Valley community. The County Water Authority has declared the County to be in Drought Level 2, requiring 20% mandatory conservation. If the County Water Authority further downgrades the condition to Drought Level 3, no new potable water service will be available. The County should ensure that Newland's proposed urbanization of the area does not adversely impact existing water and wastewater services. The EIR should analyze the Project's impacts on water supply under various drought conditions, including Drought Level 3. The EIR should also analyze the impacts to water availability and quality to the area's water resources, including wells.

Due to the number of residential units proposed in the Project, the Project will require both a Water Supply Assessment and a Water Supply Verification under Water Code section 10910 and Government Code section 66473.7. The Water Supply Verification must provide written verification from the proposed water agency that sufficient water will be available during normal, single-dry, and multiple dry years within a 20-year time period, and must consider future growth of the region.

J. Land Use and Planning

The State Planning and Zoning Law requires the County's project approvals to be consistent with the General Plan. *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 570-71 (1990). The County recently completed a General Plan Update in 2011, which zoned the Project site as rural lands allowing one residential unit for every 20 acres (RL-20), with just a sliver of village, office, and commercial designation near Interstate 15. *See* Attachment X, Twin Oaks Valley Land Use Map. The RL-20 designation is actually a *decrease* in the density previously allowed. Because the Project proposes a substantial increase in density so soon after the conclusion of the lengthy General Plan Update process, it is important that the EIR provide an in-depth analysis of the Project's compliance with the General Plan's policies and Guiding Principles and whether any General Plan Amendment will have an impact on similarly situated property elsewhere in the County.

1. The EIR Should Analyze Whether the Project Will Require Amendments to the General Plan's Guiding Principles

The General Plan lists ten Guiding Principles that apply to all development in the unincorporated County:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.

8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

Attachment F, General Plan Introduction and Vision and Guiding Principles at 2-6.

The EIR should analyze the Project's compliance with each of the Guiding Principles. The Project could violate the Guiding Principles in at least the following ways: (1) locating growth far from existing and planned communities, infrastructure, and services; (2) drastically altering existing community character; (3) impacting operations of businesses that rely on the peace and tranquility of a rural setting; (4) disrupting wildlife corridors; (5) developing despite physical constraints posed by the Project site's slope; (6) failing to provide transit options; (7) requiring long single-occupant vehicle trips that increase greenhouse gas emissions; (8) urbanizing a rural agricultural community; (9) requiring the extension of utility services and annexation into the Vallecitos Water District ("VWD"); and (10) developing the Project despite significant community opposition, a previous rejection of a similar project, and a recent General Plan Update that spent years weighing stakeholder input. Any change to the County's Guiding Principles would require an analysis of the impacts of the change on similarly situated properties throughout the County and could require additional public input on the County General Plan's EIR.

County staff has previously determined that increasing density on the Project site would change the General Plan's objectives and would likely require recirculation of the General Plan's EIR. After completing an update of the General Plan in 2011, County staff evaluated a Property Specific Request to increase density on the Project site to permit an additional approximately 1,100 residential units over the approximately 100 residential units permitted under the General Plan's designation. *See* Attachment O. County staff designated the request as "Major" and "High Complexity." *See* Attachments O, P. According to the Staff Report for a January 9, 2012 workshop on the General Plan Property Specific Requests, a "Major" category designation indicates an inconsistency with General Plan Guiding Principles and "would require more fundamental and extensive changes to the General Plan Update and associated environmental documents." *See* Attachment Y, County Staff Report for General Plan Property Specific Requests Workshop ("Workshop Staff Report"), at 3 (Jan. 9, 2012). The Workshop Staff Report further noted that "if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties," that additional public outreach and review would be required to modify the Guiding Principles, and that changes to the General Plan's Land Use Map could be required for consistency. *Id.* at 4.

In a follow-up report by County staff on June 20, 2012, for the NC42 Property Specific Request, the request was deemed “Very High” complexity by County staff specifically because the significant changes being sought could alter the basic policy construct and planning principles of the General Plan. The staff report for NC42 notes the following rationale for the “Very High” complexity classification of Property Specific Request NC42:

- The workplan outlines an extensive community remapping that will have a major impact on the Twin Oaks Community and neighboring communities. The effects of adding over 1,000 dwelling units on land that is currently undisturbed rural land will require extensive study to determine the impact on the community, resources, and the environment and to address consistency with Policy LU-2.3 assigning densities in a manner that is compatible with the character of the community.
- The proposal would shift the focus of the Twin Oaks community from its center to its edge along I-15. At a minimum it would be necessary to review the proposed change to address consistency with the Community Development Model, Policy LU-1.1, and Guiding Principle 2. The Community Development Model supports decreased densities as the distance increases from the village core to promote compact development and preserve distinct boundaries between communities.
- The study area affects over 250 property owners. A change affecting such a large number of people increases the complexity involved in notifying owners of the proposed changes, seeking their input, and addressing their concerns. Given the large amount of community opposition to this project, additional issues will be brought up over the life of the approval process.
- The adjacent study area constitutes primarily agricultural lands. Further analysis would be required to determine the effect of a density increase on efforts to preserve important agricultural areas of the county such as this one.
- Portions of the requestor’s property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.
- Review of the mapping principles regarding prohibiting “leapfrog” development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned Village will be required.

See Attachment P, County Staff Report for NC42 and Study Area, at 2.

As noted above, Newland’s Project Specific Request NC42, which only proposed an approximately 1,100 residential unit increase (over the approximately 100 residential units

permitted by the General Plan's designation) was designated as "Major" and "Very High" complexity, indicating inconsistency with General Plan Guiding Principles and extensive changes to the General Plan's environmental review. As such, the EIR must analyze whether the even more significant density increase proposed by the Project—to 2,135 residential units—is consistent with the General Plan Guiding Principles and whether it requires additional environmental review of the General Plan. The EIR should analyze any change in County staff's position.

In addition to analyzing the Project's consistency with the General Plan's Guiding Principles, the EIR should also analyze the Project's consistency with each of the General Plan's specific policies. For example, Policy LU-2.3 requires density to be compatible with community character. Attachment I, General Plan Land Use Element at 3-25. The Project proposes to drop urban development into a rural and semi-rural area, thus violating this policy.

County staff correctly noted that "if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties." Attachment Y, Workshop Staff Report at 4. County staff's concern raises the issue of whether the proposed Project constitutes "spot zoning," which was specifically noted in County staff's review of Property Specific Request NC42. See Attachment O. The EIR must analyze whether the Project's General Plan and zoning changes constitute discrimination against similarly situated properties, which could be construed as impermissible "spot zoning." See *Foothill Communities Coalition v. County of Orange*, 222 Cal. App. 4th 1302, 1311-12 (2014); see also *Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256, 1268 (2011).

2. The EIR Should Analyze the Project's Consistency with the General Plan's Leapfrog Policy

General Plan Policy LU-1.2 ("Leapfrog Policy") prohibits leapfrog development:

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.

Attachment I, General Plan Land Use Element at 3-23.. We understand it is the County's position that the Project is exempt from the Leapfrog Policy because a small portion of the Project site is currently designated as "village" and, therefore, does not constitute a "new

village.” There are at least five flaws in this position, described below, that must be analyzed in the EIR.

First, the Project proposes to alter the boundary of the existing village designation. Attachment U, Project Application, Project Description at 9. This alteration will result in areas not previously designated as “village” being changed to “village” designation. The EIR should analyze whether this boundary change results in a “new” village.

Second, a plain reading of the Leapfrog Policy contradicts the County’s position that the Leapfrog Policy does not apply to the Project because the Project does not create a “new” village. The first sentence of the Leapfrog Policy is a clear prohibition on leapfrog development with no reference to new or existing village designations. The second sentence provides a limited exemption from the prohibition for “new villages” that meet certain criteria. This exemption, therefore, applies only to a subset of “new villages”—and does not apply to an “existing” village. Consequently, if the County determines the Project is not a “new” village, the second sentence’s exemption does not apply. Without the protection afforded by the exemption, the Leapfrog Policy, as described in the first sentence, applies to the Project.

Third, even if an existing village designation could trigger the Leapfrog Policy’s exemption, the small area in the corner of the Project site designated as “village” cannot exempt the *entire* Project from the Leapfrog Policy. This would be an absurd result allowing even the smallest village designation on the General Plan’s Land Use Map to provide protection for clear-cut leapfrog development as far out as a developer is willing to build a road from that village designation. The majority of the Project’s residential units are proposed to be constructed on the west side of the Project, far from the sliver of village designation in the Project’s southeast corner, which currently supports a gas station convenience store and several roadside stands. *If* the existing village designation provides protection from the Leapfrog Policy (and we contend it does not), it can only do so for units clustered closely around the existing village designation, such as are proposed in the Golden Door’s GHG Reduction Alternative.

Fourth, County staff has previously taken the position that an increase in density on the Project site must be reviewed for consistency with the Leapfrog Policy as well as with Policy LU-1.4, which applies to new village designations. The County staff report for Property Specific Request NC42 states that the requested General Plan change would require a “[r]eview of the mapping principles regarding prohibiting ‘leapfrog’ development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned Village” *See* Attachment P, County Staff Report for NC42 and Study Area, at 3. This position by County staff pertained to a less severe proposed density increase on the Project site of approximately 1,100 residential units, whereas the Project proposes a more drastic increase to 2,135 residential units. Again, the EIR should analyze County staff’s change in position regarding this issue.

Fifth and finally, even if the exemption found in the second sentence of the Leapfrog Policy could apply to the Project, the Project does not meet the exemption’s three criteria: consistency with the Community Development Model, provision of services and facilities, and

LEED-Neighborhood Development (“LEED-ND”) standard or its equivalent. The Project’s design is not consistent with the Community Development model because of its density allocation clustering residential units on the far side of the Project from the area designated as village. Also, there are not sufficient existing facilities and services to support the Project. Further, the Project does not meet LEED-ND or equivalent standards. LEED-ND requires a project’s connectivity to transit and existing communities and infrastructure. The US Green Building Council’s FAQ on LEED-ND states that, “[u]sing the framework of other LEED rating systems, LEED for Neighborhood Development recognizes development projects that successfully protect and enhance the overall health, natural environment, and quality of life of our communities. The rating system encourages smart growth and new urbanist best practices, promoting the location and design of neighborhoods that reduce vehicle miles traveled and communities where jobs and services are accessible by foot or public transit. It promotes more efficient energy and water use—especially important in urban areas where infrastructure is often overtaxed.” See Attachment Z, U.S. Green Building Council LEED-ND FAQ.

As discussed above, the Project lacks connectivity to existing urban and job centers or public transportation and will require long single-occupant vehicle trips which increase VMT. In addition, as noted in our previous comments, the Project does not promote efficient energy and water use, and is the antithesis of “new urbanist best practices.” While we understand the County is in the process of determining what criteria to use for LEED-ND “equivalent,” such criteria cannot include the wholesale discarding of central tenets of LEED-ND, such as connectivity, protection of the natural environment, and other such new urbanist best practices.

The EIR should analyze the Project’s consistency with the General Plan’s Leapfrog Policy in light of the points raised above.

3. The EIR Should Analyze the Project’s Consistency with County and Regional Plans’ Smart Growth Principles

The EIR must analyze whether and to what extent the Project is consistent with County and regional plans, including SANDAG’s RTP/SCS and with the Regional Comprehensive Plan (“RCP”). 14 Cal. Code Regs. § 15125(d). Additionally, recent Court of Appeal decisions invalidated the County’s CAP and SANDAG’s RTP/SCS for not going far enough in efforts to curb GHG emissions, and the California Supreme Court has granted a petition for review to address the SANDAG case. See *Sierra Club*, 231 Cal. App. 4th 1152, *petition for review denied*, No. S223591 (Cal. Mar. 11, 2015); *Cleveland Nat’l Forest Foundation et al. v. San Diego Ass’n of Governments*, 231 Cal. App. 4th 1056 (2014).³ The EIR should analyze the Project’s

³ The Supreme Court has granted a petition to review the SANDAG RTP/SCS case based on a specific issue related to the Governor’s Executive Order for GHG reductions. See *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts*, 231 Cal. App. 4th 1056, *modified upon denial of rehr’g*, No. D063288, 2014 Cal. App. LEXIS 1150 (Dec. 16, 2014), *petition for review granted*, No. S223603 (Cal. Mar. 11, 2015).

consistency with the CAP and RTP/SCS and measures that go further to limit GHG emissions or provide substitute criteria that meets the plans' underlying goals as provided in the County's General Plan and SB 375 respectively. The EIR should further analyze the Project's consistency with County and SANDAG growth forecast maps, including SANDAG's Smart Growth Concept Maps. See Attachment AA, SANDAG's San Diego Region Smart Growth Concept Map and North County Subregional Smart Growth Concept Map, both dated January 27, 2012.

The Project proposes to develop 2,135 residential units and 81,000 square feet of commercial development on rural lands far from urban and job centers—and without meaningful transit options—in stark contradiction to the planning principles encompassed in the County's General Plan, LEED-ND, SANDAG's RTP/SCS and RCP, and SB 375. SANDAG's RTP/SCS was developed based on the County's General Plan current designation of rural residential. General Plan Goal LU-5 promotes “[a] land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health.” Attachment I, General Plan Land Use Element at 3-27. Newland's proposal does not discuss how it is consistent with the RTP/SCS which assumed no urban development on this site. In addition, the County's 2013 General Plan Annual Progress Report states that “[t]he core concept for the County's Land Use Element is to direct future growth to areas where existing or planned infrastructure and services can support that growth and to locations within or adjacent to existing communities.” See Attachment BB, 2013 General Plan Annual Progress Report, at 3 (Mar. 2014). As previously discussed, the Project will be located away from existing services, includes internal street designs with long looping roads and cul-de-sacs, includes no proposal for transit or shuttle services to nearby transit, does not provide for compact development within the property or direct road access from residential areas to the commercial center, and will require long, single-occupant vehicle trips in contradiction of these policies.

The EIR should analyze the Project's consistency with the smart growth principles contained in the General Plan, SANDAG's RTP/SCS, and SB 375. The Project simply lacks the connectivity and compact land use planning required of smart growth development. Claims of reduced vehicle trips within the Project site (to the extent they can be supported by substantial evidence) would not negate the impacts of long single-occupant vehicle trips required to job and urban centers. In addition, Project features such as a multi-use trail and bicycle share programs will do little to decrease vehicle trips internal to the Project. For example, residents on the west side of the Project site—where most residential units are located—are unlikely to walk or ride a bicycle or horse to the far eastern side of the Project to visit a grocery store, leaving themselves carrying bags of groceries back to their home. Also, the sheer topography of the Project site does not lend itself to pedestrian or bicycle trips unless commercial and residential uses are more closely clustered, given the long looping roads, cul-de-sacs and grade changes. The EIR should analyze alternative designs for internal circulation and layout of units to reduce the length of internal trips. Even if such changes provide for a reduction in internal Project trips, they do nothing to decrease external Project trips that result in greater VMT and GHG emissions impacts. The Project must do more than merely pay lip-service to County, regional, and State planning requirements emphasizing smart growth principles.

K. Noise

Noise related to construction activities would persist for years with the phased development of the Project's various neighborhoods. In its Application, Newland notes that rock crushing will be performed on-site, but provides no details of the volume, duration, or location of rock crushing activities. *See* Attachment U, Project Application, Project Description at 13. The Golden Door has specifically requested this information from Newland for over 9 months, but it has not been provided. As it appears that significant quantities of rock will be crushed or could be blasted on-site to be used in various aspects of the Project, the noise produced by rock crushing and blasting would pose a long-lasting and significant impact to the community. The EIR should analyze alternatives to on-site rock crushing as well as noise-reducing mitigation measures. In addition, the EIR should identify the specific location or locations within the Project site that will most effectively mitigate noise impacts from rock crushing operations.

The EIR should analyze noise and ground vibration impacts on the Golden Door and other surrounding properties from construction and Project operations and on the Project site and on Deer Springs Road. The EIR should also analyze appropriate mitigations for noise impacts to the Golden Door and other surrounding property owners.

L. Population and Housing

The Project's proposed urbanization of a rural area could result in growth-inducing impacts both in the areas surrounding the Project site and elsewhere in the unincorporated County. Because the General Plan encourages new development near existing communities, adding a new community on the Project site could induce other communities to develop nearby. As noted in the County staff report on Property Specific Request NC42, "[t]he proposal would shift the focus of the Twin Oaks community from its center to its edge along I-15." Attachment P, County Staff Report for NC42 and Study Area, at 2. Because of this shift, the Project could act as a bridge between previously designated rural and urbanized areas creating an incentive for in-fill development of development of rural areas between the Project site and urbanized areas. The EIR must analyze the Project's potential to induce additional development of rural lands.

In addition, setting the precedent that the 2011 General Plan Update is subject to amendment that drastically increases density in contradiction of the General Plan's Guiding Principles could pave the way for other General Plan Amendments adding similar urban density in other areas of the unincorporated County with existing rural designations. The EIR should analyze the Project's growth inducing impacts to the area surrounding the Project site as well as other areas in the unincorporated County.

M. Transportation and Traffic

The Project's density and design will cause significant traffic impacts on freeways and surface streets. The Project is located far from urban and job centers without any meaningful transit options, and proposes steep, circuitous internal Project roads, replete with cul-de-sacs, that cause traffic to be dumped on to Deer Springs Road, which already experiences significant peak

hour cut-through trips in contradiction of General Plan policies for regional connectivity and rural roads. Newland's road design seems intended to dump or divert traffic onto surrounding streets outside of the Project, and reduce Newland's own infrastructure costs by avoiding the need to build a direct four-lane east-west connection such as the "Newland Sierra Parkway" described above. As discussed in more detail below, the EIR should analyze the Project's traffic impacts on a broad scale as well as feasible alternatives and mitigation measures, such as the alternatives proposed above by the Golden Door. Additional comments on the NOP are included in a letter from the Golden Door's traffic consultants, Fehr & Peers, attached hereto as Attachment CC.

1. The EIR Should Study Mitigation Measures and Alternatives to Maintain a Two-Lane Configuration on Deer Springs Road and Stop Newland's Attempt to Dump Project Traffic on the Road and Divert Any Through Traffic from Newland's Own Property

The Project proposes a drastic increase in density far from existing communities and infrastructure or job and urban centers. Furthermore, much of the Project's density is placed on the far west side of the Project, as remote as possible from the Project's own commercial center. Moreover, as shown an LLG license plate survey, a number of trips on Deer Springs Road are freeway bypass trips resulting in regional impacts. See Attachment B. These freeway bypass trips occur now and will increase in the future because of existing freeway congestion on Interstate 15 and State Highway 78. As discussed below, Newland's Project will contribute to gridlock Level of Service "F" on Interstate 15 in the future, causing large numbers of residents to divert from Interstate 15 to escape stopped traffic on Interstate 15. Rather than accommodating this "cut-through" traffic on Newland's own project roads, Newland has designed its roads as a circuitous system with cul-de-sacs to funnel the cut-through traffic away from their property and on to Deer Springs Road.

As a result, the Project could cause traffic impacts within a broad geographic radius from the Project site. Under CEQA, the County will be required to consider mitigation measures or alternatives which could fully mitigate or avoid predicted traffic impacts (as well as the complete and detailed performance objectives for mitigation measures for impacts on state highways provided by Caltrans under CEQA Guideline Section 15086). Pub. Res. Code § 21100; see also *Gray v. County of Madera*, 167 Cal. App. 4th 1099, 1116-17 (2008). Courts have found mere fair-share payments made to undefined or insufficient mitigation fee programs to violate CEQA. See *Anderson First Coalition*, 130 Cal. App. 4th at 1187-89 (requiring fair-share payments to fund a program that would *actually mitigate* cumulative traffic impacts) (emphasis added); *Endangered Habitats League, Inc. v. County of Orange*, 131 Cal. App. 4th 777 (2005) (invalidating EIR that did not provide evidence of improvements funded by the project's mitigation fee or evidence that fees would adequately mitigate traffic impacts).

A traffic study included in the Lilac Hills Ranch project's EIR forecasts a failing Level of Service "F" on Interstate 15 from Escondido all the way to the Riverside County line when both Newland's Project and the Lilac Hills Ranch project are developed. See Attachment DD, Lilac Hills Ranch Draft Revised EIR, State Clearinghouse No. 2012061100, Transportation/Traffic

Subchapter (June 2014) at 2.3-41 to 2.3-42, 2.3-96 to 2.3-97. The Golden Door believes that when Interstate 15 reaches Level of Service “F,” a large number of motorists traveling to and from SR-78 will simply view Deer Springs Road/Twin Oaks Valley Road/Buena Creek Road as an alternate freeway ramp to the West 78, the City of Vista and south San Marcos, including Cal. State San Marcos. For this Project, the EIR’s traffic studies should analyze impacts, mitigation measures, and alternatives within a broad study area—including multiple segments of Interstate 15 and State Highway 78, Twin Oaks Valley Road, and Buena Creek Road—due to the prevalence of freeway bypass trips on Deer Springs Road affecting a wide range of freeways and surface streets. Any mitigation measures should be fully funded before the Project moves forward. The traffic study should consider improvements funded by the Project on Interstate 15 and State Highway 78 that would minimize the congestion that the Project will cause on the freeways which will otherwise exacerbate future cut-through traffic.

The EIR should consider improvements to Deer Springs Road, without adding lanes on Deer Springs Road, that discourage additional cut through trips in this rural area and avoid making the road more attractive for bypass trips that should remain on the freeway rather than burdening local property owners. If the County staff nonetheless believes an east-west regional freeway “cut-through” should be built in this area, the County staff should consider instead the alternative of building the “cut-through” road across Newland’s own property using a direct four-lane parkway and through a realignment of the Deer Springs Road interchange bridge, rather than widening Deer Springs Road.

The updated General Plan no longer views road-widening as a “one-size-fits-all” solution to congestion. According to the General Plan’s Mobility Element, the “widening of roads, which can dramatically change the character of a community, should be pursued only after environmental and community character impacts are also considered. The need to widen roads is minimized when trip vehicle miles traveled are reduced, the performance of the existing network is optimized, and the use of alternative modes of travel is maximized.” Attachment G, General Plan Mobility Element at 4-3. The EIR should study the environmental and community impacts that would occur if Deer Springs Road were expanded, such as the following: (1) the rural character of the community does not support a major thoroughfare ferrying passers-through from one freeway to the next, (2) the extensive grading on steeply sloped landscape would destroy habitat and potentially water flows, (3) the extensive blasting required to fit the road into Deer Springs Road, (4) the impacts to residents to the south of Deer Springs Road near Mesa Rock Road, (5) the impacts of a high speed road adjacent to the planned trail on the north side of Deer Springs Road, and (6) an expanded roadway inviting vehicle trips would create an additional hindrance to wildlife and pedestrian, bicycle, and equestrian movement, especially north-south movement across the road.

Moreover, the General Plan supports County road configuration that discourage freeway-bypass trips. LLG’s license plate survey indicates that approximately 78% of trips on Deer Springs Road originating at the Interstate 15 southbound ramp during morning peak hours are freeway bypass trips. See Attachment B. With the County’s projection that Interstate 15 will reach Level of Service “F” and be extremely congested for many hours of the day, (due in large part to Newland and other newly planned developments), many more motorists will be

encouraged to “flee the freeway” and find any surface street that can provide an alternative. We understand that County staff, nonetheless, has expressed a lack of concern over freeway bypass trips on Deer Springs Road and would support the transformation of this rural road into freeway-to-freeway bypass. We could not disagree more—and neither could the General Plan.

Policy M-1.1 of the General Plan’s Mobility Element requires prioritizing travel *within* communities by encouraging “a public road network that accommodates travel between and within community planning areas **rather than accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands.**” Attachment G, General Plan Mobility Element at 4-12 (emphasis added). The Twin Oaks Valley community should not be burdened by a massive freeway bypass because of congestion on Interstate 15 and State Route 78. The EIR should study alternatives and mitigation that would maintain the area’s rural character, which would be destroyed by a “Deer Springs Freeway Bypass System,” which, even if effective, would merely serve as a short-term stop-gap measure instead of seeking a more systematic solution to freeway congestion through more efficient freeway management and alternative means of transportation.

In addition, General Plan Policy M-2.1 describes situations in which acceptance of a failing Level of Service is necessary to achieve other General Plan goals, such as environmental preservation or enhancing community character. One situation justifying acceptance of a failing Level of Service involves regional connectivity issues, “when congestion on State freeways and highways causes regional travelers to use County roads, resulting in congestion on the County road network. Rather than widening County roads to accommodate this traffic, the deficiencies in the regional road network should be addressed.” Attachment G, General Plan Mobility Element at 4-14. Another situation calling for acceptance of a failing Level of Service on a County Road is when “adding travels lanes to a road that would adversely impact environmental and cultural resources This situation would also occur in areas with steep slopes where widening roads would require massive grading, which would result in adverse environmental impacts and other degradation of the physical environment.” *Id.*

Moreover, SANDAG’s RTP/SCS sets forth a policy of keeping freeway-to-freeway trips on the freeways and off of local roads: “The local streets and arterials that connect our communities are typically used for shorter trips, while the region’s highways link homes with major centers for jobs, education, shopping, and recreation.” Attachment H, RTP/SCS at 6-22. It would be inconsistent with the RTP/SCS for the County to approve of a project which funnels traffic onto surface streets and requires their widening to accommodate increased traffic. We also believe that the environmentally superior alternative under CEQA would be to accommodate this bypass traffic using improvements in traffic and transit facilities on the Interstate 15 and SR-78 corridors, and that this would assist the region in meeting the GHG reduction goals contained in SANDAG’s SCS.

Because the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road meets these criteria, acceptance of a failing Level of Service is warranted. Moreover, the Project would not *create* a failing segment on Deer Springs Road by maintaining this segment at two lanes. The two-lane segment is *already* failing today. As demonstrated by the LLG license plate

survey, a two-lane configuration between Sarver Lane and Mesa Rock would result in the same or improved Levels of Service on all other segments of Deer Springs Road. See Attachment B.

Expanding Deer Spring Roads would require significant right-of-way acquisition from local property owners and could destroy the Golden Door and other businesses in the area. Based on the steep slope in front of the Golden Door and the Golden Door's need to access Deer Springs Road at grade, grading to or constructing four lanes—and even more so for six lanes⁴—would require substantial encroachment onto the Golden Door's property and would significantly harm the Golden Door's business. Such an encroachment may result in a “taking” of both the Golden Door's property and business and require the County to compensate the Golden Door for the value of both its property and its business.

Other area property owners would also be subject to significant property loss and potential destruction of their intended use. For example, the various alignments of the southward bend on Deer Springs Road would require differing degrees of condemnation of the TERI property. Depending on the configuration, it could render the TERI property useless for the non-profit's intended equestrian center and other facilities for developmentally disabled individuals. A two-lane configuration of Deer Springs Road, and a reduced speed limit, would be more likely to allow for a tight turn radius or T-intersection that would limit the need to acquire right-of-way from TERI or other area property owners. The EIR should analyze the impacts to local property owners of the extensive condemnation that would be required for expanding Deer Springs Road, including impacts that would occur if the encroachment caused a closing of businesses, blight, or the conversion to other uses.

Finally, the County should implement measures to reduce the speed at which vehicles travel on Deer Springs Road, including a reduced speed limit, traffic calming circles, and a T-intersection at the intersection of Sarver Lane and Deer Springs Road. Reduced speed would not only discourage freeway bypass trips, it would increase safety in the area—the safety of vehicles as well as pedestrians, cyclists, and equestrians. Various residences and businesses, including the Golden Door, access Deer Springs Road directly, and excessive speeds pose a significant safety risk. Moreover, high-speed travel is not necessary for true “local trips,” but benefit only the freeway bypass drivers seeking to treat Deer Springs Road as a long freeway access ramp. The EIR should study alternatives and mitigation measures that maintain Deer Springs Road as two lanes.

⁴ While the Golden Door encourages analysis of all options to maintain Deer Springs Road in a two-lane configuration, the EIR must study the severe environmental impacts that would occur, as well as necessary mitigation measures, if the County expanded Deer Springs Road to six lanes, even if specific proposals are limited to two-, three-, and four-lane configurations. *Laurel Heights Improvement Ass'n. v. Regents of the Univ. of California*, 47 Cal. 3d 376, 396 (1988) (requiring future expansion of a project to be included in a project's CEQA review if it is reasonably foreseeable and would be significant in changing the scope or nature of the project or its environmental effects).

2. Deer Springs Road/Interstate 15 Interchange Impacts

We are aware that Caltrans is developing a Project Study Report (“PSR”) for the Deer Springs Road/Interstate 15 interchange. County staff has stated that the EIR will analyze all alternatives proposed in the PSR, and will not publish the EIR until after the PSR has been completed and the County has analyzed the impacts resulting from the alternatives contained therein. While the County should analyze the impacts of all alternatives in the PSR, it should not limit its analysis to those alternatives. The EIR should analyze all feasible mitigation measures and alternatives even if they are not included in the PSR.

3. The EIR Should Study Transit Options

In addition, the Project lacks any meaningful transit options. The Project’s Application notes that three Sprinter stations are located “within six miles” of the Project. *See* Attachment U, Project Application, Project Description at 22. This distance would preclude the Sprinter train from serving as a viable everyday commute option for Project residents. Despite the strong policy preference for transit in the County General Plan and SANDAG’s RTP/SCS, and the LEED-ND standards, the Project Description in the Project’s Application makes no mention of transit aside from this wholly ineffectual reference to distant Sprinter stations. Because the Project would be located in the rural Interstate 15 corridor in North County, which lacks transit infrastructure, the Project should take a “transit-first” approach to transportation. If the Project is approved, the County should allow it to proceed only after the construction of, and funding of contributions to, planned transit facilities to ensure that the Project’s added impacts and increased emissions are fully mitigated or avoided. Such facilities must be coordinated on a regional basis with SANDAG, rather than created on a partial, haphazard or unfunded basis at the project level. In addition, the EIR should consider a shuttle operating at regular intervals that would connect the Project to the closest Sprinter stations and the Escondido Transit Center, which could reduce some of the thousands of single-occupancy car trips that will be generated by the Project.

In addition, the EIR should analyze traffic impacts using both Level of Service and VMT criteria. Analysis of VMT impacts is necessary to demonstrate the necessity of a substantial transit component as mitigation.

N. Utilities and Service Systems

The Project proposes that VWD will provide water and wastewater services. As noted in VWD’s June 5, 2014 comment letter on the Project, additional study is required for the provision of water and wastewater services. *See* Attachment EE, Letter from Eileen Koonce, VWD, to County Planning and Development Services. VWD’s letter concludes that the Project’s density could cause significant impacts on water and wastewater services: “[T]he potential increased density of the project may have a significant impact on offsite facilities both for this project and cumulatively with other projects currently being proposed. These projects may significantly impact District facilities including local water and sewer mains, water storage, the sewer interceptor, pump stations, outfall and treatment.” *Id.* at 4. The EIR should analyze the impacts

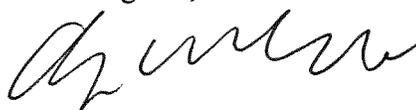
to water and wastewater services of the Project's drastic proposed density increase, including to other users in the VWD area or that users who service providers share facilities with VWD.

III. CONCLUSION

The Project would result in a drastic increase in density and poses connectivity issues that could impact a broad geographic area and policy issues that could alter the County's General Plan framework that was only updated four years ago. As such, the Project's environmental review should require a broad analysis of potentially significant impacts. The Golden Door has proposed four distinct alternatives for analysis and encourages the analysis of many additional alternatives and mitigation measures that would mitigate or avoid the Project's many significant impacts.

Thank you for your time and attention to our comments. Please feel free to contact me at (858) 523-5400 or christoper.garrett@lw.com if you would like to discuss these matters further.

Best regards,



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