

O1 Latham & Watkins on behalf of Golden Door Properties LLC

Comment Letter O-1

**LATHAM & WATKINS** LLP

August 14, 2017

**VIA EMAIL AND HAND DELIVERY**

Ashley Smith  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

12670 High Bluff Drive  
San Diego, California 92130  
Tel: +1 858 523 5400 Fax: +1 858 523 5450  
www.lw.com

**FIRM / AFFILIATE OFFICES**  
Barcelona Moscow  
Beijing Munich  
Boston New York  
Brussels Orange County  
Century City Paris  
Chicago Riyadh  
Dubai Rome  
Düsseldorf San Diego  
Frankfurt San Francisco  
Hamburg Seoul  
Hong Kong Shanghai  
Houston Silicon Valley  
London Singapore  
Los Angeles Tokyo  
Madrid Washington, D.C.  
Milan

Re: Newland Sierra (Log No. PDS2015-ER-15-08-001; SCH No. 2015021036, Project Numbers: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597, PDSXXXX-HLP-XXXX)

Dear Ms. Smith:

We submit this comment letter on behalf of our client, Golden Door Properties, LLC ("Golden Door"). As you know, we have been pro-actively communicating with the County of San Diego ("County") staff and the applicant for several years concerning the scope and nature of environmental review of this project, including extensive comments on the Notice of Preparation ("NOP") that the County released in March of 2015 for a prior version of the Newland Sierra Project (the "Project").

Unfortunately, the document released by the County staff in June appears to be merely an "applicant's first draft" that has not been fully reviewed or considered by County staff and does not cover all of the issues the County must consider and analyze. The draft environmental impact report ("DEIR") is missing crucial data, analysis, and mitigation measures that the County staff should have included in their document for the various proposed County actions, as explained below. Where the DEIR does present information, in many cases the information is only provided as part of an obvious "strawman" alternative or argument, rather than as a good faith attempt to analyze potential impacts on the surrounding community.

One example is the noise analysis in the DEIR. It simply leaves out information on the location and nature of the noise that will occur from blasting and rock crushing, because the applicant is apparently not ready to share that information with the community. The DEIR does present information on the noise related to widening some of the proposed roads that serve the project (while leaving out information on noise impacts on residents on Sarver Lane or who may

O-1-1

O-1-2

August 14, 2017  
Page 2

**LATHAM & WATKINS**

be near the new Caltrans Interchange). Where the DEIR does present information on traffic noise along Deer Springs Road, it does conclude that there would be a significant adverse impact under CEQA from this noise, it does indicate that mitigation measures such as a sound wall might reduce these impacts. However, the DEIR rejects any attempt to formulate and adopt formal mitigation measures involving sound walls to protect adjacent residents, arguing that there are driveways that would make harder to design the walls, and the residents probably would not want them anyway—as if the applicant and the County staff simply cannot be bothered to actually design and require mitigation.

O-1-2  
Cont.

As a result, the DEIR falls very far below the standards that the County and other public agencies and consultants working for public agencies would normally apply to documents for a project of this magnitude. When faced with a long list of obvious mistakes and missing information, one strategy that a concerned citizen or Project opponent could employ in this situation is to simply note the general nature of the fatal flaw mistakes in comments on the DEIR, and rely upon the fact that any future certification of the document would be overturned by the courts due to these mistakes. However, we have chosen to continue our efforts to provide detailed comments and information to the County staff, in the hopes that they will change their approach and actually attempt to develop a replacement DEIR that fixes all these mistakes, and which can be recirculated to the community in a new public comment period.

O-1-3

The world famous Golden Door was founded decades ago on achieving a healthy mind, body and spirit. It has earned international recognition as an iconic destination, nestled in the tranquil beauty of Deer Springs Valley, with a reputation for excellence that reaches around the globe. The Golden Door is proud to be one of many world class destination resorts in San Diego County, including other destination resorts in rural unincorporated San Diego County, which rely upon San Diego's climate, scenic beauty, and tradition of hospitality to attract visitors from all over the world. Renowned for its impact on transforming lives, the Golden Door is celebrated as well for its architecturally perfect Japanese-inspired architecture, preservation of rare art, and passionate commitment to our environment. Today, the Golden Door leads the industry in sustainability efforts, and has restored farming and beekeeping on its property—sharing its bounty at a community Farm Stand and through retail operations. As a local land owner, farmer, and employer, Golden Door honors its responsibility to our community by extending its support to local and regional organizations and well beyond. The Golden Door commits 100 percent of net profits to the prevention of child abuse and supporting charitable organizations that transform the lives of children.

O-1-4

If the Newland Sierra Project is approved, noise and air emissions from over ten years of construction, including the expansion of Deer Springs Road, will occur right next to the Golden Door's property. Regardless of whether such impacts are considered significant under the thresholds used in the DEIR, the Golden Door's guest experience requires peace and tranquility. The Project's construction and operations will destroy the community's rural, tranquil character. Likewise, opening up Deer Springs Road to increased traffic fundamentally changes the character of the community. No longer will guests and residents have the feeling of traveling down into a pristine rural valley when heading west from Interstate 15 ("I-15"). Instead, drivers will be placed on a freeway extension, and travel through a denser, more suburban neighborhood. Moreover, grading for Deer Springs Road may open up valley sight lines by

O-1-5

O-1-6



August 14, 2017  
Page 3

**LATHAM & WATKINS LLP**

removing an important ridge line. Further, the Project would make the area less enticing to wildlife, and general loss of habitat and connectivity could drive out wildlife that is part of the community character.

O-1-7

Ironically, if the County's goal were to build a new regional traffic artery to supplement or replace missing capacity on Interstates 15 and 78 and our regional transit system, the County must take this opportunity now to study whether and where the County's ultimate plans for a six-lane major arterial road should be located—something that was not done when concept for a six-lane road was first added to the County General Plan. If this analysis were properly conducted from a regional perspective by the County, it would demonstrate that there is simply no room for the ultimate six-lane planned arterial road in the middle of the narrow valley that contains the existing two land country road designated as County S12, sandwiched between a recognized streambed and wetland area and wildlife corridor to the south, and the towering hills to the north.

O-1-8

This analysis was requested by both the City of San Marcos and the Golden Door in their comments on the County's March 2015 NOP for the Project, but was never completed or included in this DEIR. The DEIR has not a single word or design as to how the County's planned 6 lane regional arterial would "fit" in this location. If this work had been done, the County would recognize that it must plan, in coordination with the Cities of San Marcos, Vista and Escondido, and Caltrans, for alternative or replacement roads or other mobility strategies in this portion of North County.

It is vital to the Golden Door's continued success that the surrounding area remains rural. The Project proposes fundamentally altering the community character, and building homes within half a mile of the quiet resort and widening Deer Springs Road on our doorstep. We have no assurances that the tranquility of the resort and the ability of its guests to fully connect with nature will be preserved despite the traffic and construction impacts, as well as the aesthetic impact of turning a pristine wilderness area into a large-scale development. As such, the Golden Door will be forced to close if this Project moves forward. The Golden Door cannot simply pick up and move. The surrounding agricultural land and rural mountainous terrain are part of the experience and the ingrained character of the business, and there are very few (if any) remaining areas in the County with such features. The historical character of Golden Door cannot be replaced or rebuilt anywhere else.

O-1-9

The County has indicated that the analysis contained in the first seven sections of the DEIR—containing only 1,700 of the DEIR's more than 21,000 total pages—is sufficient to inform the public. Yet, there are obvious data gaps and missing information which causes the DEIR constantly cross-reference various appendices and even planned future documents (such as the North County Multispecies Conservation Program, or Caltrans' separate environmental review for the replacement freeway interchange being planned by the applicant), for additional information that is not included within the body of the first seven sections of the DEIR. The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. "[I]nformation 'scattered here and there in EIR appendices' or a report 'buried in an appendix,' is not a substitute for 'a good faith reasoned analysis.'" (*Vineyard Area Citizens v. Rancho Cordova* (2007) 40 Cal.4th 412 [quoting from *California Oak Foundation v.*

O-1-10

## Comment Letters

---

August 14, 2017  
Page 4

**LATHAM & WATKINS LLP**

*City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239].) Additionally, CEQA's informational purpose "is not satisfied by simply stating information will be provided in the future." (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

↑  
O-1-10  
Cont.

Sincerely,

*Christopher W. Garrett*

Christopher W. Garrett  
of LATHAM & WATKINS LLP

**TABLE OF CONTENTS**

Clause	Page
<b>I. LEGAL STANDARDS.....</b>	<b>1</b>
A. The Purpose of an Environmental Impact Report Is to Inform the Public About the Project's Environmental Effects .....	1
B. The EIR Must Reflect the Agency's Independent Judgment.....	2
C. Mitigation Measures Must Be Feasible and Enforceable .....	2
D. Recirculation Is Required Where New and Significant Information Is Added to the EIR .....	2
<b>II. PROJECT DESCRIPTION.....</b>	<b>3</b>
<b>III. AESTHETICS.....</b>	<b>4</b>
A. The DEIR Does Not Provide Adequate Information Regarding Project Design to Determine Whether the Project Will Have Aesthetic Impacts.....	4
B. The VRTR and DEIR Fail to Adequately Analyze Private Views .....	5
C. The DEIR Is Missing Important Information Regarding Grading.....	6
D. The DEIR Is Missing Information to Adequately Analyze Aesthetic Impacts.....	6
1. <i>The Draft EIR Does Not Comply with Interstate 15 Design             Guidelines .....</i>	6
2. <i>The Draft EIR Does Not Provide Any Design Information on the             New Freeway Interchange Required for the Project .....</i>	7
3. <i>Scenic Corridor Information Is Missing Important Information             Requiring Recirculation .....</i>	7
4. <i>The DEIR's Discussion of Light and Glare Is Limited .....</i>	7
5. <i>The Cumulative Impacts Discussion Does Not Analyze the             Project's Individual Contribution .....</i>	7
6. <i>The Section Does Not Analyze Growth Inducing Impacts .....</i>	8
7. <i>The Mitigation Measures Section Does Not Contain Mitigation             Measures .....</i>	8
E. The Project Will Have a Significant Impact on Community Character .....	8
<b>IV. AGRICULTURE.....</b>	<b>11</b>
A. Farmland of Statewide Importance .....	11
B. Indirect Impact to Agriculture Will Occur with Induced Growth .....	11
C. Impacts to Land Use Policies Regarding Agriculture.....	12
D. Cumulative Impacts to Agriculture.....	12

O-1-11

<b>V. BIOLOGICAL RESOURCES.....</b>	<b>19</b>
A. The DEIR Ignores Inconsistency with the NC MSCP .....	19
1. <i>The DEIR Impermissibly Relies on an Unapproved Hardline Designation</i> .....	20
2. <i>The Project Is Inconsistent with the NC MSCP Planning Agreement's Principles</i> .....	22
a. The Project Would Fragment Key Habitat .....	23
b. The Project Would Sever North-South and East-West Wildlife Corridors.....	24
c. The Project Fails to Preserve 75% of PAMA .....	25
d. Failure to Adequately Analyze NC MSCP Consistency Prejudices the DEIR's Impacts Analysis and Results in Insufficient Mitigation Proposals.....	26
B. The Project's Off-Site Mitigation Proposal Is Inadequate.....	26
C. The DEIR Omits Required Analysis and Underestimates Impacts .....	26
D. The DEIR Misconstrues the Project's Effects on Human Intervention.....	27
E. Analysis and Mitigation for California Coastal Gnatcatcher Is Insufficient .....	28
F. The DEIR's Proposed Exemption from the County's RPO Constitutes a Failure to Mitigate Impacts.....	29
G. Impacted Resources Were Potentially Excluded from the Analysis .....	31
<b>VI. CULTURAL RESOURCES.....</b>	<b>32</b>
<b>VII. GEOLOGY, SOILS, AND SEISMICITY .....</b>	<b>33</b>
<b>VIII. GREENHOUSE GAS EMISSIONS.....</b>	<b>35</b>
A. The DEIR Conflicts with General Plan Policies to Reduce GHG Emissions.....	37
B. The DEIR's "True Up" Provision Renders Mitigation Illusory .....	40
C. The Project's Location Conflicts with Regional and Local Planning Documents .....	41
D. The DEIR Does Not Properly Quantify the Project's GHG Emissions.....	45
E. The DEIR Lacks Sufficient Evidence to Conclude the Project's Impacts Will Be Properly Mitigated.....	46
F. The DEIR Appears to Contain an Analysis Pursuant to an Invalidated Threshold .....	48
<b>IX. HAZARDS AND HAZARDOUS MATERIALS .....</b>	<b>50</b>
<b>X. NOISE.....</b>	<b>56</b>
A. Omission of Blasting Locations and Schedules Deprives the Public and Decision Makers of Necessary Information .....	56
B. Failure to Propose Adequate Mitigation for Impacts Along Deer Springs Road Violates CEQA.....	57

O-1-11  
Cont.



C.	The DEIR's Noise Analysis Omits Consideration of Deer Springs Road's Six-Lane Buildout Alignment.....	57
D.	The DEIR Fails to Adequately Analyze Impacts to Existing Uses Along Sarver Lane.....	58
<b>XI.</b>	<b>PALEONTOLOGICAL RESOURCES.....</b>	<b>60</b>
<b>XII.</b>	<b>POPULATION AND HOUSING .....</b>	<b>61</b>
A.	EIR Sections Disjointed.....	61
B.	Existing Conditions Are Not Correctly Stated.....	61
C.	Impacts.....	61
D.	Need for Housing.....	62
1.	<i>DEIR Ignores the Great Recession.....</i>	<i>62</i>
2.	<i>The Housing Element Is Not Being Amended.....</i>	<i>63</i>
3.	<i>There Is No Policy Justification for Amending the General Plan to Add Housing.....</i>	<i>64</i>
<b>XIII.</b>	<b>TRANSPORTATION AND TRAFFIC .....</b>	<b>66</b>
A.	Inconsistent Descriptions of Option B for Deer Springs Road Cause Incomplete Analysis.....	66
1.	<i>The DEIR's Conclusion that Option B Mitigates Impacts to Deer Springs Road Is Not Based on Substantial Evidence.....</i>	<i>67</i>
2.	<i>The DEIR May Overstate Option B's Capacity as a Four-Lane Major Road.....</i>	<i>68</i>
3.	<i>Reliance on a Six-Lane Prime Arterial's Capacity to Mitigate Impacts to Deer Springs Road Is Unenforceable, Deferred, and Illusory.....</i>	<i>68</i>
4.	<i>Omission of Other Impacts from Deer Springs Road's Six-Lane Prime Arterial Alignment Result in a Failure Under CEQA.....</i>	<i>68</i>
B.	The DEIR Overestimates Trip Reduction Credits.....	71
C.	The DEIR Misstates Traffic Impacts on Sarver Lane.....	72
D.	Access Via Camino Mayor Should Not Be Considered in the DEIR.....	72
E.	The DEIR Should Include Mitigation for Impacts to the I-15 Mainline .....	73
F.	The DEIR's Analysis of I-15 Is Flawed .....	74
G.	M-TR-1 Is Deferred Mitigation .....	75
H.	The DEIR's Analysis of Traffic Volumes Under the Existing General Plan Is Flawed.....	76
I.	The DEIR's VMT Analysis Is Inadequate.....	76
<b>XV.</b>	<b>UTILITIES AND SERVICE SYSTEMS.....</b>	<b>79</b>
A.	Golden Door Background.....	81
B.	The DEIR's Own Estimate Shows that Insufficient Water Supply Was Projected for the Newland Project.....	81

O-1-11  
Cont.

1.	<i>The Project's Demand To Serve New Residential Units Exceeds the Projected Demand for the District's 2015 UWMP's "No Project Alternative"</i> .....	82
2.	<i>The DEIR Cannot Rely on the District's 2015 UWMP Because It Shows a Supply Deficit</i> .....	82
3.	<i>The Newland Project's Density Is Not Included in the Land Use Plans on Which the UWMP Is Based</i> .....	85
C.	The Water Supply Assessment Relies Upon an Improper Baseline .....	85
D.	The DEIR Improperly Relies on Unspecified "Conservation" that must involve Mandatory Rationing Requirements to be adopted by the District.....	86
1.	<i>The DEIR's New District-Wide "Conservation Required"/Mandatory Rationing Requirements Contradict the District's 2015 UWMP</i> .....	86
a.	<i>The DEIR Errs in Assuming Additional Mandatory Rationing Requirements When the District's Customers' Historic Level of Conservation Was Already Accounted for in the District's 2015 UWMP's Demand Projections</i> .....	88
b.	<i>The Contradictions in the WSA and the District's 2015 UWMP Regarding the Use of Mandatory Rationing Requirements to Make Up for the District's Supply Deficit Results in Legal Error</i> .....	90
2.	<i>The "Conservation Required"/Mandatory Rationing Fails as a Matter of Law Because It Is a Mere Generality that Lacks Sufficient Certainty</i> .....	90
3.	<i>The DEIR's Unspecified "Conservation Required"/Mandatory Rationing Improperly Defers the County's Decision-Making for Measures Necessary to Address a Significant Impact to Water Supply</i> .....	92
4.	<i>Plans for Other Water Districts in the Region Do Not Show Similar Supply Deficits</i> .....	92
5.	<i>The DEIR Fails to Analyze the Feasibility and Effectiveness of District-Wide Mandatory Rationing</i> .....	94
6.	<i>The Impacts of the DEIR's Proposed Mandatory Rationing on Existing District Customers Have Not Been Analyzed</i> .....	95
7.	<i>The DEIR Improperly Analyzes Conservation Measures to Be Incorporated in the Project</i> .....	96
E.	The DEIR Fails to Resolve Contradictions Between Upstream Projections and the WSA's Projections, Which Provide Evidence of Additional an Supply Deficit Not Addressed Even By the WSA's Proposed Mandatory Rationing Requirements.....	98
F.	The DEIR Fails to Discuss the Cost of Obtaining New Supply to Serve the Project or Its Allocation or Costs Implications of Demand Reduction .....	100
G.	The Fact That the District's UWMP Projected Future Water Use for Agricultural Uses on the Newland Property Does Not Cure the DEIR's Defects .....	100

O-1-11  
Cont.

H.	Rules Regarding Drought-Level Restrictions Prohibit the District from approving a new Water Supply .....	101
I.	The DEIR Fails Provide Coherent and Accessible Information .....	102
J.	The DEIR Conflicts with the County's General Plan Provisions Regarding Recycled Water .....	103
K.	The DEIR Errs in Incorporating the Project Applicant's Advocacy without Disclosing Its Independent Analysis .....	104
L.	Additional Inconsistencies .....	104
M.	Conclusion .....	105
<b>XVI. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES .....</b>		<b>106</b>
<b>XVII. ENERGY .....</b>		<b>107</b>
<b>XVIII. HYDROLOGY AND WATER QUALITY .....</b>		<b>109</b>
<b>XIX. LAND USE AND PLANNING .....</b>		<b>113</b>
A.	The Project Has Already Been Found Inconsistent with the General Plan and Community Character .....	113
B.	NOP Land Use Comments Ignored .....	114
C.	The Draft EIR Land Use Section Is Incomplete .....	114
1.	<i>Important Analysis Table Omitted</i> .....	114
2.	<i>Regulatory Setting Inappropriately Described</i> .....	115
3.	<i>The Analysis Split Between Sections</i> .....	115
D.	Existing General Plan Conditions Are Not Correctly Described .....	116
1.	<i>Existing Commercial Area</i> .....	116
2.	<i>Office Professional Area</i> .....	116
3.	<i>General Commercial Area</i> .....	116
4.	<i>Total Feasible Allowed Commercial Development</i> .....	117
E.	Commercial Area Not Economically Viable .....	117
1.	<i>Cushman &amp; Wakefield Report</i> .....	117
2.	<i>NNP-Stonegate Comments</i> .....	117
3.	<i>Project Traffic Study May Acknowledges that 2 Million Square Feet of Commercial Development Is Not Feasible</i> .....	117
4.	<i>Big Box Retail Is Not Allowed and Not Feasible</i> .....	118
F.	Housing and Conservation Area Using Existing Land Use Designations .....	119
G.	Land Use Findings in the Draft EIR Are at Odds with the Staff Reports for the NC 42 "Project Specific Request" During the County General Plan Update Hearings .....	121
1.	<i>Findings in Draft EIR and PSR NC42 Staff Reports Are Inconsistent</i> .....	121
2.	<i>PSR NC42 Must Be Evaluated as an Alternative in the Draft EIR</i> .....	124
H.	The Newland Sierra Project's General Plan Amendment Requires a Comprehensive General Plan Amendment and Review, Not Simple Map Changes .....	124

O-1-11  
Cont.

I.	The Land Use Section Improperly Finds No Impacts .....	125
1.	<i>Massive Increase in Development Potential on the Property Are Not Consistent with the General Plan.</i> .....	125
2.	<i>The Project Analysis Is Circular and Evaluates the Project Against Itself, as if the Project Was Already Planned for this Area.</i> .....	126
3.	<i>Existing General Plan Alternative Not Properly Described and Analysis Not Logical</i> .....	127
J.	The Project Area Is Not Within a Village Boundary .....	128
K.	The Draft EIR Fails to Analyze the Leap Frog Development Policy .....	129
1.	<i>PSR NC42 Finding</i> .....	129
2.	<i>The Newland Sierra Project Is Leap Frog Development</i> .....	130
3.	<i>The Project Is Inconsistent with the Community Development Model</i> .....	130
4.	<i>The Project Towne Center Is a New Village Under the Policy</i> .....	131
5.	<i>Leapfrog Development Is Defined as Village Densities Located Away from Established Villages or Outside Established Water and Sewer Service Boundaries</i> .....	132
6.	<i>Even if a Village Existed, It Would Still Be Leapfrog Development</i> .....	132
L.	The Project Is Not in Compliance with the General Plan's Guiding Principles .....	133
1.	<i>Guiding Principle 1: Support a Reasonable Share of Projected Regional Population Growth</i> .....	133
2.	<i>Guiding Principle 2: Promote Health and Sustainability By Locating New Growth Near Existing and Planned Infrastructure Services, and Jobs in a Compact Pattern of Development</i> .....	135
3.	<i>Guiding Principle 3: Reinforce the Vitality, Local Economy, and Individual Character of Existing Communities When Planning New Housing, Employment, and Recreational Opportunities</i> .....	137
4.	<i>Guiding Principle 4: Promote Environmental Stewardship that Protects the Range of Natural Resources and Habitats that Uniquely Define the County's Character and Ecological Importance</i> .....	139
5.	<i>Guiding Principle 5: Ensure that Development Accounts for Physical Constraints and the Natural Hazards of the Land</i> .....	140
6.	<i>Guiding Principle 6: Provide and Support a Multi-Modal Transportation Network that Enhances Connectivity and Supports Community Development Patterns and, When Appropriate, Plan for Development which Supports Public Transportation</i> .....	141
7.	<i>Guiding Principle 7: Maintain Environmentally Sustainable Communities and Reduce Greenhouse Gas Emissions that Contribute to Climate Change</i> .....	142
8.	<i>Guiding Principle 8: Preserve Agriculture as an Integral Component of the Region's Economy, Character, and Open Space Network</i> .....	142
9.	<i>Guiding Principle 9: Minimize Public Costs of Infrastructure and Services and Correlate Their Timing with New Development</i> .....	143

O-1-11  
Cont.



	<b>10. Guiding Principle 10: Recognize Community and Stakeholder Interests While Striving for Consensus</b> .....	143
M.	The Project is not in compliance with the North County Metropolitan Subregional Plan.....	144
	<b>1. The Project Is Not Consistent with the Goals in the Subregional Plan and Therefore the Project Will Create a Significant Land Use Impact</b> .....	144
	a. Goal 1: Accommodate Urban Development in Appropriate Areas.....	144
	b. Goal 2: Encourage Logical City Annexations.....	145
	c. Goal 3: Promote Agriculture in Non-Urban Areas.....	146
	d. Goal 4: Protect Environmental Resources.....	147
N.	The project Requires an Amendment to the Transportation Impact Fee ("TIF") Program.....	147
O.	The Project Does Not Comply with the General Plan Housing Element.....	148
P.	SANDAG Indicates a Reduction in the Need for Housing in the Unincorporated Area; Therefore, the Policy Justification for the Project Is Unfounded.....	149
Q.	Project Not Consistent with Guiding Principle of the Housing Element.....	149
R.	Adding Density in Rural Area Is "Not Consistent with the County's Multiple Planning Objectives.".....	150
S.	Housing Sites Inventory for the RHNA Did Not Identify Merriam Mountains for Significant Housing.....	150
T.	General Plan Already Balanced and Has Locations for Growth; Newland Project Is Additive.....	150
U.	Project Is Inconsistent with the Zoning Ordinance and RPO.....	151
	<b>1. Zone Change Constitutes "Spot Zoning" Which Must Be Analyzed</b> .....	151
	<b>2. Inconsistent with RPA</b> .....	152
	a. Exemption and Wholesale Re-Write Required.....	152
	b. No Significance Call Made.....	152
	c. Functional Equivalency Is Not Equivalency.....	152
V.	The Project Is Not Consistent with SANDAG' SCS or SB 375.....	153
	<b>1. The Project Is Not Smart Growth</b> .....	153
W.	The Project Is Inconsistent with County Board of Supervisors Policies.....	154
	<b>1. Board Policy Statements</b> .....	154
	<b>2. Policy J-33 on the Use of Eminent Domain</b> .....	154
X.	Cumulative Impacts Are Not Thoroughly Addressed.....	156
<b>XX.</b>	<b>PARKS AND RECREATION</b> .....	<b>158</b>
<b>XXI.</b>	<b>PUBLIC SERVICES</b> .....	<b>159</b>
<b>XXII.</b>	<b>PROJECT ALTERNATIVES</b> .....	<b>160</b>
A.	The Project Alternatives Do Not Comply With CEQA.....	160
B.	The "No Build" Alternative Is Inadequate.....	160

O-1-11  
Cont.

C.	The "Existing General Plan" Alternative Description Is Not Correct .....	161
1.	<i>No Substantial Evidence Is Provided to Support the Conclusions Related to the Alternative</i> .....	162
2.	<i>Two Million Square Feet of Development Is Not Allowed, Nor Feasible as Part of the Existing General Plan for the Site</i> .....	162
a.	Feasible Commercial Square Footage .....	162
b.	Total Feasible Allowed Commercial Development.....	163
c.	Buildout Is Not Technically or Economically Viable.....	163
3.	<i>Development Consistent with the County's Conservation Subdivision Ordinance Would Reduce Impacts and Increase Open Space</i> .....	164
a.	Development Area .....	164
b.	Site Plan .....	165
c.	Open Space Conservation.....	165
d.	Gnatcatcher Impacts are Unsubstantiated.....	166
e.	The Analysis' Determination That There Will Be a Decrease in Open Space Acreage Under the Alternative Is Not Supported .....	166
f.	The Existing General Plan Must Be in Compliance with the General Plan.....	167
D.	The Newland Sierra Parkway Alternatives Analyses Are Flawed .....	168
E.	The Multi-Family Town Center Alternative Analysis Is Flawed.....	168
F.	The Wildlife Agency Alternatives Analysis Is Flawed .....	169
G.	The Agricultural Alternatives Were Not Appropriately Analyzed Prior to Its Rejection .....	170
H.	The Alternative Site Analysis Was Not Appropriately Analyzed Prior to Its Rejection .....	170
I.	Additional Alternatives Should Be Considered.....	171

O-1-11  
Cont.

**GOLDEN DOOR PROPERTIES, LLC  
COMMENTS ON NEWLAND SIERRA DRAFT ENVIRONMENTAL IMPACT  
REPORT**

**I. LEGAL STANDARDS**

**A. The Purpose of an Environmental Impact Report Is to Inform the Public About the Project's Environmental Effects**

"The purpose of an [environmental impact report ("EIR")] is to inform the agency and the public, in detail, about the effect the project is likely to have on the environment and the ways available to minimize that impact." (*Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 184, 185 [citation omitted].) "An EIR is an educational tool not just for the decisionmaker, but for the public as well." (*Assn of Irrigated Residents v. Cty. of Madera* (2003) 107 Cal.App.4th 1383, 1392.)

The EIR should identify potential environmental impacts and propose mitigation measures or alternatives that reduce or avoid such impacts. "When enacting CEQA, the Legislature made clear its intention that 'public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.' Accordingly, public agencies are required by CEQA to prepare an EIR that, among other things, provides the public with 'detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.' Where project alternatives or mitigation measures are not feasible, the EIR must set forth that there are overriding considerations that render the unmitigated effects outweighed by the project's benefits. In this way, the public is adequately informed of the agency's reasoning in deciding that an environmentally significant action should either be approved or rejected, and can thus hold the agency accountable for its decision." (*Cal. Oak Foundation v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 260 [citations omitted].)

"The EIR must effectively disclose to the public the 'analytic route the . . . agency traveled from evidence to action.'" (*Al Larson Boat Shop, Inc. v. Bd. of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 740.) Relegating key information and analyses to appendices is insufficient. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 ["Vineyard"] ["To the extent the County, in certifying the FEIR as complete, relied on information not actually incorporated or described and referenced in the FEIR, it failed to proceed in the manner provided in CEQA."]; (*Cty. of Amador v. El Dorado Cty. Water Agency* (1999) 76 Cal. App.4th 931, 956 ["If, as defendants claim, the requisite information is included in the documentation attached to the EIR, setting out that information in a clear analysis within the EIR should not pose any difficulty. Such an explanation will further the principles behind CEQA by ensuring an informed public and informed decision makers."].)

O-1-12

**B. The EIR Must Reflect the Agency's Independent Judgment**

The County may not delegate preparation of the DEIR to the developer. (See *Friends of La Vina v. Cty. of Los Angeles*, 232 Cal.App.3d 1446; see also Pub. Res. Code<sup>1</sup> § 21082.1, "[A] draft EIR shall be prepared directly by, or under contract to, a public agency" and "draft documents" must reflect the independent judgment of the County.) The County was required to "subject the draft to the agency's own review and analysis." (CEQA Guidelines § 15084(c).) In order to review and consider documents, the public agency must take steps to obtain copies of those documents. "Implicit in the requirement that the agency exercise independent review, analysis, and judgment when using EIR materials submitted by an applicant's consultant is a heavy demand for independence, objectivity and thoroughness." (See *Friends of La Vina*, 232 Cal.App.3d at 1458.)

O-1-13

**C. Mitigation Measures Must Be Feasible and Enforceable**

Mitigation measures must be feasible and enforceable. (14 Cal. Code Regs<sup>2</sup> § 15126.4, subd. (a)(1), (2).) The mitigation measures must provide adequate information to ascertain their enforceability. (*Sierra Club v. Cty of Fresno* (2014) 226 Cal.App.4th 704, 750-51.) Development of mitigation measures cannot be deferred to a later date. "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915, 916 [citations omitted].)

O-1-14

**D. Recirculation Is Required Where New and Significant Information Is Added to the EIR**

Recirculation of the DEIR is "required when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible project alternative or mitigation measure that would clearly reduce such an effect and that the project's proponents have declined to implement." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1120.) Where there is significant public concern calling for additional analysis of the feasibility of a mitigation measure, recirculation may be required where further discussion and analysis is added. (*Save Our Peninsula Committee v. Monterey Cty. Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 130.)

O-1-15

Recirculation may also be required if the original CEQA document omits important information. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95.)

<sup>1</sup> Hereinafter, "CEQA."

<sup>2</sup> Hereinafter, "CEQA Guidelines."



### II. PROJECT DESCRIPTION

The Project applicant has provided the public with incorrect information during the DEIR comment period. While the County staff is not directly responsible for correcting the misstatements of the applicant, the County staff failed to exercise its independent judgment to ensure that the correct information was included in the DEIR released under the County's name, including information on the types of uses allowed under the County's current General Plan.

When discussing the General Plan allowed office space on the site, the Project applicant repeatedly stated that over two million square feet of office space could be built on the Project Site. The Project applicant passed out brochures with these statements to every person who attended the County's meeting on the Project, spreading false information. The DEIR should be updated and recirculated to correct this misinformation to make it explicit that two million square feet of office space is not possible under current zoning. Rather than respond to this misinformation at the public meeting, the County appeared to be more interested in responding to stage comments than the community's concerns, contrary to CEQA's fundamental goals. (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443, 444 ["The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability."].)

In addition, it appears that there are several inconsistencies within the DEIR. For example, the Project Site acreage is listed as 1,985 acres on pages 1-2 and 1-32, but is listed as 1,888 acres on page 1-30. This renders percentages potentially inconsistent for site preservation and other analyses, as it is unclear which total site acreage the DEIR relies upon.

The DEIR does not include the San Marcos Highlands project in its cumulative projects chart. It must be included and analyzed as a part of the Project's cumulative impacts analysis in order to ensure the public is adequately informed about the Project's potential cumulative impacts with other projects in the area. In addition, the Project Description does not include a fulsome description of the Interstate-15-Deer Springs Road interchange improvements, and bifurcation of the interchange improvement amounts to improper piecemealing and renders the DEIR inadequate as an informational document. Moreover, the DEIR's Project Description does not include important information on the design of the Project's development, rendering later analysis of the Project's visual impacts incomplete.

Further, the DEIR's project description varies significantly from the project description provided to the public in the County's own March 2015 NOP. The County staff should have provided an explanation in the DEIR of how the project described in the DEIR had several project changes from the same project described in the County's prior NOP.

O-1-16

O-1-17

O-1-18

O-1-19

O-1-20

O-1-21

### III. AESTHETICS

#### A. The DEIR Does Not Provide Adequate Information Regarding Project Design to Determine Whether the Project Will Have Aesthetic Impacts

The DEIR's aesthetic impacts section is riddled with conclusory statements, in violation of CEQA. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 739 ["In general . . . the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."]) For example, the Project Description portion states: "the town center would be . . . visually appealing, and compatible with surrounding development." (Dudek, Visual Resources Technical Report ("VRTR") at p. 7). This statement is conclusory, and the DEIR bases its analysis on this statement. There is no information on the proposed architecture or development, and it is therefore unclear whether this statement is true. Yet, much of the following analysis relies upon this assumption.

O-1-22

Moreover, the descriptions of development do not provide sufficient detail to enable the public to fully understand the aesthetic impacts of the Project. Generally, the analysis is based upon hopes and assumptions that are not adequately described in the Chapter 1 text/project design features of the DEIR, but relied upon as fact in the analysis. For instance, "descriptions" of neighborhoods include only the following information: (i) elevations and numbers of residences for the Terraces Neighborhood; and (ii) lot sizes and number of overall residences and park acreage for the Valley Neighborhood. There are no descriptions of structure color, water tank color, architectural detailing that might shield structure windows from producing glare, no specifications on grading technique, or similar relevant details.

O-1-23

Further, as discussed in greater detail in the Project Description section, there is no functional landscape plan, or even a list of anticipated plants. The DEIR only includes pictures of trees and planting arrangements from other sources, each of which is carefully caveated to refer to a specific plant list that is not available and not included in the DEIR. There is not enough information for a member of the public to ensure that the visual simulations are accurate and defensible. The reviewer is presented with no information that supports the simulations. Instead, the reader is simply informed in the text that "grade-adaptive architecture" would reduce visual impacts. However, because "grade-adaptive architecture" is not committed to in the project description as a Project Design Feature, there is no certainty that this will occur. Neither is there any certainty that the homes will be tan and brown as shown in the simulations, that the water tank will look as represented, that trees will be installed as indicated, or that any other of the visual representations made in the simulations will occur.

O-1-24

O-1-25

O-1-26

The discussion of the simulations is similarly silent as to the timeframe represented by the depictions. By excluding the specific simulation showing landscaping at installation versus "mature" for the simulations from Deer Springs Road at Interstate-15 NB On Ramps, the reader has to guess if they are looking at a situation reflecting installation, or some period in the future. Additionally, the term "mature" is not defined – does this mean 5, 10, 15, or 20 years after installation? An accurate description of the future Project requires detail, and the DEIR lacks sufficient details. Without the detail, there is no faith in the credibility of the simulations, which appear to simply be a possible vision of the project but with no guarantee. Absent criteria to rely upon, such as committed project design features, a landscape plan specifying plant types, and

O-1-27

container sizes at installation, the ultimate Project could ultimately look quite different, and thus the public cannot adequately comment on the Project's aesthetic impacts.

↑ O-1-27  
Cont.

#### B. The VRTR and DEIR Fail to Adequately Analyze Private Views

The VRTR states: "Because CEQA does not provide for the protection of public views, viewpoints such as those located on private residences or private roads in the Hidden Meadows and Lawrence Welk Village area have been excluded from consideration as principal viewpoints." (VRTR at p. 5.) This analysis is outdated. While some of the criteria stress public viewpoints, other aesthetic concerns, the word "public" is not included in the Appendix G thresholds, indicating that Newland is *only* required to consider public viewpoints. In fact, the law, dating back to at least 2004, indicates that there is no limiting factor regarding private views, but it is the number of viewers impacted that factors into whether or not the aesthetic impact is significant under CEQA. (See e.g., *Ocean View Estates Homeowners Assoc. Inc. v. Montecito Water District* (2004) 116 Cal. App.4th 396.) The County Report Format and Content Requirements for VRTRs specifically note on that private views *need to be considered* when things will be substantially different as a result of a land use action such as a General Plan Amendment, Specific Plan Amendment, or zoning. (See County Report Format and Content Requirements at p. 9.) The Project proposes a General Plan Amendment, adoption of a Specific Plan, and a zoning change. The section then goes on to say that the private views are therefore treated qualitatively, but the treatment is scarce in the VRTR.

The VRTR states that private views are not used as key views, and does not prepare a simulation. The VRTR falls silent and a few paragraphs on page 88 are the only additional focused discussion of "non-public" views, concluding that the impacts experienced by those viewers would be more "severe" than those to public road viewers (due to stationary viewpoints and longer duration). However, this is not raised in the significance conclusions. This is puzzling, because three viewsheds (non-public viewpoints 1 through 3) presented in the report clearly show that these are the viewsheds that have the greatest visibility to the heart of the Project—i.e., that portion of the Project that is not really visible from the immediately abutting public roadways because of intervening topography. In fact, the elimination of the private views—apparently based on their private nature alone—short-circuits the discussion relative to numbers of viewers, and, for simulations, whether not those views (especially from non-public view 3) would constitute a worst-case locale from which a simulation should be prepared.

O-1-28

Additionally, elimination of those locales from the key views and "quantitative" assessment completed for those key views carries over to an inadequate and dismissive treatment in the DEIR. The non-public locales are not given equal treatment even in the assessment process – the non-public views do not show on the viewpoint map (Figure 2.1-3) and the reader is left to identify on their own the extensive residential uses on the aerial and try to relate them to the view shed extent depicted on Figure 2.1-2. This may result in the public assuming that they are not important as point of departure for discussion, when in reality this should be a conclusion reached (if appropriate) after reasoned discussion. Additionally, no real context for the textual discussion of the private view is available because the three view sheds (shown for non-public viewpoints 1 through 3) presented in the VRTR are missing from the DEIR. These appear to be the view sheds that have the greatest visibility to the heart of the Project. Their elimination from the DEIR, removes much of the context from the discussion of items such as "roadways" from

which views could be obtained, and does not truly disclose the nature of those private views. This results in the reader of the DEIR being subtly misled as to the nature of the information available upon which to determine adequacy of the DEIR assessment and therefore does not constitute substantial evidence in support of a potentially inaccurate significance assessment. The number of viewers, the extent of their views, and appropriate analysis as to the potential effect of Project implementation based on changes to existing conditions need to be more expressly presented for such "non-public" views, similar to those of performed for the selected public key views, before the analysis will be adequate.

O-1-28  
Cont.

**C. The DEIR Is Missing Important Information Regarding Grading**

The DEIR also misses grading specifics, which have a large impact on visual assessment. A clear understanding of existing conditions is critical to an adequate assessment of potential Project impacts associated with Project implementation. Two very large overview elements are specified for the reader—the Project will balance "cut and fill" excavation and placement of fill dirt on the Project Site, and 55 percent of the Project Site contains RPO-protected steep slopes. The VRTR states that "portions" of the Project Site contain RPO-defined steep slopes in excess of 25 percent slope" (VRTR at p. 23) but after that, there is a total of three additional references to steep slopes, and it is unclear if the term is being used relative to the ordinance or in lay-person terms. Three of the four references describe existing conditions, and one refers to an adjacent steep slope. (*Id.* at pp. 25, 45, 71.) In addition, the reference to "portions" of the Project Site is misleading. As stated elsewhere in the analysis (but not in the VRTR), over 50 percent of the Project Site contains RPO steep slopes. (DEIR at p. 2.1-3.) Those slopes are distributed throughout the Project. Also, the discussion of potential visual effect of the 148 acres of impacted steep slopes (13.6 percent of the on-site steep slopes per Figure 7 of the RPS analysis) is missing. The DEIR and VRTR never provide information to know what the steepest slope is, making it difficult to assess the context of the Project relative to how truly steep any specific slopes might be. This, combined with the absence of even a figure depicting where the steep slopes are (e.g., Figure 7 from Appendix H) in the DEIR (land use, visual), and the fact that the only close-in views to slopes in the VRTR are along a specific portion of Deer Springs Road, prevents the reader from reasonably envisioning the existing conditions.

O-1-29

The absence of an RPO steep slopes analysis in the DEIR is a significant issue. The RPO does not just address steep slopes relative to how they are dealt with in geotechnical terms. They are visual issues, and require analysis relative to the ordinance. This is demonstrated by the fact that the waiver for "insignificant" steep slopes is not based on engineering criteria, but by discussion of those slopes being isolated and visually indistinguishable from other non-steep slopes protected by the ordinance, demonstrating "in-fill" conditions. The DEIR is silent as to the significance of the slope encroachments as described in the County regulations and requires revision in order to be adequate.

**D. The DEIR Is Missing Information to Adequately Analyze Aesthetic Impacts**

O-1-30

**1. The Draft EIR Does Not Comply with Interstate 15 Design Guidelines**

Interstate 15 Design Guidelines Policy 8, states that: "Any grading above 25% slope will blend with the surrounding area, and be landscaped appropriately to look natural." (A copy of

O-1-31



the Interstate 15 Design Guidelines are attached hereto as **Attachment 1**. The modified slopes remain visible along I-15 north of Deer Springs Road, and could be planted with grapes as opposed to native habitat. In addition, DEIR Section 2.1.3.4, discussing plan consistency, states that the Project would be compliant with the I-15 Corridor Design Guidelines. But there is no substantial evidence in support of the conclusion, given the significant steep slopes on the Project Site.

O-1-31  
Cont.

**2. The Draft EIR Does Not Provide Any Design Information on the New Freeway Interchange Required for the Project**

The DEIR does not contain any information on the design of the new freeway interchange, including new locations for freeway ramps, heights of any aerial ramps, or included landscaping. As a result, the DEIR is inadequate because it provides no basis for the aesthetic analysis of this project component.

O-1-32

**3. Scenic Corridor Information Is Missing Important Information Requiring Recirculation**

Treatment of scenic corridor information is missing important information in the DEIR's analysis. On DEIR page 2.1-36, there is a discussion of scenic vistas. The summary paragraph discusses the lack of designated scenic highways and states that I-15 and Twin Oaks Valley Road are both County scenic corridors and discussion was provided as part of the Public Roads analysis. Neither of these sections references the County status, however, and the I-15 discussion does not mention the I-15 Design Guidelines requirements. Those identifications would indicate a higher level of sensitivity relative to changes along those corridors. Discussion of that possibility, and conclusions as to any heightened concern, are missing from DEIR pages 2.1-28-29 and 32-33, despite containing language acknowledging that "local values and goals may confer visual significance on landscape components and areas that would otherwise appear unexceptional in a visual analysis." (DEIR at p. 2.1-13.) Despite acknowledging that local values should be considered in its visual analysis, the DEIR does not include such an analysis.

O-1-33

**4. The DEIR's Discussion of Light and Glare Is Limited**

The DEIR introduces a threshold for light and glare "which would which would adversely affect day or nighttime views in the area," but this threshold was not fully discussed or analyzed. The nighttime lighting discussion seemingly pertains only to ordinance compliance, which may not fully address the issue of nighttime views and ambient lighting. This requires further analysis to be complete in order to disclose to the public the Project's potential impacts.

O-1-34

**5. The Cumulative Impacts Discussion Does Not Analyze the Project's Individual Contribution**

The aesthetics cumulative impacts discussion does not conclude whether the Project's individual contribution is cumulatively considerable. Instead, it only identifies whether the Project, along with the 11 cumulative projects, results in a cumulative considerable impact. Assuming that the Project's contribution is cumulatively considerable, based on the visibility from public roads, extensive grading and percentage of structures/homes added relative to those

O-1-35

of the other cumulative projects—the required discussion of mitigation measures is completely missing. This is inadequate under CEQA and must be rectified. All elements of the discussion must be provided, and it does not appear that the DEIR has provided such necessary discussion.

O-1-35  
Cont.

**6. The Section Does Not Analyze Growth Inducing Impacts**

Chapter 2.0 of the County's EIR Content/Format Requirements states that when growth inducing impacts are identified in the EIR, they should be analyzed. (A copy of the County's Aesthetic EIR Content/Format Requirements is attached hereto as **Attachment 2**.) However, such an analysis appears to be impermissibly missing from the visual subchapter, considering that the DEIR concludes the Project is growth inducing in Chapter 1.0.

O-1-36

In addition, the County's EIR Content/Format Requirements require that Sections 2.X.5 focus on significant impacts. The DEIR discussion in this section only summarizes preceding text, both significant and less than significant, which detracts from the focus on significant impacts. Further, the discussion omits a summary of the significant impacts associated with the growth-inducing and cumulative impacts identified in Chapter 1.0 and this Subchapter 2.1, respectively. This omission results in a related omission of appropriate mitigation measures (and, potentially, alternatives) discussion that must be added to the DEIR.

O-1-37

**7. The Mitigation Measures Section Does Not Contain Mitigation Measures**

Despite its name, DEIR section 2.1.10, Mitigation Measures does not consist of mitigation measures. Rather, it is again primarily a narrative restatement of prior conclusions. The County's EIR Content/Format Requirements document mandates an "infeasible measures" discussion and an analysis of why the measures are infeasible. Part of the discussion includes the text "additional landscaping...may also conflict with applicable fire requirements." (EIR Content/Format Requirements at p. 29.) The statement that something "may" be problematic does not constitute adequate review prior to dismissal, especially in areas with substantial hardscape and irrigation, such as the commercial areas along I-15. As such, the DEIR is inadequate because it fails to adequately demonstrate that the mitigation measures are infeasible.

O-1-38

**E. The Project Will Have a Significant Impact on Community Character**

Under CEQA, environmental context plays a key role in determining whether there is an aesthetic impact. (CEQA Guidelines § 15064(b).) "An activity which may not be significant in an urban area may be significant in a rural area." (*Id.*; see e.g. *Olmsted Citizens for a Better Community v. United States*, 793 F.2d 201, 206 (8th Cir. 1986) [distinguishing aesthetic impacts in a "pristine wilderness area" from those in "an urban city block"].) Additionally, inconsistency with a county or city general plan may indicate there is a significant aesthetic impact. (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 578 [projects not consistent with "existing zoning and all other land use regulations" are more likely to have significant aesthetic impacts].) Here, the Project as proposed is plainly inconsistent with the current zoning, therefore requiring a complete overhaul of the General Plan's zoning in order to convert the rural Twin Oaks Valley into an urbanized center.

O-1-39

Impact to "community character" is cognizable under CEQA the degree that the project is visually out of character with the surrounding community or will otherwise physically change the community. (*Preserve Poway*, 245 Cal.App.4th at 578.) "[A] social or economic change related to a physical change may be considered in determining whether the physical change is significant." (CEQA Guidelines § 15382; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810, 829.)

O-1-39  
Cont.

The Twin Oaks Valley community prides itself on its rural character. The community residents sought out and chose to live in the region for its rural nature, but are now being confronted with a large development project for the third time that would irreparably alter the community. Moreover, business owners such as the Golden Door chose this location due to its rural, agricultural character.

The world famous Golden Door was founded decades ago on achieving a healthy mind, body and spirit. It has earned international recognition as an iconic destination, nestled in the tranquil beauty of Deer Springs Valley, with a reputation for excellence that reaches around the globe. Renowned for its impact on transforming lives, the Golden Door is celebrated as well as its architecturally perfect Japanese-inspired architecture, preservation of rare art, and passionate commitment to our environment. Today, the Golden Door leads the industry in sustainability efforts, and has restored farming and beekeeping on its property – sharing its bounty at a community Farm Stand and through retail operations. As a local land owner, farmer, and employer, Golden Door honors its responsibility to our community by extending its support to local and regional organizations and well beyond. Golden Door commits 100 percent of net profits to the prevention of child abuse and supporting charitable organizations that transform the lives of children.

Noise and air emissions from over ten years of construction, including the expansion of Deer Springs Road, will occur right next to the Golden Door's property. Regardless of whether such impacts are considered significant under the thresholds used in the DEIR, the Golden Door's guest experience requires peace and tranquility. The Project's construction and operations will destroy the community's rural, tranquil character. Likewise, opening up Deer Springs Road to increased traffic fundamentally changes the character of the community. No longer will guests and residents have the feeling of traveling down into a pristine rural valley when heading west from I-15. Instead, drivers will be placed on a freeway extension, and travel through a denser, more suburban style of neighborhood. Moreover, grading for Deer Springs Road may open up valley sight lines by removing an important ridge line, and it does not appear the DEIR has analyzed this possibility. Further, visual changes could make the area less enticing to wildlife and that general loss of habitat and connectivity could drive out wildlife that is part of the community character.

O-1-40

While the DEIR states that development would be located half a mile away from the Golden Door, it concludes that views to proposed development would be obscured by the Golden Door's landscaping and rising terrain north of Deer Springs Road. (DEIR at p. 2.1-6.) As the DEIR notes, the Golden Door includes many miles of hiking trails in the undeveloped portion of this property. The DEIR does not state whether the development would be visible from hikers on the Golden Door's property, moreover, it is unclear how the DEIR reaches the conclusion that views will be obscured by the resort. The analysis is conclusory and is not supported by any

substantial evidence. It is vital to the Golden Door's continued success that the surrounding area remains rural. The Project proposes fundamentally altering the community character, and building homes within half a mile of the quiet resort. The tranquility of the resort and the ability of its guests to fully connect with nature will most certainly be ruined by not only the traffic and construction impacts (discussed elsewhere in this comment letter), but also from the aesthetic impact of turning a pristine wilderness area into a large-scale, ostensibly mixed use (but mostly residential) development. As such, the Golden Door will be forced to close if this Project moves forward. The Golden Door cannot simply pick up and move. The historical character of the Golden Door cannot be replaced or rebuilt with moving. The surrounding agricultural land and rural mountainous terrain are part of the experience and the ingrained character of the business, and there are very few (if any) remaining areas in the County with such features.

The massive development proposed is certainly out of character with the surrounding undeveloped mountainous terrain and agricultural uses located on the Golden Door's property. The DEIR attempts to describe the community as a residential area, by claiming that development is concentrated in the Champagne Village development and the Lawrence Welk Village. (DEIR at p. 2.1-10.) However, these developments are located (as the DEIR concedes) on the opposite side of the freeway, and therefore these developments cannot be used to establish community character when the area surrounding the Project Site (and the Project Site itself), is actually rural.

O-1-40  
Cont.

#### IV. AGRICULTURE

##### A. Farmland of Statewide Importance

Section 2.2.3.1 of the DEIR states: "The project does not contain any Williamson Act contract lands, County agricultural preserves, lands designated Prime Farmland, or Farmland of Statewide Importance, nor any active irrigated croplands or other crop production. As such, none of these agricultural resources would be directly impacted by the project." The same section notes: "A significant impact to important on-site agricultural resources would result if: The project Site has important agricultural resources as defined by the LARA Model; and the project would result in the conversion of agricultural resources that meet the soil quality criteria for Prime Farmland or Farmland of Statewide Importance, as defined by the FMMP." The Ecology Artisans report provided in appendix GG of the DEIR states at page 42: "The Productive Land designation has been given to areas of the site with low slopes. It has been focused on areas with soils that are Farmlands of statewide importance, and also includes some shallower soils which have lower slopes and better access." The report at page 43 also states: "The sites proposed for SPIN Farming are the deeper soils listed as Farmland of Statewide Importance with low slopes and good access." Table 5 of the Ecology Artisans report also shows 4 soil types on site that are classified as Farmland of Statewide Importance. It appears that the RaC2 soils are found in the development areas of the Valley neighborhood of the Project based upon figure 13 of the Ecology Artisans report and would therefore have a direct and significant impact on soils listed as Farmland of Statewide Importance.

O-1-41

##### B. Indirect Impact to Agriculture Will Occur with Induced Growth

Section 2.2.3.2 of the DEIR states that indirect impacts will occur if land use conflicts between the agricultural operation and the proposed Project will result in conversion of agricultural resources to non-agricultural use. The growth inducing aspects of the Project and the fundamental change to the land uses in the area are likely to induce the conversion of agricultural land to residential land. County staff specifically raised this issue in the Property Specific Request ("PSR") NC42 staff report stating: "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." The staff report also notes that changes to the Project Site will impact surrounding properties, "[t]hese increases in development potential on this property also required consideration of the designations on the properties in the surrounding community. It would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties." The fundamental change to the Twin Oaks area proposed by this Project has the potential to incentivize changes to land uses on adjacent property. As noted in the County staff report, the Project changes would provide justification for the County to allow other properties in the area to change land use designations from Rural to Semi-Rural lands and replace agriculture with homes because "[i]t would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties."

O-1-42

Therefore, a significant indirect impact from the Project is likely to occur.

### C. Impacts to Land Use Policies Regarding Agriculture

The Project will violate General Plan policies LU-5.3 and COS-6.2 and therefore will create a significant impact.<sup>3</sup> The policy LU-5.3 is to "ensure the preservation of existing open space and rural areas when permitting development under the Rural and Semi Rural land use designations." Similarly, COS-6.2 is a policy regarding the Protection of Agricultural Operations. The Project violates these policies by eliminating rural lands on the Project on such a massive scale that it is likely to induce development of other nearby areas in the Twin Oaks and Bonsall communities designated as Rural Lands. As noted above, County staff have stated that: "These increases in development potential on this property also required consideration of the designations on the properties in the surrounding community. It would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties." Therefore, development of this scale on the Project Site has the potential to induce growth and development which will not preserve rural lands and open space and could lead to the replacement of agriculture with homes in violation of the General Plan policies.

O-1-43

### D. Cumulative Impacts to Agriculture

The DEIR's statement at page 2.2-17 that: "The proposed project is not anticipated to change the existing environment, and would not result in the indirect conversion of off-site agricultural resources to a non-agricultural use or adversely impact the viability of agriculture on land under any Williamson Act contract," is in direct conflict with the County staff report for PSR NC42 which stated that "it would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties." The PSR NC42 request was for approximately 1,100 homes while the Project proposes almost double that amount. (The NC42 PSR Staff Report dated June 20, 2012, is attached hereto as **Attachment 3**.) The DEIR at section 1.8 discloses that the Project will have significant and unavoidable impacts from growth inducement, because "as the proposed uses are developed on the project Site, existing adjacent land may be encouraged to intensify uses." The DEIR in section 1.8 raises the same concern about indirect impact that were raised by County staff in PSR NC42, and stands in conflict with the statement on page 2.2-17. The Project will have indirect impacts to agriculture by inducing the replacement of agriculture with homes as the area urbanizes.

O-1-44

---

<sup>3</sup> The County's General Plan is a public document in possession of the County that can be accessed at <http://www.sandiegocounty.gov/pds/generalplan.html>. The General Plan is incorporated by reference into this letter.

## V. AIR QUALITY

The DEIR's air quality analysis suffers from several fatal flaws and should be recirculated with additional analysis and mitigation proposals in order to comply with CEQA. Further, the DEIR fails as an informational document because of the inaccessible presentation of the air quality analysis. The air quality section—Section 2.3—defers much of the air quality analysis to Appendix G. Appendix G, in turn, is divided into three separate documents totaling nearly 6,000 pages and including multiple appendices of its own. At least one of the appendices to Appendix G contains a data dump with thousands of pages of numerical data, lacks header rows, and is not provided in a sortable or reasonably ascertainable format. Multiple commenters with extensive experience in air quality analysis have commented on the inaccessibility of this data. (See Phyllis Fox, PhD, PE, Comments on the DEIR for the Newland Sierra Project at (Aug. 14, 2017) ["Fox Report"]; Letter from Gregory A. Lorton, P.E., to Ashley Smith, County Planning & Development Services ("PDS"), Comments on the Newland Sierra Draft Environmental Impact Report (DEIR) (Aug. 7, 2017).) If experts in the air quality field are not able to decipher the information provided in the DEIR and its appendices, the DEIR cannot fulfill CEQA's requirement as informational document for the public and decision makers.

O-1-45

The Golden Door requested that the County provide the data in Appendix G in an accessible form, but the County refused to provide such information, instead deferring to the developer's consultant and claiming that County had not even reviewed such material. (Letter from Sharon Ippolito, County Planning & Development Services, to Andrew D. Yancey, Latham & Watkins, Public Records Act Response re Newland Sierra (July 27, 2017), attached hereto as **Attachment 4**.) Not only does this refusal to provide accessible information deprive the public of its right to review the basis for analysis of environmental impacts, including toxic air emissions and carcinogenic agents, the County's admission that it has not even reviewed the data itself is an improper abdication of its independent judgment as lead agency under CEQA.

O-1-46

The information that is discernible from a review of Section 2.3 and Appendix G further supports the need for recirculation. Various sources of air emissions are omitted or underestimated, sensitive receptors were not properly identified or analyzed, proposed mitigation measures fail to reduce impacts, and underlying assumptions in the analysis are false or undisclosed.

O-1-47

### A. Omitted and Underestimate Emissions and Analyses

The DEIR omits any analysis of Valley Fever, which is an infectious disease caused by inhaling certain spores. San Diego County is endemic for Valley Fever, with reported cases on the rise since 1990. Valley Fever spores could be disturbed during construction and infect construction workers, agricultural workers, local residents, and employees and patrons of businesses in the area. The DEIR does not provide any analysis of Valley Fever or analyze nearby sensitive receptors, and the proposed mitigation measures will be ineffective with regard to Valley Fever. (See Fox Report at § 3.1.) The County should recirculate the DEIR with an analysis of Valley Fever, studies specifically evaluating the impacts on all potential sensitive receptors, and mitigation proposals that would avoid or minimize the impacts from Valley Fever in a manner that protects public safety.

O-1-48



Emissions caused by wind erosion are not adequately analyzed in the DEIR. The Project proposes approximately 10.7 million cubic yards of cut and fill and notes that 2.4 million cubic yards will be relocated on site—while apparently remaining silent on the disposition of the remaining 8.3 million cubic yards. Any excavated soil becomes a potential source of fugitive dust that may be carried throughout the community by wind erosion. The DEIR appears to omit analysis of the impact of fugitive dust from wind erosion and the radius that may be impacted. The DEIR should also clearly indicate the use of the 8.3 million cubic yards of cut and fill that is not relocated on site and whether and to what extent it is included in the air quality impacts analysis as a source of emissions.

O-1-49

In particular, the DEIR fails to provide specific analysis of Santa Ana winds that occur periodically on site and alter the typical wind pattern, resulting in a different impact radius for air emissions. The DEIR omits analysis of impacts from air emissions generated by rock crushing during Santa Ana winds, which poses a high risk to health and safety. This omitted analysis of wind erosion and of Santa Ana winds understates the Project's air quality impacts.

O-1-50

Operational mobile source emissions have been underestimated. The Project overestimates the credit from its TDM program by crediting trip reductions as if this proposed sprawl project were urban infill warranting credit for land use diversity, multi-modal transportation opportunities, and proximity to transit. The flaws in the DEIR's TDM calculations are discussed in more detail in the Greenhouse Gas and Transportation sections of this letter. The improper reduction in operational trips results in a commensurate improper reduction of air emissions for operational mobile sources. The DEIR's calculation of mobile source emissions should be revised to decrease the credit taken for ineffective TDM measures and report the full range of air emissions from operational mobile sources. (See STC Traffic, Inc., Traffic and Transportation Comments: Newland Sierra Traffic Impact Analysis Report and Associated Traffic Technical Studies ["STC Report"]; Fox Report at §§ 2.9.3, 3.8.) In addition, providing for the build out of the commercial center in Phase 2, while over 1,800 residential units are proposed in Phase 1 should result in unavailability of a land use diversity credit for trips occurring prior to construction of the commercial center. (Fox Report at § 3.8.) Analysis of operational mobile source emissions prior to construction of the commercial center should be separately analyzed and mitigated.

O-1-51

In addition, the DEIR should clarify whether mobile source emissions on Sarver Lane have been included in the air quality analysis. The Traffic Impact Analysis fails to analyze traffic impacts on Sarver Lane. Volumes on Sarver Lane are expected to increase from approximately 500 trips per day to approximately 6,300 trips per day. (STC Report at § 9.) This significant trip increase will result in additional air emissions from operational mobile sources. These increased emissions should be analyzed for impacts to all receptors on Sarver Lane, including the Hidden Valley Zen Center, St. Mark's Catholic Church, and nursery properties.

O-1-52

Other air emissions have been underestimated in the air quality analysis and health risk assessment. The DEIR calculation of air emissions appears to omit emissions from off-site roadway and utility improvements. (See Fox Report at §§ 2.5-2.6, 3.5.) At a minimum emissions from demolition of the existing I-15/Deer Springs Road interchange and the reconstruction of a new interchange (as required for the Project's traffic mitigation) are not included. In fact, no construction or design information has been provided for the interchange

O-1-53

O-1-54

anywhere in the DEIR. The DEIR's conclusion that the new interchange would not increase operational air emissions is unsubstantiated and unverifiable because no design information is provided. (See DEIR at p. 2.3-26.) The DEIR also underestimates emissions from water use, because the volume of water needed to control air emissions during construction has not been adequately quantified or disclosed. (See Fox Report at §§ 2.10, 3.5.) In addition, it appears that air emissions from wastewater treatment and disposal were not included in the DEIR's emissions calculations. (See *id.* at §§ 2.11, 3.5.)

Finally, the DEIR underestimates air emissions from construction worker trips. Calculations for these worker trips are provided in a 2016 report from Fuscoe Engineering, which was not made available as part of the DEIR, resulting in failure to publicly disclose emissions calculations. In addition, the DEIR's assumption of a 20 mile worker and vendor length trip is insufficient considering the number and skill level of workers that will be required to construct the Project. (See Fox Report at §§ 2.3, 3.5.) The DEIR also underestimates the emissions from construction equipment by assuming use of Tier 4 engines for all construction equipment; yet the DEIR specifically allows for engines with higher emissions. (See *id.* at §§ 2.4, 3.5.)

The purpose of an EIR is to analyze and publicly disclose environmental impacts, determine whether such impacts are significant, and propose mitigation measures and alternatives to reduce or avoid such impacts. Because the DEIR's air quality analysis omits or underestimates air emissions, the DEIR fails as an informational document and does not provide sufficient information for significance determinations or mitigation or alternatives proposals. New analysis should be conducted to correct these flaws and recirculated for public review and comment under CEQA.

#### **B. Sensitive Receptors Were Omitted or Improperly Analyzed**

The DEIR fails to adequately disclose and analyze off-site sensitive receptors for air quality impacts. Section 2.3 makes several references to off-site sensitive receptors, including "a mobile home park, the Golden Door Spa, and estate development along the border of the City of San Marcos and the unincorporated portion of the County." (DEIR at p. 2.3-44.) However, the full extent of identified sensitive receptors is unclear from the analysis. It is also unclear if sensitive receptors were only considered based on impacts from activities on the Project Site or whether construction of off-site improvements was taken into account when determining the radius in which to identify sensitive receptors. In addition, Section 2.3 provides only a jumble of information about impacts to off-site sensitive receptors without defining which impacts may occur at which off-site sensitive receptors. For example, analysis of toxic air contaminants on page 2.3-56 only refers to on-site sensitive receptors. Because mitigation may have to be tailored to each individual location, specific information is required for analysis of impacts to off-site sensitive receptors. Section 2.3 does not clearly identify off-site sensitive receptors or impacts thereto. Such analysis may not be relegated only to an appendix under settled CEQA case law.

The DEIR has not adequately analyze the health risk impacts of emissions from vehicles on I-15 to schoolchildren and school staff, Project residents, and commercial center employees and patrons. Placing new uses in close proximity to a freeway creates a health risk that must be

↑ O-1-54  
Cont.  
O-1-55  
O-1-56  
O-1-57  
O-1-58  
O-1-59  
O-1-60  
O-1-61  
O-1-62  
↓

analyzed and mitigated with specific consideration to individuals who may be put at risk. The DEIR also does not adequately analyze the impact of increased air emissions from increased trips on I-15 to sensitive receptors in uses on the east side of I-15 adjacent to the project, including the Champagne Village community—a retirement community a vulnerable senior population. Further, the DEIR’s discussion of the proximity of residents to the Town Center references an appendix, but fails to state which appendix is cited. (See DEIR at p. 2.3-27.) Because so much of the DEIR’s analysis is relegated to the appendices, the failure to indicate which appendix is being cited further contributes to the inaccessibility of the DEIR as an informational document.

↑ O-1-62  
Cont.

↑ O-1-63

↑ O-1-64

In addition, the DEIR does not appear to analyze impacts to schoolchildren from proximity to the freeway. While DEIR notes that residences in the Town Center are approximately 570 feet away from the freeway, it does not disclose the proximity of the school site to the freeway. (See DEIR at p. 2.3-27.) Because no specific school proposal exists for that site, the DEIR should consider the closest point on the proposed school site for its proximity analysis to I-15. In addition to not knowing any specific siting details for an eventual school location, children on the site are likely to use the entire grounds, including the points closest to the freeway. A growing body of science has identified health impacts from proximity to freeways due to diesel and other emissions. An impact zone of up to 1,000 feet is considered appropriate for analysis. (See “The diesel zone of death is a thousand feet” CalTrans finalizes environmental report for I-5 – 56 project, Marty Graham, San Diego Reader (Aug. 10, 2017), attached hereto as **Attachment 5**.) The DEIR only proposes a 500 foot impact zone and appears to omit analysis of impacts to schoolchildren. The DEIR should be revised to disclose the full air quality impacts of proximity to I-15 and propose mitigation for such impacts.

↑ O-1-65

The DEIR also fails to adequately analyze emissions from the gas station on Mesa Rock Road. Emissions and fumes from gas station operations can be particularly impactful, and the gas station is located near the proposed commercial center and school site. In addition, large trucks and tractor trailers entering the gas station on Mesa Rock Road and turning around in the vicinity of the Project’s entrance could impact commercial center patrons and employees as well as schoolchildren. This gas station is often frequented by long haul trucks and is located near the Project’s commercial center and school site. Similarly, the DEIR does not adequately analyze the impact to schoolchildren of emissions from large delivery trucks servicing the proposed commercial center.

↑ O-1-66

Because the DEIR does not include a grading plan or any alignment information for the six-lane buildout scenario on Deer Springs Road, the DEIR fails to analyze the air emission impacts to sensitive receptors from the closer proximity of vehicles to such receptors caused by the ultimate Deer Springs Road alignment. The need for an analysis of the air quality impacts of a six-lane Deer Springs Road analysis is confirmed by the Traffic Impact Analysis’s assumption of a six-lane prime arterial configuration for Deer Springs Road (in its modeling other than for Option A) and omission of modeling for a four-lane configuration. (STC Report at 1-3.) Because the DEIR does not provide the six-lane design information for Deer Springs Road, the air quality analysis provide for both a scenario with full buildout holding the southern line of Deer Springs Road and constructing all additional roadway to the north as well as a scenario holding the northern line of Deer Springs Road and constructing all additional roadway to the south. Such an analysis would provide for the full potential impact to receptors on either side of the roadway. Omission of such an analysis fails to disclose the full range of impacts to sensitive

↑ O-1-67  
↓

receptors along Deer Springs Road and prevents proper impact determinations and mitigation proposals.

O-1-67  
Cont.

Further, it is unclear if the air quality section provides analysis of the mobile sources emissions from traffic volumes on a six-lane Deer Springs Road configuration as reported in the Traffic Impact Analysis. The impacts of such emissions should be considered.

O-1-68

#### C. Mitigation Proposals Will Not Reduce or Avoid Impacts

The DEIR discloses that the Project is inconsistent with local air quality plans (State Implementation Plan ("SIP") and Regional Air Quality Strategy ("RAQS")) because the Project's land use density is not included in SANDAG's plans. This results in a significant impact. As mitigation measure M-AQ-1, the County proposes to revise its population estimates prior to SANDAG's next Regional Housing Needs Assessment ("RHNA") update. This proposal is circular, unenforceable, and an improper deferral of mitigation under CEQA. The DEIR fails to adequately analyze how M-AQ-1 would decrease the impacts on public health from air emissions or how the County's proposed revised population, employment, and housing forecast would cause air emissions quantities to comply with the SIP and RAQS. There is also no certainty as to whether SANDAG would accept the County's forecast. In addition, this mitigation measure would improperly defer SIP and RAQS consistency. It also presents circular logic that if the plans are later amended to provide for consistency, then there will be consistency.

O-1-69

Operational mitigation measures that rely on trip reductions are inadequate as described further in the Transportation Section of this letter. Construction mitigation measures are impermissibly vague in defining the type of equipment and vehicles to which they apply. In addition, mitigation monitoring should occur more frequently than proposed. Additional mitigation measures are required to adequately mitigate the Project's impacts, including measures with more concrete application of Tier 4 engine requirements that do not contain exemptions rendering them illusory. The Fox Report provides a list of air quality mitigation measures that could be included for the Newland project. (See Fox Report at § 3.10.) The County should consider each of these measures.

O-1-70

#### D. Underlying Assumptions Are Incorrect or Undisclosed

The DEIR's failure to provide a detailed construction schedule and to disclose the underlying assumptions to the analysis of construction-related impacts invalidates the air quality analysis and causes the DEIR to fail as an informational document. The two page summary schedule included in Appendix G is insufficient. It is commonplace for EIRs to include robust construction schedules and assumptions, and this DEIR should not be an exception. Further, the basis for much of the air quality analysis appears to be provided in the consultants' undisclosed email communications, phone calls, and documents—which were only provided to the Golden Door upon request four days prior the public comment deadline and which were not provided to the public at large. (See email from Ashley Smith, PDS, to Andrew Yancey, Latham & Watkins (Aug. 10, 2017), attached hereto as **Attachment 6**.)

O-1-71

Two important aspects of air quality analysis are understanding the potential overlap for construction activities and the proximity of various construction activities to each other. The DEIR fails to adequately describe the overlapping phases or activities or the proximity of activities to each other. Because construction schedules can be affected by circumstances outside of the County's or developer's control, it is important that any potential overlaps are analyzed in a reasonable and conservative manner. In addition, because the location of air emissions can be an important factor in air quality impacts analysis, understanding the proximity of various overlapping activities is significant. The DEIR fails to provide the necessary reasonable analysis of construction activity overlap and proximity.

O-1-72

Neither the timing nor location of blasting is disclosed in the DEIR. (See DEIR Impact N-7 ["The locations where blasting may be necessary is not known at this time. Also, other details such as blast-charge weights are not known at this time; thus, air-blast overpressures cannot be predicted."]; DEIR at p. 2.10-24 ["At the current stage of project design, a blasting study has not been completed, and no specific blasting timelines, blast numbers, or locations are proposed or available."].) Because blasting is a singular and acute action, the location, numbers, and times are important information for analyzing air quality impacts.

O-1-73

Moreover, the DEIR is internally inconsistent in stating that "individual blasting or rock crushing activities during Phases 1 and 2 would occur sequentially and not overlap." (See DEIR at p. 2.3-32.) As already noted, the blasting schedule has not been completed; therefore, it is not possible to assert which activities would or would not overlap with blasting.

O-1-74

A conservative analysis should be provided to disclose the impacts of blasting overlap with all construction activities, including rock crushing. A reasonable and conservative analysis of blasting overlap with operational activities should also be provided. Further, because blasting locations are not disclosed, a reasonable and conservative analysis should be provided to evaluate the impact of blasting at the closest possible location to other construction activities, to operational activities, and to existing businesses and residences. In the absence of more specific information about the location, number, and timing of blasting, the worst-case impacts must be identified to ensure that mitigation is properly analyzed. Impacts included from such a worst-case analysis should include crystalline silica and all potential toxic and criteria pollutants. Failure to analyze these impacts is neither reasonable nor permissible under CEQA.

O-1-75

The lack of blasting information in the DEIR is noteworthy. Why does the County not have more detailed and certain information about blasting? Do the project proponent or the consultants possess additional blasting information that has not been disclosed to the County? Is the project proponent unaware of the volume of rock or other material that will need to be blasted in order to construct this project in such a steep area with so many rock outcroppings and granite slopes? The lack of blasting information pervades the impact analysis for air quality and other impacts and requires further disclosure of this information and recirculation of the DEIR after a good faith disclosure has been made.

O-1-76

### V. BIOLOGICAL RESOURCES

The Project Site is located on an important core habitat area that provides for regional linkage. It is located within pre-approved mitigation area ("PAMA") land in the Draft North County Multiple Species Conservation Program ("NC MSCP" or "Plan") and surrounded by PAMA on all sides. The Project Site is the second largest block of contiguous natural habitat west of I-15 in PAMA. The draft NC MSCP habitat evaluation model indicates habitat on and adjacent to the Project Site is moderate, high, and very high quality habitat. (Maps attached hereto as **Attachments 7-10** demonstrate the high habitat value and the Project Site's importance as regional core linkage.)

The Project Site is situated in a critical location that currently allows it to serve as a stepping stone between habitat patches north of Escondido, San Marcos, and Vista to the Merriam and San Marcos Mountains, Moosa Canyon, and the San Luis Rey River. The area offers drainages and ridgelines, features known to support wildlife movement, running in both east-west and north-south directions. (Megan Jennings, Ph.D., Merriam Mountains Wildlife Connectivity Review at 1 (April 18, 2017) ["Jennings April 2017 Report"], attached hereto as **Attachment 11**.) The Project Site also includes important habitat for California coastal gnatcatcher, which has been observed on-site.

The Newland Project, however, threatens to fragment this important core habitat area and sever regional wildlife connections. Its development footprint is located directly on top of corridors mapped by an expert biologist who specializes in wildlife connectivity. Further, the Project's off-site improvements and increased vehicle trips will further inhibit connectivity and isolate species in contrast to best available science. Despite these severe and irreversible impacts, the DEIR takes impermissible short cuts in its analysis by assuming future approvals by the County as well as the U.S. Fish and Wildlife Service ("USFWS") and California Department of Fish and Wildlife ("CDFW") (collectively, the "Wildlife Agencies"). The DEIR ignores both best available science and legal requirements in its identification, analysis, and mitigation proposal for impacts to biological resources. The County should provide a revised biological analysis that conforms with best available science, analyzes and mitigates for impacts, and complies with legal requirements and recirculate the biology section and biological technical reports in accordance with CEQA.

#### A. The DEIR Ignores Inconsistency with the NC MSCP

The NC MSCP's purposes include providing a regional, inter-connected preserve system and avoiding the need for project-by-project negotiations with multiple permitting processes. As such, it is critical that the NC MSCP be biology-driven and not provide special treatment for any particular developer. As part of the planning process, the County and the Wildlife Agencies have consulted scientific experts and identified land with important biological characteristics, which has been characterized as PAMA and is intended to provide the basis for a regional preserve. As such, adherence to the best available science for preserve design is of paramount importance, which includes the preservation of contiguous blocks of habitat.

The County is in process of preparing a draft NC MSCP, which has not been made available to the public. We understand that a draft Plan may be provided to the public later this

O-1-77

O-1-78

year, and a DEIR for the NC MSCP may be published in 2018, with final approvals projected for 2020 and 2021. The County, USFWS, and CDFW must all approve the NC MSCP before it can take effect.

During preparation of the Plan, projects proposed in the NC MSCP area are subject to an "interim process" outlined in a 2014 Planning Agreement signed by the County, USFWS, and CDFW. (A copy of the Planning Agreement is attached hereto as **Attachment 12**.) This interim process requires that projects be consistent with the NC MSCP's preliminary species and habitat preservation goals and requires that project approvals not compromise the successful implementation of the NC MSCP. As such, consideration of NC MSCP consistency and goals is an integral part of any development project's CEQA review for biological impacts—even before the Plan has been completed. Thus, while specific features of the NC MSCP have not been implemented and may not be relied on to avoid analysis of biological impacts, there is a legal requirement that development proposals conform to the NC MSCP's underlying principles.

O-1-78  
Cont.

**1. The DEIR Impermissibly Relies on an Unapproved Hardline Designation**

The DEIR incorrectly states that the proposed project has been planned in accordance with the planning principles of the draft NC MSCP because it has been "identified as a proposed hardline area in the draft North County Plan, which means the proposed project's development areas and biological open space areas have been predetermined and hardlined for the purposes of the draft North County Plan." (DEIR at p. 2.4-82(B).) No such hardline agreement exists and any predetermination of the Project's allowable development footprint is improper and unsupported. The County admitted that no hardline has been approved for the Project in a letter from its Planning Director earlier this year. (Letter from Mark Wardlaw, County of San Diego, to Christopher W. Garrett, Latham & Watkins, dated June 5, 2017 ["Wardlaw Letter"], attached hereto as **Attachment 13**.) Any hardline agreement would require concurrence from both USFWS and CDFW before taking effect. No such concurrence has been provided. It is improper under CEQA for the County to rely on the Draft Plan for its impact determination. (See *Vineyard*, 40 Cal.4th at 440.)

O-1-79

The DEIR's analysis of the Project's consistency with the NC MSCP, however, incorrectly assumes that impacts and mitigation are consistent with the NC MSCP, even though no such analysis has been completed by either the USFWS or CDFW and neither agency has agreed to this position. (See DEIR at pp. 2.4-5 to 2.4-6; 2.4-82(B) [finding that "the proposed project would not preclude or prevent preparation of the subregional NCCP, and impacts would be **less than significant**" because "the project development impact areas and preserved open space areas have been predetermined and hardlined for the purposes of the draft North County Plan"].) This significance finding lacks support. As a result, the DEIR's analysis of impacts and mitigation is deficient and reliance on the false assumption of a hardline designation is circular. In fact, the DEIR fails to even mention that the Project Site is located in PAMA, presumably based on this false assumption regarding the hardline designation. The DEIR notes that surrounding properties are located in PAMA but fails to disclose that the Project Site itself is located in PAMA.

O-1-80

This attempted reliance on a hardline designation in the NC MSCP is an improper attempt at tiering under CEQA. In certain circumstances, CEQA allows for a project's

O-1-81



environmental review to rely on a programmatic environmental document for portions of its environmental analysis. (See CEQA Guidelines § 15152.) Tiering is not permitted in this instance, however, because the programmatic environmental document (the NC MSCP) has not been completed. (See *Vineyard*, 40 Cal.4th at 440 [“To the extent the FEIR attempted, in effect, to tier from a future environmental document, we reject its approach as legally improper under CEQA.”] [emphasis in original].) Any attempt to rely on a hardline designation in the NC MSCP must not occur until the NC MSCP (with the hardline) has been approved by the County and both Wildlife Agencies. The California Supreme Court has held that such an approach “avoid[s] full discussion” of a project’s impacts, which fails to satisfy CEQA’s informational purpose. (*Id.* at 440-41.) “An EIR cannot be tiered from another EIR if the latter is not yet complete.” (*Id.* at 449.)

O-1-81  
Cont.

What is more incredulous about the DEIR’s circular reasoning is that the Newland Project is the only project currently proposed in the NC MSCP that both (a) does not have Wildlife Agency concurrence and (b) has not even been approved by the County. An internal draft of the NC MSCP dated May 2017 obtained from the County by Public Records Act request indicates that the Newland Project is designated as a hardline in the Draft Plan “at the applicant’s request.” (Draft North County Multiple Species Conservation Program, dated May 2017, Excerpt re Private Hardline Designation (Pending Board Approval/Pending Concurrence from Wildlife Agencies), attached hereto as **Attachment 14**.) This Draft Plan has not been approved and has not even been available for public comment or received concurrence from the Wildlife Agencies. For the County to omit analysis of impacts and mitigation for NC MSCP consistency, pursuant to the Planning Agreement, based on the “applicant’s request” that their Project Site be designated as a hardline in the Draft Plan has no legal basis, no scientific or evidentiary support, and contravenes CEQA’s purpose to inform the public and decision makers of environmental impacts and propose mitigation for such impacts. Such legal error would be reviewed de novo by a court. (*City of Hayward v. Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833, 839.)

O-1-82

Further, reliance on this false assumption belies the County’s own May 2015 Scoping Letter that identified NC MSCP consistency as a “major project issue.” The Scoping Letter concedes that no hardline agreement has been approved for the Newland Project, noting that “if the Wildlife Agencies Hardline Agreement is not approved, the project would be required to comply with the North County Plan and its requirements for projects in [PAMA], including avoidance of critical populations of sensitive species and adherence to preserve design and linkage principles. If the North County Plan has not been approved prior to the project moving forward, the project will require compliance with the Habitat Loss Permit (HLP) Ordinance and the County and Wildlife Agencies Planning Agreement.” (County of San Diego, Newland Sierra Scoping Letter at 4 (May 7, 2015) [hereafter “Scoping Letter”].) The “applicant’s request” that the Project Site be designated as a hardline in the County’s draft of the NC MSCP does not resolve the “major project issue” identified by County staff just over two years ago because it is not analyzed as subject to the requirements for PAMA discussed in the Scoping Letter.

O-1-83

Moreover, any reliance on a 2005 “Hardline Points of Agreement” for the Merriam Mountains Project is not valid and should not be considered as support for assuming a hardline agreement for the Newland Project. The County has admitted as much. (See Wardlaw Letter, Attachment 13.) The Merriam Mountains project was rejected by the Board of Supervisors in 2010, and the applicant has made numerous public statements attempting to distance themselves

O-1-84

from the failed Merriam Mountains project. In addition, the 2005 "Hardline Points of Agreement" contained various conditions that have not been fulfilled, including an amendment to the Resource Protection Ordinance ("RPO"), project consistency with the 2011 General Plan update (which the applicant is currently seeking to amend due to its Project's inconsistency), and purchase of the "Captains Associates property" located north of the Project Site near I-15. None of the conditions have been fulfilled.

O-1-84  
Cont.

Finally, the DEIR cannot rely on the proposed hardline designation for all Project impacts, because the Project's off-site improvements and indirect impacts, including to wildlife connectivity by increasing traffic volumes on surrounding roads, are not included in the hardline footprint shown in the DEIR. Any off-site impacts would have to be separately mitigated even if the hardline was to be implemented as proposed—which, as described in detail above, has not occurred.

O-1-85

The County is well aware of public concerns about its designation of the Newland Project Site as a hardline in the draft NC MSCP. Earlier this year, several organizations contacted the County to express their concern after the County disclosed at a NC MSCP steering committee meeting that it planned to list the Project Site as a hardline. (See **Attachments 15-18.**) In addition, the Wildlife Agencies each submitted comments on the Project's NOP noting the need for a revised design to avoid impacts to wildlife and habitat, which clearly indicates the Wildlife Agencies' concerns with the Project design that is now proposed as the hardline designation. The County's reliance on the false assumption of a hardline agreement in the DEIR, therefore, is an improper short cut resulting in omission of analysis and mitigation required by CEQA.

O-1-86

**2. The Project Is Inconsistent with the NC MSCP Planning Agreement's Principles**

Under the NC MSCP's Planning Agreement, projects proposed in the NC MSCP, like the proposed Newland Project, must comply with the goals and interim process outlined in the Planning Agreement even though the NC MSCP has not yet been approved. Section 6.6 of the Planning Agreement discusses how it applies to interim project processing and new projects considered in the interim before the NC MSCP is approved. Interim projects must be consistent with the preliminary objectives of the NC MSCP. Section 6.6 requires the parties to: (1) ensure projects or activities approved or initiated in the Planning Areas before completion of the Plans are consistent with the preliminary conservation objectives and do not compromise successful completion and implementation of the Plans; (2) facilitate CEQA, CESA, and FESA compliance for interim projects subject to these laws; and (3) ensure that processing of interim projects is not unduly delayed during preparation of the Plans. Preliminary conservation objectives in Section 5 of the Planning Agreement include:

O-1-87

- Provide for the protection of species, natural communities, and ecosystems on a landscape level;
- Preserve the diversity of plant and animal communities throughout the Planning Areas;

- Protect threatened, endangered, or other special status plant and animal species, and minimize and mitigate the take or loss of proposed Covered Species;
- Identify and designate biologically sensitive habitat areas;
- Preserve habitat and contribute to the recovery of Covered Species;
- Reduce the need to list additional species;
- Set forth species-specific goals and objectives; and
- Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat.

The Project is inconsistent with these conservation objectives and would preclude the implementation of an effective preserve design in the Merriam Mountains and San Marcos Mountains area and along the I-15 corridor. A failed preserve design would have devastating impacts on protected species in the region, including by cutting off connectivity resulting in isolation and lack of breeding diversity. It would also limit the NC MSCP's preserve from serving as adequate mitigation for other development proposals that would rely on the NC MSCP for mitigation. The County should study the impacts of preserve failure on other potential development proposals that would require biological mitigation in the NC MSCP, including projects that would be developed in areas that have been identified for housing in the County's 2011 General Plan.

a. The Project Would Fragment Key Habitat

The Project is inconsistent with the Planning Agreement because its open space design would divide a single contiguous block of habitat into multiple smaller blocks of habitat and reduce the total acreage of habitat. The Project's open space would be fragmented into a "block" and "corridor" design that contravenes the NC MSCP's preliminary conservation objectives. ([See Megan Jennings, Ph.D., Landscape Connectivity Issue Review Newland Sierra June 2017 DEIR at 4 (Aug. 1, 2017) ["Jennings August 2017 Report"].) The DEIR fails to disclose the impacts of reducing the second largest block of contiguous natural habitat west of I-15 in PAMA into multiple smaller blocks of habitat. The DEIR's reliance on a bulk figure of open space acreage is misleading and fails to analyze the impacts of the smaller habitat blocks to species and connectivity.

In addition, the Project's proposed habitat blocks are separate by the Project's development footprint and internal road infrastructure. (See Attachment 7.) In particular, "Block 3" is isolated from other open space and will be subject to barriers and edge effects based on the Newland development footprint to the north, east, and west and an expanded Deer Springs Road to the south. The DEIR improperly relies on artificial corridors to connect these fragmented blocks of habitat. (Jennings August 2017 Report at 6.) The DEIR should be revised to reflect the impacts of fragmenting the second largest block of contiguous natural habitat west of I-15 in PAMA.

O-1-87  
Cont.

O-1-88

b. The Project Would Sever North-South and East-West Wildlife Corridors

While the DEIR's biological analysis focuses on preservation of east-west connectivity across the northern portion of the Project Site, it fails to adequately identify and mitigate for impacts to north-south connectivity. It also overstates the Project's preservation of east-west connectivity. North-south corridors are located on the southern portion of the Project Site along the proposed paths for Mesa Rock Road and Sarver Lane—both of which will be expanded and burdened with exponential traffic increases as part of the Project. These corridors connect to additional habitat and corridors south of Project Site and allow for connectivity under I-15 to the east on the south side of Deer Springs Road as well as further to the south and west.

O-1-89

The DEIR failed to analyze wildlife connectivity south of Deer Springs Road—which is important to understand broader regional connectivity. In particular, the DEIR omits a culvert under I-15 south of Deer Springs Road that was identified by expert biologist Megan Jennings. (See Jennings August 2017 Report at 2.) The Project's development footprint inhibits wildlife on the Project Site from reaching and crossing Deer Springs Road (including through culverts under Deer Springs Road or across the road surface). In addition the Project's proposal to widen Deer Springs Road to four and then six lanes and the forecasted trip increase, as well as associated traffic noise, will further prevent wildlife from reaching this culvert that provides connectivity east of I-15. The DEIR's failure to identify this culvert prevents it from providing adequate analysis of the Project's impacts on connectivity.

The artificial corridors created by the Project are insufficient to preserve connectivity in accordance with the NC MSCP's Planning Agreement's principles. The DEIR fails to provide an adequate scientific or evidentiary basis for its reliance on such corridors. Further, the on-site corridors lack sufficient buffers from homes and roads. (See Jennings August 2017 Report at 4.) It also fails to disclose and analyze the impacts from severing the existing corridors that are more effective for wildlife connectivity. The DEIR also ignores the concept of corridor redundancy, which is noted in the NC MSCP's Corridor Conservation Goals and Actions, and is important for large predators such as mountain lion. (*Id.* at 7.) In addition, the DEIR takes too narrow a view of connectivity. Wildlife movement must be studied on a broader regional scale, in particular to determine where redundant corridors could be beneficial. Increasing urbanization in San Marcos, Vista, and Bonsall limit the numbers of surrounding corridors, thus increasing the importance of maintaining connectivity across the Newland Project Site.

O-1-90

O-1-91

O-1-92

O-1-93

O-1-94

Road improvements and increased traffic, including traffic noise, caused by the Project would further inhibit wildlife connectivity in and around the Project Site. The Project would significantly increase vehicle trips in a rural area but lacks sufficient mitigation for wildlife undercrossings; it would cause an increased risk of wildlife-vehicle collisions and create a barrier effect. This would occur on Deer Springs Road, Sarver Lane, Camino Mayor, Mesa Rock Road, and North Twin Oaks Valley Road. (See Jennings August 2017 Report at 7-11.) In particular, the DEIR fails to analyze the impacts of Deer Springs Road's eventual six-lane configuration, which was relied upon in the Traffic Impact Analysis, because no design information is provided for the eventual six-lane alignment. As a result, the DEIR should analyze the maximum potential footprint to the north and to the south of adding the additional two lanes and other associated infrastructure to the proposed four-lane alignment for Deer Springs Road under

O-1-95

Option B. The DEIR should be revised to provide analysis of the proposed road improvements and increased traffic and traffic noise increases on wildlife connectivity. It should further propose adequate mitigation for such impacts—including infrastructure such as underpasses and overpasses—that preserve wildlife connectivity.

O-1-95  
Cont.

Finally, the DEIR fails to adequately analyze connectivity impacts from demolition and reconstruction of the I-15 interchange at Deer Springs Road. Although this interchange project is required mitigation for the Project's traffic impacts, no design information is provided in the DEIR. As a result, it is not possible for the County or the public to analyze the potential impacts to wildlife connectivity from this interchange project, including impacts to the culvert located south of Deer Springs Road running under I-15.

O-1-96

c. The Project Fails to Preserve 75% of PAMA

The NC MSCP requires that development on PAMA land conserve 75% of a project's acreage. (See Jennings August 2017 Report at 1; Schaefer Ecological Solutions, Review Comments of Biological Resource Sections and Reports of the Draft Environmental Impact Report (EIR) for the Newland Sierra Project at 7 (Aug. 10, 2017) ["Schaefer 2017 Report"]; Scoping Letter at 4.) Here, the DEIR admits the Project falls short of this goal, by stating that it conserves 1,421 acres (which would be 72%). (DEIR at 2.4-3 to 2.4-4.) Even this 72% figure, which falls short of the required NC MSCP's 75% conservation goal, severely overestimates the Project's conservation. Of the acreage the DEIR characterizes as "conserved," 212 acres are located over 22 miles east of the Project Site in a different sub-region of the draft NC MSCP PAMA, which, as discussed further below, is inadequate as mitigation land for the Newland Project and should not be considered in the Project's conservation total.

O-1-97

In addition, as proposed, the 185 acre area known as Block 3 lacks value as conserved habitat. Although the Project would designate it as open space, it is a small habitat block surrounded by development and transportation infrastructure. Species would be isolated in this block and be subject to edge effects and barriers. (See Jennings August 2017 Report at 6-7; Jennings April 2017 Report at 4.) The 154 acre Block 2 is also subject to edge effects and is nestled in a narrow strip of land between the Project's easternmost development footprint and I-15, which degrades its value as conserved habitat. While the 870 acre Block 1 presents a medium block of habitat, its size is overstated due to edge effects, and it remains much smaller than the existing core of contiguous natural habitat currently on the Project Site. Due to fragmentation, an improper "block" and "core" design, and edge effects, the Project's conservation acreage is significantly less than provided in the DEIR, and is much less than the 75% required of PAMA lands.

O-1-98

Further, as discussed above, conserved acreage itself is not the only indicator of biological value. Project design is an important factor that must be considered, and here the Project's design results in fragmentation and loss of connectivity.

O-1-99

d. Failure to Adequately Analyze NC MSCP Consistency Prejudices the DEIR's Impacts Analysis and Results in Insufficient Mitigation Proposals

The DEIR's failure to adequately analyze NC MSCP consistency based on its false assumption that a hardline will be approved for the Project Site results in an inadequate CEQA document. By improperly assuming a hardline designation and not even disclosing that the Project Site is in PAMA, the DEIR fails to identify all potential impacts to biological resources, and cannot propose adequate mitigation. This is a failure under CEQA.

O-1-100

**B. The Project's Off-Site Mitigation Proposal Is Inadequate**

The DEIR includes a proposal to mitigate the Project's biological impacts by purchasing and preserving a 212 acre site east of Ramona over 22 miles away from the Project Site. (See Attachment 9.) While the proposed off-site property is within the PAMA for the draft NC MSCP, it is not proper to rely only on inclusion in the draft Plan for purposes of determining adequate mitigation. At this time, an independent analysis of the off-site land's mitigation potential is required. The DEIR, however, fails to adequately describe how this off-site parcel near Ramona is appropriate mitigation for the Newland Project's biological impacts. The DEIR fails to set forth the expected biological resources that the off-site parcel is intended to provide, and fails to set forth performance standards and monitoring procedures that are required to ensure that the property provides the biological resource benefit that the County is relying upon in accepting it as mitigation for Project impacts.

O-1-101

As an initial point, the off-site property's distance of over 22 miles from the Project Site, and the breaks in PAMA and corridors between the Project Site and the off-site property, preclude any mitigation value for impacts to wildlife connectivity on and near the Project Site. In addition, preservation of the off-site property does not alter the fragmentation of the Newland Project Site. The off-site property is much smaller than the existing contiguous block of habitat on the Newland Project Site. In addition, the off-site property is located in a different NC MSCP Planning Area than the Project Site and is influenced by different micro-climatic conditions. (Schaefer 2017 Report at 10.)

In addition, the DEIR's analysis of the off-site parcel relies on outdated and insufficient surveys that do not provide sufficient support for the DEIR's determination that the off-site property provides adequate mitigation. (Schaefer 2017 Report at 4.) The DEIR does not disclose these inconsistencies or analyze how the off-site property mitigates the Project's impacts to biological resources in and around the Project Site.

**C. The DEIR Omits Required Analysis and Underestimates Impacts**

The DEIR fails as an informational document because it omits required analysis and underestimates impacts. First, the DEIR relies primarily on surveys performed in 2013. Surveys should be updated every two years; therefore, these surveys are out of date. In addition, 2013 was a record drought year, which results in undercounting of species. (Schaefer 2017 Report at 2-3.) Additional surveys should be performed for all protected species and habitat that could occur in and around the Project Site.

O-1-102

The DEIR also fails to adequately analyze connectivity across roadways and to mitigate for impacts to such connections. The DEIR identifies several culverts under I-15 and Deer Springs Road. It fails, however, to identify a culvert south of Deer Springs Road under I-15 that was identified by Dr. Jennings in a report submitted to the County earlier this year. (See Jennings April 2017 Report at 2, 6-7, see also Jennings August 2017 Report at 14.) This omission results in a failure to adequately describe connectivity in and around the Project Site. An identified wildlife corridor connects from the southeast portion of the Project Site across Deer Springs Road to this culvert, which then leads under I-15 to the east. Failure to identify this passage results in an inability to understand movement patterns of wildlife in and around the Project Site in order to identify impacts and propose mitigation.

O-1-103

Further, the DEIR fails to adequately identify wildlife crossings to the south and west of the Project Site along Sarver Lane, Deer Springs Road, and North Twin Oaks Valley Road. The DEIR also fails to propose adequate wildlife crossing infrastructure, including the construction of underpasses or overpasses, for roadways that the Project would improve or to which it would add trips. Whether framed as project design features or mitigation measures, new crossing infrastructure should be evaluated.

O-1-104

The DEIR also fails to provide the requisite eight surveys for least Bell's vireo. (Schaefer 2017 Report at 4.) It also fails to disclose the potential for pallid bat in habitat on the Project Site or to conduct the required bat surveys. (*Id.* at 3.) Further, the DEIR relies on surveys for spiny redberry, which is the host plant for Hermes copper butterfly, that were not conducted at the appropriate time of year. There is evidence of spiny redberry near the Project Site, and proper surveys should be performed to determine if any spiny redberry or Hermes copper butterfly would be impacted by the Project. (*Id.* at 4.) Without the requisite surveys for least Bell's vireo, pallid bat, and spiny redberry, the DEIR fails as an informational document and cannot adequately assess impacts or propose mitigation.

O-1-105

The DEIR also relied on inadequate surveys to determine the presence of fairy shrimp on the Project Site. Riverside fairy shrimp and San Diego fairy shrimp are federally endangered species. A survey was only performed as an after-thought, after a member of the public provided information, including photographs, of potential fairy shrimp and vernal pools on the Project Site. The surveys, however, failed to comply with USFWS protocol. (Schaefer 2017 Report at 5-6.) Additional surveys should be performed under appropriate conditions to determine the presence of fairy shrimp on the Project Site and which type of fairy shrimp. Absent additional surveys, the DEIR is insufficient to determine whether a federally protected species of fairy shrimp exist on-site.

O-1-106

The DEIR also omits the San Marcos Highlands project from its cumulative project list, which, in turn fails to account for cumulative impacts to wildlife connectivity.

O-1-107

#### **D. The DEIR Misconstrues the Project's Effects on Human Intervention**

The DEIR incorrectly states that the Project "is expected to lead to a decrease in human activity in the open areas of the project Site" and determines that the impact to biological resources from increased human activity is less than significant. (DEIR at 2.4-96.) It defies logic that this Project bringing over 6,000 new residents the Project Site in addition to an 81,000

O-1-108



square foot commercial center, a school site, parks, trails, and equestrian facilities would decrease human intervention with biological resources when compared to its current uninhabited state. The DEIR's rationale is that illegal trespassing occurs on-site at present, but the Project would "manage" the open space to prevent such illegal activities.

As an initial matter, the Project applicant is the current owner of the property and may hire a preserve manager, a monitor, or a guard or take other action to prevent illegal trespassing on its property. An applicant cannot allow a deterioration of baseline conditions and then take credit for alleged improvements that could have already been implemented but for the applicant's own neglect.

In addition, the DEIR's assertion is contrary to scientific evidence indicating that adding human population near open space increases human intervention with wildlife. (Jennings August 2017 Report at 12.) The DEIR provides no evidence to support the conclusion that it can manage the open space in the manner to effectively prevent such intervention. In addition, details of any proposed human intervention management are sparse and unenforceable.

#### **E. Analysis and Mitigation for California Coastal Gnatcatcher Is Insufficient**

The Project Site includes coastal sage scrub, which is habitat for the federally threatened California coastal gnatcatcher. There have also been multiple observations of gnatcatcher on-site. The DEIR records multiple observations, but indicates that the most recent surveys were taken in 2013. (DEIR at 2.4-37.) As discussed above, surveys should be repeated every two years, and 2013 was a significant drought year. Additional surveys should be performed to determine the occurrence of gnatcatcher on the Project Site.

The DEIR lacks sufficient focused surveys for gnatcatcher. The DEIR indicates that species were observed in 2013 and 2014, but that neither observation occurred during a focused survey for gnatcatcher. The 2013 observation occurred during a survey for southwestern willow flycatcher and least Bell's vireo. The 2014 observation occurred during a habitat assessment. (DEIR at p. 2.4-153.) Other observations pre-date the 2013 and 2014 observations. The DEIR should be revised to include new focused surveys on all areas with prior observations of gnatcatcher or habitat for gnatcatcher, including observations by community members such as David Walker and Elsa Morris who describe gnatcatcher observation in their comment on the Newland Sierra DEIR.

In addition, the DEIR's proposed mitigation for impacts to gnatcatcher is insufficient. M-BIO-8A through M-BIO-8E provide for on- or off-site habitat management. The Project's proposed offsite mitigation property, however, is located over 22 miles inland from the Project Site, has no observed gnatcatcher, and is outside the gnatcatcher's breeding range. (Schaefer 2017 Report at 9-10.) Further, the proposed Habitat Loss Permit for gnatcatcher is located in "Additional Items," which does not appear to be part of the DEIR, and is only a draft missing important components. Finally, mitigation must ensure adequate protection for gnatcatcher from construction impacts during the breeding season. It is difficult to evaluate the construction impacts on gnatcatcher when the DEIR provides scant construction information on only a two page construction schedule summary and does not disclose the number, timing, or location of

O-1-108  
Cont.

O-1-109

O-1-110

O-1-111

O-1-112

blasting. The County should consider preventing any blasting during gnatcatcher breeding season due to the uncertainty of this construction activity.

↑ O-1-112  
Cont.

**F. The DEIR's Proposed Exemption from the County's RPO Constitutes a Failure to Mitigate Impacts**

The DEIR admits that County staff and the Wildlife Agencies agree that the Project would violate the County's RPO if the RPO applied to it. (DEIR at Appx. H-2, at 4.) The DEIR proposes instead that the County amend the RPO to exempt the Project from its requirements. The exemption is discussed in a proposed Resource Protection Plan ("RPP"), included as Appendix H-2 to the DEIR.

The RPP provides inconsistent descriptions of the RPO exemption. On page 5, the RPP provides the following text for the proposed exemption: "Any project located within the approximately 1,985-acre property known as 'Newland Sierra Specific Plan' if determined to be consistent with a comprehensive RPP which has been adopted by the Board of Supervisors as the functional equivalent of RPO." (DEIR at Appx. H-2, at 5.) The language on page 5, therefore, requires consistency with an RPP in order for the RPO exemption to take effect.

O-1-113

Page 34 of the RPP, however, provides different exemption text, applying it to "any project located within the approximately 1,985 acre property known as 'Newland Sierra Specific Plan' if determined to be consistent with a comprehensive Resource Management Plan (RMP) [that] has been adopted by the Board of Supervisors as the functional equivalent of RPO." (DEIR at Appx. H-2, at 34.) The version on page 34, therefore, relies on consistency with a Resource Management Plan ("RMP") rather than an RPP for the exemption to take effect. This inconsistency deprives the public and decision makers of an accurate understanding of the exemption.

The RPO is a County ordinance that establishes special control on development to protect "wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites." (S.D. County Code, tit. 8, Div. 6, Chapt. 6, § 86.601.) In enacting the RPO, the County Board of Supervisors found that "the unique topography, ecosystems and natural characteristics of the County are fragile, irreplaceable resources that are vital to the general welfare of all residents . . . ." (*Ibid.*)

"Approximately 55 percent of the Site contains RPO-defined steep slope lands." (DEIR p. at 1-27.) According to the DEIR's RPP, the Project would result in impacts to gnatcatcher and wetlands under the RPO. (DEIR at Appx. H-2, at 34.) These impacts are not mitigated by simply exempting the Project from the County ordinance that applies to such impacts. The Board of Supervisors has found these resources to be "irreplaceable." The Project should not be allowed to rely on an unapproved amendment exempting it from the RPO to harm these "irreplaceable" resource by simply changing the rules to benefit the developer.

O-1-114

The DEIR states that RPO violation triggers a significant impact under CEQA. (DEIR at p. 2.4-81.) Because the Project violates the RPO with respect to at least impacts to gnatcatcher and wetlands, mitigation is required. Simply changing the ordinance that applies to the resources, does nothing to mitigate the impact to those resources in the physical environment. In

addition, it is illusory and deferred mitigation to rely on a future approval in order to mitigate or avoid a significant impact under CEQA. There is no assurance that the County will approve the Project's proposed RPO exemption and no other mitigation appears to be proposed or analyzed in the DEIR.

O-1-114  
Cont.

Further, regardless of whether the exemption language on page 5 or page 34 of the RPP applies, neither consistency with the RPP or an RMP is adequate to provide the same protection as the RPO. The RPP is not a plan, but merely regurgitates that biological analysis found elsewhere in the DEIR. A plan would include performance standards and prescriptive statements. There is no standard by which it can be determined if the Project is consistent with the RPP, because the RPP sets no requirements. It merely re-states analysis. As such the page 5 version of the exemption is without effect and cannot be implemented. It, therefore, fails as mitigation for RPO impacts.

O-1-115

The exemption language on page 34 requires consistency with a comprehensive RMP. Yet, no comprehensive RMP for this Project has been made available to the public. Mitigation measure M-BIO-8D requires future preparation of an RMP, resulting in deferred mitigation. M-BIO-8D notes the existence of two "conceptual" RMPs attached as Appendices L and M to Appendix D of the DEIR, but does not provide any specific and enforceable standards for a comprehensive RMP. M-BIO-8D, therefore, is itself deferred mitigation and cannot be used as a basis for an RPO exemption as alleged on page 34 of the RPP.

O-1-116

Finally, regardless of which version of the RPO exemption is sought, the exemption does not cover the full extent of the Project's impacts, because both the page 5 and page 34 versions of the exemption apply only to the "1,985-acre property known as 'Newland Sierra Specific Plan.'" The DEIR states that the Project results in temporary and permanent significant impacts to off-site RPO resources, including southern willow scrub, mulefat scrub, arundo dominated riparian, coast live oak woodland, and southern coast live oak riparian forest. (DEIR at 2.4-69 to 2.4-70; Tables 2.4-22 and 2.4-23.) The proposed exemption that would apply only to the "1,985-acre property known as 'Newland Sierra Specific Plan'" cannot apply to off-site impacts not located on the 1,985 acre site. These briefly referenced potential impacts, outside of the property owned by Newland, also need to be studied as part of the County's EIR for the overall proposed project based on these admitted conflicts with the County's own RPO. The Draft EIR must be revised to include this analysis, and to consider mitigation pursuant to the County's RPO as a potential mitigation measure, despite the DEIR's flawed exemption scheme. Moreover, additional off-site impacts to RPO-jurisdictional resources identified by further study as discussed in this section would also be outside of the proposed exemption's language which was tailored just to apply to Newland's project. Expanding the scope of any RPO exemption to other property beyond Newland will also have regional and countywide impacts that should be studied under CEQA, and included in a revised draft EIR.

O-1-117

There is simply no way to unravel the inconsistent, illusory, and circular proposals for the DEIR's proposed RPO exemption in a way that informs the public and decision makers or protects the physical environment in accordance with CEQA. The DEIR should be revised and recirculated to analyze consistency with the RPO and propose mitigation measures for any impacts thereunder.

O-1-118

**G. Impacted Resources Were Potentially Excluded from the Analysis**

The DEIR describes significant impacts to on-site and off-site jurisdictional wetlands of the U.S. Army Corps of Engineers ("USACOE"), including from improvements to Deer Springs Road. (DEIR at pp. 2.4-69 to 2.4-70). The DEIR does not describe the alignment for Deer Springs Road that was studied to determine these impacts. The DEIR should study the impacts of a six-lane alignment for Deer Springs Road, because that is the ultimate alignment that was studied in the traffic study (where no four-lane options was studied). The Project's grading plans only depict two- and four-lane alignments for Deer Springs Road, not six lanes. It is reasonable, then, for the DEIR to study impacts to USACOE jurisdictional resources, and other agencies' jurisdictional resources, of an alignment adding two lanes and all additional infrastructure to the north of the grading plans' four-lane alignment and of an alignment adding two lanes and all additional infrastructure to the south of the grading plans' four-lane alignment.

This study to determine the full extent of the Project's reasonably foreseeable impacts on USACOE jurisdictional resources will provide important information about potential impacts and mitigation. In 2016, Schaefer Ecological Services prepared a report analyzing biological impacts of a six-lane alignment on Deer Springs and determined there would be potential impacts to USACOE jurisdictional resources, including to a blue line stream running along the south side of Deer Springs Road. (Schaefer Ecological Solutions, Biological Constraints Report: Deer Springs Widening at 17 (April 2016) ["Schaefer 2016 Report"], attached hereto as **Attachment 19**.) The County should review the 2016 Schaefer Report and perform specific studies to determine other species and resources described therein would be impacted by the full buildout of Deer Springs Road. Species identified in the 2016 Schaefer Report, which was provided to the County, include golden eagle, American badger, mountain lion, California gnatcatcher, and southwestern pond turtle, and a jurisdictional determination should be required for all federal, state, and local jurisdictional resources.

O-1-119

## VI. CULTURAL RESOURCES

The DEIR's analysis of impacts to cultural resources presents several flaws. As an initial matter, the Golden Door's technical consultant submitted a report to the County with recommendations to preserve cultural resources and potentially mitigate impacts to cultural resources from the proposed widening of Deer Springs Road. (Spindrift, Cultural Resources Reconnaissance of the Deer Springs Road Widening Project, City of San Marcos, County of San Diego, California (May 2016) ["Spindrift Report"], attached hereto as **Attachment 20**.) This report's recommendations should be analyzed and included in the analysis of the Project, and has been submitted with the Golden Door's comments. The Cultural Resources Report for the Project presents the following flaws:

O-1-120

- Section 1.2.1 Environmental Setting, the project specific geological deposits, soil deposits and FEMA flood hazard ratings were not discussed, which would establish the geospatial context of the Project and the cultural sensitivity of the sediments underlying the Project. The Project Site-specific geological deposits were provided in the geotechnical report produced by Leighton & Associates in June 2015.

O-1-121

- The Project includes Vallecitos Water District roads to service existing water infrastructure (e.g., water transmission lines and tanks). The northwest portion of the project includes the San Diego County Water Authority's aqueduct, which is part of a regional system of water transmission pipelines the Water Authority uses to transfer water to its member agencies and between various reservoirs around the County. An abandoned quarry is located in the northwest portion of the Project Site, fronting Twin Oaks Valley Road, and an abandoned private landing strip is located in the north-central portion of the Site.

O-1-122

It is not clear that any of these structures were evaluated as part of the technical report and at a minimum the year of construction was not provided, which would establish whether or not these resources are historic and require evaluation for eligibility to the CRHR under CEQA Guidelines. It is also not clear if these resources are part of existing previously recorded resources as the resource identifiers were not provided in the introduction chapter if previously recorded.

- It is unclear whether Dudek surveyed the Deer Springs Road off-site impact area, which should be included as part of the Project area. Thus, it is unclear whether the Project's full potential impacts have been analyzed and disclosed in the DEIR. Further, the DEIR did not survey the ultimate six lane build-out of Deer Springs Road. Based on the map, it does not appear that the DEIR analyzed the additional right of way added to the southern portion of Deer Springs Road, or the northern boundary of the ultimate build out. The DEIR did not accurately describe or illustrate the areas surveyed to ensure the potential impacts from the entire Project (including off-site impacts) were analyzed.

O-1-123

## VII. GEOLOGY, SOILS, AND SEISMICITY

The Geology, Soils, and Seismicity section of the DEIR suffers from the same deficiencies as the rest of the document—failure to provide important information to the public; conclusory statements resulting in impact determinations; and inadequate mitigation measures as a result the DEIR’s conclusory analysis.

O-1-124

The DEIR claims that the Project will be consistent with the General Plan’s policies. However, it is unclear how this will be the case based on the information provided in the DEIR. For instance, General Plan Policy S-8.2 prohibits “development from causing or contributing to slope instability.” (DEIR at p. 2.6-9.) The DEIR simply states the “proposed project would also not permit development that could cause or contribute to slope instability.” (*Id.* at p. 2.6-19.) The DEIR is missing vital information to allow the public determine the veracity of this statement. The DEIR does not contain locations for the proposed blasting, which may take place, as the County notes, on approximately 1,464 work days. It is critical that the public understand exactly where blasting will occur on the Project Site, as blasting may occur on unstable slopes, thus contravening the General Plan Policy. As such, it is unclear based on the information provided in the DEIR whether the Project will in fact comply with this policy. Will, for instance, the developer post hoc change the location of structures or development if it determines that blasting in the area could contribute to slope stability?

O-1-125

O-1-126

Given the extent of blasting needed to construct the Project, along with the potential for a wet winter leading to landslides should the soil become unstable, it is critical that the DEIR includes such information. Similarly, this lack of information renders it impossible for a member of the public to determine the full extent of soil erosion that may occur as a result of the Project’s grading and blasting, as it is unclear where on the site such activities will take place. While the DEIR notes that earth-moving activities will be temporary, it is unclear whether the BMPs outlined in the SWPPP will be effectively able to mitigate soil erosion impacts because there are no blasting locations provided in the DEIR. BMPs may be required to be altered based on site specific constraints that cannot be appropriately determined based on the content of the DEIR.

O-1-127

The DEIR states that the “I-15 interchange improvements, which constitute an off-site mitigation measure for the project, are not within ... any known active, potentially active, or inactive faults that transect the anticipated location of the intersection improvements.” (DEIR at p. 2.6-11.) Because no interchange design plans are included in the DEIR, this statement is conclusory and unsupported by substantial evidence. While the DEIR suggests Caltrans implement a mitigation measure to “ensure impacts [from the I-15 Interchange] remain less than significant” (*id.* at 2.6-22) it is unclear whether this mitigation measure will be effective because it simply tells Caltrans to design the interchange to not have an impact on geology, soils, and seismicity, but should in fact include and analyze such designs to ensure the public may adequately comment on the proposed measure and potential impacts.

O-1-128

Likewise, the section provides little to no information on the location or extent of blasting at the site beyond the number of days blasting may occur, but simply notes that “cut slopes over 10 feet would require blasting to evacuate the slope.” (DEIR at p. 2.6-14.) The DEIR does not identify where cut slopes will occur during construction, and concludes that there may be a potentially significant impact. (*Ibid.*) The proposed mitigation for this impact only requires

O-1-129

"mapping of all cut slopes and stabilization *if necessary*." (*Id.* at p. 2.6-23 [emphasis added].) It is unclear why such information cannot be provided to the public beforehand so that they may adequately analyze the cut slopes impacts and the subsequent impacts to surficial instability that may occur. Moreover, it is unclear where the "necessary" threshold for mapping such cuts is, whether and how this information will be communicated to the public, or whether the public will be given the opportunity to comment on the proposed cut slopes. The DEIR mentions potential locations of proposed cut slopes (see e.g. *id.* at 2.6-24 [rockfall mitigation]) but it does not appear to include a map or full locations of the proposed cut slopes for public comment.

O-1-129  
Cont.

Further, the DEIR concludes that the site contains areas of potential surficial instability, which may be a potentially significant impact when located above and adjacent to proposed development. (DEIR at p. 2.6-14.) However, the DEIR does not propose any mitigation for this impact, but instead states that "mitigation measures will be implemented on a case-by-case basis," with the "need for such mitigation ... based on review of final grading plans and field observations during grading." (*Ibid.*) This is impermissible deferred mitigation. The DEIR provides no information on the location of potential surficial instability, nor does it provide any information on the location of the surficial instability in relation to the proposed development.

O-1-130

Finally, the DEIR identifies a potential rockfall hazard area near Sarver Lane, and proposes a catchment area adjacent to the potential rockfall slope and Sarver Lane. (DEIR at p. 2.6-25.) As discussed in greater detail elsewhere in this letter, Sarver Lane is bordered by private property. It is unclear where exactly the developer will install this catchment area, which includes a trench with a barrier "adjacent to the toe of the potential rockfall slope," disturbing "no more than 0.15 acres." (*Id.*, p. 2.6-25-2.6-26.) If this area disturbs private property, or has the potential to disturb private property, such an impact should be disclosed and analyzed. Moreover, the rockfall map only analyzes the northern portion Sarver Lane, and it is unclear whether the rockfall will impact the private property outside of the Project Site. The DEIR does not appear to analyze rockfall impacts to private property located directly adjacent to the Project Site, nor does the Geotechnical investigation and Rock Fall Hazard Report address conditions and proposed improvements along Deer Springs Road.

O-1-131

Further, the DEIR does not analyze potential mudslide or rockfall impacts from widening Deer Springs Road to six lanes. A report from DELANE Engineering depicted a potential alignment for a six-lane configuration on Deer Springs Road and described the potential property and grading impacts associated with such an alignment. (DELANE Engineering, Impact Analysis for Newland's Proposed Deer Springs Road Widening (Aug. 29, 2016) ["DELANE Road Widening Memo"] which an attachment to DELANE Engineering Technical Memorandum, Review of Newland Sierra Proposed Offsite Road Improvements as Presented in the June 2017 Draft Environmental Impact Report (Aug. 12, 2017) ["DELANE Offsite Memo"].) The DELANE Road Widening Memo also depicted the potential for deep cuts into slopes north of Deer Springs Road due to the topographical constraint surrounding Deer Springs Road. It is possible that such cuts would increase risks for rock slides during construction or operations. The DEIR does not analyze such risks, and has thus omitted important information the public needs to properly determine the scope of the Project.

O-1-132



## VIII. GREENHOUSE GAS EMISSIONS

The County claims that the Project's greenhouse gas ("GHG") emissions will be offset entirely through the purchase of offset credits and other mitigation measures that equal the volume of emissions caused by the Project. This plan is flawed for a number of reasons. First, the DEIR's approach to GHG analysis and mitigation is inconsistent with the County's General Plan and mitigation measures in the General Plan's EIR, which require a comprehensive approach to mitigate GHG emissions *within San Diego County*. In addition, the DEIR's emissions calculations omit or underestimate a number of emissions sources, and the mitigation measures lack certainty, including providing a "true up" provisions that renders the entire offset approach for operational emissions illusory.

O-1-133

O-1-134

The DEIR is not the first CEQA document to embrace a "net zero" approach. Earlier this year, the California Department of Fish and Wildlife certified the Final Additional Environmental Analysis for the Newhall Ranch project in Los Angeles County ["Newhall Final Analysis"] attached hereto as **Attachment 21**, which proposes a detailed program to offset 100% of its GHG emissions. The Newland DEIR's attempt to implement its own "net zero" approach, however, falls well short of the standard set by the Newhall project.

O-1-135

*First*, the California Air Resources Board ("CARB") reviewed the Newhall "net zero" program and concurred that it would not result in any net GHG emissions. (Letter from Richard W. Corey, CARB, to Chuck Bonham, CDFW (Nov. 3, 2016), attached hereto as **Attachment 22**.) The Newland DEIR provides no such assurance from CARB. GHG emissions and offset calculations require complex technical expertise and knowledge of existing and proposed sources of offsets. The County should request that CARB, the statewide expert in air emissions including GHG emissions, should analyze the Newland Project's approach to GHG emissions and mitigation before the County will rely on the proposed "net zero" approach as Newland's sole means of mitigating the Project's GHG impacts below a level of significance. The DEIR's proposed offset program is the necessary centerpiece of the Project's mitigation plan for potentially significant impacts from GHG emissions. Without assurances from the statewide expert agency that the proposed offsets will be sufficient, the Newland DEIR should be re-circulated with additional measures that would result in adequate mitigation for the Project.

O-1-136

*Second*, the Newland DEIR relies on a flexible geographic priority system for the location of its offsets under M-GHG-1 and M-GHG-2. The Newhall project proposed a similar system in its draft environmental document, but replaced it with a more precise preference system in the final version approved earlier this year. (Newhall Final Analysis at 2.1-34.) The Newhall project requires "Direct Reduction Activities" in an amount equal to the project's GHG emissions. Only "if necessary" will the Newhall proponent seek "Carbon Offsets" for the remaining GHG emissions. The Newland DEIR, on the other hand, provides only a loose set of preferences with no criteria for when the developer can move on to the next preference level. The geographic location of emissions offsets is of particular importance in the Newland DEIR where—unlike for the Newhall project—the lead agency here, County of San Diego, has constrained itself in its General Plan and General Plan EIR to providing a specific level of emissions reductions within its jurisdiction.

O-1-137

*Third*, the Newland DEIR includes a “true up” provision for its operational GHG emissions offset requirement. The “true up” provision allows the County’s Planning & Development Services (“PDS”) Director to, after Project approval and without additional public input, decrease the volume of operational emissions that Newland is required to offset. This “true up” provision renders M-GHG-2 illusory. No such “true up” provision is included in the Newhall project.

O-1-138

*Fourth*, the Newhall Final Analysis includes twelve mitigation measures that provide a specific volume of GHG emissions reduction for each measure, and provides detailed supporting calculations for such reductions in an appendix. These mitigation measures include specific funding requirements that the project proponent will provide to ensure the projected benefit is achieved. (Newhall Final Analysis at 2.1-24 to 2.1-34.) After systematically addressing each of these twelve measures in detail, the Newhall Final Analysis provides a thirteenth mitigation measure requiring implementation of a GHG Reduction Plan, including “Direct Reduction Activities” and, if necessary, “Carbon Offsets” that will equal the Project’s remaining GHG emissions that were not offset by the previous twelve mitigation measures. (*Id.* at 2.1-34.) This approach provides certainty as to the volume of GHG emission reductions resulting from each mitigation measure.

O-1-139

The Newland DEIR, on the other hand, provides three mitigation measures: (1) offsets for construction and vegetation removal GHG emissions, (2) offsets for operational GHG emissions, and (3) a mitigation measure requiring the developer to implement various project design features. Under Newland’s approach, it is not possible to determine how many emissions are offset by the project design features and how many by offset purchases. Moreover, the Newland project design features do not provide the level of certainty and the developer-funding requirements found in Newhall’s mitigation measures. In summary, the Newhall project provides defined, certain, and well-delineated measures to reduce GHG emissions in an amount equal to the Project’s emissions; whereas, the Newland DEIR provides an aspirational jumble of project design features and offsets with no clarity as to how the Project will result in “net-zero” GHG emissions and a lack of certainty regarding implementation of any of the project design features.

*Fifth*, and finally, the Newhall Final Analysis provides more certainty as to the registries from which offsets may be purchased. Both the Newhall Final Analysis and Newland DEIR (for M-GHG-1 and M-GHG-2) first provide that offsets should be obtained from the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard or from a registry approved by CARB under the cap-and-trade program (“First Tier Registries”). If no registry is in existence in the First Tier Registries, the Newhall Final Analysis allows the purchase of offsets from any registry satisfying a specific set of performance standards that is included in the Final Analysis. The Newland DEIR, on the other hand, requires that if no registry is in existence in the First Tier Registries then the developer’s only requirement is to obtain offsets from a “reputable” registry. The term “reputable” is not defined, nor is there any description in the Newland DEIR of a process to determine whether a registry is “reputable” or of which entity is charged with such determination. The Newland DEIR, therefore, appears to leave registry selection for offset purchase entirely to the developer’s discretion if First Tier Registries are not available.

O-1-140

By comparing the Newland DEIR's proposed "net zero" approach to the more defined and supportable approach provided in the Newhall Final Analysis, it is apparent that the Newland DEIR falls short. Because the Newland DEIR's mitigation analysis requires an effective "net-zero" program, these flaws are fatal. For these reasons and the others discussed below, the Newland DEIR should be recirculated with a viable and supportable approach to mitigating impacts from GHG emissions.

O-1-141

**A. The DEIR Conflicts with General Plan Policies to Reduce GHG Emissions**

First, the EIR conflicts with the County's General Plan policy to reduce GHG emissions *in San Diego County*.

In 2011, following approximately ten years of substantial input from numerous stakeholders and citizen groups, the County approved an update to its General Plan. (San Diego County General Plan at pp. 1-2.) In the EIR for the General Plan, the County concluded that the GHG and climate change impacts from the County's operations and from community sources were "potentially significant"—that without mitigation the County would fail to comply with AB 32, which requires the State to lower its GHG emissions to 1990 levels by 2020. (General Plan DEIR at pp. 2.17-13-2.17-23, attached hereto as **Attachment 23**; Cal. Health & Safety Code § 38550.)

As a result, the General Plan EIR included mitigation measures for GHG and climate-change impacts. Mitigation Measure CC-1.2 requires the County to:

Prepare a County Climate Change Action Plan with an update[d] baseline inventory of greenhouse gas emissions from all sources, more detailed greenhouse gas emissions reductions targets and deadlines; and a comprehensive and enforceable GHG emissions reduction measures that will achieve a 17% reduction in emissions from County operations from 2006 by 2020 and a 9% reduction in community emissions between 2006 and 2020. Once prepared, the plan's implementation will be monitored and progress reported on a regular basis.

O-1-142

Mitigation Measure CC-1.8, in turn, requires the County to revise its Guidelines for Determining Significance based on the Climate Action Plan ("CAP"). The General Plan, too, requires the County to certify the CAP and the significance thresholds that rely on it. (County General Plan at p. 5-39.) Moreover, Goal COS-20 of the General Plan prioritizes "[r]eduction of *local* GHG emissions contributing to climate change that meet or exceed requirements of the Global Warming Solutions Act of 2006." (Emphasis added.)

On June 20, 2012—approximately a year after the County certified its General Plan Update EIR—the County approved the CAP, along with a Greenhouse Gas Emissions Inventory as an appendix. On July 20, 2012, the Sierra Club challenged the 2012 CAP in the Superior Court of San Diego County and prevailed. The Court entered judgment for the Sierra Club on April 24, 2013, and required the County to set aside the 2012 CAP. (Judgment on Petition for Writ of Mandate, Case No. 37-2012-00101054-CU-TT-CTL (Apr. 24, 2013).) The County appealed the judgment.

On October 29, 2014, the Court of Appeal affirmed the Superior Court's decision in *Sierra Club*, invalidating the 2012 CAP. (See *Sierra Club v. Cty.* (2013) 231 Cal.App.4th 1152, 1176 ["[T]he CAP does not fulfill the County's commitment under CEQA and Mitigation Measure CC-1.2 to provide detailed deadlines and enforceable measures to ensure GHG emissions will be reduced."].) The Court of Appeal held that the CAP and its related thresholds of significance were a project distinct from the General Plan amendment and that the County was required to prepare an EIR before considering the CAP and the thresholds. (*Id.* at pp. 1171, 1174-76.) On March 11, 2015, the Supreme Court denied the County's Petition for Review in *Sierra Club*. (*Sierra Club v. Cty. of San Diego* (2015) 2015 Cal. LEXIS 1226.)

Following the decision and subsequent remittitur, the Superior Court issued a Supplemental Writ of Mandate, setting aside the 2012 CAP, addendum and 2013 GHG Significance Document. (Supp. Writ of Mandate at p. 2, Case No. 37-2012-00101054-CU-TT-CTL (May 4, 2015).) In addition, the County was required to submit a timeline for preparing a new CAP and significance thresholds. (*Ibid.*)

The County has not yet approved a revised CAP. On August 10, 2017, the County published a draft CAP and draft EIR for the CAP. The earliest the Board of Supervisors would consider a revised CAP and related thresholds of significance is in 2018.

The Project contravenes the General Plan EIR's mitigation measures CC-1.2 and CC-1.8 and General Plan Goal COS-20 because its offsets may come from outside the County. M-GHG-1 provides the County's Planning & Development Services with a "priority" list for consideration of GHG reduction features:

- 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally.

(DEIR at p. 2.7-48.) The project applicant must only pursue local programs "to the extent such offset projects and programs are financially competitive in the global offset market." (*Ibid.*) The DEIR provides no quantification for local offsets. Further, it provides no analysis of the availability or costs of offsets from within San Diego County. The DEIR's proposal would allow the project proponent to contradict the County's commitment to reducing Countywide GHG emissions by merely stating that such projects and programs are not "financially competitive" without any further analysis. The DEIR provides no guidance for what constitutes financially competitive offsets, and no assurances that any offsets will actually occur in the County, which is what is required for General Plan compliance. As a result, the DEIR fails to present any information as to the project's ultimate impact on the total GHG emissions from sources located in San Diego County, since some or all of the project's emissions may be offset by emissions from outside the County. This will conflict with the County's General Plan requirement that GHG emissions from within San Diego County should be reduced. Moreover, the draft CAP (released just four days before the close of this Project's comment period) prioritizes the use of offsets within San Diego County.

O-1-142  
Cont.

The County's General Plan specifically focuses on achieving reductions within the County through its CAP and related thresholds of significance. The County has not amended the General Plan or revised the General Plan EIR to allow for reductions to be provided from outside of the County, or even world—that is not the policy choice the County made. The DEIR does not provide sufficient evidence to assure that its GHG emissions impacts will be mitigated within the County, and provides no quantifiable performance standard to demonstrate that its offsets will actually mitigate the Project's GHG emissions consistent with the requirements the County imposed on itself in its General Plan. The Newland Project's DEIR does not require any portion of its purported emissions reduction to occur on-site and could conceivably allocate 100% of its emissions reductions to actions taken off-site and even outside of the County.

O-1-142  
Cont.

As noted, the County's General Plan mandates the adoption of a CAP, which promulgates the mitigation measures for projects in the County and provides an inventory of emissions allowed within the County. The CAP is required mitigation for the County's General Plan Update, and cannot be ignored. A draft of the CAP was released just days prior to the close of public comment on the Project's DEIR. The principles set forth in the CAP further emphasize the flaws in the Project's approach. The CAP's policies emphasize that the General Plan's framework was developed to "accommodate future development in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable natural resources . . . . Focusing new development in and around existing unincorporated communities allows the County to maximize existing infrastructure . . . while preserving the rural landscape that helps define the unique character of unincorporated county." (San Diego County, Draft Climate Action Plan, Strategy T-1, attached hereto as **Attachment 24**) "By not developing housing in the more remote areas, the county will avoid GHG emissions from transportation and energy use associated with conveyance of water and solid waste services. Reductions in Vehicle Miles Traveled (VMT) resulting from this strategy will also improve air quality through reduced vehicle emissions and contribute to public health improvements by creating opportunities for active transportation choices." (*Ibid.*) Rather than adhering to such planning strategies, the proposed Project would urbanize rural unincorporated County, and increase VMTs due to the Project's location far from existing infrastructure.

O-1-143

The Project is not included within the CAP's emissions inventory, as the CAP has not been finalized or certified. Moreover, the CAP is mitigation for the 2011 General Plan, which does not account for the Newland Project's density in its land use plan. It is illogical to allow for the addition of 2,135 homes in rural, unincorporated North County and not have it count against the County's regional inventory for GHG emissions. Doing so would irrevocably frustrate the County's commitment to reduce its GHG emissions. The DEIR does not include a discussion of the Project's exclusion from the local inventory, or how such an exclusion will impact regional planning. Further, as discussed in more detail below, the Project's DEIR omits various emissions sources, which would add to San Diego County's emissions in violation of the General Plan and the mitigation measures in the General Plan's EIR. Yet these emissions are proposed to be offset, if at all, by the Project's mitigation measures, which do not require offsets to be located within the County.

Moreover, failure to comply with General Plan EIR Mitigation Measure CC-1.2 would result in the County's violation of a prior mitigation measure. (*See Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443 [granting petition for writ of mandate to

O-1-144

compel the agency to enforce mitigation conditions that the agency initially adopted].) In addition, the County cannot attempt to render conditions of approval “meaningless by moving ahead with the project in spite of them.” (*Id.* at 450.) “Such conduct amounts to ‘piecemealing,’ a practice CEQA forbids. CEQA’s requirements ‘cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered might be found to ... be only ministerial.’” (*Ibid.* [internal citations omitted].)

O-1-144  
Cont.

The DEIR is inadequate because it fails to include a discussion of the Project’s inconsistency with the General Plan. (*See e.g. Pfeiffer v. City of Sunnyvale* (2011) 200 Cal.App.4th 1552, 1566.) The General Plan and its EIR set forth a comprehensive approach to addressing GHG emissions *in San Diego County*. Yet the Project’s DEIR omits analysis of the effect of this Project’s attempt to address GHG emissions outside of this framework on the potential for the General Plan’s comprehensive approach to reach its GHG emissions reduction goals within the County.

O-1-145

The Project’s DEIR uses the Appendix G threshold rather than the CAP and its thresholds. Appendix G requires analysis for conflict with applicable plans. Here, as discussed above, the General Plan requires that the County prepare a CAP and thresholds of significance based on the CAP that provide the basis for GHG analysis of Project’s on unincorporated County lands. As previously mentioned, the DEIR cannot be consistent with the CAP, because the CAP and its thresholds of significance have not yet been approved. Any inconsistency with the implementation of the CAP and its comprehensive scheme for GHG emissions reductions in San Diego County, therefore, is an inconsistency with the General Plan, which would result in a significant impact under Appendix G’s threshold of significance.

O-1-146

In addition, General Plan Policy COS-20.3 requires regional collaboration with federal and State agencies, including SANDAG. As discussed in more detail below, the Project conflicts with SANDAG’s local goals and plans, and therefore does not provide for proper collaboration in furtherance of General Plan Policy COS-20.3.

O-1-147

#### **B. The DEIR’s “True Up” Provision Renders Mitigation Illusory**

The DEIR allows the Planning & Development Services (“PDS”) Director to determine by substantial evidence at a later date that advances in technology have reduced the Project’s GHG emissions, and the PDS Director may authorize a decrease in the offset purchase requirement. (DEIR at p. 2.7-50 to 2.7-51.) This provision renders the DEIR’s offset mitigation measures illusory. (CEQA Guidelines, § 15126.4, subds. (a)(1), (2); *Sierra Club v. City of Fresno*, 226 Cal.App.4th at 750–51.)

O-1-148

This “true up” measure undermines the DEIR’s already flawed mitigation scheme for GHG emissions. Any such future determination must be subject to full CEQA review, and this DEIR must commit to further CEQA process and must allow for the amount of GHG emissions requiring to offset to be *increased* if it is determined such an adjustment is needed. The purpose of CEQA is to protect the environment, and the “true up” provision, if it remains, must allow for increased protection to the environment—not merely added benefits for the developer.

**C. The Project's Location Conflicts with Regional and Local Planning Documents**

The location of the Project—rural, unincorporated North County—conflicts with the region's regional transportation plan ("RTP") and sustainable communities strategy ("SCS") (collectively, "RTP/SCS") (attached hereto as **Attachment 25**). The RTP/SCS considers the Project Site as primarily rural residential with one unit per 20 acres, and does not provide transportation plans to accommodate Newland's proposed residential growth. As a result, the Project is inconsistent with SB 375's statewide mandate to reduce GHG emissions from the transportation sector. SB 375 required the preparation of a regional SCS to reduce regional emissions in furtherance of the statewide reductions targets. The DEIR claims that it meets CARB's reduction goals for the region, and therefore is compliant with the SCS. (DEIR at p. 2.7-22 ["Like the 2050 RTP/SCS, this planning document meets CARB's 2020 and 2035 reduction targets for the region."].) However, the DEIR does not discuss whether the Project was included in the SCS's land use model for compliance with CARB's reduction goals. Moreover, the County conflates compliance with statewide reductions as compliance with SANDAG's local reduction goals for the County. Here, the Newland Project was not included in the RTP/SCS's underlying land use assumptions—differentiating it from the Newhall project, which was included in the underlying land use assumptions for its metropolitan planning organization. Moreover, the DEIR states that "implementation of the [P]roject would be within 4.5 percent of SANDAG-forecasted VMT for the region." (DEIR at p. 2.7-44.) The DEIR only offers conclusory support for this statement – stating that the proposed mix of uses allows the Project to reduce VMTs. (*Ibid*.) The DEIR does not provide any in depth analysis of how it reaches this conclusion. In addition, it is unclear how being within 4.5 percent of SANDAG's forecasted VMT equates to consistency with SANDAG's approved RTP/SCS.

O-1-149

O-1-150

In addition, the DEIR fails to even *discuss* the omission of Newland's proposed land use from SANDAG's underlying land use assumptions, let alone analyze it. The County commented on SANDAG's EIR for its RTP/SCS, asking whether SANDAG would include proposed General Plan Amendments in its growth forecast for the region. SANDAG refused, stating that the RTP/SCS' growth forecast was "appropriately based on the currently adopted land use plans of local jurisdictions ... including the County of San Diego's General Plan." (See SANDAG Letter from County of San Diego to SANDAG (July 15, 2015) and SANDAG Response to Comment (Sept. 29, 2015), attached hereto as **Attachment 26**.)

O-1-151

Further, the DEIR employs an impermissible plan-to-plan analysis to demonstrate its SCS consistency for VMT strategies. Moreover, as discussed in more detail in the Traffic and Transportation section of this letter, the DEIR overstates trip reductions from its Transportation Demand Management ("TDM") measures, including taking credit for "mixed use" reductions despite only a nominal amount of proposed non-residential development, taking credit for "promoting" and "coordinating" various programs that stand little chance of effectiveness in the Project's proposed location, and conceptually mischaracterizing this rural sprawl project as if it were urban infill. (See STC Traffic, Inc., Traffic and Transportation Comments Newland Sierra Traffic Impact Analysis Report and Associated Traffic Technical Studies at 9-10 (Aug. 13, 2017) ["STC Report"]; Fox Report at § 2.9.3.)

O-1-152

O-1-153



While the County may not be legally required to make its General Plan conform to the land use assumptions that SANDAG has used for the RTP/SCS, the public, the California Air Resources Board and SANDAG itself must be provided the appropriate environmental information under CEQA regarding how this major change in the County's General Plan, and other planned cumulative changes to open up San Diego's rural lands to development, will affect SANDAG's analysis and planning. The DEIR must provide environmental information sufficient to allow the public and the Board of Supervisors to determine if the Project will interfere with the attainment of the goals for the San Diego region that have been set by CARB, even if the County staff has made the policy decision that it does not matter to County staff whether their actions will interfere with those goals. (See California Air Resources Board Staff Report Proposed Update to SB 375 Greenhouse Gas Emission Reduction Targets, June 2017, [available online at [https://www.arb.ca.gov/cc/sb375/staff\\_report\\_sb375\\_target\\_update\\_june\\_full\\_report.pdf](https://www.arb.ca.gov/cc/sb375/staff_report_sb375_target_update_june_full_report.pdf)].)

For example, the DEIR fails to provide information on whether the approval of the Newland project interfere with the San Diego Region's required reduction in vehicle miles traveled referenced on page 3 of this report. The County staff should retain a consultant who can rerun the model used by SANDAG in preparing its 2015 SCS, using the changed land uses proposed by Newland alone, and in combination with other pending I-15 corridor projects, (along with the resulting traffic congestion on I-15 projected in the Newland EIR) and determine whether SANDAG would still be able to meet the VMT and GHG reduction targets that were set by SANDAG and approved by the Air Resources Board in 2015.

The June 2015 CARB staff report presents the following information regarding SANDAG's regional planning efforts from per capita GHG reductions from passenger vehicles on page B-38:

O-1-154

O-1-155



**Existing SB 375 Targets for the San Diego Region**

Established by ARB in 2010, the existing SB 375 targets for the San Diego region are to reduce GHG emissions from cars and light trucks by 7 percent, per capita, by 2020, and by 13 percent, per capita, by 2035, compared with a 2005 baseline. Table 1 shows that the Regional Plan adopted in 2015 would exceed the San Diego region's SB 375 targets for 2020 and 2035.<sup>1</sup>

**Table 1:  
SB 375 Greenhouse Gas Reduction Targets and San Diego Forward:  
The Regional Plan Greenhouse Gas Emissions Reductions Results**

	2020	2035
Existing SB 375 Targets	7 percent	13 percent
San Diego Forward: The Regional Plan GHG Reductions (2015)	15 percent	21 percent

Note: Average weekday per capita carbon dioxide reductions for cars and light trucks from 2005.

1. While the SB 375 analysis focuses on per capita GHG reductions from passenger vehicles, an analysis of total GHG emissions was included in the Regional Plan Environmental Impact Report (EIR) (Section 4.8). The EIR analysis showed that total GHG emissions in 2050 are projected to be 26 Million Metric Tons CO<sub>2</sub>e (CarbonDioxide Equivalent), or 25.9 percent lower than GHG emissions in 2012 (Table 4.8-8).

The County staff should determine whether these conclusions are still true, by using all the existing assumptions and modeling performed by SANDAG in 2015, the County changes its General Plan to allow new urban development at the Newland site and other potential cumulative locations on the Interstate 15 corridor. This information should be presented in the Draft EIR and made available to the public, SANDAG, and CARB for public comment. Additionally, the County should consider how additional GHG emissions caused by the major land use change will be mitigated or avoided.

A decision by the County to unilaterally overhaul its land use scheme in rural North County to conflict with existing assumptions used by SANDAG and CARB in their planning may be legally permissible, but the County should have before the information on the consequences of this decision, which would undermine the purpose of regional planning. Because very little density is planned in this area, no transit or transportation infrastructure is planned in this area. The Project should not be allowed to get around the fact that SANDAG has not planned for transit or improved transportation infrastructure in this area, and has not planned for growth on the Project Site. The Project's proposed development will overwhelm SANDAG's modeling because there is no other way to bypass the congestion the Project proposes on I-15 – and there are no plans to accommodate the increased trips and density.

As noted in the DEIR's traffic section, cumulative impacts from the Newland Project and others would result in LOS F along a stretch of I-15 from south of Escondido to the Riverside County line. The Newland Project is unplanned development proposals that are not considered by SANDAG's RTP/SCS. SANDAG's calculations of GHG emissions reduction from mobile source emissions in the region, therefore, are inconsistent with the analysis provided in this EIR.

O-1-155  
Cont.

O-1-156

O-1-157

This omission impacts GHG modeling analysis and has not been reconciled in the Newland Project's DEIR.

↑ O-1-157  
Cont.

The DEIR fails to acknowledge that the Project was omitted from SANDAG's regional plans for mobile source GHG reductions. Instead, the DEIR only provides a cursory discussion of the RTP/SCS's policies and goals which does not provide sufficient information to allow the public to comment on whether or not the Project is consistent with SANDAG's regional planning. Moreover, the DEIR's analysis does not adequately describe the region. For example, the DEIR states that the Project is consistent with the RTP/SCS's goal to focus growth in an area that is already urbanized because the Project is next to the urban centers of San Marcos and Escondido. However, the Project Site is located approximately 8 miles from Escondido, and 4 miles from San Marcos—without transit—and cannot, and should not be considered an "urbanized" area. Further, it is six miles to the nearest transit station.

O-1-158

It is not enough for the DEIR to merely state, without support, that the Project is consistent with the RTP/SCS. The County must recirculate this DEIR with an assessment of how it will affect the region's goals and the per capita VMT levels and GHG emissions as they pertain to the region's inventory of emissions. The County may not skip the math on this important consistency analysis under SB 375 by pointing to the developer's vague and unquantified buying offsets for its "on-site" emissions. The Project—and the opening of the I-15 corridor in North County to more development—could lead to regional effects that must be assessed in the Project's EIR, not presented as a fait accompli to SANDAG to deal with on its own at an undetermined future date.

O-1-159

Moreover, the DEIR's GHG section's cursory discussion of the San Diego County General Plan fails to analyze the Project's consistency with the General Plan EIR's requirements for a CAP and related thresholds of significance, as discussed in greater detail above.

O-1-160

Approval of the Project signifies a larger policy shift within the County. It demonstrates that the County has decided that significant residential housing will occur in rural North County, regardless of what is in the General Plan, and opens the floodgates to potential future development along the rural I-15 corridor. This may potentially have a large impact on SANDAG's regional planning calculations, along with overall GHG reduction goals within the County. An approach to new development on the I-15 corridor in North County that only analyzes impacts on a project-by-project basis would subvert the purpose of regional planning and allow piecemeal density increases inconsistent with the principles of the RTP/SCS and other regional planning documents. Individual new projects that rely upon non-existent transit cannot be planned in isolation. As urban development is proposed on the I-15 corridor in North County, SANDAG must be involved to provide the regional planning view in determining whether and to what extent transit can be provided to a new urban area, and to do comprehensive planning for predicted transportation problems. Approval of the Newland Project would signal the opening of the North County I-15 corridor for development, contrary to current regional plans. For example, such development will impact SANDAG's 2020 update, as it may be forced to include projects approved by the County contrary to SANDAG's plans.

O-1-161

**D. The DEIR Does Not Properly Quantify the Project's GHG Emissions**

The DEIR omits and underestimates significant sources of GHG emissions. Among the omissions and underestimations are GHG emissions from off-site road and utility improvements, construction trips, vegetation removal, construction equipment, water use, and on-site operations, and an underestimate of mobile source emissions due to overestimating trip and VMT reduction credits for the Project's TDM measures. These omissions and underestimations are significant flaws and result in a failure to determine the level of mitigation required. The DEIR should be revised to disclose all potential GHG emissions and provide adequate mitigation.

O-1-162

Also as discussed throughout this section, the DEIR significantly overstates the benefits of the Project's proposed TDM measures. The GHG emissions calculations improperly include credits for these TDM measures that show unsubstantiated decreases in vehicle trips and VMT, thus resulting in an underestimation of GHG emissions. (See Fox Report at § 2.9.3.)

O-1-163

The DEIR's calculation of GHG emissions appears to omit emissions from off-site roadway and utility improvements. (See Fox Report at § 2.5-2.6.) At a minimum, emissions from demolition of the existing I-15/Deer Springs Road interchange and the reconstruction of a new interchange (as required for the Project's traffic mitigation) are not included, because no construction or design information has been provided for the interchange.

O-1-164

The DEIR underestimates emissions from on-site electricity use by claiming that solar photovoltaic panels "for all single-family and multi-family residential development" will "offset 100 percent of the residential structural electricity demand." (DEIR at p. 2.7-38.) There is insufficient evidence in the DEIR to substantiate this claim, and moreover, it is unclear whether such a claim is feasible. The DEIR does not analyze, for example, whether the homes will be designed with roofs able to accommodate solar panels, or whether the homes will be positioned in a manner to account for the assumed amount of sunlight the panels receive in the missing analysis. The DEIR does not explain the assumptions it must inherently rely upon to conduct its analysis to make such a claim. In addition, it is unclear whether or how the DEIR accounts for the energy use required in multifamily housing when there will inherently be limited roof space for the amount of solar panels required to fully mitigate each resident's GHG emissions. Finally, without assurances of a backup battery, 100% electricity from solar is not possible. (See Fox Report at § 2.12.)

O-1-165

The DEIR also underestimates emissions from water use. First the volume of water needed to control air emissions during construction has not been adequately quantified, and thus does not appear to be incorporated into the GHG emissions calculations. Further, the emissions required to transport water over long distances to supply the Project do not appear to have been included in the Project's emissions calculations. (See Fox Report at § 2.10.) In addition, it appears that GHG emissions from wastewater treatment and disposal were not included in the DEIR's emissions calculations. (See *id.* at § 2.11.)

O-1-166

O-1-167

The DEIR underestimates emissions from vegetation removal by improperly categorizing the entire Project Site as "scrub." (See DEIR, Appx. K at pdf pp. 254-55 [no other page numbers provided in Appx. K].) In fact, the majority of the Project Site is chaparral, which contains a higher biomass than scrub, and its removal results in a greater loss of sequestration. The DEIR,

O-1-168

therefore, significantly underestimates the increased GHG emissions caused by vegetation removal. (See Fox Report at § 2.2.)

↑ O-1-168  
Cont.

The DEIR also underestimates the emissions from construction worker trips. The DEIR's GHG appendix appears to assume 3,470 construction worker trips per day for the purpose of calculating GHG emissions, yet the DEIR's construction schedule in Appendix G indicates there would be 2,260 workers per day, resulting in 4,520 trips. As such, it appears the GHG calculations underestimate the emissions from worker trips. In addition, the DEIR's assumption of a 20 mile worker and vendor length trip is insufficient considering the number and skill level of workers that will be required to construct the Project. (See Fox Report at § 2.3.)

O-1-169

The DEIR also underestimates the emissions from construction equipment by assuming use of Tier 4 engines for all construction equipment; yet the DEIR specifically allows for engines with higher emissions. (See Fox Report at § 2.4.)

O-1-170

The DEIR notes that emissions estimation tools for mobile sources were limited at the time of analysis, which it alleges makes the analysis conservative. (DEIR at p. 2.7-37.) Simply because future regulatory updates may impact GHG emissions does not make the analysis "conservative." While new regulatory programs may reduce GHG emissions, the DEIR cannot rely upon this as evidence that its current estimation tools are conservative. This point does not make sense, nor is this statement supported by substantial evidence, and as such, the DEIR is fundamentally flawed.

O-1-171

**E. The DEIR Lacks Sufficient Evidence to Conclude the Project's Impacts Will Be Properly Mitigated**

The DEIR includes three mitigation measures for GHG emissions. M-GHG-1 proposes to mitigate impacts from construction and vegetation removal emissions through offsets; M-GHG-2 proposes to mitigate impacts from operational emissions through offsets. M-GHG-3 proposes to reduce emissions by implementing the DEIR's project design features. As discussed above, M-GHG-1 and M-GHG-2 are insufficient because the DEIR underestimates the volume of Project's emissions, thus underestimating the required offsets. In addition, the DEIR's offset approach in M-GHG-1 and M-GHG-2 has not been approved by CARB. Without the concurrence of the expert agency on complicated GHG emissions calculations and offsets, the County is not able to provide adequate assurance that the mitigation measures will be effective. Also, as discussed above, the lack of any enforceability for the "priority" system for the geographic location of offsets renders M-GHG-1 and M-GHG-2 inadequate under the requirements the County placed on itself in its General Plan and General Plan EIR. Further, the "true-up" provision renders M-GHG-2 illusory and strips any assurance that M-GHG-2 could effectively mitigate GHG emissions impacts.

O-1-172

O-1-173

O-1-174

O-1-175

In addition, because M-GHG-3 categorizes the 32 project design features in the DEIR's Table 2.7-7 as mitigation measures, all CEQA requirements for mitigation measures apply to each project design feature listed therein—including requirements for certainty and enforceability and for a mitigation measure not creating its own significant impact. (*Madera Oversight Coalition, Inc. v. City of Madera* (2011) 199 Cal.App.4th 48, 83 "[T]he EIR must describe and discuss feasible mitigation measures for each significant environmental effect,

O-1-176  
↓

provided feasible measures exist"); *Gray v. Cty. of Madera* (2008) 167 Cal.App.4th 1099, 1116 [substantial evidence must show that mitigation measures will be effective and feasible]; CEQA Guidelines, §§ 15126.4, subd. (a)(1), 15091, subd. (b)(2); CEQA § 21081.6.) These requirements have not been met. For example, the TDM measures in PDF-1 through PDF-20 are mere aspirations and do not provide enforceable requirements. (See STC Report at 9-10; Fox Report at § 2.9.3.) These measures rely primarily on "promoting" and "coordinating" activities that stand little chance of being effectively implemented in the Project's rural setting far from transit infrastructure within a steep Project Site containing circuitous internal road—such as relying on residents to pay for and utilize a shuttle to a transit station over six miles away. At a minimum the DEIR must include a detailed analysis of the effectiveness and likely implementation for each PDF and cannot merely assign CAPCOA credits that were intended to measure emissions reductions in more urban and mixed use (i.e., self-sustaining) areas. In particular, the DEIR's PDFs are impermissible for the following reasons:

- PDF-1. PDF-1 provides a credit for land use diversity. The Project contains a mere 81,000 square feet of commercial development for 2,135 homes, which is inadequate to meet the vast majority of residents' commercial needs. Further, the commercial development will not occur until Phase 2, even though more than 1,800 of the proposed 2,135 homes will be constructed in Phase 1. Even if a land use diversity credit was warranted for this Project, the DEIR cannot provide a credit for the time period prior to the diversity of land uses being built out. Moreover, the Project Site layout spreads out across steep terrain with a circuitous internal road network, thus limiting the potential for alternative transportation. The proposed commercial site is well approximately two miles away from the majority of residential units and is much more likely to cause added vehicle trips on Deer Springs Road from the units in the Valley, Summit, and Knoll neighborhoods (1,028 residential units total). Further, land use diversity credits should not be allowed for "park" use, which is required and assumed in residential areas or a school "site," which has not even been committed to be used for a school and with no commitment as to which and how many of the students within the Project Site would be able to attend the school—particularly when the Project Site is proposed to be split between multiple school districts.
- PDFs 2-3. PDFs 2 and 3, regarding pedestrian and bicycle trails, are inadequate for the same Project design issues noted in the discussion of PDF-1 above.
- PDFs 4-8. PDFs 4-8 provide for various programs that appear to require funding from and participation by residents at a later date and are unlikely to be effective or desirable at this Project Site; therefore, they are unlikely to be funded and are illusory and unenforceable. At a minimum, the DEIR should include a feasibility study to determine the potential effectiveness of such measures and a cost comparison against other methods of transportation to determine whether such measures will even meet the threshold level to be funded and implemented by the residents.
- PDF 9. PDF 9 provides a transit fare subsidy for residents. This PDF lacks any specificity, including who will pay the subsidy, how much the subsidy will be, or

O-1-176  
Cont.

O-1-177

O-1-178

O-1-179

O-1-180

whether there are any restrictions on qualifying for the subsidy or use of the subsidy (e.g., only for certain transit authorities or modalities). Moreover, as already noted, the nearest transit station is over six miles away.	O-1-180 Cont.
<ul style="list-style-type: none"> <li>PDFs 10-13. PDFs 10-13 provide a credit for marketing the Project's TDM program for residents. However, it is illogical to provide a credit for marketing an ineffective tool. Because the underlying program is inadequate, as explained above in this section, its marketing materials do not warrant an independent trip reduction credit.</li> </ul>	O-1-181
<ul style="list-style-type: none"> <li>PDF 14. PDF 14 provides a transit fare subsidy for employees and fails for the same reasons as PDF 9.</li> </ul>	O-1-182
<ul style="list-style-type: none"> <li>PDFs 15-19. PDFs 15-19 provide a credit for marketing the Project's TDM program for employees and fails for the same reasons as PDFs 10-13.</li> </ul>	O-1-183
<ul style="list-style-type: none"> <li>PDF 20. There is no PDF 20 listed in Table 2.7-7.</li> </ul>	O-1-184
<p>Further discussion of the TDM program's inadequacies is included in Traffic and Transportation section of this letter. The additional project design features included in M-GHG-3 (PDFs 21-32) are not credited with any GHG emissions reductions. Any attempt to quantify emissions reductions from PDFs 21-32 would require recirculation of the DEIR for the public to analyze the effectiveness of such PDFs as mitigation measures under M-GHG-3. (<i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1993) 6 Cal.4th 1112, 1120 [recirculation "required when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible project alternative or mitigation measure that would clearly reduce such an effect and that the project's proponents have declined to implement."])</p>	O-1-185
<p><b>F. The DEIR Appears to Contain an Analysis Pursuant to an Invalidated Threshold</b></p> <p>The DEIR contains an efficiency metric calculation as Appendix A to Appendix K. This threshold appears to be a crucial part of the County's analysis and indicates that the efficiency metric calculation is used to analyze GHG emissions and impacts in the DEIR. If the efficiency metric was not used by the County in its analysis, then the County must revise and recirculate these documents. Because of the County staff's refusal to release key air quality documents, neither the Golden Door nor other members of the public are able to determine how the efficiency metric was used by the County and the developer's consultant.</p> <p>The Golden Door and Sierra Club recently prevailed against the County in San Diego Superior Court in a challenge to overturn the County's "2016 Document for Determining Significance of Greenhouse Gases" ("2016 GHG Significance Document"), which contained a "County Efficiency Metric." (<i>Golden Door Properties, LLC v. County of San Diego</i>, Case No. 37-2016-00037402-CU-TT-CTL (filed Oct. 24, 2017) Notice of Entry of Judgment and</p>	O-1-186

Peremptory Writ of Mandate and Injunction attached hereto as **Attachments 27 and 28.**<sup>4</sup>) In that case, the Superior Court issued a writ of mandate requiring the County to set aside the 2016 GHG Significance Document and enjoined use of the County Efficiency Metric in the County's CEQA documents. The County must revise the DEIR and provide a detailed description of the use and purpose of the DEIR's Efficiency Metric Calculation, and provide a specific analysis of its compliance with Superior Court's decision, including whether the efficiency metric is used as a threshold of significance in the Newland DEIR.

↑  
O-1-186  
Cont.

---

<sup>4</sup> This case has been appealed by the County.



### IX. HAZARDS AND HAZARDOUS MATERIALS

The DEIR's analysis of Hazards and Hazardous Materials is seriously flawed. It must be revised to incorporate the feedback below and recirculated for public review and comment.

The goals for fire safety and project development should be to design the project such that it is:

- as fire safe as possible given conditions that present themselves 85% of the time; and
- has the capability to be a stand-alone project without first responders, due to the likelihood of "multi-fire" events that often occur in this geographic area.

O-1-187

The DEIR does not contain sufficient information to evaluate the Project against these goals. If anything, the evidence demonstrates that the Project cannot meet these goals and that the Project's impacts on fire hazards and safety is significant and unavoidable. However, the DEIR's analysis fails to live up to CEQA's fundamental informational purposes, because it lacks the following information and/or provides inadequate analysis on the following issues:

(1) The Project draft evacuation plan (Dudek May 2017) is deficient because it does not evaluate daily static traffic flows in conjunction with accelerated evacuation traffic flows. It also does not account for residents (both existing residents in the area and future residents of the Project Site) leaving under duress while first responders are attempting to gain entry to either the general area or the Project Site. (See also Safety Element S-3.5.) The draft evacuation plan states only that: "The timeframe may be longer if traffic flow is not maintained, and may be double or more if a region-wide evacuation is declared that does not enable preplanned traffic management measures. Traffic flow is a priority during evacuation events and phased evacuations are important to reduce the number of vehicles accessing roadways at the same time." In other words, despite acknowledging that this area is a "Very High Fire Hazard Severity Zone" and a major threat from a large-scale (not just site-specific), fast-moving wildfire, the DEIR evaluates only the Project's fire hazard and evacuation impacts in the context of the Project Site and Project residents and not the rest of the community. This generalized, conclusory analysis is inadequate for the public to assess the potential impact of the Project on fire evacuation in the area.

O-1-188

(2) The draft evacuation plan gives no consideration as to the impact of dumping evacuation traffic onto existing public roads and whether these access points would cause a choke point or choke points. The evacuation plan evaluates only whether the Project Site could be evacuated onto adjacent roads such as Deer Springs Road and Twin Oaks Valley Road, but provides not assessment of whether Project residents or existing residents could evacuate the area within a safe timeframe. The DEIR states that a fire could move up to 17.3 mph, with highest flame length values reaching nearly 70 feet. Evacuating project residents to Deer Springs Road and Twin Oaks Valley Road will not provide safety for these residents or existing residents who would be using these same roads to evacuate the area.

O-1-189



(3) Similarly, the draft evacuation plan gives no consideration to the impact of left-hand turns and other difficult road geometry on fire evacuation, such as the east-bound turn at Mesa Rock Ridge Road and Deer Springs Road and the south-bound turn from at Camino Mayor and North Twin Oaks Valley Road.

O-1-190

(4) The DEIR contains no evaluation of the impact on fire evacuation if the Project is built out before the improvements to adjacent roads take place, yet the DEIR and draft evacuation plan relies on improvements to adjacent roads like Deer Springs Road for its conclusion that the adjacent roads have the capacity to handle a fire evacuation. (See draft fire evacuation plan at 19.) The Project should contain a condition that states that it may not be built out until all the adjacent roads are improved to the level assumed in the fire evacuation analysis.

O-1-191

(5) The fire protection plan does not adequately discuss or mitigate the problems associated with gated accesses. First, the draft evacuation plan notes that there is a gated road that runs north from Camino Mayor to Gopher Canyon. Aside from "advising" residents not to use this road, the Project does nothing else to ensure that residents (future and existing) do not try to use this road in the case of an evacuation, where they may get trapped, or how this potential impact will be mitigated. Second, the fire protection plan notes that gated access to driveways may exist (page 48), yet the comment made by the County of San Diego (with independent experts concurring) to "include that gates will open automatically upon power failure and be equipped with strobe light activation" appears to have been completely ignored.

O-1-192

(6) The DEIR fails to acknowledge the Project's inconsistency with General Plan Goal M-1 and Policy M 1.2. In 2014 the County of San Diego requested that North Twin Oaks Valley Road be improved from Camino Mayor to Gopher Canyon Road. The Project does not appear to have incorporated this request, and the DEIR does not discuss it.

O-1-193

(7) Wildland fire case studies show most fatalities occur as people are trying to escape fast moving fires (Cedar Fire, 2003). Due to the rapid spread of wildland fires, some type of localized emergency notification system should be designed to quickly prompt residents about an emerging fire. The draft fire evacuation plan, however, relies solely on existing County-wide programs for notification and there does not appear to be any provision or intent for the Project to provide for a localized emergency notification system independent of existing County-wide programs.

O-1-194

(8) The DEIR does not adequately discuss whether the water supply system for the Project can meet hillside elevation demands for volume and pressure in a multiple fire event. The fire protection plan states only in a conclusory fashion that "The static water pressure will remain above 20 psi at 2,500 gallons per minute when meeting the fire requirements for the DSFPD" but provides no meaningful analysis or explanation on this point. The Master Plan of Water (DEIR Appx U) evaluates only flow rates at single nodes but does not evaluate whether adequate fire flow pressure could be maintained at multiple nodes to fight a large-scale fire.

O-1-195

(9) The DEIR does not disclose whether local law enforcement authorities have reviewed, provided feedback, or approved the draft fire evacuation plan. As noted by an independent fire protection expert, "Fire operations provide the intelligence about fire behavior and provide general areas for evacuation. Law enforcement is charged to actually perform

O-1-196

evacuations.” Accordingly, the County should not proceed with consideration of this Project until the appropriate law enforcement agencies have reviewed, provided feedback on, and approved the Project’s evacuation plans.

↑ O-1-196  
Cont.

(10) The DEIR does not evaluate whether the road system can handle both existing and future residents departing the area during a fire evacuation. The draft fire evacuation plan focuses only on future Project residents and does not include any assessment of evacuation traffic from existing residents who would be using the same roads to evacuate this area.

↑ O-1-197

(11) As noted by an independent fire protection specialist, County of San Diego Code of Regulatory Ordinances Sections 68.401-68.406, Defensible Space for Fire Protection Ordinance, and the County of San Diego Code of Regulatory Ordinances Sections 96.1.005 and 96.1.202, Removal of Fire Hazards, provide models to reduce fuel loads and create defensible space. The DEIR fails to specify the County’s success rate for program compliance, as 90% compliance is a good benchmark to assess whether these County Code requirements achieve their intended purposes.

↑ O-1-198

(12) The DEIR does not contain sufficient detail as to landscape design criteria. The DEIR refers to a “Landscape Plan” that must be approved, but provides no detail regarding what this Landscape Plan must include, its purpose, or any timing for its preparation or review. The public cannot meaningfully evaluate this element of fire protection without such detail, and the post-approval preparation of this Landscape Plan is illegally deferred mitigation under CEQA. For example, the “Guidelines for Planting in Fuel Modification Zones” contained in the fire protection plan are only “guidelines” and not contain any mandatory requirements. Nearly every “requirement” is couched in non-mandatory language that can be easily ignored without any potential for enforcement.

↑ O-1-199

(13) As noted by an independent fire protection specialist, heat deflector walls are not widely proven for success. Heat deflector walls also do not minimize ember spotting potential in wildland fires. Indeed, the DEIR states, “Spotting (where airborne embers can ignite new fires downwind of the initial fire) is projected to occur up to nearly 1 mile during a summer fire and nearly 2.8 miles during a fall fire.” The DEIR and fire protection plan need to provide additional information to justify the use and potential success for these heat deflector walls.

↑ O-1-200

(14) The DEIR does not adequately discuss the interaction between the Project’s water supply and fire protection impacts. As noted by an independent fire protection specialist, the fuel modification “buffer” should be an absolute condition that must be maintained during drought conditions. The Vallecitos Water District has projected a supply deficit over the next 20 years, and in order to make up for that supply deficit, water demand District-wide must be reduced by 36% (or more). Because water supply for fuel modification and fire protection must be maintained during drought conditions, it is wholly unclear whether there will be enough water for other uses for the Project and existing District customers. The DEIR must be revised to discuss this issue and recirculated for further public review and comment, particularly to disclose how much conservation will be required given the need for water for fire protection even in times of drought and water shortage.

↑ O-1-201

(15) The DEIR relies on HOA enforcement of various measures for many of its conclusions; however, enforcement by County staff or another government agency is not adequately discussed or provided for. For example, the fire protection plan notes that fuel modification requirements will be verified by an independent third party inspector on a semi-annual basis. The DEIR provides that this inspection report must be given to Deer Springs Fire District. But there is no penalty or enforcement mechanism to ensure that the HOA is adequately enforcing or implementing the plan's standards. There is no requirement that the HOA implement any of the Fire District's feedback on the inspection report.

O-1-202

(16) In general, the DEIR does not adequately provide for enforceable, effective mitigation. For example, M-HZ-1 requires only that irrigation be shown on project plans. There is no enforcement or verification mechanism to ensure that irrigation is actually installed as required. In addition, there is no requirement that the Project even comply with its own Fire Protection Plan and Fire Evacuation Plan. There is no verification that fuel modification zones are implemented as required, only that they appear on project plans. This is not enforceable mitigation.

O-1-203

(17) The DEIR does not discuss or account for the Project's three-story residential units. For these units, a ladder unit is necessary; however, Deer Springs Fire District only has limited ladder truck capability, which is based on support from the Escondido fire department. The DEIR does not disclose, discuss, or evaluate this limitation, particularly in the context of capability to meet response time goals and requirements. The DEIR must be recirculated for further public review and comment after it has been revised to consider this issue.

O-1-204

(18) The FlamMap Fire Behavior Modeling appendices to the fire protection plan are misleading and need to be revised and re-published for public review. For example, Appendix C-1 to the fire protection plan depicts fire spread rates for a summer fire on a scale of 0-400+ in increments of 100. Appendix C-2 depicts fire spread rates for a fall fire on a scale of 0-800+ in increments of 200, using a mix of different colors. This manipulation of scales and colors makes it difficult for the reader to understand the differences between a summer and fall fire and obscures the apparent fact that spread rates for fall fires are 6-8 times greater than a summer fire. Similarly, Appendix D is misleading and defies common sense. Appendix D purports to show "current" and "post-project" flame height conditions. In the "post-project" depiction, this appendix states that the "flame length" in the developed area will be "n/a" and contains a substantial amount of gray area that is not defined in the legend. The map gives the impression that the entire developed area of the Project is impervious to fire and therefore no flame length is depicted. This is not only incorrect and contrary to common sense, but conveys a misleading sense of safety. This analysis must be revised to incorporate an analysis of flame length if Project structures catch fire.

O-1-205

(19) Similarly, the fire protection plan does not contain any appendices regarding fire spread rates under current conditions as compared to post-project conditions. The DEIR must be revised to incorporate this information and recirculated for public review and comment.

O-1-206

(20) Due to the inherent uncertainty in wildfire behavior (and human behavior in response) there is no conclusion other than "significant and unavoidable" that can be supported in the DEIR. The DEIR concedes that the FlamMap modeling used to assess potential fire

O-1-207

hazard impacts has critical limitations. For example, FlamMap will not display spatial variations caused by backing or flanking behavior; this limitation is important to have in order to understand the FlamMap output but does not appear to have been discussed in the DEIR. FlamMap is also most appropriate for forested areas, not the shrublands that are characteristic of the Project area.

Another important limitation is that FlamMap assumes weather and topography are uniform (fire protection plan at 27), which is not the case with the Project. In essence, the software works only for treated landscapes, without the ability to consider the 70% of untreated open space surrounding the Project. However, the DEIR nonetheless asserts that FlamMap is capable of evaluating "variations in topography" (DEIR at p. 2.8-3). It appears that inputs and outputs from the FlamMap and BehavePlus software programs were mixed and matched. There is no support for this methodology, which appears to have been concocted out of thin air in order to claim that the FlamMap modeling was capable of evaluating variables (i.e., topography) that the DEIR concedes the software is incapable of evaluating (fire protection plan at 32). This unsupported methodology does not constitute substantial evidence or any meaningful basis for the DEIR conclusions. The DEIR should be revised to include an analysis that does not rely on the mixing and matching outputs from two different computer programs and recirculated for public review and comment. Also, given the flimsy methodology employed by the DEIR, the DEIR should also be revised to incorporate modeling using the FARSITE program, in order to provide independent support for the DEIR's conclusions. FARSITE includes important fire modeling capabilities not considered in the DEIR, such as the ability to simulate temporal variations in fire behavior caused by weather and diurnal fluctuations.

(21) The DEIR's fire modeling contains no meaningful analysis of the effect of ember rains on fire risk and spread.

(22) The draft evacuation plan's reliance on Camino Mayor renders the DEIR analysis deficient. This is because Newland has not demonstrated that it has the property rights needed to provide access so that the road can be built and maintained for general public access. The evacuation plan improperly assumes such general public access, which is an error. At a recent Twin Oaks Valley Sponsor Group meeting, a Newland representative admitted as much but stated that their efforts to obtain such real estate and easement rights were "in process."

Further, the existing private access easement for the existing private unpaved roadway only contemplates limited access to one parcel, not the entire 2,000+ unit project, so the use of Camino Mayor for emergency access to serve the entire Project is not permitted. "A roadway easement cannot be used to benefit additional persons who are not in title or possession of the dominant tenement, and if the easement is appurtenant to one parcel of property at the time it is created, it cannot be used subsequently to benefit another parcel of property." (Miller & Starr, California Real Estate § 15.60; *Gaither v. Gaither* (1958) 165 Cal.App.2d 782, 785-86 [holding dominant tenements' construction of mobile trailer park on their property was an excessive use and would result in an increase of burden on the servient estate].) Accordingly, the County must also perform an analysis to determine the Project's impacts if the Applicant is not able to obtain the appropriate property rights for the Camino Mayor access.

O-1-207  
Cont.

O-1-208

O-1-209

O-1-210



(23) The lack of design information (or any other meaningful information) regarding improvements to the Deer Springs Road/ I-15 interchange makes it impossible to determine how vehicles will access the freeway in order to leave the area in case of a fire. The DEIR should include and analyze this information, or, in the alternative, the County should delay consideration of the Project until this information is gathered and incorporated into the analysis.

O-1-211

(24) The County raised a number of issues in its May 7, 2015 letter to the Applicant regarding fire protection.<sup>5</sup> Have all of these issues been addressed, and if not, why not?

O-1-212

(25) With the on-site equestrian facilities as part of the project and the prevalence of horse ownership in the area, there will be an unusually high amount of horse trailers in the event of an evacuation. Those will be hard to navigate some of the steep roads and will cause extra congestion. Neither the DEIR nor the draft evacuation plan address this issue; both need to be revised to incorporate information and analysis on this issue and recirculated for public review and comment.

O-1-213

**Conclusion.** The comments above are supported by independent technical analysis by experienced fire protection and fire evacuation specialists (Cova Consulting, Wildland Fire Evacuation Plan for the Newland Sierra Community (Aug. 14, 2017); Rope Consulting, Newland Sierra EIR Comments (Aug. 13, 2017)). If the DEIR is not revised to incorporate and address these concerns, it cannot be said that its conclusions regarding fire safety and fire hazards are supported by substantial evidence. The evidence shows that this Project will have a significant and unavoidable impact on fire hazards. Regardless, the DEIR does not contain enough information or adequate analysis to be adequate under CEQA and must take into account the comments above and be re-circulated for public review and comment under CEQA Guidelines section 15088.5.

O-1-210

---

<sup>5</sup> Available at

<http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/newlandsierra/NewlandSierraScopingLetter.pdf>.

### X. NOISE

The Project will cause noise impacts for at least ten years of construction and operational traffic in perpetuity. The DEIR's analysis of noise impacts and mitigation proposals are insufficient under CEQA. A report from dBF Associates, Inc. dated August 12, 2017, provides detailed analysis of the DEIR's methodological flaws and unsupported conclusions regarding noise impacts and mitigation.

O-1-215

#### A. Omission of Blasting Locations and Schedules Deprives the Public and Decision Makers of Necessary Information

The DEIR fails to disclose locations or schedules for blasting activities. (DEIR at p. 2.10-24 ["At the current stage of project design, a blasting study has not been completed, and no specific blasting timelines, blast numbers, or locations are proposed or available."].) The Golden Door met with Newland representatives in 2015 and requested information on the location, timeline and duration of blasting activities. At that time, Newland's representatives told the Golden Door that blasting information would be provided to the Golden Door in the next "six months," but was never provided.

Blasting is an acute impact; therefore, location and timing are critical information for understanding the impacts on specific properties. This omission is particularly consequential, because the Project could require not only on-site blasting, but blasting for off-site improvements including Deer Springs Road. Existing property owners along Deer Springs Road, including the Golden Door and the Deer Springs Oaks Mobile Home Park, as well as property owners near other proposed off-site improvements requiring blasting are unable to determine the extent of noise and vibration impacts they will experience. There is no way for the Golden Door to determine the impacts of nearby blasting to its operations, which require peace and tranquility. Moreover, property owners at Deer Springs Oaks may experience vibration that could impact the foundations of their homes.

O-1-216

Omission of a blasting schedule and blasting locations makes it impossible to determine the extent of the impact and propose mitigation. The proposed blast drilling monitoring plan, therefore, is deferred mitigation because insufficient information is known at this time to inform the development of such a plan and the plan fails to incorporate specific standards for noise, dust and other impacts on the properties adjacent to the blasting.

O-1-217

The County staff have an independent obligation to obtain and present information on blasting activities for the Newland construction activities on Newland's own property, for all of the offsite road improvements including the Caltrans interchange replacement and the heavy blasting needed in hillsides along the existing Deer Springs Road right of way. This information must include the nature, extent and duration. It appears that the developer simply refused to provide this information to County staff, and the County staff "gave up" on obtaining this information for the County's DEIR.

O-1-218

To exercise their independent responsibility under CEQA, County staff should either withdraw the DEIR and the project processing at this time, until the developers actually develops its planned blasting schedule and information. Alternatively, the County staff should hire an

independent blasting consultant to estimate a “reasonable case” blasting program that the developer may use, including the maximum extent of impacts on the adjacent community. The DEIR should be withdrawn, and then revised and recirculated with this blasting information and the associated air toxics, air quality, noise and vibration analysis that will be caused by the blasting that the developer so far has refused to disclose.

O-1-218  
Cont.

**B. Failure to Propose Adequate Mitigation for Impacts Along Deer Springs Road Violates CEQA**

The DEIR considers mitigation measures for impacts along Deer Springs Road but incorrectly concludes such measures are infeasible and characterizes the impacts as significant and unavoidable. (DEIR at pp. 2.10-37 to 2.10-38.) The mitigation measures considered include noise barriers, road surface improvements, regulatory measures, and traffic-calming. The DEIR’s reasons for the infeasibility finding are speculative and do not support the conclusion.

For example, the DEIR discards the use of barriers because effectiveness may be limited by the need to provide access to the impacted properties through the barrier. Uses along Deer Springs Road, such as the Golden Door and Deer Spring Oaks Mobile Home Park, however, do not have access points that would preclude a barrier’s effectiveness. (See dBF Associates, Inc., Newland Sierra Project Acoustical Review at 4 (Aug. 12, 2017) [“dBF Report”].)

O-1-219

Another reason the DEIR cites for discarding the proposed mitigation measures is that “some measures may not be desired by the local residents due to visual or traffic impacts.” (DEIR at p. 2.10-38.) This conclusion is speculative and unsupported by evidence. Further, under CEQA, a property owner’s unwillingness to take a particular action does not render mitigation infeasible. (See *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 602.)

**C. The DEIR’s Noise Analysis Omits Consideration of Deer Springs Road’s Six-Lane Buildout Alignment**

As discussed in more detail in the Traffic and Transportation section of this letter, the DEIR is required to analyze the indirect impacts of a six-lane configuration on Deer Springs Road. The DEIR’s noise section and Noise Report fail to provide such analysis. The DEIR should be revised to analyze the potential noise and vibration impacts of the potential footprint of a six-lane Deer Springs Road alignment, including construction noise impacts, induced operational traffic, and the changed location of operational traffic noise. The DEIR’s approach here ignores the fact that this construction activity is the first step in the implementation of the County’s ultimate plan to attempt to build six lanes in this location. The fact that the developer does not want build all six lanes does not relieve the County of the duty to analyze the full impact of the County’s ultimate plan for street improvements. The County did not do this six-lane impact analysis at the time of its earlier decision to add the six lane improvement to this location, instead choosing to defer the analysis until a later date. The analysis can be deferred no longer.

O-1-220

Additionally, the developer’s traffic study also relies upon ultimate construction of six lanes in this location to avoid significant adverse traffic impacts, as described in the report of the

O-1-221

Golden Door's traffic consultant. Having relied upon the construction of six lanes in this location, the developer cannot analyzing the impacts of their construction.

As stated elsewhere, if the six-lane analysis is done in this location, the County should conclude that six lanes simply would not "fit" in this narrow location. Additionally, the environmental impacts of the hillside blasting, streambed and wetlands filing, private land condemnation and other measures to build these six lanes will be severe and extensive. This information is simply missing from the DEIR.

**D. The DEIR Fails to Adequately Analyze Impacts to Existing Uses Along Sarver Lane**

Operational traffic volumes on Sarver Lane are projected to increase from approximately 500 trips per day to 6,300 trips per day. (STC Report at 8-9.) This magnitude of increase would result in a noise level increase of approximately 11 dBA. This level of noise increase results in a significant impact. (dBF Report at 3.) The DEIR, however, fails to analyze noise impacts to existing uses for operational traffic increases on Sarver Lane. The DEIR must be revised to analyze such impacts, propose mitigation, and consider alternatives.

The omission of analysis for existing uses on Sarver Lane is particularly concerning because two religious institutions on Sarver Lane—St. Mark's Catholic Church and the Hidden Valley Zen Center—are afforded additional protections under State and federal law.

CEQA Guidelines section 15131(b) provides the following example of an action that would be characterized as a significant effect on the environment:

[I]f the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices.

(CEQA Guidelines Section 15131(b).) This example describes the exact scenario caused by the Newland Project on Sarver Lane. The Project would improve Sarver Lane and add more than a 10-fold increase in daily trips. The DEIR, therefore, must analyze the potential impacts to St. Mark's Catholic Church and the Hidden Valley Zen Center.

Further, in its analysis of impacts on St. Mark's Catholic Church and the Hidden Valley Zen Center, the DEIR must account for the particular religious worship activities that occur on those sites. (See *Christward Ministry v. Sup. Ct.* (1986) 184 Cal.App.3d 180, 196-198 [determining an EIR was necessary to evaluate the potential environmental impacts of a waste management facility on nearby property used as a religious retreat], 197 ["Christward presented evidence that the presence of solid waste facilities would disturb its religious practices, worship

O-1-221  
Cont.

O-1-222

O-1-223

O-1-224



in the natural environment of the Cresthaven Retreat.”.) In particular, the Hidden Valley Zen Center’s religious practice is focused on quiet meditation, which occurs both inside their facility and outside on the grounds.

The DEIR must consider particularized thresholds of significance in this instance. Courts have held that standard thresholds “cannot be used to determine automatically whether a given effect will or will not be significant.” (*Protect The Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 [citing *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98].) “Thus, in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.” (*Id.*; *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301.) A project’s effects can be significant even if they do not exceed those deemed acceptable in a general plan or noise ordinance. (*Keep Our Mountains Quiet v. Cty. of Santa Clara* (2015) 236 Cal.App.4th 714, 732-734; *Oro Fino Gold Mining Corp. v. Cty. of El Dorado* (1990) 225 Cal.App.3d 872; see also *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmsrs.* (2001) 91 Cal.App.4th 1344, 1380-1381 [“[T]he fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA.”].) The DEIR, therefore, should provide site-specific noise impacts thresholds of significance for each of St. Mark’s Catholic Church and the Hidden Valley Zen Center that take into account the particular religious activities that occur on those site and the level of noise that would significantly impact such activities.

Further, the DEIR should analyze consistency with the federal Religious Land Use and Institutionalize Persons Act (“RLUIPA”), which is similar to the Religious Freedoms Restoration Act and can protect a religious institution from harm to its religious practice caused by an adjacent landowner. In an unreported case, a federal district court in Oklahoma found that a proposed military installation would be a substantial burden on a Native American tribe’s view of the surrounding landscape, which was necessary for religious ceremonies. (See *Comanche Nation v. United States* (W.D. Okla. 2008) 2008 WL 4426621, \*17.) The federal government planned to build the military installation adjacent to a historic area where the tribe gathered to conduct religious ceremonies. (*Id.* at \*3.) The installation was determined to be a substantial burden because it would block the tribe’s view of landscape, which was required for the tribe’s ceremonies. (*Id.* at \*17.) The court granted a preliminary injunction halting construction of the military installation pursuant to the RLUIPA on the grounds that the installation would substantially burden the tribe’s exercise of their religious practices. (*Id.* at \*20.) To determine consistency under the RLUIPA, the DEIR should analyze whether the approval of the Project would impose a substantial burden on the Hidden Valley Zen Center’s silent meditation practice and on St. Mark’s Catholic Church’s religious worship.

O-1-224  
Cont.

O-1-225

O-1-226

### XI. PALEONTOLOGICAL RESOURCES

The DEIR states that the I-15 interchange improvements are adjacent to sedimentary alluvial formations that have the potential to yield paleontological resources. (DEIR at p. 2.11-6.) The extent of this impact was not analyzed, nor can it be analyzed based off of the information included in the DEIR because there are no I-15 interchange improvement designs included in the DEIR.

O-1-227

The DEIR concludes that there will be potentially significant impacts to paleontological resources based off of the grading, excavation, or other ground-disturbing activities located within areas underlain by Quaternary older alluvium and younger alluvial deposits. (DEIR at p. 2.11-6.) Sarver Lane is included as one such area. (*Ibid.*) However, it does not appear that the DEIR analyzed potential impacts or will mitigate potential impacts grading may have on off-site sedimentary alluvial formations, such as on Sarver Lane's private properties.

O-1-228

### **XII. POPULATION AND HOUSING**

#### **A. EIR Sections Disjointed**

The EIR discusses impacts from growth inducement from population and housing in both section 1.8 and section 2.12 of the DEIR. Direct impacts are found in section 1.8 and indirect impacts are discussed in section 2.12. Separating the discussion makes it difficult to evaluate and review the totality of impacts discussed. In addition, it does not seem appropriate to make impact determinations in the Project Description section of the EIR; instead such determination should be included in the analysis sections that follow.

O-1-229

#### **B. Existing Conditions Are Not Correctly Stated**

As more thoroughly reviewed in the land use section of this letter, the DEIR's description of the existing regulatory environment for the Project Site are incorrect and paint an inaccurate picture of what could be developed on the site. The DEIR states that over 2 million square feet of commercial development could be built on the Project Site, which is clearly erroneous. A more detailed review of the potential office and commercial floor area is provided in a report from DELANE Engineering. (See DELANE Engineering, Technical Memorandum, Independent Analysis of Zoning Regulations, Constraints, and Development Potential of Newland Owned Commercial Parcels (Aug. 4, 2017) ["DELANE Commercial Memo"].) The DEIR appears to use this erroneous description of the regulatory environment as an editorial about why the Project land uses are not as impactful as the existing ones. This plan to plan analysis is not permitted under CEQA, and provides the public and decision makers with a distorted and incomplete description of the true regulatory setting.

O-1-230

#### **C. Impacts**

The DEIR correctly finds that there are significant and unmitigable direct and indirect growth inducing impacts to population and housing. The DEIR at page 1-34 states that one example of growth inducing impacts is "revisions to land use policies, such as General Plan amendments, annexations and rezones." The DEIR goes on to describe how the Project will add over 6,000 new people onto an undeveloped site in a rural community. These findings illustrate how the findings of no impact in the Land Use Section and Agriculture Section of the DEIR are not supported by substantial evidence.

O-1-231

The DEIR finds that the Project adds 5,782 more people to the area and will, "exceed the planned population growth allowed under the General Plan and Subregional Plan." Given this statement in the DEIR it is illogical then to find in the Land Use section that the Project will not be in conflict with the General Plan and the Subregional Plan. The growth inducement findings also run counter to the DEIR's statement in the agriculture section at page 2.2-17 that "[t]he proposed project is not anticipated to change the existing environment, and would not result in the indirect conversion of off-site agricultural resources to a non-agricultural use." Again, growth inducement means a change in the environment because there is an inducement to do so from the Project. Therefore, the Project is causing the changes around it, and will cause the change from rural to suburban land, from agricultural land to residential land. It is farcical to find both direct

and indirect growth inducement impacts, but refuse to recognize that that growth inducement will change community character and land uses of the surrounding area.

**D. Need for Housing**

**1. DEIR Ignores the Great Recession**

The DEIR spends an entire page at 2.12-8 discussing the need for housing in San Diego County. It appears to provide this information as policy justification to add a massive amount of housing into an area that was determined to be not suitable for a significant amount of housing under the General Plan. The DEIR acknowledges at pages 1-36 and 2.12-8 that, "the County's Land Use Plan provides adequate housing capacity to meet the fifth cycle's overall RHNA of 22,412 residential units." Despite the DEIR's acknowledgement of the adequacy of the General Plan to provide the needed housing in the County, the DEIR goes on to deride the County for not permitting more housing to fill the need. The DEIR editorializes on the County's lack-luster permitting and construction between 2009 to 2015. The DEIR attempts to shock the reader with statistics such as "in the past 12 years California residential building permits peaked in 2004 at 212,960 and then spiraled down by 84 percent in 2009 to just over 36,00, the lowest level in 61 years of historical records." The DEIR seems to provide this information to garner support for increasing areas zoned for residential housing growth despite the DEIR's own statement that "the County's Land Use Plan provides adequate housing capacity to meet the fifth cycle's overall RHNA of 22,412 residential units." Despite the DEIR's long discussion about the recent reduction in construction of housing in California, it appears to purposely leave out a discussion of the economic downturn that began in 2007 and is known as The Great Recession. The nadir of the Great Recession is generally thought to have been in 2009 and 2010. A history of the Great Recession on the U.S. Federal Reserve web site ([https://www.federalreservehistory.org/essays/great\\_recession\\_of\\_200709](https://www.federalreservehistory.org/essays/great_recession_of_200709)), which is attached hereto as **Attachment 29**, describes the great recession this way:

The Great Recession began in December 2007 and ended in June 2009, which makes it the longest recession since World War II. Beyond its duration, the Great Recession was notably severe in several respects. Real gross domestic product (GDP) fell 4.3 percent from its peak in 2007Q4 to its trough in 2009Q2, the largest decline in the postwar era (based on data as of October 2013). The unemployment rate, which was 5 percent in December 2007, rose to 9.5 percent in June 2009, and peaked at 10 percent in October 2009.

The financial effects of the Great Recession were similarly outsized: Home prices fell approximately 30 percent, on average, from their mid-2006 peak to mid-2009, while the S&P 500 index fell 57 percent from its October 2007 peak to its trough in March 2009. The net worth of US households and nonprofit organizations fell from a peak of approximately \$69 trillion in 2007 to a trough of \$55 trillion in 2009...

O-1-231  
Cont.

O-1-232

As of this writing in 2013, however, real GDP is only a little over 4.5 percent above its previous peak and the unemployment rate remains at 7.3 percent. With the federal funds rate at the zero bound and the current recovery slow and grudging, the Fed's monetary policy strategy has continued to evolve in an attempt to stimulate the economy and fulfill its statutory mandate.

It is clear that the reasons behind the lack of housing growth during this period was economic and not driven by land use policy as the DEIR would have the reader believe. Indeed, with credit markets in turmoil, there was very little capital for developers to finance projects, and with the depreciation in housing prices, there was little appetite for people to sell homes and buy new ones. All of this led to diminished housing starts throughout the Great Recession and during a very slow recovery. Land use policy and zoning had little to do with slow housing construction.

## 2. *The Housing Element Is Not Being Amended*

If changing land use designations were the solution to the housing crises, the Project would be amending the Housing Element of the General Plan to add the 2,036 homes proposed over and above the Project Site's existing residential density into the Regional Housing Needs Assessment ("RHNA") to show that instead of 22,412 residential units being needed, there are 24,448 residential units needed to fulfill the unit target for 2020. Why is this not being done in conjunction with the Project? If the Project will reduce the need for housing in the County, the Project should then reduce the total number of units needed during this time frame. Similarly, if the Project is replacing units shown in the Housing Sites Inventory, it should amend the Housing Element to remove those areas being replaced so that there is no need to change the overall number of units that can be provided under the General Plan. In any event, the County is required to maintain consistency between its Housing Element and other elements of the County General Plan.

The Project should also amend the Housing Sites Inventory for the NC Metro Subregion and designate the Project property as adequate for housing. The Project fails to do this and is therefore not in compliance with Housing Element Policy H-1.1 to, "maintain an inventory of residential sites that can accommodate the RHNA." The current Housing Sites Inventory does not include the Project property and there is no proposal in the Project Description to amend the Housing Sites Inventory to add the Project property. Therefore, the Project will be inconsistent with the Housing Element Policy.

In addition, the Project proposes no housing that would be categorized as "affordable housing" under Department of Housing and Urban Development guidelines in violation of the County General Plan policy which requires affordable housing. Housing Element H-1.9 requires, "developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible." It is legally permissible for the developer to provide an affordable housing component to the Project. The Project proposes a large-scale residential project, but proposes no affordable housing as part of the Project. Therefore, the Project must amend the General Plan to remove the policy, or risk being inconsistent with the General Plan. Additionally, reviewing this policy and the Housing

O-1-232  
Cont.

O-1-233

O-1-234

O-1-235



Element is no mere “paper” requirement. We believe that if the County looks more broadly at potential locations and need for additional housing, it will find better sites for the same amount of additional housing that are closer to SANDAG’s planned regional transportation and transit network, and which will not cause daily gridlock on I-15 for San Diego residents and residents of Riverside County, as predicted by this DEIR.

**3. *There Is No Policy Justification for Amending the General Plan to Add Housing***

The Project seems to be stating that by up zoning the Project area for housing, more housing will be created in the short term. However, this has been shown to be erroneous as there has been plenty of adequately zoned property in the General Plan since its approval in 2011. The economic factors gripping the Country, however, made it impossible for developers to adequately use the designated property. There are no guarantees that a similar economic upheaval would not happen near the approval of the Project, and create a situation where the Project had adequate zoning approvals, but the capital to develop the property was not present, or buyers did not have adequate resources to purchase the homes. In this type of economic scenario, the Project would likely sit dormant for many years before any housing was produced.

Amending the General Plan to add the need for more housing would be in conflict with growth trends determined by SANDAG. SANDAG’s 2050 Regional Growth Forecast shows that the need for housing is actually decreasing in the unincorporated County due to smart growth measures that are being followed by the incorporated cities. The SANDAG website (<http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects.detail>) states:

This forecast represents a continuing trend in the San Diego region to provide more housing and job opportunities in the existing urbanized areas of the region. Since 1999, more than three quarters of the 19 jurisdictions have made or are in the process of making significant updates to their general plans. In 1999, SANDAG projected 21 percent of future housing growth would occur in the unincorporated areas of the county under the local general plans at the time. Today, SANDAG expects 17 percent of growth to occur in the unincorporated areas and much of that is focused in existing villages such as Lakeside, Valley Center, Ramona, and Alpine. As a result of these updates, SANDAG has identified sufficient housing opportunities in the existing general plans for the first time in nearly two decades.

Therefore, although the DEIR attempts to justify that the reason significant amounts of housing is not being produced in the unincorporated County is because there is not sufficient land designated for housing, SANDAG growth trends tell the opposite story. The need for housing in the unincorporated County is being reduced, because the incorporated cities have increased their capacity for housing near transit and job centers, as has been the policy direction in San Diego County. As noted above, although many of these policies had been put in place in the middle part of the 2000’s, the economic upheaval of the Great Recession prevented the

O-1-235  
Cont.

O-1-236

realization of these policies, which are just coming to fruition in today's improved economic climate.

↑ O-1-236  
| Cont.  
↓

### XIII. TRANSPORTATION AND TRAFFIC

The breadth and significance of the Project's traffic impacts are unprecedented and will forever change the quality of life, not only in Twin Oaks Valley, but along the I-15 corridor north of SR-78. The DEIR identifies significant cumulative impacts and Level of Service ("LOS") F—also known as gridlock—on approximately 25 miles of I-15 from Old Highway 395 to Pomerado Road south of Escondido. Further, the DEIR identifies significant surface street impacts along several miles of Gopher Canyon Road in the north reaching through San Marcos to SR-78 to the south and west. A map prepared by expert traffic engineers at STC Traffic, Inc. demonstrating the breadth of these impacts is attached hereto as **Attachment 30**. Moreover, as discussed below, even these far-reaching impacts identified in the DEIR are understated due to faulty and inconsistent analysis.

Despite these unprecedented impacts, the DEIR provides inadequate mitigation and would allow the developer to escape responsibility for its share of gridlock on approximately 25 miles of I-15: it would not require the developer to pay a single dollar to improve the mainline I-15. The taxpayers in this area, then, would be left holding the financial bag for mainline freeway improvements—or would be relegated to a lower quality of life due to extensive gridlock on I-15, which would also induce cut through trips on surface streets throughout inland North County impacting neighborhoods and transforming communities. The extent of these impacts is compounded by the lack of planned transportation improvements—which have not been planned because this area is forecast to remain rural into the future. The developer's proposal to overturn a decade long planning process that identified this area for primarily rural development has stark consequences for San Diego County residents' everyday quality of life.

The importance of these drastic impacts cannot be overstated. The true extent of the impacts, however, is underestimated in the DEIR and inadequate mitigation is proposed. The DEIR's traffic analysis should be revised and recirculated to disclose the full extent of the Project's impacts and potential mitigation measures.

#### A. Inconsistent Descriptions of Option B for Deer Springs Road Cause Incomplete Analysis

Deer Springs Road is currently built as a two-lane country road connecting Twin Oaks Valley to I-15 and to Hidden Meadows in the east and to Twin Oaks Valley Road and San Marcos on the south and west. Deer Springs Road is designated as a six-lane prime arterial road in the General Plan's Mobility Element. According to the DEIR, the Project is anticipated to add 5,600 trips to the segment of Deer Springs Road between Mesa Rock Road and Sarver Lane. (See DEIR at Table 2.13-17.) The additional trips would cause a significant direct and cumulative impact to this segment of Deer Springs Road and result in Level of Service LOS F. (See DEIR Impact TR-10, Impact TR-30.)

The DEIR proposes two options to mitigate the Project's impacts to Deer Springs Road between Mesa Rock Road and Sarver Lane. Option A would improve a majority of this segment of Deer Springs Road to include one travel lane in each direction and a continuous center lane. Option A would include an amendment to the County General Plan's Mobility Element to change Deer Springs Road's designation from a six-lane prime arterial to conform with the

O-1-237

O-1-238  
Cont.



Option A proposed alignment. The DEIR determines that Option A would fail to fully mitigate direct and cumulative impacts to this segment. (See DEIR, 2.13-109, 2.13-124, M-TR-9.)

The DEIR states that Option B would improve Deer Springs Road from I-15 to Twin Oaks Valley Road to a four-lane major road with two travel lanes in each direction and a continuous center lane. Option B would not amend Deer Springs Road's classification in the General Plan's Mobility Element. The DEIR determines that Option B for Deer Springs would fully mitigate for direct and cumulative impacts to the segment of Deer Springs Road between Mesa Rock Road and Sarver Lane. (See DEIR, 2.13-109, 2.13-124, M-TR-9.)

**1. *The DEIR's Conclusion that Option B Mitigates Impacts to Deer Springs Road Is Not Based on Substantial Evidence***

The DEIR concludes that M-TR-9 would fully mitigate direct and cumulative impacts to Deer Springs Road between Mesa Rock Road and Sarver Lane under Option B. This conclusion is unsupported, because the DEIR fails to model traffic volumes for the four-lane major road proposed in Option B. The Traffic Impact Analysis ("TIA") in Appendix R of the DEIR only models two configurations for Deer Springs Road: (1) Option A and (2) the six-lane prime arterial General Plan buildout configuration. (See STC Report at 1-3.) This same flaw is apparent in Section 2.13, in which tables 2.13-32 and 2.13-34 only show volumes for Deer Springs Road Option A and the six-lane prime arterial buildout alignment. Without any modeling of Option B, the DEIR lacks substantial evidence to conclude that M-TR-9 would mitigate impacts to Deer Springs Road.

The TIA's only forecast of traffic volumes under Option B occurs in Table 16-6. This table indicates that Option A and Option B for Deer Springs Road will both result in the exact same trip volume: 21,600 trips. The TIA offers no support for the conclusion that a four-lane major road alignment under Option B would result in the exact same volumes as a two-lane community collector alignment under Option A. Such bare conclusions do not constitute substantial evidence. Further, the TIA's own analysis contradicts this conclusion by stating that added capacity on Deer Springs Road would attract additional trips. (DEIR, Appx. R at 143.)

A report from an expert traffic engineer at STC Traffic, Inc. also concludes that additional capacity on Deer Springs Road would attract more trips. (See STC Report at 1-3.) This is particularly true on Deer Springs Road, which serves as cut through option for trips between San Marcos and I-15. A May 2014 license plate survey commissioned by the applicant and conducted by Linscott, Law & Greenspan ("LLG") confirms that a significant portion of trips exiting I-15 at Deer Springs Road cut through Twin Oaks Valley to more distant destinations. (See LLG License Plate Survey (May 5, 2014) attached hereto as **Attachment 31**.) Consequently, added capacity on Deer Springs Road would attract additional trips that are not generated from the Project's proposed land uses.

In fact, the DEIR's Newland Sierra Parkway Feasibility Study ("NSP Feasibility Study"), which analyzes an alternative roadway configuration for the Project, explicitly states that increasing Deer Springs Road's capacity from two to four lanes would attract additional trips not generated by the Project. Table 4 of the NSP Feasibility Study analyzes the impacts of widening Deer Springs Road without any Project-generated trips. It concludes that widening Deer Springs

O-1-238  
Cont.

O-1-239

O-1-240

O-1-241

Road from its current two-lane alignment to a four-lane major road would result in an additional 11,500 trips per day. (See DEIR, Appx. HH at 29, Table 4; STC Report.) This 11,500 trip increase is not the result of Project-generated trips, but is derived solely from increased capacity on Deer Springs Road.

If added capacity on Deer Springs Road attracts more trips, then it is impossible to support the TIA's portrayal in Table 16-6 of exactly equal trip volumes for Deer Springs Road under Options A and B. The TIA's traffic model's omission of a four-lane alignment fails to account for the conditions under Option B. Therefore, the DEIR's conclusions M-TR-9 can mitigate impacts to Deer Springs Road between Mesa Rock Road and Sarver Lane are not supported by substantial evidence. The DEIR should be revised to include modeling of both the four-lane major road alignment proposed by Option B and the six-lane prime arterial alignment that is reasonably foreseeable based on Deer Springs Road's Mobility Element designation and the Project's traffic analysis.

## 2. *The DEIR May Overstate Option B's Capacity as a Four-Lane Major Road*

In addition, engineering analysis in the DELANE Offsite Memo indicates that the DEIR may overstate Option B's capacity. While Option B is described as a four-lane major road with two travel lanes in each direction and a continuous center turn lane, the Project's grading plans do not adequately depict the center turn lane on all portions of the Option B alignment. Any modeling to include a four-lane alignment for Option B should account for no more capacity than shown on the grading plans.

## 3. *Reliance on a Six-Lane Prime Arterial's Capacity to Mitigate Impacts to Deer Springs Road Is Unenforceable, Deferred, and Illusory*

As stated above, the DEIR relies on capacity from a six-lane prime arterial alignment on Deer Springs Road to mitigate the Project's impacts. First, this is improper because the Project does not propose a six-lane configuration in its Project Description or describe it in its grading plans. The DEIR cannot rely on such capacity without further description of how it will be provided.

In addition, because it does not appear the developer is proposing to pay for construction of six-lane alignment on Deer Springs Road, another funding source is required. Transportation Impact Fees, however, are not available for the cost of building out Deer Springs Road, which is estimated to cost \$24.1 million. (STC Report at 2.) Without a funding source for the improvements, the six-lane alignment the DEIR evaluates to mitigate the Project's impacts to Deer Springs Road lacks the certainty required for a mitigation measure under CEQA. This measure is deferred and illusory because it leaves plans for implementation to be determined at a later time, and such an alignment may never be implemented.

## 4. *Omission of Other Impacts from Deer Springs Road's Six-Lane Prime Arterial Alignment Result in a Failure Under CEQA*

The DEIR's analysis of Deer Spring Road is inconsistent throughout the document. As described above, the DEIR's traffic analysis relies on a six-lane prime arterial configuration to

O-1-241  
Cont.

O-1-242

O-1-243

O-1-244

O-1-245

O-1-246

determine the adequacy of Option B as mitigation for traffic impacts on Deer Springs Road. Analysis of impacts from off-site road improvements, however, only accounts for the four-lane Deer Springs Road alignment depicted in the Project's grading plans. It is inconsistent for the DEIR to take credit for six lanes of capacity in its traffic analysis, while only describing the indirect impacts from four lanes in other issue areas. The added lanes could result in increased biological, air quality, noise, geological, cultural, and other impacts from the additional construction and impact footprint. In addition, the larger footprint from additional roadway and related improvements, such as drainage and grading, would result in increased property impacts and trigger analysis of eminent domain potential under County Policy J-33. (See DELANE Offsite Memo.) The DEIR cannot rely on six lanes to mitigate traffic impacts but ignore indirect impacts caused by the six-lane footprint.

Analysis of indirect impacts of a six-lane alignment on Deer Springs Road is also required because it is a reasonably foreseeable result that would increase the Project's environmental impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396 "[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."); see also *San Joaquin Raptor Rescue Ctr. v. Cty. of Merced* (2007) 149 Cal.App.4th 645, 660.)

Here, eventual buildout to six lanes is reasonably foreseeable because Deer Springs Road is designated as a six-lane prime arterial in the General Plan's Mobility Element. The County could amend that classification as part of this Project's approval. That is precisely what is proposed as part of Option A. For Option B, however, but no such General Plan Amendment is proposed. The need for six lanes is more important when considering that the DEIR's horizon year analysis underestimated added trip volumes on Deer Springs by failing to consider trips from the surrounding communities of Vista, San Marcos, and Escondido, which will increase the reasonably foreseeable need for additional capacity. (STC Report at 6-7.) The DEIR must account for impacts from improvement to the roadway and reasonably foreseeable impacts of such improvements.

In addition, a six-lane alignment on Deer Springs Road would change the Project's impacts. Last year, the Golden Door provided technical studies to the County demonstrating the potential for such impacts. A report from DELANE Engineering depicted a potential alignment for a six-lane configuration on Deer Springs Road and described the potential property and grading impacts associated with such an alignment. (See DELANE Road Widening Memo.) The DELANE Road Widening Memo also depicted the potential for deep cuts into slopes north of Deer Springs Road due to the topographical constraint surrounding the road. It is possible that such cuts would increase risks for rock slides during construction or operations. In addition, the Golden Door submitted reports regarding potential biological and cultural resources impacts that would occur from construction of a six-lane configuration for Deer Springs Road. (Schaefer 2016 Schaeffer Report, Attachment 19; Spindrift Report, Attachment 20.) Potential biological impacts could occur to USACOE and other jurisdictional resources, including a blue line stream and wetlands as well as to golden eagle, California gnatcatcher, southwestern pond turtle, American badger, and mountain lion. The six-lane alignment could also cause impacts to cultural landscape resources.

O-1-246  
Cont.

O-1-247

O-1-248

O-1-249

O-1-250

Further evidence of the need to analyze a six-lane alignment for Deer Springs Road is provided in the NSP Feasibility Study. The Feasibility Study for an alternative major road across Newland's property indicates the potential need for six lanes or at least initial grading of six lanes to accommodate eventual capacity. (See DELANE Offsite Memo.) There DEIR provides no explanation of why the alternative road proposal across Newland's would require six lanes but a major road across Deer Springs Road would not. This is a failure in analysis and provides clear evidence of the need to plan for six lanes on Deer Springs Road at this time and study the eventual alignment and indirect environmental impacts in accordance with CEQA.

O-1-251

The DEIR should provide a full analysis of the impacts of a six-lane prime arterial alignment on Deer Springs Road, because the alignment is reasonably foreseeable and would potentially increase the scope of the Project's impacts. (*Laurel Heights Improvement Assn.*, 47 Cal.3d at 396; *San Joaquin Raptor Rescue Ctr.*, 149 Cal.App.4th at 660.)

In addition, the DEIR should provide analysis of impacts from the six-lane buildout configuration on Deer Springs Road because the selection of the four lane alignment limits the alternatives possible for the eventual six-lane alignment. Siting an expanded Deer Springs Road through the narrow existing roadbed requires engineering choices between steep uphill slopes on the north and a creek bed on the south. Once these choices are made and the four-lane center line is set, it will be more difficult to later select a different alignment for a six-lane configuration. In particular, because parts of Deer Springs Road would include a median under Option B, initial centerline selection could significantly limit the consideration of future alternatives, which could include different siting of the centerline along the existing roadbed or an alternate location for the buildout of County Road S12. For example, the DEIR analyzes an alternative for S12 in Newland Sierra Parkway that would route the Mobility Element Road S12 through the Project Site. While we identify numerous shortcomings in the DEIR's analysis in the Alternatives section of this letter, the potential for alternative alignments for a six-lane S12 would be severely restricted if Deer Springs is improved to a four-lane major road as proposed by the Project.

O-1-252

Other features of the proposed four-lane alignment under Option B on Deer Springs Road, including walls, storm water infrastructure, ditches, and channels will limit options for a four-lane alignment. No Design Exceptions are provided that would allow for the eventual six-lane buildout. (See DELANE Offsite Memo.)

Because no design information has been provided for a six-lane alignment in the DEIR, it would be reasonable to analyze indirect impacts under both of two scenarios: (1) roadway and right of way associated with two additional lanes and all additional infrastructure is built to the north of the proposed four-lane alignment and (2) roadway and right of way associated with two additional lanes and all additional infrastructure is built to the south of the proposed four-lane alignment. By concurrently analyzing both the southern and northern contours of an eventual six-lane buildout, the DEIR would be better able to identify and analyze the full range of reasonably foreseeable environmental impacts than the current methodology.

**B. The DEIR Overestimates Trip Reduction Credits**

The DEIR overstates trip reduction credits by treating this sprawl project as if it were urban infill. The Project is not located near existing or planned infrastructure and is not a smart growth project. (See Baranek Consulting Group, Comments on the Newland Sierra Project EIR (Aug. 11, 2017) ["Baranek Report"]; STC Report at 3-4, 8-10.) The fact that the DEIR states the developer will pay \$0 for impacts to 25 miles of mainline freeway on I-15 because Caltrans does not have program into which the developer could pay is a fact that in itself indicates the region lacks the existing and planned transportation infrastructure needed to accommodate and densification of this magnitude. In fact, SANDAG's only planned project for I-15—the main artery freeway through inland North County—is additional managed lanes planned for 2050, which is 23 years after the Project's buildout. SANDAG's RTP is based on the County's General Plan land use designations, which indicate the Project Site, and much of inland North County along I-15 is projected to remain rural.

In addition, the nearest transit station is six miles away from the Project. There are no plans to bring transit to the Project Site or indications that any demand exists for transit in this generally rural area. If the Project Site's vicinity is as heavily populated as described in the DEIR, why is there no transit planned for the area?

The Project's proposed 81,000 square foot commercial center is insufficient to provide the 6,000 Project residents' commercial needs or employment opportunities. Few other shopping or employment opportunities exist in the area, and residents would be forced make long vehicle trips for their everyday needs. The DEIR touts the proximity of several city limit lines; however, this is an arbitrary and misleading measurement for the purpose of determining trip lengths. City limit lines do not provide shopping or employment opportunities; those are primarily found further into the city centers. In addition, the school site does not have a proposed school planned.

Further, the site itself is over 55% RPO slopes, and many of the residences are located approximately two miles away from the minimal commercial center and school site, making walking or biking across steep, circuitous loop roads unlikely. Trip reductions for alleged multi-modal opportunities within the site are overstated. Any trip reductions for a mix of uses cannot rely on unplanned uses or aspirational modalities of travel. A large portion of Project residents will drive to uses across the Project Site, and the uses on the Project Site will provide for only a very small portion of residents' employment and shopping needs.

In addition, many of the DEIR's proposed TDM measures are illusory, relying on future funding and use from residents who will be left to weigh their options in traveling to and from the Project Site. There is no evidence that property owners will pay for shuttle or car service to a transit center 6 miles away. The Project's TDM measures are illusory and aspirational and should not be counted for trip reductions.

The DEIR should not double count trip reductions from alleged mixed use and TDM credits and should not double count credits that were already accounted for in the trip distribution mechanism. The DEIR's conclusions regarding trip reductions lack evidentiary support and rely on mismatched authority tailored to the type of urban infill that conform with

O-1-253

O-1-254

O-1-255

modern planning principles. (STC Report at 3-4, 8-10.) The DEIR should be revised to decrease the trip reduction credits and provide an accurate assessment of the Project's trip generation, so that the Project's traffic impacts and potential mitigation can be evaluated.

Finally, any credit for a mix of uses on-site should account for the more than 1,800 homes planned for Phase 1 of construction to be completed and occupied prior to construction of the limited commercial center in Phase 2. (STC Report at 4; Fox Report at § 2.9.3.) Any credit for a mix of uses should not be provided during a time when no mix exists.

**C. The DEIR Misstates Traffic Impacts on Sarver Lane**

The DEIR states that traffic on Sarver Lane would be minimal. (DEIR at p. 2.13-64.) Sarver Lane is currently a two-lane road with no through access carrying approximately 500 trips per day. As part of the Project, Sarver Lane would become one of the Project's primary entrances and experience approximately 6,300 trips per day. This increase is more than minimal, and the DEIR should be revised to accurately describe impacts. (STC Report at 8.)

In addition, the DEIR's analysis of Sarver Lane is flawed because it describes a portion of Sarver Lane as only 24 feet in width, yet it describes the capacity as that of a 2.2 Light Collector with at least 28 to 54 feet of pavement. (STC Report at 8.) The DEIR should not account for capacity that is not available.

**D. Access Via Camino Mayor Should Not Be Considered in the DEIR**

The Project describes Camino Mayor as a third point of ingress and egress in its traffic and fire evacuation planning. The DEIR accounts for over 200 daily all-purpose trips on Camino Mayor and approximately 470 trips in case of a fire evacuation. Camino Mayor, however, is a private road to which the applicant has no property rights.

There are three alignments proposed for Camino Mayor—one in the preliminary grading plans and two in Appendix D. Adequate property rights are not disclosed for any of the proposed alignments. Any easement for use of the private road to and from a parcel owned by Newland should not be permitted to provide access to the entire Project Site through to Mesa Rock Road and I-15. Such use would overburden the easement and cannot be relied upon. (*Wall v. Rudolph* (1961) 198 Cal.App.2d 684, 695 ["Use of an appurtenant easement for the benefit of any property other than the dominant tenement is a violation of the easement because it is an excessive use."]; *Gaither v. Gaither* (1958) 165 Cal.App.2d 782, 785-86 [holding dominant tenements' construction of mobile trailer park on their property was an excessive use and would result in an increase of burden on the servient estate]; see also *Miller & Star*, § 15.60 ["A roadway easement cannot be used to benefit additional persons who are not in title or possession of the dominant tenement, and if the easement is appurtenant to one parcel of property at the time it is created, it cannot be used subsequently to benefit another parcel of property."].)

The DEIR's traffic analysis should not rely on access to Camino Mayor because property rights for its use have not been disclosed. The traffic analysis should be revised to redistribute trips to rely solely on Mesa Rock Road and Sarver Lane for ingress and egress. At a minimum, the County should disclose any and all documentation of adequate property rights to allow the

O-1-255  
Cont.  
O-1-256  
O-1-257  
O-1-258  
O-1-259  
O-1-260  
O-1-261

proposed ingress and egress or analyze the use of eminent domain to acquire such rights pursuant to County policy J-33.

In addition, should any trips be distributed through Camino Mayor, the DEIR's traffic analysis should disclose and account for dangerous conditions on North Twin Oaks Valley Road, including a hairpin turn far below County standards and use by trucks accessing a quarry north of Camino Mayor. (See DELANE Engineering, Independent Assessment of Newland Sierra Development Impact to Camino Mayor and N. Twin Oaks Valley Road (Aug. 10, 2017) ["DELANE Camino Mayor Memo"].) The DEIR should also describe the potential for improvements within an irrevocable offer of dedication on North Twin Oaks Valley Road and analyze whether such improvements should be made as part of the Project for traffic and safety purposes.

**E. The DEIR Should Include Mitigation for Impacts to the I-15 Mainline**

The DEIR states that the Project would cause significant direct and cumulative impacts to the I-15 mainline freeway, including cumulative impacts to approximately 25 miles of freeway from Pomerado Road south of Escondido to Old Highway 395. (DEIR at p. 2.3-112, 2.3-117; Impact TR-18; Impact TR-41.) The DEIR violates CEQA because it does not examine any potential mitigation measures to reduce or eliminate the project's contribution to these acknowledged significant adverse impacts. Caltrans has previously made clear to the County of San Diego that the County has a duty to consider potential improvements to I-15 which could reduce or eliminate impacts, and that the County has failed to do so in earlier County EIRs. On June 24, 2014, Jacob Armstrong, Chief of the Development Review Branch for Caltrans District 11, wrote:

Caltrans does not agree with mitigation language throughout the EIR, whereby mitigation is determined to be infeasible and would remain significant and unavoidable because the impacts are within the jurisdiction of Caltrans, or there is no project, fund or program to contribute fair-share for cumulative impacts. It is the Lead Agency's responsibility to determine and disclose under CEQA the feasibility of implementing a mitigation measure. Stating that Caltrans does not have an identified project at a location identified to have an impact as justification for not mitigating does not meet the intent of CEQA. Furthermore, Caltrans does have a mechanism or program to collect fair-share contributions for cumulative impacts on Caltrans facilities.

(See page 1 of the June 24, 2014 Letter from Jacob Armstrong, Caltrans, to Mark Slovick, County of San Diego, at 1 (June 24, 2014), attached hereto and incorporated into this comment letter by reference as **Attachment 32**.)

In numerous other projects throughout San Diego County and the State of California, major development projects which have freeway mainline impacts due to their increase in traffic have contributed funds for freeway mainline improvement or taken other steps as mitigation for the project impact. (See, e.g., *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal App.4th 807 [development project contributes fair share funds for the improvement of the freeway mainline of Interstate 80 and various affected freeway interchanges as CEQA

↑ O-1-261  
Cont.

O-1-262

O-1-263

O-1-264  
↓



mitigation]; *City of San Diego v. Board of Trustees*, 61 Cal.4th 945 (2015) [City and SANDAG successful in requiring SDSU to consider payment for required mitigation for traffic impacts on Caltrans facilities affected by SDSU expansion plan].)

In many respects, this type of freeway mitigation analysis in the DEIR is strikingly similar to the analysis rejected by the Court of Appeal in *Woodward Park Homeowners v. City of Fresno*.

One of CEQA's two major purposes is to require public agencies to adopt feasible mitigation measures to lessen the environmental impacts of the projects they approve. In this case, the project was expected to impact an already congested freeway interchange at State Route 41 and Friant Road. The city calculated a freeway impact fee of the kind frequently imposed on developments in other cities, but throughout almost the entire CEQA review process, the city took the position that it need not impose the fee or any other freeway mitigation measure. It took this position based on a long-standing Fresno policy of approving projects despite unmitigated freeway impacts, a policy apparently arising from the city's dissatisfaction with information provided to it by Caltrans. The policy is illegal because CEQA does not allow agencies to approve projects after refusing to require feasible mitigation measures for significant impacts. If the project went ahead without any freeway traffic mitigation, the driving public would be left "holding the financial bag."

(*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal App.4th 683 [emphasis added].) Similarly, County Planning staff's refusal to consider any plans for mitigation of this significant impact on freeway facilities leaves the County driving public "holding the financial bag" and is also an "illegal" policy.

Any claims that fair share contributions cannot be calculated at this time are without merit. An analysis from DELANE Engineering provides a rough order of magnitude estimate of the developer's fair share payments for mainline freeway impacts on I-15 at approximately \$200 million in 2027 dollars (Project buildout year). (See DELANE Engineering, Technical Memorandum: Planning Level ROM Fair Share Freeway Contribution Assessment for Newland Sierra Development (Aug. 9, 2017) ["DELANE Fair Share Memo"].) The DELANE Fair Share Memo also analyzes fair share payments for the Project's impacts on SR-78, which are not disclosed in the DEIR. In total, DELANE estimates the developer could provide fair share contributions of \$214 million (2027 dollars) for the Project's mainline freeway impacts. (*Ibid.*) The County should require such payments be made to Caltrans as mitigation for the Project's mainline freeway impacts.

#### F. The DEIR's Analysis of I-15 Is Flawed

The DEIR fails to adequately disclose long term buildout impacts on I-15. The DEIR's analysis of I-15 typically analyzes 32 miles of segments from the Riverside County line to Camino Del Norte. The TIA's long term impacts analysis, however, omits most of the segments and only analyzes the three segments from Gopher Canyon Road to El Norte Parkway, constituting just eight miles. (See STC Report at 7; DEIR, Appx. R at 148, 150.) Moreover, as

O-1-264  
Cont.

O-1-265

O-1-266

disclosed by the DEIR in Impact TR-41, the Project would result in a cumulative impact across approximately 25 miles of I-15 from Old Highway 395 to Pomerado Road. Some of the segments that are significantly impacted are omitted from the TIA's long term analysis. The omission of these volumes precludes adequate analysis of long term buildout traffic impacts on I-15.

O-1-266  
Cont.

This omission is compounded by the TIA's underrepresentation of trips for the proposed Lilac Hills Ranch project in Valley Center, which would add a significant number of trips to I-15. The underrepresentation may be by as much as 2,500 trips. (STC Report at 4-5.) The TIA's failure to provide volumes on all impacted segments prevents adequate impact determination and mitigation proposals for the segments of I-15 and surface streets throughout the I-15 corridor in North County.

O-1-267

Moreover, the TIA's long term analysis assumes added capacity from a new proposed freeway lane. The addition of this lane capacity is inconsistent with the DEIR's claim that mainline freeway impacts to I-15 cannot be mitigated because no project is planned. Here, the DEIR assumes the benefit of the added lane on one hand, while on the other, claiming the freeway lane project will not occur in order to avoid the burden of paying a fair share for it. This inconsistency is similar to the DEIR's approach to mitigating impacts to Deer Springs Road (discussed above) in which it assumes added six-lane capacity that benefits the traffic analysis while only analyzing the indirect impacts of a four-alignment. The DEIR cannot rely on added capacity on one hand while avoiding analysis of that capacity's indirect environmental impacts or payment obligations on the other. This approach skews the analysis and results in a failure under CEQA.

O-1-268

These flaws in long term and cumulative analyses on I-15 could result in an inadequate scope of analysis. With the added congestion on I-15, it is likely some vehicles will "flee the freeway" in favor of surface street cut through routes. This occurs today on Deer Springs Road (See LLG License Plate Survey, Attachment 31) and Gopher Canyon, but could spread further north with the projected gridlock on I-15 in the DEIR's cumulative impacts analysis and realization of projected growth in the Bonsall community. (See STC Report at 5.) By failing to disclose volumes on all freeway segments in future analyses, omitting cumulative trips, and relying on phantom capacity, the DEIR fails to provide a complete picture of traffic on I-15 and may be neglecting impacts on a broader scope of surface streets.

O-1-269

#### G. M-TR-1 Is Deferred Mitigation

The DEIR identifies a significant impact to the I-15 interchange at Deer Springs Road. The DEIR proposes M-TR-1 to mitigate this impact. M-TR-1 provides for improvements to the interchange, but delays any decisions regarding the interchange design and defers them to Caltrans. CEQA requires mitigation measures to provide adequate performance standards if not implemented immediately. M-TR-1 provides no performance standards and defers all decision making to Caltrans. This constitutes improper deferred mitigation under CEQA. (See *Sundstrom v. Cty. of Mendocino* (1988) 202 Cal.App.3d 296, 306.)

O-1-270

In addition, the approach under M-TR-1 to separate the CEQA review of the Project and the interchange constitutes piecemealing. The interchange is required as an enforceable

O-1-271

mitigation measure based on the Project's traffic impacts. Environmental analysis cannot be broken apart into smaller projects under CEQA. (See *Berkeley Keep Jets over the Bay Com. v. Bd. of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1358.)

Further, design information for the interchange is necessary for analysis of the Project's TDM measures and VMT and GHG analysis. First, the footprint of the interchange could impact the Caltrans park and ride facility. Without knowing the design of the interchange, no credit should be taken for the trip reduction from the park and ride. In addition, the interchange design should accommodate both the eventual buildout of Deer Springs Road to six-lanes, as discussed above, and any future transit plans. Without accounting for these future possibilities in the interchange design, a second re-design may be required in short order. In addition, the DEIR should not take credit for either (1) added six-lane capacity on Deer Springs Road—including multiple segments of Deer Springs Road and at its intersection with Mesa Rock Road and at the I-15 interchange itself—until the interchange has been disclosed and analyzed for its potential to accommodate such capacity on Deer Springs Road or (2) any proposed transit access to the site because freeway ingress and egress options for buses and other mass transportation options are an important piece of analyzing the functionality and effectiveness of such a proposal.

**H. The DEIR's Analysis of Traffic Volumes Under the Existing General Plan Is Flawed**

Tables 2.13-31 through 2.13-34 provide the DEIR's analysis of traffic volumes under the existing General Plan land use designations for the Project Site. As discussed further below in this letter's comments on the DEIR's proposed Existing General Plan Alternative, the DEIR's floor area assignments for existing General Plan office and commercial land uses is overstated. Based on a site constraint analysis provided by DELANE Engineering, less than 750,000 square feet of office and commercial floor area can be built on the Project Site under the existing General Plan—not over 2 million square feet as stated in the Project Description. (See DELANE Commercial Memo.) In addition, an analysis by Cushman & Wakefield indicates there is no market demand for office or commercial uses at the Project Site; thus any floor area assigned for the purpose of trip distribution would constitute an improper plan-to-plan analysis. (See Cushman & Wakefield, Demand Study for the Newland Sierra Town Center (Aug. 8, 2017) ["Cushman Study"].)

Tables 2.13-31 through 2.13-34, therefore, overstate the trips generated under the existing General Plan. Any comparison of these volumes to the proposed Project would be misleading and inaccurate. The DEIR should be revised to accurately describe the existing General Plan's trip generation. In addition, it appears the floor areas or land uses underlying the trip generation values in Tables 2.13-31 through 2.13-34 may vary from those provided in the Project Description. Any such inconsistency such be disclosed and explained.

**I. The DEIR's VMT Analysis Is Inadequate**

Although the DEIR describes in detail why a vehicle miles traveled ("VMT") analysis is not required, it provides an analysis of the Project's VMT. State law under SB 743 and guidance by the Office of Planning and Research is likely to soon require a shift from LOS traffic analysis to VMT analysis. Where LOS measures congestion only, VMT measures a project's impacts

O-1-271  
Cont.

O-1-272

O-1-273

O-1-274

based off of its VMT. This VMT analysis incentivizes development near existing infrastructure and commercial and job centers, which more closely conforms with California's long-term GHG reduction goals. Such an analysis is important for a project like Newland Sierra that locates significant housing density far from existing infrastructure or transit options. (See Baranek Report.)

O-1-274  
Cont.

As described above, the Project's mixed use and TDM credits are overstated. They should be reduced before being applied as a VMT reduction. SANDAG's plans, including its SCS, call for new development in more urban areas that reduce VMT because of proximity to transit, employment, and services.

O-1-275

The DEIR provides a comparison of the Project's VMT against the County as a whole and against the Project's subregion. When compared to the County as a whole, the DEIR indicates that the Project has a higher than average VMT. When compared to the subregion, the DEIR indicates that the Project has a lower than average VMT. Here, the appropriate metric would be the Countywide comparison. Because the Project is not proposing an amendment to the General Plan's Housing Element, and because it exceeds the housing inventory for the North County Metro region, a VMT comparison should evaluate the Project compared to other areas throughout the County where housing is planned. Moreover, the higher VMT in the subregion than the County as a whole is indicative that the Project is proposed in a rural area requiring long car trips, which is contrary to modern planning principles.

O-1-276

The DEIR fails to describe whether the Project is in compliance with the VMT reduction strategies of SANDAG and Caltrans—the regional and state agencies responsible for transportation planning. Further, the DEIR errs in its description of Caltrans' "Local Development – Intergovernmental Review Program Interim Guidance" dated September 2, 2016, and revised on November 9, 2016 ("Interim Guidance"), which accelerates the implementation of SB 743. The Interim Guidance requires Caltrans to implement a VMT analysis, rather than the current LOS traffic impacts analysis, for CEQA review. Additional discussion of this requirement is included a letter exchange between the Golden Door and Caltrans attached hereto as **Attachments 33-35**.

O-1-277

The DEIR's characterization of the Caltrans Interim Guidance as a "desk reference" is inaccurate and fails to give proper weight to the Interim Guidance. The Interim Guidance cannot be ignored. The Interim Guidance makes clear that—until the Governor's Office of Planning and Research develops new CEQA Guidelines in response to SB 743—local districts should use the Interim Guidance for formulating comments to local agencies instead of the 2002 Caltrans Guide for the Preparation of Traffic Impact Studies. (See Interim Guidance at 4.) Thus, the Interim Guidance is not merely a "desk reference," but provides specific guidance for local districts to further the aims of SB 743, including commenting that a VMT analysis may be necessary for certain projects. The Interim Guidance states that "[t]hrough SB 743 clarifies requirements for transportation analysis, a VMT analysis is already needed to meet other CEQA requirements." (*Id.* at 6.)

O-1-278

The Interim Guidance is particularly relevant here because it provides specific guidance for "rural fringe" projects such as Newland Sierra, stating that urban infill projects will require

O-1-279

less review and mitigation than rural fringe projects. For traditional suburban and rural fringe/undeveloped land projects, such as Newland Sierra, the Interim Guidance states:

[T]raditional suburban or rural fringe development ... generate higher VMT, and do not encourage walking or biking by their project design. *Districts should make comments on ways projects can minimize VMT generation to meet VMT reduction goals from SB 743 and assist the State in meeting GHG reduction targets. Caltrans should press for significant connections to existing infrastructure to avoid a development relying solely on the existing local roadway system or SHS.* Districts should also make comments on the ways the projects can improve internal circulation for all modes, better integrate with other nearby land uses, and provide a network of complete streets that benefits all users of the transportation system.

(Interim Guidance, Appendix A at 3 [emphasis added].) The Interim Guidance provides clear direction that Caltrans should provide comments on VMT for rural fringe projects such as Newland Sierra. This policy is consistent with State policy to reduce VMT, because it focuses on VMT-reduction for projects like Newland Sierra that follow an outdated sprawl model and locate new housing far from existing infrastructure, multi-modal and transit commuting opportunities, and significant job centers. The DEIR errs in its contention that the Interim Guidance is inapplicable. The DEIR should be revised to correct this inaccuracy and request specific review of the DEIR's VMT analysis from Caltrans.

O-1-279  
Cont.

**XV. UTILITIES AND SERVICE SYSTEMS**

The Golden Door Properties, LLC ("Golden Door"), has previously raised numerous issues and questions regarding the Newland Sierra Project's (or the "Project") with the Vallecitos Water District ("District"). The District, however, rather than addressing those questions with any substantive analysis or response, approved the Project's "Water Supply Assessment" ("WSA") on the grounds that the District was not a land-use agency. The WSA is currently subject to challenge pending litigation in the Court of Appeal. Accordingly, it is incumbent upon the County of San Diego ("County") to review, explain, and fix the flaws noted in the WSA. Furthermore, because the WSA is in active litigation, it should not be relied upon due to the uncertainty over the WSA's legality. (See **Attachment 36**.)

O-1-279

The County's conclusion in the Draft Environmental Impact Report ("DEIR") that the Project will have a "less than significant" impact on water supply is irrational and unsupported by any substantial evidence, for the following reasons:

O-1-280

- (1) The DEIR's own analysis (to include the County's reliance on Newland's WSA) shows that there is insufficient water to serve the Project;
- (2) The District projects a 20-year supply deficit, making it unable to serve the Project;
- (3) The DEIR improperly relies on new unspecified mandatory rationing requirements on a District-wide basis—in contradiction to the District's 2015 Urban Water Management Plan ("District 2015 UWMP") and the District's approved water duty factors—to make up for the supply deficit;
- (4) The DEIR does not contain enough detail regarding water rationing measures to evaluate the potential environmental impacts of those measures, such as impacts regarding urban decay, air quality, and fire hazards;
- (5) The DEIR improperly relies on the District's 2015 UWMP even though supply for the Project was not included in the UWMP;
- (6) The DEIR improperly assumes that the Project will implement demand reduction measures to meet a specific water conservation goal, even though it provides inadequate analysis of the measures' effectiveness and the District lacks authority to implement such measures;
- (7) The DEIR uses an impermissible hypothetical baseline that does not reflect actual, existing physical conditions;
- (8) The DEIR artificially inflates the alleged water savings for the Project by taking credit for modern day water efficiency technology that is already accounted for in the 2014 water duty factors;

O-1-281

O-1-282

O-1-283

O-1-284

O-1-285

O-1-286

O-1-287

O-1-288

- (9) The DEIR fails to provide adequate information on how much water will be required for the Project, notably by the complete omission of any information regarding how much water the Project will require for construction purposes; and
- (10) The DEIR contradicts the projections of the District's upstream wholesale supplier that demonstrate an even greater water supply deficit.

O-1-289

O-1-290

In order to account for the projected supply deficit, drastic mandatory rationing requirements on District customers will be required—as much as 36 percent—so that the County can approve a single developer's unplanned development proposal. These mandatory rationing requirements would be simultaneously infeasible, unfair, and inconsistent with the District's approved planning documents and decisions and the community. The Golden Door requests the following:

O-1-291

- The County should reject the Project due to insufficient water supply, among other reasons;
- In the alternative, the County should delay consideration of the Project until the District has revised its previously adopted District-wide planning documents (which contradict the WSA) and adopted, after public notice and comment, the unspecified mandatory conservation/rationing requirements relied upon in the DEIR to account for the measures necessary to address the projected supply deficit;
- The County should revise the analysis in the DEIR to acknowledge, discuss, and resolve the inconsistencies between the WSA and the District's planning documents, and recirculate the DEIR for public review;
- The County should change its conclusion regarding the Project's potential impact on water supply to "significant" and consider and require appropriate mitigation;
- The County should specify the District-wide conservation measures that will be required to resolve the District's projected supply deficit, including specifying:
  - What conservation measures will be required;
  - Who will be required to implement conservation measures, and to what extent;
  - When conservation measures will be required;
  - How long conservation measures will be required; and
  - Specify whether new customers (like Newland) will have to implement greater conservation than existing customers, and to what extent.

O-1-292

O-1-293

O-1-294

O-1-295

O-1-296



### A. Golden Door Background

The Golden Door is a District customer in District 1 who relies upon the District for supplementary water for its agricultural and guest operations. 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. A key part of its agricultural operations includes the purchase of supplementary water from the District. The recent drought has caused significant concerns for agriculture in rural North County and has emphasized the need to protect our current and future water supply. The unplanned intensification of use proposed by Newland threatens to cut further into the region's water supply to the detriment of the entire community, including agricultural and hospitality businesses. This is especially true when the District planning on providing water service to the Project is required to adopt additional mandatory "conservation" or rationing measures to restrict water supplies due to the District's current planned water deficit, in order to serve the Project. The availability of water supplies from the District at current levels is essential for continued operations of the Golden Door.

O-1-297

### B. The DEIR's Own Estimate Shows that Insufficient Water Supply Was Projected for the Newland Project

If the water demand associated with a proposed project was "accounted for" in the supplier's most recently adopted UWMP, the WSA may incorporate information from that plan. Water Code § 10910(c)(2); Gov. Code § 66473.7(c)(1). If the water demand was not "accounted for" in the most recently adopted UWMP, however, the WSA "shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses." Water Code § 10910(c)(3). A WSA cannot rely on a UWMP if the UWMP did not analyze water supply for the project. See *Vineyard*, 40 Cal. 4th at 434-35.<sup>6</sup>

O-1-298

It is uncontested that the District's 2015 UWMP was based on the County's adopted General Plan, and did not include supplying water to the residential units proposed by Newland. As a result, the Newland Project's over 6,000 new residents and other amenities were not "accounted for" in the UWMP.

Here, the DEIR errs in relying on a WSA that is based solely on the District's 2015 UWMP, which fails to provide a separate analysis of normal, single dry, and multiple dry water years for the Project during a 20-year projection.

<sup>6</sup> Because the DEIR relies on the WSA for its significance conclusions, the criticisms to the DEIR expressed herein apply also to the WSA, and vice versa.

1. *The Project's Demand To Serve New Residential Units Exceeds the Projected Demand for the District's 2015 UWMP's "No Project Alternative"*

The DEIR alleges that the District has sufficient water supply to meet the Project's demand because the "No Project Alternative" (i.e., current zoning) projects a higher water demand than the WSA calculates for the Project. (See e.g., DEIR at p. 2.14-48. This is incorrect. On its face, the WSA finds that the UWMP predicts that there will be insufficient water supplies to serve the Project in the year 2020.

When accounting for the proposed conservation requirement, the WSA states that the Project's projected demand is 1,196 AFY. (WSA at 4.) To meet the District's demand in 2020, the WSA states that "Conservation Required" must cut District-wide demand by 36 percent. (*Ibid.*) When that requirement of 36 percent reduction through "Conservation Required" is applied to the "No Project Alternative," it results in a demand of 1,168 acre feet per year ("afy")—thus constituting the demand for the "No Project Alternative" in 2020. (*Ibid.*) Because the "No Project Alternative's" demand in 2020 (1,168 afy) is 28 afy less than the Project's demand in 2020 (1,196 afy), the WSA demonstrates that the UWMP does not project sufficient supply to meet the Project's demand. The DEIR fails to address this factual inconsistency. The County must correct the DEIR's misleading discussion on this point and recirculate the DEIR for another round of public review and comment.

2. *The DEIR Cannot Rely on the District's 2015 UWMP Because It Shows a Supply Deficit*

The District's 2015 UWMP admits that the District faces a "significant shortfall" in its projected supply. (District 2015 UWMP at 7-3 ["If VWD water demands develop as called for in its Draft 2014 Master Plan, *there will be a significant shortfall in projected supplies.*"]; see also *id.* at 7-5.) The District's 2015 UWMP is attached hereto as **Attachment 37**. Tables from the District's 2015 UWMP (copied below) disclose water supply deficits in normal, single dry, and multiple dry-years ranging from 2.775 billion gallons per year to 4.262 billion gallons per year from 2020 to 2035. (*Id.* at 7-3 to 7-4.)

O-1-299

O-1-300

Table 7-2: Normal Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals (from Table 6-9)	6,914	8,011	8,794	9,198
Demand totals (from Table 4-3)	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

The figures shown in (red) as the "Difference" are a water deficit and expected shortage of water.

Table 7-3: Single Dry Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals	7,362	8,539	9,359	9,799
Demand totals	11,399	11,985	12,398	13,225
Difference	(4,037)	(3,446)	(3,039)	(3,426)

The figures shown in (red) as the "Difference" are a water deficit and expected shortage of water.

O-1-300  
Cont.

Table 7-4: Multiple Dry Years Supply and Demand Comparison					
		2020	2025	2030	2035
First year	Supply totals	7,359	8,533	9,349	9,781
	Demand totals	11,389	11,970	12,379	13,193
	Difference	(4,030)	(3,437)	(3,030)	(3,412)
Second year	Supply totals	7,494	8,691	9,518	9,958
	Demand totals	11,623	12,216	12,633	13,464
	Difference	(4,129)	(3,525)	(3,115)	(3,506)
Third year	Supply totals	7,691	8,922	9,763	10,216
	Demand totals	11,953	12,563	12,992	13,847
	Difference	(4,262)	(3,641)	(3,229)	(3,631)

The figures shown in (red) as the "Difference" are a water deficit and expected shortage of water.

Because the District's 2015 UWMP does not project sufficient water supply to meet demand, the County cannot find sufficient supply exists to serve the Project based on the UWMP. (Gov. Code § 66473.7(b)(3) [requiring finding of sufficient water supply to be based on substantial evidence]; *see also Vineyard*, 40 Cal.4th at 441 (requiring supply and demand to balance); *id.* at 444-45 [overturning water supply analysis for lack of substantial evidence].) Here, instead of substantial evidence indicating that sufficient supply exists, substantial evidence demonstrates the opposite—that supply is inadequate. The District is bound as a matter of law to follow its own recently adopted 2015 UWMP. The County cannot rationally declare that sufficient water supplies exist when such a conclusion contradicts a central feature of the key water planning document, the 2015 UWMP. (See e.g., *Preserve Wild Santee v. City of Santee*, 210 Cal. App. 4th 260, 284 (2012) ["[A]n unexplained discrepancy precludes the existence of substantial evidence to conclude sufficient water is likely to be available for the project."].)

O-1-300  
Cont.

**3. The Newland Project's Density Is Not Included in the Land Use Plans on Which the UWMP Is Based**

The District's 2015 UWMP used the approved land uses within its jurisdiction, including the County's Updated General Plan, to determine the water demand for the UWMP. District 2015 UWMP 4-2 to 4-3. Projections for 2020, 2025, 2030 and 2035 "were developed by applying the SANDAG Regional Growth Forecast Series 13 Update coverage to these ultimate demand projections." (*Id.* at 4-3.) The SANDAG Series 13 Growth Forecast includes the adopted County General Plan land uses. The current County General Plan, however, does not include the land uses necessary for the development of the Project; therefore, the Project was not included in the land use assumptions used to develop the demand model for the District's 2015 UWMP.

Because neither a draft nor an approved version of the District's 2014 Water, Wastewater, and Recycled Water Master Plan Master Plan ("District 2014 Master Plan") is available for public review, it is impossible to determine if the Project was included in the underlying land uses considered in that plan. However, the District's most recent approved Master Plan from 2008 ("District 2008 Master Plan") shows primarily "spaced rural residential" designations on Newland's proposed Project Site. To the contrary, Newland is proposing to drastically increase density on much of the Project Site. In addition, the District's 2008 Master Plan lists the Merriam Mountains project as a "known development," but the District's 2008 Master Plan cautions that "[s]hould new developments move forward, they will *require separate analysis* prior to being served by VWD." District 2008 Master Plan at 2-5 to 2-6 (Nov. 2010) (emphasis added), attached hereto as **Attachment 38**.

In any event, even if the District had previously planned for the possibility of providing water for agricultural uses on the Newland Project Site, the provision of water for residential, commercial, or educational uses is a fundamentally different obligation. While shutting off or restricting water usage with mandatory rationing requirements for agricultural uses may lead to the elimination or restriction of agricultural crops, such water shutoffs or rationing for new apartments or homes presents serious health and safety concerns for the 6,000-plus occupants of those buildings who must have a minimum amount of water for their kitchens and bathrooms in order to survive. The DEIR fails to account for this fundamental change in expected uses of the water under the Newland Project. While it is not clear how the District expects to address the existing large water shortages ("deficits" or negative "differences") projected in its 2015 UWMP, it will be far easier if the District does not have to shut off or ration water to new residents who would not otherwise be dependent on the District for their water. The DEIR does not contain any of this information, and the County must add such explanation in the DEIR and recirculate it for public review and comment.

**C. The Water Supply Assessment Relies Upon an Improper Baseline**

According to the District, the Project would add approximately 6,063 new residential customers, plus additional commercial buildings which will solely rely upon the District for their water supplies, including minimum supplies needed for health, safety, and sanitation. To our knowledge, on the Newland property there are currently no residential or other uses receiving their water from the District. There may have been planned agricultural uses on the Newland

O-1-301

O-1-302



property in the past, but there are no agricultural water customers taking water in the Newland Project area.

The County should not continue with this legal error. Under the California Environmental Quality Act ("CEQA"), an agency must use some sort of measure of the environment's state absent the project to decide whether a given project's environmental effects are likely to be significant—sometimes referred to as the "baseline." The baseline consists of "the physical environmental conditions in the vicinity of the project, as they exist at the time . . . environmental analysis is commenced . . ." (CEQA Guidelines §15125, subd. (a).)

The DEIR does not provide an own independent baseline for the "Conservation Required" District-wide demand projections but instead continues to rely on the District's 2015 UWMP. The 2015 UWMP discusses State-mandated reductions in water usage of 20 percent below baseline usage. District 2015 UWMP at 9-13. Table 5-1 in the District's 2015 UWMP shows that baseline usage was determined using actual water usage between 1999 and 2008 calculated to be 199 gallons per day per capita ("gpcd"). The District's 2015 UWMP continues to state that "VWD has calculated the 2015 target (90 percent of baseline per capita water usage) at 179.3 gpcd, and the 2020 target (80 percent of baseline per capita water usage) at 159.4 gpcd." *Id.* It concludes that "the actual capita daily water use for the fiscal year ending in 2015 is 117 gpcd." *Id.* at 9-14.

Thus, the DEIR relies on a baseline that is almost a *decade* old and cannot be used to analyze the Project's potential water supply impacts. Such reliance contradicts CEQA's requirement that the baseline consist of the *existing* physical environment, not a baseline usage from 1999-2008. If the DEIR is not revised to use a legally permissible baseline, the County would be proceeding to process the Project using a different and older baseline in violation of CEQA.

**D. The DEIR Improperly Relies on Unspecified "Conservation" that must involve Mandatory Rationing Requirements to be adopted by the District**

**1. The DEIR's New District-Wide "Conservation Required"/Mandatory Rationing Requirements Contradict the District's 2015 UWMP**

The UWMP projects a substantial supply deficit over the next 20 years. To "resolve" this supply deficit, the WSA concocts an entirely new "factor" called "Conservation Required" – but this "Conservation Required" factor does not appear in the UWMP. Accordingly, the Project will require District-wide cuts in demand in order to facilitate this "Conservation Required" factor.

As noted, the District's 2015 UWMP shows a supply deficit in normal, single dry, and multiple dry years ranging from 2.775 billion gallons per year to 4.262 billion gallons per year from 2020 to 2035, which precludes the County from relying solely on the UWMP in the WSA. District 2015 UWMP at 7-3 to 7-4. Where a UWMP shows a negative "Difference" between supply and demand (which should more properly be labeled as a "shortage" or "deficit"), the UWMP cannot "account for" (as set forth in the statutory language) the additional water demands of residential development that was not considered in the UWMP. To "account for" in

O-1-302  
Cont.

O-1-303

O-1-304

O-1-305

this context means to demonstrate that there is a surplus of water that would serve these new residential customers. In an apparent attempt to mask this fatal flaw, the WSA sets forth unspecified mandatory rationing requirements—referred to as “Conservation Required” in the WSA—to make up the deficit between supply and demand. WSA at 26-27. The specific levels of “Conservation Required,” measured in afy, is the exact same amount as the District’s supply deficit in each year analyzed. These specific levels of mandatory rationing requirements, however, are not included in the District’s 2015 UWMP, which relied on water duty factors that set forth the projected per unit water demands for each customer.

It is improper for the DEIR to continue to rely on these District-wide “Conservation Required”/mandatory rationing requirements with no analysis or details as to what such rationing would involve, and whether these further reduced water demands are attainable by District customers under adopted water rationing measures. If the County or the District intends to plan for reduced demand due to future water rationing measures, the County should delay further consideration of the Project until the District first amends its UWMP to set forth the new expected water demand levels that the District believes would result from the additional “Conservation Required”/water rationing measure.

The District failed to make any attempt to reconcile its demand numbers in the recently adopted UWMP with these new assumptions about measures to further reduce future demand. In fact, it appears that the “Conservation Required” numbers are just “invented numbers” without any evidentiary basis, intended to “paper over” the District’s expected water shortage. As the Court of Appeal stated in *Preserve Wild Santee*, a public agency may not simply “assume a solution to the problem of supplying water to a proposed project.” The DEIR simply fails to address how, when, and where the “Conservation Required” will work to supply the missing water shown as a deficit in the District’s 2015 UWMP, just as the EIR in *Preserve Wild Santee* failed to provide any details as to how groundwater would provide supplies for a proposed lake. 210 Cal. App. 4th at 286.

Even in normal years, the District projects a substantial supply deficit – up to 35% (2020). Even accepting the DEIR’s flawed claim that District customers can absorb a 25.6% reduction in demand, this still would not resolve the supply deficit problem in *normal* rain years in 2020 and 2025. The DEIR’s flawed conservation analysis also does not resolve the supply deficit for other scenarios, i.e., it would not resolve the supply deficit for any single dry year or any of the multiple dry year scenarios.

And, as noted, in order to accommodate this Project, the County now asks District customers to implement drought-level conservation measures they implemented on a temporary basis in past years, *on a permanent basis in the future*. In other words, even if the DEIR does provide some details regarding the “Conservation Required”/mandatory rationing that the District will implement to make up the planned water supply deficit to supply the over 6,000 new residential users, the DEIR fails to also provide a discussion of the “contingent” nature of the District’s water supply projections, including whether the “Conservation Required” measures would be feasible, would actually result in reductions, or mean “mandatory cut backs” for District customers on a permanent basis in the future. (*Preserve Wild Santee*, 210 Cal.App.4th at 284-285.) Though the DEIR asserts that a reduction of up to 25.6% based on conservation may be feasible, based on temporary cutbacks during the last drought period, the DEIR contains no

O-1-305  
Cont.

O-1-306

O-1-307



explanation or discussion as to whether permanent rationing of up to 36% is feasible for existing residents and customers. (See DEIR at p. 2.14-39.) Without this information, the DEIR is legally inadequate under CEQA.

- a. *The DEIR Errs in Assuming Additional Mandatory Rationing Requirements When the District's Customers' Historic Level of Conservation Was Already Accounted for in the District's 2015 UWMP's Demand Projections*

On September 21, 2016, the District approved new water duty factors. (District Board of Directors Meeting Agenda (Sept. 21, 2016).)<sup>7</sup> According to District staff, these water duty factors were used to project the District's demand for 2020, 2025, 2030, and 2035 in the District's 2015 UWMP, which provided the basis for the District-wide demand projections in the WSA.<sup>8</sup> (Staff Report re: Modification of Unit Water Demands and Wastewater Unit Generation Factors (Duty Factors) Utilized for Estimating Water Demands and Wastewater Flows at 1 (Sept. 21, 2016); the District's September 21, 2016 Staff Report is attached hereto as **Attachment 39**.) The District alleges the duty factors were derived from empirical evidence. (*Ibid.*) While the Golden Door commented on procedural concerns with the District's approval of the duty factors—including failure to comply with CEQA's notice and comment procedures—the District's approval locked it into using these duty factors to analyze demand. Use of any different water duty factors to estimate future District water demand would be illogical, arbitrary and capricious, and conflict with the District's own 2015 UWMP. For a new development project to be "accounted for" in the District's UWMP, it must use the same water duty factors as were used in the adopted UWMP itself and later adopted by the District Board at its September 21 meeting.

These duty factors already account for the District's historic level of conservation during the recent drought. Appendix B of the WSA provides a staff presentation on the water duty factors in the Draft 2014 Master Plan, which were used to develop the District's 2015 UWMP and the WSA. The presentation states that the duty factors were created using "**Actual Meter Readings** from all VWD water meter accounts from July 2008 to June 2014." (WSA at Appendix B (emphasis in original).) The District's 2015 UWMP states that water demands for the District were created by using the water duty factors in the 2014 Draft Master Plan. (District 2015 UWMP at 4-2.) The water duty factors were applied "in VWD's Geographic Information System (GIS) database, all parcels in VWD's service area were attributed with their approved land use condition and unit water demands." (*Id.* at 4-3.) The District's 2015 UWMP's demand projections, therefore, are the direct result of water duty factors created by using actual meter readings from land uses from 2008 to 2014.

<sup>7</sup> Video record of the District's approval of the duty factors, including the Golden Door's comments on the record, is available at <https://www.youtube.com/watch?v=h3H7XuDDWLs&feature=youtu.be>.

<sup>8</sup> The District has not provided an explanation as to why it first adopted the 2015 UWMP, and then afterwards adopted the "water duty factors" which were the basis for the demand projections. Nonetheless, both have now been formally adopted by the District.

↑ O-1-307  
Cont.

O-1-308  
↓

The District's 2015 UWMP states that District customers have been very successful in reducing their overall water use through conservation: "VWD customers have demonstrated a strong propensity to respond to calls for water conservation whether as part of a long term commitment to water efficiency during times of adequate supply availability or when extraordinary conservation measures are required, as experienced during the current 5-year drought and just prior during 2008 through 2011. This is evidenced by the steady reduction in water use and per-capita consumption since 2007 despite population, employment, and housing growth within the District." (District 2015 UWMP at 9-1.)

Further, the District's 2015 UWMP discusses State-mandated reductions in water usage of 20 percent below baseline usage. (District 2015 UWMP at 9-13.) Table 5-1 in the District's 2015 UWMP shows that baseline usage was determined using actual water usage between 1999 and 2008 calculated to be 199 gallons per day per capita ("gpcd"). The District's 2015 UWMP continues to state that "VWD has calculated the 2015 target (90 percent of baseline per capita water usage) at 179.3 gpcd, and the 2020 target (80 percent of baseline per capita water usage) at 159.4 gpcd." (*Ibid.*) It concludes that "the actual capita daily water use for the fiscal year ending in 2015 is 117 gpcd." (*Id.* at 9-14.)

Based on these figures, actual water usage by District customers has been reduced from the 2008 baseline by 40 percent. Consequently, actual meter readings from the time period of the baseline year of 2008 to 2015—and thus, the water duty factors used to supply the demand projections in the District's 2015 UWMP and the WSA—account for this significant reduction in water use. Consequently, significant conservation is already built into the District's demand projections. Any *additional* rationing required to make up for the District's projected shortfall would assume that further reductions in water use could magically occur even beyond to the 20-40 percent conservation already achieved and included as part of the water duty factors. This is obviously an "unexplained discrepancy" between (1) the expected water duty factors adopted by the District in the UWMP and as an independent Board action on September 21; and (2) the water demand factors calculated for the District based on additional water reductions through "Conservation Required"/water rationing listed in the WSA. Projects cannot be approved with "unexplained discrepancies" in their water supply analysis. (See *Preserve Wild Santee*, 210 Cal.App.4th at 284 [project approval overturned where there were "unexplained discrepancies" between the WSA's water demand projections and the EIR's water demand projections for the same group of water users].)

The DEIR's requirement for an additional 36 percent demand reduction District-wide through further rationing *in addition to the historic demand reduction already achieved in response to the recent drought* is simply impractical, and the County has provided no evidence such an extreme level of rationing is feasible. Further, failure to disclose and explain this conflict between the DEIR's mandatory rationing requirements and the conservation already built into the demand projections is error.

O-1-308  
Cont.

b. *The Contradictions in the WSA and the District's 2015 UWMP Regarding the Use of Mandatory Rationing Requirements to Make Up for the District's Supply Deficit Results in Legal Error*

Instead of implementing new District-wide mandatory rationing requirements through a WSA for an individual development proposal without notice to its customers of this drastic District-wide policy change, the County should not approve this Project until the District has revised its UWMP subject to appropriate procedures.

Procedures for approving a new UWMP include submitting the draft UWMP to member agencies for review, and a 60-day notice for public hearing period for land use agencies in the District's jurisdiction. See Water Code § 10621(b). Once the UWMP is available for adoption, the District must notify the public of its intent to adopt the UWMP, and must make the plan available for public inspection. (*Id.*, § 10642; Gov. Code § 6066.) The District must then host a public hearing to allow community input regarding the District's UWMP implementation plan, and to provide information on the District's baseline values and water use targets. (Water Code § 10608.26.) The District must consider all public input and make a determination as to whether or not the UWMP shall be modified in response to public comment, or adopted as presented. (*Id.*, § 10642.) Public workshops are also necessary to ensure adequate committee review and comment. An amendment to an adopted UWMP also requires compliance with each of these steps for notification, public hearing, adoption, and submittal. (*Id.*, § 10621(c).)

Because the WSA's use of mandatory rationing to make up for the District's supply deficit contradicts the District's 2015 UWMP, the DEIR cannot permissibly rely on the District's 2015 UWMP as the basis for finding that there will be sufficient water supply to serve the Project. (See Water Code § 10910(c)(2); Gov. Code § 66473.7(c)(1).) The DEIR's conclusions, therefore, are not based on substantial evidence. (See Gov. Code § 66473.7(c); *see also City of Long Beach v. Los Angeles Unified School Dist.*, 176 Cal. App. 4th 889, 917–18 (2009); *Gentry v. City of Murrieta*, 36 Cal.App.4th 1359, 1422–23 (1995).) Unless and until the District has prepared a new or amended UWMP subject to these procedures, it would be legal error by the County to approve the Project in light of these inconsistencies. (Water Code § 10910(c)(3); Gov. Code § 66473.7(c); *see also Vineyard*, 40 Cal.4th at 434-35.)

Similarly, the WSA's mandatory rationing requirements conflict with the approved water duty factors, which already account for significant conservation. Revisions to the District's water duty factors must also go through the appropriate process, including public workshops and notice and comment, and a separate Board vote before the revised duty factors take effect. The County's approval of the Project before formal amendment of the UWMP water duty factors constitutes improper segmentation under CEQA.

2. *The "Conservation Required"/Mandatory Rationing Fails as a Matter of Law Because It Is a Mere Generality that Lacks Sufficient Certainty*

The DEIR includes no meaningful discussion or analysis of how the District will meet the demand reduction levels specified for "Conservation Required"/mandatory rationing. In fact, it appears the County accepted the District's claim that "Conservation Required"/mandatory rationing would result in the exact level of demand reduction needed to make up for its supply

O-1-309  
Cont.

O-1-310

deficit. This is evident because the "Conservation Required"/mandatory rationing was not included in the District's 2015 UWMP. (See 2015 District UWMP at 7-3 to 7-4.) After the Golden Door's August 4 letter identifying the issues posed by the District's supply deficit, the District added this specific level of "Conservation Required"/mandatory rationing in order to make up for the supply deficit. The "Conservation Required"/mandatory rationing is the result of the District's efforts to make a spreadsheet balance rather than reasoned analysis of specific measures that would achieve this level of demand reduction.

The County's acceptance of the District's approach flatly contradicts legal requirements to describe with certainty how such measures will be accomplished. Instead, the DEIR impermissibly relies on vague generalities. In *California Oak Foundation v. City of Santa Clarita*, the Court of Appeal determined an EIR was defective because it failed to discuss uncertainties with a 41,000 afy water entitlement. (133 Cal.App.4th 1219, 1240-41 (2005).) In that case, the EIR discussed a *contingency plan* for alternative water sources, which it noted included short-term water exchanges, desalination, and groundwater pumping. The Court determined the discussion was inadequate, because the EIR failed to "analyze or quantify these alternative sources." (*Id.* ["These generalities, without details or estimates concerning the amount of water the programs might make available, are not a proper substitute for a discussion which allows those who did not participate in [the EIR's] preparation to understand and meaningfully consider the issue at hand."] [internal citations and quotations omitted].)

O-1-310  
Cont.

Here, the DEIR's acceptance of the WSA's proposal for "Conservation Required"/mandatory rationing similarly fails. The WSA does not base the amount of "Conservation Required"/mandatory rationing on any empirical data or achievable plan. It simply enters numbers into a spreadsheet to make supply and demand balance with no consideration as to whether the required level of rationing is achievable. Further, the "Conservation Required"/mandatory rationing proposal is the District's *only* proposal for making up for its supply deficit—whereas the flawed analysis in *California Oak Foundation* pertained merely to a *contingency plan*. The public has been deprived of this essential information to evaluate the District's drastic proposed policy shift. It is impossible to understand how this "Conservation Required"/mandatory rationing would impact District customers, including requiring the fallowing of agricultural lands, permanently restricting outdoor watering, installing composting toilets, limiting showers, or any other water use restrictions that may be required to meet the District's new unspecified requirements. District residents and businesses deserve an opportunity to understand the personal, financial, and economic impacts of the District's proposed rationing requirements.

Further, the DEIR fails to note that the District is not currently receiving the benefit of reduced water usage that the District claims would result to the unspecified "Conservation Required" measures, since they are unspecified and unadopted by the District. This is a future "water supply" that is not currently available to the District, since these levels of "Conservation Required" are not occurring under the recently adopted duty factors based on current water meter readings. (In fact, as noted in the DEIR, the District recently repealed certain water use restrictions.) Just as in *California Oak Foundation*, "generalities" cannot substitute for the required regulatory approvals.

O-1-311



3. *The DEIR's Unspecified "Conservation Required"/Mandatory Rationing Improperly Defers the County's Decision-Making for Measures Necessary to Address a Significant Impact to Water Supply*

The DEIR's failure to provide any specific plan or implement a binding legal mechanism—such as an ordinance, conditions of approval, required mitigation measures, etc.—impermissibly defers action required to achieve the demand reduction necessary to make up for the District's supply deficit. Because of this improper deferral, the "Conservation Required"/mandatory rationing requirements are vague and uncertain and cannot be relied upon to achieve specific demand reduction levels. As such, the DEIR fails to support its conclusion of less than significant impact to water supply, i.e., that the District can serve the Project's 6,000-plus new residents and other amenities. (*Vineyard*, 40 Cal. 4th at 434; *Preserve Wild Santee*, 210 Cal. App. 4th at 283; Gov. Code § 66473.7.)

In similar situations, CEQA plainly precludes deferral of mitigation measures necessary to reduce a project's significant impacts. An agency cannot mitigate a project's impacts by referring merely to a "generalized goal." (See *POET, LLC v. State Air Resources Bd.*, 218 Cal. App. 4th 681, 740 (2013) (ARB's statement that its "rulemaking would 'ensure that there is no increase in NOx'" without more improperly deferred mitigation of increases in NOx emissions); *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 93 (2010).) In addition, a lead agency cannot rely on proposed mitigation measures without analysis of how the specific mitigation measures will achieve the requisite reduction in impacts. *Id.* (finding mitigation deficient where "[n]o effort is made to calculate what, if any, reductions in the Project's anticipated greenhouse gas emissions would result from each of these vaguely described future mitigation measures" and such mitigation measures were "nonexclusive, undefined, untested and of unknown efficacy").

Here, the "Conservation Required"/mandatory rationing is necessary for the District to make up its supply deficit and serve the Project; yet, the implementation and achievement of the "Conservation Required"/mandatory rationing is improperly deferred with no assurances of its actual achievement and no specific performance standards applied to any sector, use, or timeframe. It is improper to assume future actions by the District and defer any description of the nature and type of requirements that the District will adopt in the future to make up for its supply deficit on a District-wide level via unspecified "Conservation Required"/mandatory rationing included in the WSA.

It is also improper to assume that the Project would obtain the requisite demand reduction via insufficiently analyzed demand reduction features that fail to set forth standards and details that provide a "reasonable expectation of compliance" with necessary mitigation.

4. *Plans for Other Water Districts in the Region Do Not Show Similar Supply Deficits*

Based on a review of other similarly situated water districts in the region, it appears the District stands alone in projecting such significant supply shortages in its UWMP. The Olivenhain MWD 2015 UWMP at table 7-2 shows the supply and demand comparison for the

O-1-312  
Cont.

O-1-313

Olivenhain MWD in a Normal Year.<sup>9</sup> Table 7-2 shows that supply totals in the years 2020 through 2035 match the demand totals. Deficits are shown in multiple dry years in the years 2030 and 2035, but the deficits constitute only a few hundred acre feet—not the thousands of acre feet deficit the District projects under every scenario in every year from 2020 through 2035.

Similarly, the Valley Center Municipal Water District's ("VCMWD") 2015 UWMP shows that VCMWD supplies will meet demands in Normal Years and shortages are only forecast in the later years of a three-year drought.<sup>10</sup> The VCMWD UWMP notes that "carryover storage would be utilized in order to lessen the impacts of a supply shortfall." (VCMWD 2015 UWMP at 7-14.) The VCMWD goes on to provide a critique of relying on extraordinary conservation to fill supply gaps.

It should be emphasized that the amount of extraordinary conservation savings expected to be achieved through mandatory measures, such as water-use restrictions, could be less than that experienced in the previous shortage periods due to demand hardening. Responsiveness to drought pricing and general price increases will diminish because remaining essential uses are less responsive to price. This will reduce customer discretionary demands and create less flexibility in the managing of demand during shortages, which will increase the importance of acquiring supplemental dry-year supplies to eliminate or reduce potential supply shortages. Long-term permanent conservation savings is critical to ensuring water is used most efficiently and will help avoid or minimize drought situations. *Due to potential demand hardening, shortage management measures such as water-use restrictions and drought pricing may not be as effective in the future in achieving necessary savings to help reduce the supply gap.* (*Id.* [emphasis added].) This indictment of over-reliance on mandatory rationing to make up for a supply deficit is wholly unaddressed in the DEIR. The DEIR fails to discuss demand hardening or whether its specific projected demand reductions are achievable through its unspecified mandatory rationing program. As noted, the DEIR asserts that a reduction of *up to 25.6%* based on conservation may be feasible on a *temporary* basis, based on conservation actions during the last drought period, but the DEIR contains no explanation or discussion as to whether such conservation measures are feasible on a *permanent* basis and could achieve *up to 36%* reduction in demand by existing residents and customers.

The City of Escondido's 2015 UWMP at sections 6.3.1 and 6.3.2 also shows supplies meeting demands in Normal and Single Dry years.<sup>11</sup> Only in the third year of a drought scenario does the City of Escondido turn to additional conservation as a means to fill a projected supply gap. In contrast, the WSA relies on extraordinary conservation in Normal Years and to make up for the District's 2015 UWMP's substantial supply gap in all scenarios from 2020 to 2035. Although Escondido relies on conservation as a supply tool, it only occurs in a time of extraordinary weather conditions. The DEIR's approach, on the other hand, is that substantial mandatory rationing over and above what was accomplished in response to the recent drought must occur in perpetuity—even in Normal Years.

<sup>9</sup> The Olivenhain MWD 2015 UWMP is attached hereto as **Attachment 40**.

<sup>10</sup> The VCMWD 2015 UWMP is attached hereto as **Attachment 41**.

<sup>11</sup> The City of Escondido's 2015 UWMP is attached hereto as **Attachment 42**.

O-1-313  
Cont.

O-1-314

O-1-315

Based on this evidence, it appears unprecedented for similarly situated water districts to project significant supply shortages in their UWMPs and then cite to unspecified and previously unannounced "Conservation Required" or water rationing programs for all water district customers in WSAs for individual development projects in order to show they can supply sufficient water for the individual project.

5. *The DEIR Fails to Analyze the Feasibility and Effectiveness of District-Wide Mandatory Rationing*

The DEIR provides no discussion of how the District will achieve the specific demand reduction required to make up for its supply deficit through implementation of mandatory rationing requirements. The WSA merely lists various best management practices and State laws with no discussion of how these measures will achieve the specific demand reduction levels necessary for the District to make up for its projected supply deficit. (WSA at 17-20.) The WSA fails to describe how much demand reduction will result from any particular measure. It does not discuss the feasibility of implementing any particular measures on the District's customers, including what percentage of the reduction will be achieved by various sectors (agricultural, industrial, residential, commercial, etc.) or how rationing requirements will be split between new development and retrofitting existing customers to meet the demand reduction requirements. Further, the DEIR does not describe the cost of new mandatory rationing requirements—including retrofitting technology and installation, providing new facilities and infrastructure for recycled water, and enforcement costs—and whether and how the District will ensure sufficient funding to achieve these measures.

The level of water rationing the District proposes to implement on its customers through the WSA appears unprecedented in recent history. The WSA requires 36 percent demand reduction through unspecified mandatory rationing in order to make up for the District's supply deficit in 2020. (WSA at 4.) Yet, even under drought restrictions and pursuant to extraordinary efforts and sacrifices by District customers, the District achieved only a "25.6% water conservation reduction." (*Id.* at 17.) Moreover, as discussed in above, that 25.6 percent reduction was already included in the WSA's demand projections, and any further demand reduction requires additive rationing requirements. The DEIR provides no evidence that an increase of this extraordinary level of rationing will be achievable on a perpetual basis in normal, dry, and multiple dry year scenarios. Further, the DEIR does not provide any examples of similarly situated water districts that have been able to achieve the high levels of demand reduction required to make up for the District's supply deficit nor provide any specific plan for their achievement.

The DEIR's failure as to how or whether the District will be able to achieve sufficient demand reduction to make up for its supply deficit through unspecified mandatory rationing requirements fails to bridge the analytic gap between the evidence and the WSA's conclusion and makes for a legally inadequate CEQA review. (See *Ctr. for Biological Diversity v. Dept. of Fish and Wildlife*, 62 Cal. 4th 204, 227 (2015); see also *Topanga Assn. for a Scenic Community v. City of Los Angeles* 11 Cal.3d 506, 515 (1974).)

Further, one conservation measure noted in the District's 2015 UWMP is not legally permissible under current California law. The District's 2015 UWMP relies in part on a tiered

O-1-315  
Cont.

O-1-316

O-1-317

O-1-318

O-1-319



rate structure and conservation pricing as part of its proposed water rationing requirements. (District 2015 UWMP at 8-7, 9-4 to 9-5.) Using tiered water rates for the purpose of conservation, however, has been found unconstitutional. (*Capistrano Taxpayers Assn., Inc. v. City of San Juan Capistrano* (2015) 235 Cal.App.4th 1493, 1516 [tiered pricing must be based on cost-of-service despite policy goals of conservation].) As such, the District may not rely on a tiered rate structure to make up for its supply deficit. (*Vineyard*, 40 Cal.4th at 439 [WSA inadequate because of “too great a degree of uncertainty regarding the long-term availability of water”].) Any determination by the County which relies, even in part, upon water usage reductions based on illegal rate structures cannot be the basis for approval. (See *City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945 (2015) [agency may not make a finding regarding feasibility of mitigation which relies upon incorrect statement of law].)

Similarly, the County’s failure to specify any meaningful detail regarding the potential “Conservation Required” rationing measures makes it impossible to evaluate potential environmental impacts that may stem from these rationing measures. The inadequate analysis in the DEIR makes it impossible for the public to evaluate the effect of potential water rationing on urban decay, either from the lack of water and inability to institute effective dust control measures<sup>12</sup> or from the closure of businesses that depend on a reliable water supply, such as the Golden Door. The DEIR’s inadequate analysis also makes it impossible to evaluate the effect of these water rationing measures on the fire hazard impact in this area. We note that the DEIR credits the Project with substantial “water savings” by concocting a “land use deduction” whereby open space will not be irrigated, but provides no detail on the potential impact to fire hazard of these “land use deductions.”

Relying on unspecified mandatory rationing requirements for the District to make up its water supply deficit lacks certainty because neither the District’s 2015 UWMP nor the WSA provides any analysis demonstrating that the necessary extent of demand reduction is achievable through mandatory rationing. In fact, the District’s 2015 UWMP describes limitations on the effectiveness of rationing that preclude the level of demand reduction needed to make up for the supply deficit. The DEIR’s failure to bridge this gap in the analysis is a violation of CEQA.

**6. The Impacts of the DEIR’s Proposed Mandatory Rationing on Existing District Customers Have Not Been Analyzed**

In addition to providing no evidence that its proposed unspecified mandatory rationing could achieve the demand reduction required to make up for the District’s supply deficit, the DEIR also fails to provide any analysis of the cost or impacts to District customers. As noted in the DEIR, during the recent drought, District customers achieved a “25.6% water conservation reduction,” which exceeded the State drought restrictions’ required reduction. (DEIR at 2.14-39.) The County is now relying on existing District customers to exceed this extraordinary level of conservation—on a permanent basis—so that the County may approve a single unplanned development proposal.

<sup>12</sup> See, e.g., Stephanie Strom, *California’s Thirsting Farmland*, N.Y. TIMES (Apr. 20, 2014), available at <https://www.nytimes.com/2014/04/21/business/energy-environment/californias-thirsting-farmland.html>.

O-1-319  
Cont.

O-1-320

O-1-321

Yet, neither the County nor District has provided any analysis of the cost of achieving this level of rationing. The DEIR has failed to describe the levels of cutbacks required from different sectors, including the District's many agricultural customers. The DEIR has also failed to differentiate the level of rationing to be achieved by new development compared to the burden places on existing customers. In short, the DEIR is forcing District customers (County residents and businesses) into a black hole of mandatory rationing requirements with no idea how it will impact the community.

A recent column written by the general manager of Valley Center Municipal Water District warns of potential State-mandated command-and-control style water usage restrictions. (Gary Arant, *Taking a Shower with Governor Brown*, Valley Roadrunner, Guest Opinion (Sept. 1, 2016) attached hereto as **Attachment 43**.) Such restrictions could set per-person water restrictions as low 35, 45, or 55 gallons per day and require local water districts, such as the District, to monitor and enforce personal water usage. (*Ibid.*) Based on the absence of any specific demand reduction measures that the District has determined would fulfill its new mandatory rationing requirements, it is unclear if it would be forced to employ such a command-and-control style approach even in the absence of State requirements to do so. The DEIR's failure to disclose the potential impacts of its new mandatory rationing requirements to its customers is improper.

7. *The DEIR Improperly Analyzes Conservation Measures to Be Incorporated in the Project*

The WSA states that the Project will reduce demand from 1,624 afy to 1,196 afy—a reduction of 428 afy or 26 percent. (WSA at 8.) The WSA, however, does not provide any firm or assurances that this level of reduction is achievable or enforceable. While the WSA provides a general discussion of measures that could result in demand reduction for the Project, it makes no effort to quantify such reductions and demonstrate that the 428 afy reduction is achievable or enforceable. As stated above, the unanalyzed measures noted in the WSA for the Project's demand reduction are insufficient and improperly deferred to a Project applicant with no assurance of implementation. (See *POET, LLC*, 218 Cal.App.4th at 740; *Communities for a Better Environment*, 184 Cal.App.4th at 93.)

One of the measures to reduce Project demand raises specific concerns regarding feasibility—grey water systems. (WSA at 8.) The DEIR provides no analysis of the type of system or system capacity of the grey water systems Newland would install, nor does it even provide standards that such systems must meet to achieve the requisite demand reduction. The DEIR also fails to discuss the feasibility of implementing grey water systems from a cost or availability standpoint. As of March 2015, one company—Nexus eWater—advertised itself as the world's first certified installer of grey water systems for residential use. (See "Nexus eWater is World's First Company to Obtain NSF/ANSI Certification for Residential Grey Water Treatment," Press Release (Mar. 13, 2015) [http://cdn2.hubspot.net/hub/409087/file-2622223065-pdf/blog-files/NexuseWaterNSF-ANSI350pressrelease\\_final1.pdf?h=1475188113797](http://cdn2.hubspot.net/hub/409087/file-2622223065-pdf/blog-files/NexuseWaterNSF-ANSI350pressrelease_final1.pdf?h=1475188113797) [attached hereto as **Attachment 44**].) Given this extremely limited availability of certified grey water systems which are legal to install in California, the District must provide specific analysis regarding feasibility of the specific grey water system proposed by Newland and Newland's plans for long term operation and maintenance that are required for these systems. The DEIR

O-1-321  
Cont.

O-1-322

O-1-323

must contain information on the make, model, and efficiency of the certified manufacturers equipment which Newland has included in its project application. The record contains no information at all regarding Newland's specific proposal. In order to "verify" that the grey water system will reduce water demands from Newland's new residential units, the County must be provided with the details of the equipment that will be used.

O-1-323  
Cont.

Further, the DEIR claims that Green Building Code and State and local landscape efficiency ordinances will purportedly result in additional water savings (WSA at 8; Water Conservation Demand Study ("WCDS") Tables 7 and 8), in an attempt to misleadingly inflate the amount of water savings that the Project may achieve. There is no evidence that water usage rates from the 1990s accurately reflect the water usage rates based on the actual data from 2008 to 2014 and/or the water duty factors set forth in the Draft 2014 Master Plan. There is also no evidence that historical data from 1990s usage in the City of San Diego, Las Virgenes Municipal Water District, and the Walnut Valley Water District is an accurate representation of water usage for customers in the VWD service area in the year 2017.

O-1-324

It is inappropriate and incorrect under CEQA for the Project to characterize the 2014 Water Duty Factors or VWD Sewer Generation Rates as "without conservation." The 2014 Water Duty Factors were developed based on actual usage from 2008-2014, during which technology under "modern plumbing codes" existed and existing customers were implementing mandatory water conservation measures due to the most recent drought. Further, water conservation from "modern plumbing codes" would be required for any new development in the Project area (including under existing general plan conditions), and it is improper for the Project to attempt to take credit for modern technology that is required by law.

O-1-325

Similarly, the DEIR also fails to describe the extent to which any conservation or water efficiency savings from these existing laws and codes was already accounted for in the District's approved demand projections (including the water duty factors and sewer generation rates) and its 2015 UWMP. The Project should rather determine what additional water efficiency savings are achievable beyond (i.e., in addition to) the water conservation measures and technology that is already reflected in the 2014 water duty factors or sewer generation rates.

O-1-326

In addition, the DEIR provides no discussion of enforcement of any demand reduction measures that may be implemented as part of the Project. There is no discussion of potential fines or penalties for failure to comply with demand reduction measures. A recent news article indicates that the City of San Diego logged nearly 10,000 reports and investigations of alleged water wasting during approximately one year of drought restrictions, and that it issued almost 400 citations. (See Roger Showley, "Fountains Flowing Again After Drought Restrictions Eased," San Diego Union-Tribune (Sept. 22, 2016) <http://www.sandiegouniontribune.com/business/growth-development/sd-fi-fountains-20160921-story.html> [attached hereto as **Attachment 45**].) The DEIR provides no evidence that any demand reduction programs for the Project would be enforced.

O-1-327

The County, as lead agency, is responsible for "provid[ing] that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures . . . ." (CEQA § 21081.6(c).) District staff, in fact, has conceded it lacks the legal authority to implement enforceable project conditions because it does not have

land use authority. During the Board's January 6, 2016 consideration of a previous version of the Project's WSA, Dennis Lamb (who was then the District's General Manager) stated that the District lacks land use authority. (Vallecitos Water District Board of Directors Meeting (Jan. 6, 2016), Unofficial Transcript, video available at <https://www.youtube.com/watch?v=g796EP8hv6Y> ["The comment letters provided by . . . Latham Watkins, does have some points in there with respect to concerns over land use. . . . We do believe they have some valid points. But again, we're the water district. We don't have control over land use."] [the unofficial transcript is attached hereto as **Attachment 46**].) Without enforceable conditions, there are no firm assurances that the Project could meet the necessary demand reduction requirements.

O-1-327  
Cont.

The County, therefore, cannot rely merely on unevaluated hopes for conservation measures, including sufficient grey water systems use, to result in the specific 428 afy demand reduction required of the Project.

**E. The DEIR Fails to Resolve Contradictions Between Upstream Projections and the WSA's Projections, Which Provide Evidence of Additional an Supply Deficit Not Addressed Even By the WSA's Proposed Mandatory Rationing Requirements**

The SDCWA's 2015 UWMP (attached hereto as **Attachment 47**) provides demand projections for the District that are far below the supply projections included in the WSA. Because the SDCWA supplies 100% of the District's water, the SDCWA's demand projections (upon which it determines its supply allocated to the District) should be equivalent to the District's supply projections. Here, however, there is a significant discrepancy in the SDCWA 2015 UWMP's demand projections and the WSA's District-wide supply projections.

O-1-328

The Golden Door has provided a chart (attached hereto as **Attachment 48**), which shows the demands estimated in the WSA (which are based on the duty factors and the District's 2015 UWMP) and the SDCWA's 2015 UWMP.<sup>13</sup> For example, in a Normal Year the SDCWA projects that the District will use 15,896 afy, 19,227 afy, 20,687 afy, and 26,176 afy in the years 2020, 2025, 2030, and 2035 respectively. The WSA, however, indicates higher supply projections for District—21,219 afy, 24,586 afy, 26,986 afy, and 28,229 afy in the same years of 2020, 2025, 2030, 2035 respectively. The District, therefore, is indicating it has greater demand than there is supply that the SDCWA has allocated despite the fact it obtains 100% of its water from the SDCWA.

These discrepancies are significant for six distinct reasons:

*First*, both the SDCWA's 2015 UWMP and the WSA purport to base their projections on SANDAG's 2050 Growth Projections which include the land uses in County of San Diego General Plan. SDCWA 2015 UWMP at 2-13, Table 2-8, n. 1 (stating that the demands noted in the table are "based on SANDAG 2050 Regional Growth Forecast.") The WSA also states that

O-1-323

<sup>13</sup> Because the District-wide supply projections in the WSA is equivalent to the District-wide supply projection in the District's 2015 UWMP, we refer only to the WSA in this section for the sake of simplicity.



the “[p]rojected water demands for 2020, 2025, 2030, and 2035 were estimated based upon SANDAG’s regional growth forecasts for the District.” (WSA at 16.) If both SDCWA’s and the District’s projections were based on the same SANDAG Growth Projections, either one analysis is clearly incorrect, or different land use assumptions were made in the development of these documents.

O-1-329  
Cont.

**Second**, SDCWA’s 2015 UWMP contradicts the WSA’s finding that “the District’s 2015 UWMP demonstrates that if Metropolitan, Water Authority and District supplies are developed as planned, along with achievement of conservation targets, then no shortages are anticipated within the District’s service area in a normal, single dry or multiple dry-year through 2035.” (WSA at 3.) Based on the SDCWA’s projections, even if the SDCWA supplies the water necessary to meet its demands for the District, the District would have a significant supply deficit even if the District was able to meet its demand reduction goals through implementation of its proposed mandatory rationing requirements.

O-1-330

**Third**, based on the SDCWA’s projections, the District would need to achieve more than an additional 5,000 afy of conservation in 2020, 2025, and 2030.<sup>14</sup> In addition, using the SDCWA projections, in 2020 the VWD would need to achieve 51 percent demand reduction through its unspecified mandatory water rationing requirements in order to make up for its supply deficit. Under the same comparison scenario the mandatory rationing requirements in 2025, 2030 and 2035 would have to achieve 44 percent, 42 percent, and 31 percent reductions respectively—all of which exceed the demand reduction requirements projected in the WSA. (WSA at 4, 26-28.)

O-1-331

**Fourth**, the SDCWA’s demand projections for the District already include “historic and projected water conservation.” (SDCWA 2015 UWMP at 2-13, Table 2-8, n. 2.) The WSA’s reliance on its proposed mandatory rationing requirements as a new supply, therefore, contradicts the SDCWA’s 2015 UWMP projections.

O-1-332

**Fifth**, the SDCWA projections “[a]ssume[] member agency implementation of verifiable local supply projections.” (SDCWA 2015 UWMP at 2-13, Table 2-8, n. 4.) Thus, it appears that SDCWA has already taken into account desalinated water and reclaimed water purchases that the WSA counts as local supply.<sup>15</sup> (See WSA at 24.)

O-1-333

**Sixth**, the District may have to draw from the SDCWA’s Accelerated Forecast Growth water allocation in order to make up for its supply deficit. The Accelerated Forecast Growth water allocation is used to address any unexpected growth in the entire SDCWA territory from changes in land use or accelerated construction due to economic factors and is not accounted for in each member agency’s allocation. (SDCWA 2015 UWMP at 2-13, Table 2-8, n. 6.) Based on the discrepancies noted herein, the District could have to use the entire allocation for the Accelerated Forecast Growth to make up its supply deficit. If that occurred, then the SDCWA

O-1-334

<sup>14</sup> This amount exceeds the 3,500 afy of newly obtained desalinated water that the District has contracted for from the Carlsbad Desalination Plant.

<sup>15</sup> Discrepancies in the WSA’s characterization of water from the Carlsbad Desalination Plant and the District’s 2015 UWMP’s characterization of that water is discussed in above.

would have no additional capacity to handle unplanned growth in the region. As a result, the discrepancies in the District's and SDCWA's projection could have implications for the entire region. Before "verifying" that the District can use some or all of this "Accelerated Forecast Growth" specifically identified SDCWA water supply, the District must obtain a "firm commitment" that this water has been exclusively reserved for the District's use for the Newland Project and will not be used for any other projects in the SDCWA service area. Without this commitment from SDCWA, it is impossible to know whether or not other projects or water agencies in the SDCWA service area are also planning on using this same water as a verified supply for their own projects. Because the District failed to provide evidence that there is no double-counting of this water supply for others, it is now the County's burden to do so.

O-1-334  
Cont.

The DEIR fails to describe and explain any of the discrepancies discussed above. These unexplained contradictions result in legal error. (*Preserve Wild Santee*, 210 Cal.App.4th at 283-84.) Upstream supply, therefore, is too uncertain to support a "less than significant" impact conclusion regarding water supply for this Project. (See *id.* at 284-85 [CEQA document invalid for unexplained uncertainty regarding upstream supply].)

O-1-335

**F. The DEIR Fails to Discuss the Cost of Obtaining New Supply to Serve the Project or Its Allocation or Costs Implications of Demand Reduction**

The DEIR attempts to address the District's projected water supply deficit by alleging—without supporting evidence—that new District-wide mandatory rationing requirements would make up for the supply deficit. As a result of its reliance only on rationing to address the supply deficit, the DEIR fails to discuss the potential for obtaining new supply to make up for the District's supply deficit and provide sufficient water to serve the Project. The DEIR, therefore, fails to discuss the implications of any new supply and how increased cost for a new supply or related new infrastructure would be allocated between Project residents and existing customers. In addition, the DEIR fails to provide the necessary firm assurances for any new water supply as required by law, thus forfeiting the opportunity to serve the Project with a new supply or a mix of new supply and new rationing requirements. Instead, the County is allowing the District to lock itself into the WSA's proposed unspecified District-wide mandatory rationing requirements in order to serve this unplanned development proposal.

O-1-336

In addition, the DEIR fails to discuss the cost implications of the proposed "Conservation Required"/mandatory rationing. If the unspecified measures pursued by the District to meet its demand reduction goals succeed in reducing demand, the District may have to increase per gallon water cost to customers in order to cover its fixed costs. As a result, District customers may pay the same or more to receive less water from the District. The County should provide a thorough analysis of the broader cost and environmental implications of this unspecified rationing proposal.

O-1-337

**G. The Fact That the District's UWMP Projected Future Water Use for Agricultural Uses on the Newland Property Does Not Cure the DEIR's Defects**

The DEIR argues that the District's 2015 UWMP did include expected future water usage on the Newland site for agricultural uses in what the WSA calls the "No Project Alternative."

O-1-338

(DEIR at p. 2.14-22.) The DEIR also claims that no further analysis on the District's ability to serve the Project is required, because Newland's proposal (which lacks important project details) allegedly would result in less water use than projected in the District's 2015 UWMP, despite the addition of over 6,000 new residents, a commercial center, a school, and vineyard areas.

*First*, there is currently little or no water use on Newland's property for any uses, and there do not appear to have been agricultural uses on the property for many years. So, this projected agricultural use, which was never subjected to a WSA, appears to be "paper" water use, not a current use of available District water.

*Second*, without additional detail, there is no basis for concluding that the vineyard uses proposed by Newland in the Project's landscape areas will use any less agricultural water, standing alone, than the District projected in the past. Newland has not explained how it can establish both agricultural uses and residential uses on the same property.

*Third*, the fact that the District previously planned to supply agricultural use to this property in the future does not eliminate the District's now reported water shortage and allow these past planned uses to provide a baseline for whether water is now actually available for new residents to use. The District cannot use a "plan to plan" baseline and cite past proposed uses to suddenly make surplus water appear for new residential uses, when this water supply has never actually been used. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310 [impacts of a proposed project must be compared to existing conditions, rather than to allowable conditions defined by a plan or regulatory framework, not hypothetical situations]; *Keep Our Mountains Quiet v. County of Santa Clara*, 236 Cal. App. 4th 714, 734 (2015) (same); *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 447 [an EIR "must delineate environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified."]; Gov. Code § 66473.7(d) [where a verification relies on projected water supplies, the analysis must be based on specified criteria to conclude that water supplies will be sufficient].)

*Finally*, the DEIR fails to provide any temporal aspect of its comparative projections, including when the alleged agricultural uses included in the District's 2015 UWMP would be built compared to the Newland Project's build-out schedule. The DEIR assumes, instead, and without evidence, that sufficient supply exists to serve such alleged agricultural uses now.

## **II. Rules Regarding Drought-Level Restrictions Prohibit the District from approving a new Water Supply**

Based on District Ordinance No. 198, (attached hereto as **Attachment 49**) the District is generally precluded from approving new potable water services when restrictions reach Drought Level 3, requiring 40 percent reduction. (See also District 2015 UWMP at 9-3.) Here the DEIR acknowledges that as much as 36 percent reduction, District-wide, will be required to meet the projected multiple dry-year requirements in 2020 and future years. (WSA at 26-27.) Because the water duty factors already account for significant conservation, the 36 percent reduction figure is likely low, and it could easily reach over 40 percent. In addition, as discussed in above, the SDCWA's projections show a more significant supply deficit that would require as much as a

O-1-338  
Cont.

O-1-339

O-1-340

O-1-341

O-1-342

O-1-343



51 percent reduction through "Conservation Required"/mandatory rationing in order to balance. This level surpasses the 40 percent threshold for Drought Level 3.

The DEIR fails to provide any analysis of whether the District will approve a new potable water source despite meeting or exceeding the 40 percent threshold noted in the District's ordinances Drought Level 3. Here, it appears the County and the District propose to mandate Drought Level 3 restrictions (or more) in order to approve a new development project, in contradiction to its own ordinances which preclude it from approving water supply for a new development when it requires a 40 percent reduction. This unexplained contradiction is impermissible under CEQA.

O-1-343  
Cont.

#### I. The DEIR Fails Provide Coherent and Accessible Information

Based on our review of the WSA, the District's 2015 UWMP, the District's 2008 Master Plan, and SDCWA's 2015 UWMP, we are concerned that information is not being presented in a way that is easily accessible to the public and decision makers. A WSA must include consistent figures and coherent analysis. (See *Vineyard*, 40 Cal.4th at 445 [environmental document fails because it "presents a jumble of seemingly inconsistent figures for future total area demand and surface water supply, with no plainly stated, coherent analysis of how the supply is to meet the demand. The reader attempting to understand the County's plan for providing water . . . is left to rely on inference and speculation."].)

O-1-344

Here, the WSA, the District's 2015 UWMP, the District's 2008 Master Plan,<sup>16</sup> the SDCWA 2015 UWMP, rely on a mixture of numeric bases—with water volume expressed in gallons per day, million gallons per day, million gallons per year, and acre feet per year. In particular, the supply and demand tables in the WSA provide figures in acre feet per year, while the supply and demand tables in the District's 2015 UWMP provides figures in millions of gallons per year. (WSA at 26-27; District's 2015 UWMP at 7-3 to 7-4.) As such, it is very difficult for the public or decision makers to comprehend an apples-to-apples comparison of the data presented.

The DEIR also states, in a conclusory fashion, that water used for construction will have "less than significant impact" on water supply. The DEIR contains no data on how much water will be required or when. The DEIR's conclusion here is wholly arbitrary without any meaningful explanation, and it defies reason to state that the construction of a 2,000+ residential unit project, along with all the associated water needs for dust control, road construction, grading, concrete, equipment cleaning and maintenance may not have a potentially significant impact on water supply – over 10 million yards of cut and fill. (DEIR Appx K at 68.) It is not clear that Newland has included in its forecasted water usage the water it will need to (a) for purposes of maintaining vegetation in any brush management zones for fire protection, and (b) for purposes of replanting or planting new vegetation in open space areas. Additionally, Newland has not made clear the amount of water that will be needed to support the equestrian trails and

O-1-345

O-1-346

<sup>16</sup> While the WSA purports to rely on the District's Draft 2014 Master Plan, the District's most recent Master Plan that is available to the public is its 2008 Master Plan. Because we cannot ascertain the unitization figures for the District's undisclosed 2014 Master Plan, we note the 2008 Master Plan here.

equestrian center, and to establish or reestablish vegetation affected by Newland's plans to allow large scale equestrian use of the open space areas. The DEIR must be revised to include this information and recirculated for further public review and comment.

Data with unexplained discrepancies does not constitute substantial evidence. (*Preserve Wild Santee*, 210 Cal.App.4th at 283-84.)

**J. The DEIR Conflicts with the County's General Plan Provisions Regarding Recycled Water**

The County's General Plan requires use of recycled water in new development, when "feasible." (San Diego County General Plan at p. 5-38 (Aug. 2011) [COS-19.2: "Recycled Water in New Development. Require the use of recycled water in development wherever feasible. Restrict the use of recycled water when it increases salt loading in reservoirs."]; see also *id.* [Goal COS-19: "Sustainable Water Supply. Conservation of limited water supply supporting all uses including urban, rural, commercial, industrial, and agricultural uses."].) "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (CEQA § 21061.1.) Feasibility determinations must be based on detailed findings supported by substantial evidence. (See *Preservation Action Council v. City of San Jose*, 141 Cal. App. 4th 1336 (2006) [economic infeasibility based solely on competitive disadvantage found insufficient]; *Ctr. for Biological Diversity v. Cty. of San Bernardino*, 184 Cal. App. 4th 1342, 1357 (2010) [conclusory statement with no factual support found insufficient].)

The DEIR fails to discuss the feasibility the Project's recycled water use, including constructing an on-site treatment facility to generate reclaimed water.<sup>17</sup> While the WSA makes vague references to plumbing for grey water systems and other potential developer-proposed standards for recycled water, the DEIR fails to discuss whether any such Project components could feasibly result in recycled water use or the extent of any such use and provides no explanation of how such requirements would be enforceable.

The County must analyze the potential alternative of an on-site recycled water plant, and whether such a facility may be superior in term of cost, reliability and water saving in comparison to the grey water recycling systems that are vaguely referred to the in WSA. Assuming both options are feasible (which must be analyzed by the County because the District failed to do so), which option provides the greater water reduction, is more reliable, and of less cost to the District?

The City of San Diego recently required the inclusion of an on-site treatment plant in the Quarry Falls project in the Mission Valley area in order to provide recycled water to the Project. Such plants exist and are, therefore, physically feasible to build within the Newland Sierra Project Site. The County should also examine whether the District could provide recycled water from a downstream treatment plant, if an on-site plant is not preferred. Because the District is the planned provider of sewer and water services to the Project, it is the only agency that can

<sup>17</sup> Such a facility may not be found infeasible merely because it would cut into the developer's profits. (See *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599.)

O-1-346  
Cont.

O-1-347

supply the needed evidence to the County staff and Board of Supervisors and the only agency that can make the determination of "feasibility" required by the County General Plan, so that the County can then determine whether the Project can comply with the General Plan's very specific requirement for all new development.

**K. The DEIR Errs in Incorporating the Project Applicant's Advocacy without Disclosing Its Independent Analysis**

The WSA provides a project description including statements from the Newland Sierra web site, which promote the Project as "one of the most water-efficient communities ever built in San Diego County." (WSA at 5.) Neither the DEIR nor the WSA provides any meaningful evidence to support this obviously self-interested promotional statement, and we are concerned that such language frames the WSA as Newland's marketing platform rather than a technical water supply analysis. Such hyperbole is improper. (See *Gentry*, 36 Cal. App. 4th at 1397 [agency must independently review documents prepared by applicant's consultants]; see also *California Clean Energy Committee v. City of Woodland*, 225 Cal. App. 4th 173, 194 (2014).) The DEIR fails to provide any evidence or independent analysis to support Newland's marketing statement in the WSA.

**L. Additional Inconsistencies**

In addition to the contradictions and inconsistencies raised above, it is unclear how the DEIR reconciles the WSA's projections with the District's other per-person projections. Based on a recent press release, an average single-family home in the District uses 8,976 gallons per month (based on 12 units and each unit being 748 gallons). (See District Press Release, "Vallecitos Board of Directors Denies Proposed Rate Increase," (Sept. 27, 2016) attached hereto as **Attachment 50**.) The WSA does not provide per person estimates of water supply, and it is not possible to determine if the new "Required Conservation"/mandatory rationing is included in the estimates the District is advertising to the public. Additional analysis and clarification is needed in the DEIR.

The DEIR also erroneously states: "The Vallecitos Water District is one of 24 member agencies of the Water Authority, and the Water Authority is a member agency of the MWD. MWD develops, stores, and distributes water to Southern California from two primary sources: (a) water from the Delta in northern California via the State Water Project, and (b) water from the Colorado River via the Central Valley Project." (DEIR at p. 2.14-14.) The Central Valley Project does not supply water to Southern California. Also, the Central Valley Project does not deliver water from the Colorado River. This is a fundamental informational error—where water in Southern California comes from—must be corrected in the DEIR, which after revision must be recirculated for public review and comment under CEQA Guidelines section 15088.5(a)(4).

In addition, though the District rescinded the mandatory drought restrictions connected with the last drought period, it adopted a new ordinance implementing some of the drought restrictions in perpetuity. (See "Vallecitos Water District Ends Restrictions on Outdoor Watering," *San Elijo Life* (July 7, 2016) attached hereto as **Attachment 51**.) Despite this action, the DEIR does not indicate whether the District's new restrictions are accounted for in the demand factors for Newland or District-wide or whether they are included as part of the

O-1-347  
Cont.

O-1-348

O-1-349

O-1-350

O-1-351

“Conservation Required”/mandatory rationing. Because the water duty factors were determined based on actual meter reading occurring during the drought, it appears these reduction measures—which apply some of the drought restrictions even in non-drought years—are already accounted for in demand and cannot constitute any portion of the additive “Conservation Required”/mandatory rationing necessary to make up for the District’s water supply deficit. The DEIR should clarify how these additional restrictions factor into its analysis.

### **M. Conclusion**

The informational deficiencies and errors identified and discussed above require revision and recirculation of the DEIR under CEQA Guidelines section 15088.5(a).

↑  
O-1-351  
Cont.

↓  
O-1-352

### XVI. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The DEIR's section on Significant Irreversible Environmental Impacts does not list the full scope of significant irreversible changes as a result of the Project.

As noted elsewhere in this comment letter, the Project will cut off significant biological corridors, rendering species movement impossible through the region. The DEIR ignores the concept of corridor redundancy, which is noted in the NC MSCP's Corridor Conservation Goals and Actions, and is important for large predators such as mountain lion. (Jennings August 2017 Report at 7.) Bifurcating biological corridors cannot be undone, and will irreversibly alter the biology of the region for years to come, and contrary to the DEIR's claims, has not been reduced to a less than significant level. Further, the contravening of the County's General Plan signifies a shift against current County policy to preserve unincorporated rural areas. Opening up the Project Site for development will open up the entire rural backcountry for development and fundamentally change the nature of the area forever.

┌ O-1-353

└ O-1-354



## XVII. ENERGY

As an initial matter, it is unclear how Energy is included in the portion of the DEIR deeming its impact to not be significant, yet the DEIR notes that the Project would have a significant and irreversible environmental impact on “commitment of resources” and “increased consumption of resources” which both include energy. (DEIR at p. 2.15-1.)

The DEIR’s conclusion that the Project is consistent with General Plan Policy COS-16.2 is not supported by substantial evidence. Policy COS-16.2 states that the Project must “support transportation management programs that reduce the use of single-occupancy vehicles.” Yet, as discussed elsewhere in this letter, the TDM program proposed in the DEIR contains measures that may never be implemented, or utilized to an extent that would actually reduce reliance on single-occupancy vehicles. Further, the Project Site is located far away from job centers, commercial uses, and has no existing or planned transit infrastructure on or adjacent to the Project Site.

As a result, the DEIR’s significance determination is not supported by substantial evidence. Under Appendix F, a significant impact to energy would result if the project would be inconsistent with adopted plans and policies. In addition to being potentially inconsistent with Policy COS-16.2, the Project is inconsistent with SANDAG’s SCS. The location of the Project—rural, unincorporated North County—conflicts with the region’s RTP/SCS. The RTP/SCS considers the Project Site as primarily rural residential with one unit per 20 acres, and does not provide transportation plans to accommodate Newland’s proposed residential growth. As a result, the Project is inconsistent with SB 375’s statewide mandate to reduce GHG emissions from the transportation sector. SB 375 required the preparation of a regional SCS to reduce regional emissions in furtherance of the statewide reductions targets. The DEIR claims that implementation of TDM measures would result in an 11.1 percent reduction in overall VMT. (DEIR at p. 3.1-16.) As discussed in greater detail in Traffic and Transportation section of this letter, the DEIR overstates trip reductions from its TDM measures, including taking credit for “mixed use” reductions despite only a nominal amount of proposed non-residential development, taking credit for “promoting” and “coordinating” various programs that stand little chance of effectiveness in the Project’s proposed location, and conceptually mischaracterizing this rural sprawl project as if it were urban infill. Thus, the conclusion that the implementation of TDM measures would reduce petroleum consumption is not supported by substantial evidence. Further, the DEIR does not acknowledge that the Project was not included in SANDAG’s underlying plans. The conclusion that there would be a “less than significant impact” is not supported by the evidence in the DEIR because the Project is inconsistent with local and regional adopted plans and policies.

The DEIR’s analysis includes many conclusory statements that are not supported by substantial evidence. For example, the DEIR concludes that the electricity used for construction will result in a less than significant impact because electricity for lighting and electronic equipment would be “temporary and negligible.” (DEIR at p. 3.1-12.) The DEIR does not provide any further analysis, or additional information for the public to understand the extent of such usage. For instance, will the temporary construction trailers use air conditioning? Will they have sensor lights, or will lighting be used through the night to deter any potential burglaries? During daylight savings time, will construction incorporate lighting to enable work

O-1-355  
Cont.

O-1-356

O-1-357

O-1-358

O-1-359

O-1-360

past dusk? During construction, will there be lighting overnight to deter robberies? Will the Project include security cameras operated by electricity? None of this information is included within the energy analysis, and it must be included to enable the public to adequately comment on the proposed Project's impacts.

The DEIR states that "solar panels would be included on all residential units (both attached and detached) and Community facilities to offset 100 percent of estimated electrical use associated with these land uses." (DEIR at pp. 3.1-12 to 3.1-13.) The DEIR does not analyze how it reaches this conclusion, and this statement is wholly unsupported by substantial evidence. The DEIR does not provide information on design or placement of the solar panels on the residential units or facilities, and it is possible they may not face the correct direction to ensure full capture of solar energy. In addition, because there are no developmental designs included in the DEIR, it is unclear how there may be enough solar panels placed on a roof to adequately accommodate 100 percent of the multi-family residential's electricity needs given the inherently limited roof space. Further, the DEIR does not analyze whether this 100 percent offset is feasible if members of the community run their air conditioning during the night, or provide any details on whether there will be any storage of the proposed solar energy. The DEIR only concludes that the proposed Project's residential and community facilities will be 100 percent offset by the use of solar panels, which is insufficient information for a member of the public to adequately comment on the Project's potential energy impacts.

The DEIR's conclusory statement that "the demand for housing, jobs, and educational facilities in the project vicinity demonstrates that petroleum consumption associated with the project would not be unnecessary." (DEIR at p. 3.1-17.) This statement is nonsensical, and makes it appear that petroleum consumption, would, in fact, be necessary. Likewise, the significant irreversible change section of the DEIR states that "fossil fuels would represent the primary energy source associated with construction and ongoing operation of the project." (DEIR at p. 2.15-2.) The energy section states that solar will offset 100 percent of the residential electricity use. It is unclear which statement is true.

Finally, the DEIR omits the San Marcos Highlands from its cumulative impacts analysis.

↑  
O-1-360  
Cont.

↑  
O-1-361

↑  
O-1-362

↑  
O-1-363



### XVIII. HYDROLOGY AND WATER QUALITY

The DEIR concludes that the Project's impacts on hydrology and water quality will be less than significant based on an incomplete evaluation of the Project and hypothetical data. The County must correct the deficiencies noted below and recirculate the DEIR for further public review and comment.

The Project does not make the appropriate significance determination related to storm water flows impacting the site and surrounding properties. The DEIR at page 3.2-18 states, "In summary, development of the project would result in an increase in stormwater runoff when compared to existing conditions due to the introduction of new impervious surfaces within the project Site....the incorporation of basins for detention and water quality, as well as compliance with County requirements for drainage design, would ensure that flooding does not occur downstream of the project Site and that watercourses are not substantially altered from existing conditions. Impacts would be less than significant." However, the full list of measures to mitigate storm water flows is not provided. A narrative of the types of mitigation measures proposed is provided, but the DEIR defers the actual mitigation measures to the Storm Water Pollution Prevention Plan ("SWPPP") which will be developed as part of the grading permit for the Project. The DEIR should find that the impacts from the increased storm water flows will be significant and then disclose the mitigation measures proposed to address the significant impact. By requiring these improvements as mitigation measures incorporated as Project conditions, they will be enforceable as requirements of the Project. The current paradigm creates an unenforceable, "trust us" approach that is not permitted under CEQA.

Because specific storm water mitigation measures have not been provided in the DEIR, it is impossible to determine the adequacy of those mitigation measures to control pollutants from leaving the site. The Project proposes millions of cubic yards of earth movement, but does not provide a detailed understanding of what measures will be taken to control soil from leaving the site in storm water flows.

The Project will require significant storm water infrastructure to capture, treat, and convey stormwater flows throughout the Project and to off site discharge points. The Project's need for extensive infrastructure illustrates that it is incompatible with the rural community character of the area. The need for this infrastructure shows that there are no plans for growth in this area. Despite the claims by the Project that there is an existing Village in the Project area, the lack of significant storm drain infrastructure shows that the Project is not located near existing or planned infrastructure in violation of the Guiding Principles of the General Plan.

The DEIR at 3.2-18 states: "Similarly, construction of the I-15 interchange improvements, which constitutes an off-site mitigation measure for the project, will not cause significant hydrology impacts, as they are not expected to substantially alter existing drainage patterns or increase water surface elevations." However, as discussed throughout this letter, the Project has not provided a design for the interchange and has deferred design of the interchange until after the Project is approved. The applicant has acknowledged that the need for the interchange will be created by the Project, but has bi-furcated this important piece of mitigation from the Project itself. In doing so, the Project DEIR cannot adequately determine the impacts of the interchange on water quality and erosion in the area. The interchange is in close proximity

O-1-364

O-1-365

O-1-366

O-1-367

to a creek and a mobile home park that could see impacts from increased run-off. These impacts must be evaluated as part of the DEIR.

O-1-367

It is very likely that the design proposed for Deer Springs Road BMPs will be undermined by the ultimate six-lane build out in the General Plan. The DELANE Offsite Memo notes that drainage facilities in the design of a four-lane Deer Springs Road could preclude the ultimate build out design.

O-1-368

The DELANE Offsite Memo also shows at page 4 that impacts to private driveways and improvements along Deer Springs Road have not been adequately analyzed. In particular "STA 14+00 – Drainage discharge, slope, and safety impacts to Deer Springs Oak mobile home community are not clear."

The DEIR describes a series of BMPs apparently meant to adequately convey storm water flows off the Project Site. However, the DEIR does not seem to incorporate detention basins that would prevent storm water and pollutants contained in that storm water from leaving the site. The revised General Construction Permit and MS4 Permit for San Diego County have emphasized detention over retention to prevent pollutants from leaving a site. Given the millions of cubic yards that will be moved around the site and the significant blasting that will disturb soils throughout the site, the Project should detain storm water runoff to avoid siltation of downstream creeks and lakes. The DEIR does not appear to consider or provide detention as a mitigation measure for the Project.

O-1-369

As noted in the Water Utilities section of this letter, the Project will require Vallecitos Water District customers to reduce their usage by up to 36% to create enough water to serve the Project. To mitigate these impacts, the Project should analyze the capture and reuse of storm water within the Project Site to both reduce the amount of water needed by the Project, as well as reducing the total storm water flows being discharged off site. Please provide an analysis of how the Project could utilize much of its storm water flows on-site for irrigation and water features.

O-1-370

Further, the *Hydromodification Management Study: Newland Sierra PDS2014-MPA-14-018. Report prepared by Fuscoe Engineering, January 20, 2015*, is based on incomplete, hypothetical data that is inappropriate given the scale and complexity of this Project. Page 6 of the hydromodification study states that data for impacted channels were extrapolated. The hydromodification study's criteria for extrapolation were "Steep hillside canyons draining to the east", or "Steep hillside canyons draining to the west." However, there is an inherent variability and complexity in bed and bank materials (and thus their stability), affected by variables such as bed material grain size, contemporary and historical processes such as lithology, uplift rates, precipitation, fire history, vegetation, road construction, soil properties, grazing intensity, sediment transport capacity of upstream reaches, watershed aspect and shape of the channel network, among other factors, as well as runoff magnitude and duration as well as channel slope and the cross-sectional shape of the channel. Given this complexity, there was no basis for the hydromodification study to "assume[] erosion susceptibility for each POC." Accordingly, the DEIR must be revised and recirculated after a full assessment of each impacted channel is performed and incorporated into the analysis, instead of using hypothetical "extrapolated" data.

O-1-371

The scope of the hydromodification analysis is also inappropriately narrow. The hydromodification study treats each POC individually and does not appear to consider the potential channel instability when several hydromodified channels join downstream of the POCs. For example, POC 1021, POC 1053, POC 1064, POC 1073, POC 1088, POC 1083, and POC 1112 are all impacted by development and join before flowing under I-15. But only POC 1064 is assessed (for 810 feet until it achieves "confluence with a larger drainage course"). The larger drainage course is impacted by the Project, but the DEIR does not provide an appropriate justification for such a downstream cutoff. Similarly, due to the large Project footprint, the DEIR must also consider the stability of downstream receiving channels. For example, POC 1021, POC 1053, POC 1064, POC 1073, POC 1088, POC 1083, POC 1112, POC 1304, POC 1329, POC 1341, POC, 1349, and POC 1603, POC 1905, and POC 2000 all drain into Moosa Canyon, which may already be impacted from hydromodification or may be near a threshold of instability. The DEIR must be revised and recirculated after it has considered a broader downstream analysis and these Project-specific concerns.

O-1-372

The DEIR's Potential Critical Coarse Sediment Yield Areas (PCCSYA) is also fundamentally flawed. For example, the DEIR's PCCSYA Analysis Report designates POCs as threshold channels, but the analysis does not directly assess sediment transport through these threshold channels and does not consider episodic transport due to fire, drought, earthquakes, debris flows, infrequent rain events, or the combination of those factors. Furthermore, the presence of a threshold (immobile bed) channel does not imply the absence of critical sediment source areas. To account for this, the DEIR must be revised to incorporate a well-documented channel assessment with direct observations (not predicted grain size or air photos) at the POC as well as reaches upstream and downstream of the POC and banks and hillslopes connected to the channel.

O-1-373

Another example of a fundamental flaw in the hydromodification analysis is in the adoption of a 10-year peak discharge as a design flow. However, the study does not provide adequate explanation as to why a 10-year peak flow is appropriate at these sites. The County BMP Design Manual suggests the 10-year peak discharge as a rule of thumb, but in confined headwater channels (such as those included in the study), the 100-year peak discharge is often confined within the banks (i.e. there may not be connected floodplains to disperse and dissipate shear stress during peak events), so transport potential likely increases substantially for less-frequent events. In the episodic channels of Southern California, more sediment may move in a single rainy day following a wildfire, than would move in a decade of average conditions. The scholarship has highlighted the critical distinctions between California's episodic channels and the sediment transport dynamics of more stable systems (e.g., Kondolf et al. (2013)) and the dominant influence of fire on sediment transport in southern California (e.g., Florsheim et al. (1991)). Given the well-documented studies from the region showing the episodic transport of sediment, it was unreasonably dismissive to limit consideration of sediment transport to only the 10-year peak discharge, which likely does not include the majority of sediment-transport. The hydromodification analysis needs to be revised to evaluate a 100-year peak discharge flow and the DEIR must re-evaluate its significance conclusion and be recirculated for additional public review and comment.

O-1-374

Yet another example of the fundamental flaws in the hydromodification analysis is the PCCSYA Analysis Report's assumption that the presence of vegetation on a bed is an indicator

O-1-375

of an immobile bed. However, based on the role of fire and episodicity in southern California, discussed above, the presence of vegetation on the bed is not a relevant indicator of bed stability or sediment transport, particularly when considering transient vegetation such as grasses. Wildfires that would burn the contributing watersheds and contribute sediment to the channels would likely also remove that temporarily stabilizing vegetation along the channels.

O-1-375  
Cont.

The hydromodification analysis is also fundamentally flawed because photographic documentation and grain size analysis was not thoroughly conducted. Although some photos were included in Appendix 2 to the PCCSYA Analysis Report, there was no systematic photographic documentation or analysis of bed material, and direct assessment of bed material at POCs 13B, 19, and 26 does not appear to have been conducted at all. In addition, it appears that d50 was predicted from an empirically -derived threshold of channel instability based on observed d50 and 10-yr specific stream power (Figure H.7-1 in the County BMP Design Manual). However, a stream-power based method of predicting grain size is not appropriate for an analysis of sediment supply or transport because such methods only consider the transport capacity of the channel and do not consider sediment supply. Sediment supply is the essential question being assessed in a PCCSYA analysis and exerts substantial influence on the composition of bed material. Moreover, the equation used to estimate the d50 is the same equation being used to determine stability of the bed, so as a result the analysis becomes circular. Finally, Figure H.7-1: shows an order of magnitude variation, highlighting the importance of other processes such as sediment supply and the importance of direct observation at the reaches of interest. The DEIR must be revised and recirculated after the hydromodification analysis has performed and considered an adequately documented grain size analysis.

O-1-376



### XIX. LAND USE AND PLANNING

#### A. The Project Has Already Been Found Inconsistent with the General Plan and Community Character

The Project has significant history at the County of San Diego – history that has been ignored in the DEIR and throughout the DEIR process. The 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 now largely zoned RL-20, allowing one residential unit per 20 acres, or approximately 99 units. Also in 2011, County staff reviewed a request to increase the density by approximately 1,100 residential units (General Plan Property Specific Request NC42 Staff Report, attached hereto as Attachment 3), which County staff noted would require amendments to the General Plan's Guiding Principles and additional environmental review of the General Plan and recirculation of the General Plan EIR. 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 rural density on the Project Site), the Project now proposes 2,135 residential units, 81,000 square feet of commercial development, a school site, and the expansion of Deer Springs Road.

O-1-377

On the face of the matter, the County Board of Supervisors has already twice found that the Project is not consistent with the land use designations for the Project area and is not consistent with the rural character of the Twin Oaks Community. That is why the DEIR's findings of no significant impacts to land use are unexplainable and are inconsistent with past Board of Supervisors policy direction or County staff's recommendations related to this Project Site. The County cannot simply erase the policy history of this Project. Given the history of the site, Newland should not be allowed to continually ask for reconsideration of the same Project until they achieve their desired result. The past land use policy determinations about the site should be upheld and should not be arbitrarily reversed and ignored.

In addition, the County has heard from the Twin Oaks and surrounding communities for years that they value the rural character of their community and want it to be preserved in line with the recent Board of Supervisors actions related to the Project Site. Indeed, the General Plan and the North County Metropolitan Subregional Plan ("Subregional Plan") give significant weight to community character as a determining factor as to whether or not a Project will have a significant impact on that community. The Twin Oaks Valley Planning Group has taken a position against the Project and the County Board of Supervisors rejected the first iteration of this Project—Merriam Mountains—as not being consistent with the community character of the Twin Oaks area. How can the EIR now find that this Project is consistent with the character of the area?

O-1-378

The highest land use authority in the County has already spoken on this point and made the determination that a large, urban scale project in this area is not consistent with the rural community character of the area. Indeed the Board of Supervisors had a second chance to determine if additional density was warranted in this area during the 2011 General Plan update. They again rejected the developer's request for additional density in the General Plan update and reduced the density of the site. PSR NC42 for only 1,162 units was also withdrawn after County

O-1-379

staff's determination that its consideration would require recirculation of the General Plan EIR and would fundamentally undermine the General Plan Guiding Principles. In each of these instances the Board of Supervisors made policy determinations that the proposals did not fit the community character of the area. The County should stand by these determinations.

The Twin Oaks Valley Community Sponsor Group has also made clear that the Project is not consistent with the community character of the area. The Sponsor Group first voted on to oppose the Merriam Mountains Project and then to oppose the PSR NC42 in the General Plan for the same site. The Twin Oaks Community Sponsor Group has again taken a position against the current proposed Project as not being consistent with the community character of the area, because it would place a population the size of the City of Del Mar into a rural area with little infrastructure to support it.

### **B. NOP Land Use Comments Ignored**

The Golden Door submitted comments on the NOP on March 16, 2015, including comments regarding land use impacts from the Project. These NOP comments were largely ignored in the DEIR. We have attached our NOP comments, as well as NOP comments to this letter as **Attachment 52**. The DEIR must be revised to acknowledge and address each of the concerns expressed in our NOP comments. In addition, we re-submit our NOP comment letter as a comment letter to the DEIR and request a response to each of the issues addressed.

Due to significant concern by residents in the area, we noted in our NOP letter that public participation would be 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 policy direction given twice by the County Board of Supervisors. The County and the applicant have ignored resident's request for participation. The applicant has made no presentations and has provided minimal to no information during the DEIR process to the affected community groups. The County held one meeting to obtain information about the DEIR but provided no information about the impacts of the Project at that meeting and advised the public that no oral comments presented at the meeting would be addressed by the County in responding to comments on the DEIR.

Given the public's need for information on a DEIR that is thousands of pages long with thousands more pages of appendices, we request that the County hold a real information session where a summary of the findings of the DEIR are presented and the public is allowed to provide comment on the Project that the County will actually consider and respond to. Anything less is an abdication of the responsibility of the County to provide meaningful avenues for public input, per Guiding Principle 10 in the General Plan. Similarly, the Project applicant should also make presentations to the relevant planning groups so that they can answer questions and receive input on the Project. A new comment period should be provided so that the public can comment after such presentations.

### **C. The Draft EIR Land Use Section Is Incomplete**

#### **1. Important Analysis Table Omitted**

Page 3.3-9 of the DEIR states that, "[a] detailed list of County General Plan policies and the proposed project's consistency with those policies is found in this EIR, Table 3.3-1, General

O-1-379  
Cont.

O-1-380

O-1-381

O-1-382



Plan and Subregional Plan Consistency Analysis.” It does not appear that this table exists in the published DEIR and therefore we are unable to review and provide comment on this important analysis table. The table of contents for the DEIR does not list Table 3.3-1 in the list of tables and we are unable to locate this table in the DEIR.

Below is an excerpt from the DEIR table of contents, list of tables, which shows that Table 3.3-1 is not listed in numerical order like other tables in the EIR:

Table of Contents	
3.2-1	Basin Areas and Peak Flows for Existing and Proposed Conditions .... 3.2-28
3.4-1	Park Summary ..... 3.4-17
3.5-1	Deer Springs Fire Protection District Fire and Emergency Medical Delivery System..... 3.5-25
3.5-2	Student Generation for the Proposed Project..... 3.5-25
4-1	Summary of Analysis for Alternatives to the Proposed Project..... 4-91

Due to the important information related to land use impacts that this table would provide, we request that the table be placed back into the DEIR and the DEIR recirculated so that comments can be provided.

## 2. Regulatory Setting Inappropriately Described

Section 3.3.2 of the DEIR provides the discussion of the existing Regulatory Setting for the Project. However, the DEIR inappropriately inserts the “Proposed Newland Sierra Specific Plan” as part of that regulatory setting. The Proposed Newland Sierra Specific Plan is not part of the existing regulatory setting. It is one of the significant changes to the land use in the area that the DEIR must evaluate for environmental impacts. If the Specific Plan is made part of the Regulatory Setting, the DEIR would be evaluating the Project against itself, which is not appropriate under CEQA. In addition, this section of the DEIR provides a finding that the Specific Plan is “in compliance with applicable County policies and regulations.” The Regulatory Setting is not the correct place to make compliance determinations for a proposed change in land use. This analysis should be located in the land use section 3.3.3 which provides analysis of changes to the Regulatory Setting.

## 3. The Analysis Split Between Sections

Land Use impacts from the Project are described in the Project Description, Land Use Section, Population and Housing sections, and appendices to the DEIR, making it difficult to determine where significance determinations are being made and where analysis on particular points can be found. This failure as an informational document violates CEQA. (*Vineyard*, 40 Cal.4th at 442; *Cty. of Amador*, 76 Cal.App.4th at 956.)

O-1-382  
Cont.

O-1-382

O-1-383

**D. Existing General Plan Conditions Are Not Correctly Described**

**1. Existing Commercial Area**

The DEIR at Table 1-11 and in section 1.8.1 states, "the existing General Plan land use designations would allow approximately 99 residential dwelling units and 2,008,116 square feet of commercial space." This statement and the table are inaccurate and attempt to portray the existing conditions as having potentially more impact on the Project Site than the Project. It is correct that a maximum of 99 residential dwelling units can be developed on the property, but 2,008,116 square feet of commercial development may not be developed on the property given regulatory, physical, and market constraints. In addition, page 1-35 of the DEIR states an alternative commercial square footage for the site. Page 1-35 states that "as to planned commercial growth, the project proposes 81,000 square feet of commercial uses compared to the 1,777,684 square feet of commercial space otherwise allowable under the proposed General Plan." It is unclear as to what is meant by the "proposed General Plan," but either the 2 million square foot or the 1.7 million square foot description of the commercial area in the DEIR is incorrect and is internally inconsistent.

**2. Office Professional Area**

The DEIR states there is currently 53.6 acres of land designated for Office Professional and zoned C30. Over 30% of the property is encumbered by steep slopes greater than 25% which renders those areas of the property almost undevelopable under the County's RPO. The RPO generally requires preservation of these slopes and only allows encroachment of 10% into those steep slope areas. There are flat areas of the property which exist between the steep slopes that are also not developable due to the adjacent topography. After accounting for setbacks and slopes, there are approximately 27.7 acres of "developable" land that are designated Office Professional and zoned C30 on the site.

Office uses in this area have a maximum 2-story height limit, which would necessitate industrial-office type development with surface parking. Although the General Plan's Office Professional designation allows a maximum floor area ratio ("FAR") of 0.8, when requirements for surface parking, setbacks, height, and other development restrictions are applied to the property, the area would only be able to provide a maximum building square footage of 635,000 square feet. These limiting factors are more thoroughly discussed in the expert report provided by DELANE Engineering. (See DELANE Commercial Memo.)

The DEIR must consider these facts and be recirculated for further public review and comment under CEQA Guidelines section 15088.5.

**3. General Commercial Area**

The General Commercial area of the property is 4.6 acres. General Commercial in this area is allowed to develop to a maximum FAR of 0.7. However, given requirements for parking, a 2-story height maximum, and required setbacks, the property could only develop to a maximum of 103,000 square feet per the analysis in the DELANE Commercial Memo.

O-1-384

O-1-385

O-1-386

O-1-387

Also, the General Commercial parcels are divided by Mesa Rock Road, which would make it impossible for all of the development square footage to be used by a single building like a "Big Box" store (discussed below). These limiting factors are more thoroughly discussed in the DELANE Commercial Memo.

The DEIR must consider these facts and be recirculated for further public review and comment under CEQA Guidelines section 15088.5.

#### 4. *Total Feasible Allowed Commercial Development*

The total feasible combined Office Professional and General Commercial square footage allowed in the existing conditions is 738,000 square feet and not 2 million square feet. The feasible square footage shown in the DELANE Commercial Memo only accounts for restrictions from development regulations and does not take into account economic and other environmental factors that would further reduce the feasible development on the site.

Therefore, the DEIR's characterization of the commercial area of the Project Site under existing conditions is incorrect and must be revised and recirculated.

### E. **Commercial Area Not Economically Viable**

#### 1. *Cushman & Wakefield Report*

The Cushman Study determined that construction of commercial office or retail on the Project Site is not economically viable. The report states that "[t]here is no current construction of office and a net negative (2,000 sf) absorption as of the 2nd quarter 2017. Thus, there does not appear to be significant demand for office space in the subject's designated site area." With respect to retail, the study finds, "there is little to no current demand for retail development at the subject's site." Therefore, even if the Project Site's commercial area could physically be developed to the maximum square footage, there is no economic demand for the square footage in the foreseeable future. Negative absorption rates for both office and retail shown in the Cushman Study illustrate that there will be little to no growth in demand for these land uses in the short or long term.

#### 2. *NNP-Stonegate Comments*

The previous owner of the Project Site and the applicant for the Merriam Mountains Project noted in an August 31, 2009 letter to the County of San Diego (attached hereto as **Attachment 53**) that, "the commercial and office professional designations in the draft GPU are too small and isolated to be economically viable." Therefore, not even the former owners of the property believed that the commercial area of the Project could be developed to anywhere near the maximum build-out assumed in the DEIR.

#### 3. *Project Traffic Study May Acknowledges that 2 Million Square Feet of Commercial Development Is Not Feasible.*

The DEIR traffic study appears acknowledges that producing 2 million square feet of commercial uses on the property is unlikely. The technical report in the DEIR assesses traffic

O-1-387  
Cont.

O-1-388

O-1-389

O-1-390

O-1-391

trips that relate to less commercial floor area than 2 million square feet. The County should clarify the figure used for this calculation. The DEIR cannot claim a maximum build out allowance of 2 million square feet of development in the Project Description and Land Use sections of the DEIR and use an alternative existing condition in the traffic study. This creates an internal inconsistency in the DEIR, is misleading to the public and decision makers, and violates CEQA.

**4. Big Box Retail Is Not Allowed and Not Feasible**

The applicant has provided false and misleading statements about the potential for commercial development on the property in relation to the existing General Plan's designation at public input sessions on the DEIR. Newland's statements about the potential for Big Box retail on the site are untrue and serve to confuse the public and decision makers about the existing conditions related to the land uses designated on the property. A brochure entitled "Newland Sierra, A Better Choice...Dispelling the Myths and Telling the Truth," prepared by Newland and dated July 18, 2017, was placed on every seat at the County of San Diego, July 18, 2017 information session held by the County. A copy of the brochure is attached hereto as **Attachment 54**. The brochure states that "the General Plan would allow 99 large lot estate homes – *plus* over 2 million square feet of office and commercial space, including "Big Box" retail." (Emphasis in original.) The brochure goes on to state, "General Plan: 2,008,116 square feet of office and commercial space with 'Big Box' retail." The allowance for "Big Box" retail has been restated by representatives of the applicant at community sponsor group meetings, and the commercial office area has been compared by the applicant's representatives to "two North County Fair malls," even though "Big Box" retail and other general retail uses are not allowed on the property designated for Office Professional in the General Plan, which is the vast majority of the commercial property on the site.

The Brochure and applicant statements are incorrect and create a false picture of what could be developed under existing conditions. "Big-Box" retail is not allowed in the C30 Office Professional zone and the amount of land zoned C36 is not sufficient to make "Big Box" retail feasible. The County should acknowledge this fact in the DEIR to dispel the myths being promulgated by the applicant.

Section 2300 of the County Zoning Ordinance states that the intent of the C30 zone is as follows: "The C30 Use Regulations are intended to create and enhance areas where administrative, office and professional services are the principle and dominant use. It is also intended that uses involving high volumes of vehicular traffic be excluded from the C30 Use Regulations. Typically, the C30 Use Regulations would be applied near residential areas, have a scale and appearance compatible with and complementary to the adjacent residential use, and have pedestrian as well as vehicular access." Therefore, "Big Box" retail is incompatible with the intent of the C30 Zone.

In addition, per section 2302 of the County Zoning Ordinance, General Commercial use types are not allowed in the C30 zone. "Big Box" retail establishments such as Home Depot, Costco, or Lowes are within the General Commercial use types. Permitted Commercial Use Type uses in the C30 zone include Administrative and Professional Services, Business Support

O-1-391  
Cont.

O-1-392

Services, Financial, Insurance and Real Estate Services, Medical Services, and Personal Services: General.

The area zoned C36 does allow General Retail Sales which would include Big Box retail. However, as noted above, approximately 100,000 square feet of retail would be allowed, which is smaller than the typical Costco or Home Depot store.

The 4.6 acres zoned C36 is split by Mesa Rock Road, which further diminishes the ability for the property to develop in a single block, as would be required for any type of large format retail. Small convenience store retail, akin to the existing AM/PM minimart, is more likely.

Therefore, the majority of the commercial acreage in the existing land use condition of the property may not be used for "Big Box" retail, and the DEIR must be revised to reflect the existing conditions and recirculated to allow the public to comment on an accurate description of the property.

Further, the Project applicant's public relations campaign to confuse and mislead the public as to the existing conditions of the property has tainted the DEIR analysis and the public's ability to accurately comment on the DEIR. The DEIR must therefore be recirculated with a corrected land use description which provides accurate information to the public.

#### **F. Housing and Conservation Area Using Existing Land Use Designations**

Section 4.5 of the DEIR provides the Existing General Plan Alternative Description. The description states: "In summary, the existing General Plan land use designations would allow approximately 99 single-family residential dwelling units and 2,008,116 square feet of office professional and commercial space with associated roadways, leach fields for septic systems, and Fuel Modification Zones (FMZs). The distribution of the 99 single-family residential dwelling units was developed to ensure compliance with the County's Conservation Subdivision Ordinance and other existing development requirements and constraints that apply to the Project Site."

The DEIR site plan for this Alternative appears to have been developed in order to maximize (and inflate) potential impacts on the site under the existing General Plan designations and does not take into consideration the restrictions of the Conservation Subdivision Ordinance. The analysis makes conclusory statements that the Existing General Plan Alternative will degrade open space and increase biological impacts on the Project Site, but provides no basis for these findings. In addition, as discussed below, the analysis makes assumptions about the development potential of the Project Site without actually applying regulatory, physical, and market conditions that impact the development viability of the site, and is a misleading, unreasonable, and unfairly biased description of the development allowed under the existing General Plan.

The analysis of the Existing General Plan Alternative states that, "[o]verall, open space would decrease by approximately 273 acres and disturbed area would increase by the same acreage under the Existing General Plan Alternative compared to the project. The increase in development footprint would result in greater impacts to on-site vegetation communities,

O-1-392  
Cont.

O-1-393

O-1-394

O-1-395

O-1-396

O-1-397

including coastal sage scrub." The analysis goes on to state that "[t]he commercial area in the southeastern portion of the project would impact coastal California gnatcatcher (*Poliophtila californica californica*), a federally listed threatened bird species, and the coastal California gnatcatcher biological ladder along the I-15 corridor. Therefore, this alternative would result in greater impacts compared to the proposed project."

However, the DEIR's statement that impacts to the California Gnatcatcher would be greater under the Existing General Plan Alternative are unfounded and not supported. First, the California Gnatcatcher is covered under the Federal Endangered Species Act and would therefore require the same level of protection under the Existing General Plan Alternative or the Project. If impacts were to occur, a Section 10 permit would be required from the US Fish and Wildlife Service under either scenario. Second, the Project would remove 56 of the 80 acres of occupied gnatcatcher habitat to accommodate the Project. The need for this destruction of habitat is the enormous growth in housing on the site. It makes no logical sense that 99 homes, which could be clustered into an area where occupied gnatcatcher habitat did not exist, would impact more area than over 2,100 homes that sprawl throughout the Project Site. This defies common sense, and there is no substantial evidence provided to support the DEIR's contention on this point.

The description of the Existing General Plan Alternative states that it was designed using the County's Conservation Subdivision Ordinance ("CSO"). The County provides information about the CSO and links to the Rural Subdivision and Processing Guidelines on the County web site at <http://www.sandiegocounty.gov/content/sdc/pds/advance/conservationsubdivision.html>. As noted on the web site, "This program is mandatory when subdividing property with General Plan residential land use designations of Semi-Rural 10 and Rural Lands 20, 40 & 80." As noted in the DEIR, 1,907 acres of property in the Project are designated Rural Lands 20. Therefore, any subdivision of the property to accommodate the allowed 99 units would require compliance with the CSO.

According to table 81.401.1 of the CSO, subdivision of RL-20 lands requires a minimum avoidance of resources in the amount of 80 percent of the total area. This would indicate that 20% of the land designated RL-20 is developable. Therefore, under the CSO, 381.4 acres of 1,907 acres would be developed. Also under the CSO, SR-10 lands require a 75% avoidance of resources, which would allow for 4.9 acres of development on the 19.6 acres of Semi-rural SR-10 land in the Project area. Therefore, a total of 386.3 acres would be the maximum allowed for development or disturbance area under the CSO for the 1926.6 acre area designated RL-20 or SR-10.

Per section 81.401.1(r)(6)iv, "Resources shall be avoided and placed in open space pursuant to the percentage indicated in Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director." Therefore, under the Existing General Plan 1,540.3 acres of the 1,926.6 acres designated for housing would be required to be set aside for open space conservation. In addition, as noted in the DELANE Commercial Memo, 30% of the commercial area on the property is covered by steep slopes that must be preserved under the RPO. Therefore, an additional 17.46 acres would be preserved in the commercial area in the Existing General Plan designation. In total 1,557.8 acres would be required to be preserved under the Existing General

O-1-397  
Cont.

O-1-398



Plan condition for the Project Site. This is in contrast to the Project, which claims to conserve 1,209 acres on-site and 212 acres off-site for a total of 1,421 acres of preserved lands under the Project scenario. This is still 136.8 acres less preservation than the Existing General Plan Alternative for the site. In addition, all of the lands conserved under the Existing General Plan Alternative are on-site and therefore better preserve the biological functions of the area than the off-site mitigation offered by the Project.

O-1-398  
Cont.

In addition, the County's website lists incentives to encourage conservation. It states: "Minimum lot size in zoning has been decoupled from the density regulations in the General Plan; meaning that a minimum lot size in zoning does not dictate the number of permitted dwellings. Rather the General Plan land use designation identifies the maximum number of permitted dwelling units allowed." Using smaller lot sizes and clustering would allow for even greater conservation of the property. By clustering, the 99 allowed units under the Existing General Plan could be clustered together on 99 one-acre lots, which would provide even less disturbance to the site and greater conservation than the Project. In addition, the clustering of these 99 one-acre lots would reduce the amount of roads needed to access those lots and therefore, would reduce road construction throughout the property. The DEIR inappropriately assumes that under the Existing General Plan, homes would be spread/sprawled across the entire 1,907 acres of RL-20 in an attempt to create the greatest possible impact by inflating the potential impacts of development under the Existing General Plan. But the DEIR ignores the fact that this type of site planning is prohibited by the County's Conservation Subdivision Ordinance. Therefore, the DEIR's analysis is misleading and improper under CEQA. The DEIR must be revised to consider realistic, feasible development of the property under existing regulatory conditions and be recirculated for further public review and comment.

O-1-399

The EIR's characterization of the Existing General Plan land uses for the property is incorrect and vastly understates the Project's impacts to the property. In addition, the Existing General Plan Alternative finding that it is not consistent with the General Plan is both factually false and logically flawed. Substantial evidence shows that the Existing General Plan Alternative will have fewer impacts than the Project, and is, of course, consistent with the General Plan, which the Board of Supervisors has found to be correct in their adoption of the General Plan. The DEIR must be revised and recirculated to accurately and correctly present the Existing General Plan conditions of the Project Site.

O-1-400

**G. Land Use Findings in the Draft EIR Are at Odds with the Staff Reports for the NC 42 "Project Specific Request" During the County General Plan Update Hearings**

O-1-401

**1. Findings in Draft EIR and PSR NC42 Staff Reports Are Inconsistent**

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 called PSR NC42 to increase density on the Project Site to permit approximately 1,100 residential units over the 99 residential units permitted under the General Plan's RL-20 designation. (See Attachment 3.) County staff designated PSR NC42 as "Major" and "High Complexity." According to the Staff Report for a January 9, 2012 workshop on the

O-1-402

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 County Staff Report for General Plan Property Specific Requests Workshop, at 3 (Jan. 9, 2012) [“Workshop Staff Report”], attached hereto as **Attachment 55.**) PSR NC42 proposed only 1,100 units, while the Newland Sierra Project proposes upwards of 2,100 units, yet the Land Use section of the DEIR for the Newland Sierra Project finds no significant impacts. This mismatch in findings does not make logical sense given the findings in the PSR NC42 staff report and must be explained.

O-1-402  
Cont.

As noted in the staff report discussed above, PSR NC42 would have resulted in a fundamental change in the Guiding Principles of the General Plan. 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.

In the January 9, 2012 report, County staff stated that major changes to the General Plan’s guiding principles would be required. The Staff report included the following:

*Guiding Principles/General Plan Changes Necessary to Support the Request:*

- *The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.*
- *Revisions may also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive natural resources and certain constraints.*
- *The fundamental approach to designating Rural Lands would require reconsideration.*
- *Depending on the revisions to the principles, policies, and concepts, other lands with Rural Lands designations would require reconsideration.*

O-1-403

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

- *The work plan 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.*

As noted above, PSR NC42, which proposed an approximately 1,100 residential unit increase (over the 99 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. This shows that the Project will likely have greater impacts on the General Plan and could fundamentally alter how the General Plan functions. This would be a significant Land Use Impact.

As such, the DEIR must reconcile how the more significant density increase proposed by the Project—to 2,135 residential units—is consistent with the General Plan Guiding Principles when a much smaller project in PSR NC42 was deemed to be inconsistent with those Guiding Principles. The DEIR must also analyze whether the Project would undermine the findings in the General Plan Update EIR and whether it would require additional environmental review of the General Plan. The DEIR must analyze the change in County staff's position and explain how the previous PSR NC42 could have such significant impacts to the General Plan, while the DEIR finds that there are no impacts.

O-1-40  
Cont.

2. *PSR NC42 Must Be Evaluated as an Alternative in the Draft EIR*

CEQA requires that a range of feasible alternatives be evaluated to that would feasibly attain most of the objectives of the Project but would avoid or substantially lessen any of the significant impacts from the Project. The DEIR fails to analyze PSR NC42. PSR NC42 was proposed by the owner of the Project Site. The staff report for PSR NC42 states that "the requestor is seeking general plan designations that maximize development yield on the property while remaining consistent with the General Plan Guiding Principles." Therefore the owner of the property and the County viewed the PSR NC42 as a feasible alternative that should be studied. Given that PSR NC42 proposes a total of 1,162 housing units, compared to the 2,100 units in the proposed Project, the PSR NC42 Alternative would likely reduce impacts from traffic and air quality due to reduced construction, among other reductions in environmental impacts. The PSR NC42 Alternative must therefore be analyzed in the DEIR. Staff reports for PSR NC42 have been provided as **Attachments 3 and 56** to this letter.

O-1-404

In addition, as noted above, the PSR NC42 says that the property owner proposed the PSR to maximize yield on the property while still being consistent with the General Plan. Although staff disagreed that the proposal was consistent with the General Plan, even the developer of the property believed that 1,100 units on the property was the maximum yield that would be consistent with the General Plan. This serves as separate evidence that any proposal with density above this amount is clearly inconsistent with the General Plan and the General Plan policies.

O-1-405

**H. The Newland Sierra Project's General Plan Amendment Requires a Comprehensive General Plan Amendment and Review, Not Simple Map Changes**

Page 1-15 of the General Plan provides information for "Implementing and Amending the [General] Plan." The section states that "any proposed amendment will be reviewed to ensure that the change is in the public interest and would not be detrimental to public health, safety and welfare. Environmental review is required for substantive General Plan amendments. A comprehensive update to the General Plan requires an assessment of all seven mandated regional elements, including Land Use and Mobility Element network maps." The Newland Sierra Project requires a comprehensive update to the General Plan which will not occur with the propose Project and which is not analyzed by the DEIR.

O-1-406

As noted above, PSR NC42 was rated as having "Very High" complexity by County staff specifically because of the significant changes being sought in PSR NC42 could alter the basic policy construct and planning principles of the General Plan. The Newland Sierra General Plan Amendment only includes minor changes to maps and road alignments in the General Plan. This is in contrast to the staff report findings for NC42 which required a comprehensive General Plan update that would require alterations in all sections of the General Plan.

In addition, the Project uses the need for housing in San Diego County as a main reason for the massive increase in density proposed for the site. However, the Project proposes no change to the total unit count in the General Plan, no amendment to the Housing Element, and no amendment to the Housing Sites Inventory. The Project is additive to the density and intensity

O-1-407

already allowed in the General Plan, and these additions must be reflected throughout the General Plan. The existing General Plan is balanced and finds that the distribution of housing and commercial uses throughout the County will create the balanced and sustainable communities required by the General Plan. The DEIR makes no analysis as to how concentrating density in this specific area while leaving the current densities in the General Plan could unbalance the General Plan's dispersal of uses throughout the County. Because the Project unbalances the General Plan, the DEIR must discuss how adding density in this location will impact all of the remaining areas in the County. The staff reports for PSR NC42 also acknowledged that adding significant density to the Project Site would require a comprehensive update to the General Plan, and therefore, this Project must complete that same comprehensive update to accommodate the Project and the required subsequent or supplemental environmental review for this update.

O-1-407  
Cont.

**I. The Land Use Section Improperly Finds No Impacts**

**1. Massive Increase in Development Potential on the Property Are Not Consistent with the General Plan.**

The DEIR's Land Use section unconvincingly finds that there will be no land use impacts from the Project. This is unbelievable given that the Project description at page 1-35 describes a massive change in the allowed land uses for this site. Page 1-35 states that "[u]sing the 2020 projection as a conservative household rate, the Project site, if developed under the existing land use designations, which allows for 99 dwelling units, would yield approximately 281 people. Under the proposed land use designations and the Specific Plan, approximately 6,063 people would be introduced to the area, approximately 5,782 people more than under existing land use designations. Therefore, the proposed project would increase population to the area by 5,782 people and exceed the planned population growth under the General Plan and Subregional Plan."

O-1-408

The Cushman Study attached with these comments states that "according to Experian Marketing Solutions Inc., the community (3-mile radius) consisted of 18,473 residents in 2016." This means that the Project is proposing a 33% increase in the population of the Twin Oaks area, which is a fundamental shift in the community character of the area. The Project description's clear contrast with the existing condition, along with the massive population increase, clearly shows that the Project growth is not consistent with the General Plan and the Subregional plan.

In fact the General Plan at page 1-25 specifically calls out the Twin Oaks area as having limited development potential stating:

Although within the CWA, growth potential is more limited in Rainbow, Twin Oaks, and Hidden Meadows (part of North County Metro), Jamul, and Crest/Dehesa/Harbison Canyon/Granite Hills due to the absence of infrastructure, the rugged terrain, and sensitive habitats.

O-1-409

Therefore, on the face of the matter, the proposed Project would clearly conflict with applicable land use plans, policies and regulations. Section 3.3 of the DEIR, however, inexplicably finds no significant impacts to land use. Although the Project description plainly

states that the Project would increase the planned dwelling units and population for the property, the Land Use section fails to analyze this change.

**2. *The Project Analysis Is Circular and Evaluates the Project Against Itself, as if the Project Was Already Planned for this Area.***

The Analysis in section 3.3.3.2 is flawed because it analyzes the Project land uses as if the Project already existed or was planned on site. As noted in the DEIR, the Project Site is undeveloped, and there is no established community on the Project Site. The existing General Plan land use designations only allow 99 homes. The DEIR may not analyze the Project against a regulatory environment that does not currently exist on the site. The DEIR must disclose the change in land use that will occur due to the implementation of the Project and analyze how those proposed changes will conflict with the existing land use plans, policies, or regulations. The Project is a wholesale re-writing of the land uses plans, policies, and regulations for the Project Site, Twin Oaks, and the entire I-15 corridor, which will fundamentally change the site and the area around it. The DEIR analyzes the Project in isolation and analyzes the Project's features against the regulatory environment the Project seeks to create with its amendments to the plans, policies, and regulations affecting the site, but fails to evaluate the Project against the appropriate baseline under the regulations that currently affect the site. This is an improper analysis under CEQA. (See 14 Cal. Code Regs. §15125, subd. (a).)

One example is the Project's analysis of how the Project will meet the County's General Plan's Guiding Principle to "Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development." The EIR goes on to describe Project features that make the Project sustainable, such as pedestrian connections between commercial dwellings and housing in the Project, a bike share program to move around the Project, and a range of housing types within the Project. However, the analysis provides no context for how the change from rural residential lands to urban densities, which will change the land use from 99 homes to over 2,100 homes, will "promote[] health and sustainability by locating new growth near existing and planned infrastructure." In fact the Project proposes little to no new area or regional infrastructure to serve the addition of a resident population the size of the City of Del Mar, except for the infrastructure located within the Project.

There is no analysis of how creating a new city in a hilly rural area will impact the existing community or how it meets this General Plan Guiding Principle in the context of that community. The Project only looks inward on itself and makes the conclusory statement that it will be close to "existing regional employment centers" but fails to identify where any of those employment centers are located.

The Project similarly makes the conclusory statement that the Project will be served by existing and planned infrastructure, but fails to identify that infrastructure and ignores the General Plan statement that "[a]lthough within the CWA, growth potential is more limited in Rainbow, Twin Oaks...**due to the absence of infrastructure**, the rugged terrain, and sensitive habitats." (General Plan at p. 1-25 [emphasis added].)

O-1-409  
Cont.

O-1-410

O-1-411

O-1-412

O-1-413



The DEIR's assertion that the Project would be "served" by the existing I-15 freeway does not make logical sense, particularly when the DEIR discloses that the Project will create a failing condition on the I-15 freeway from Escondido to the Riverside County border during peak periods. Locating the Project in this area would not promote health and sustainability, because the addition of the Project would cause the existing community infrastructure to fail and the public health to be compromised by air quality impacts (as disclosed in section 2.3 of the DEIR), which have been found to be significant and unavoidable.

O-1-414  
Cont.

Although the Project may have some sustainable features, its location in a rural and isolated location will not promote sustainability, and it cannot be served by existing or planned infrastructure, because no Project on this massive scale has ever been planned for this area under the existing regulatory framework. There is virtually no infrastructure that exists today. The guiding principle is about targeting growth in areas where growth has already occurred so that the infrastructure investments of the past can be leveraged to support the infrastructure needs of the future. The guiding principle is not about creating new cities out of thin air. The DEIR's significance determinations related to land use consistency are not supported by any substantial evidence, because it only focuses on the Project and ignores impacts on the communities around the Project Site that will be affected by the Project's impacts.

O-1-415

Furthermore, County staff has already determined that potentially significant impacts to land use would occur if this Project Site was significantly densified over and above the land use shown in the General Plan. As discussed above, PSR NC42 was designated by County staff as "Major" and "High Complexity." 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. In addition, the staff report for PSR NC42 states, "specifically, the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat."

O-1-416

In addition, the County's May 7, 2015 Scoping Letter for this Project identified General Plan consistency as a major project issue. The Scoping Letter provided a list of policies with which the Project would need to comply. Now, however, the DEIR concludes there is no significant land use impact. The County should explain what circumstances caused such a drastic change in conclusion about land use impacts, and provide an explanation for each General Plan policy or provision listed in the Scoping Letter.

O-1-417

The DEIR cannot merely focus inward and analyze the Project's impacts on itself. The DEIR must analyze how the change in land use will impact the site, as well as the surrounding community, and how the Project fits into the context of that community and the County as a whole. The DEIR does not provide this level of analysis and therefore provides no substantial evidence to underpin the significance determinations being made in this section of the DEIR.

O-1-418

### 3. *Existing General Plan Alternative Not Properly Described and Analysis Not Logical*

The DEIR provides an analysis of alternatives to the Project, one of which is the Existing General Plan Alternative at section 4.5. The analysis of the land use impacts of this alternative finds, "This alternative would be consistent with the existing General Plan land use designations

O-1-419

of the project Site and not require an amendment to the General Plan... Overall, this alternative would result in similar impacts compared to the proposed project."

The DEIR finding that there would be similar impacts under the Existing General Plan Alternative, when compared to the Project, makes no logical sense, because under the Existing General Plan Alternative, there is no change to the existing condition, while under the Project, there is a massive increase in development. The discussion in this Alternative analysis is an example of how the DEIR looks inward and evaluates the Project in a circular manner. The land use analysis in this Alternative states that although the existing conditions would be consistent with the existing General Plan (an obvious statement), "this alternative would not provide for the same share of projected population growth (99 residential units compared to 2,135 residential units); create a range of housing types, promote health and sustainability through a mixed-use development pattern; or provide and support a multi-modal transportation network." The analysis is an editorial comment that the Project is somehow superior to the Alternative, despite the fact that the Alternative *is* the existing condition. The DEIR cannot make the finding of superiority, because the County Board of Supervisors has already found that the existing General Plan is consistent with the Guiding Principles of the General Plan which include providing for a share of population growth, creating a range of housing types, promoting health and sustainability. The DEIR cannot now arbitrarily reverse years of policy determinations by the County and claim that the General Plan land uses for this site are not consistent with the General Plan, because they *are* the General Plan.

This Analysis exemplifies the fatal flaw in the overall analysis of land use within the DEIR. The DEIR assumes that the Project is already there or somehow has already been determined to be consistent with the General Plan (despite the fact that the Project has been rejected twice, first as the Merriam Mountains project and secondly when the site was down zoned in the General Plan update). Further, the application for a General Plan Amendment is evidence of a lack of compliance with the baseline General Plan. The Existing General Plan designations for this property have already provided for a share of projected population growth, because the General Plan as a whole has accommodated the projected growth of the entire County by concentrating growth into the existing villages within the County and has designated appropriate growth areas, while leaving this area rural. This property was not one of the properties designated for growth. Therefore, it is incumbent upon the DEIR to justify why growth should occur here, particularly when the stated policy of the Board of Supervisors, acting through their approval of the General Plan, has already determined that the Existing General Plan Alternative *is* the appropriate level for growth on this site. The DEIR must evaluate and analyze the *change* that is occurring to the land use on the site and not just evaluate the Project against itself.

#### J. The Project Area Is Not Within a Village Boundary

The General Plan designation for the Project Site does not include a Village Boundary. Figure 3, page A-2 of the North County Metro Subregional Plan (attached hereto as **Attachment 57**) provides a map of the North County Metro Village Boundaries. Village boundaries are shown by a green line which outlines the Village Boundary. There are no areas of the Project Site that are outlined in the green outline which would designate the site as being within a

O-1-419  
Cont.

O-1-420

O-1-421

O-1-422

O-1-423

Village Boundary. Therefore, there is no Village on the site, because Villages are located within Village Boundaries.

The General Plan at page 1-11 is very specific that the Community Plans will define the Village Boundaries and designated growth areas for each Community. The General Plan states, "When updating Community Plans, communities are encouraged to delineate areas within their plans that will assist with the future planning of developments, infrastructure, facilities, and regulations. An Urban Limit Line and/or Village Boundary may be defined in the Community Plan as a community-specific growth boundary that identifies an area to which development should be directed. These boundaries may also serve as the basis for community specific goals and policies."

Because the Project is not located within a designated Village Boundary in the Community Plan, there is no existing or planned Village in the Project area.

**K. The Draft EIR Fails to Analyze the Leap Frog Development Policy**

**1. PSR NC42 Finding**

The DEIR provides no analysis of how the Project is consistent with the Leapfrog Development policy in the General Plan at General Plan Policy LU-1.2, despite the fact that the staff report for PSR NC42 (which was a similar, yet smaller Project) said that this policy would need to be analyzed with respect to PSR NC42's impacts on the General Plan. The January 20, 2012 staff report for PSR NC42 states a need for "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." Therefore, the Leapfrog Development policy must be analyzed.

Instead, conclusory statements about the inapplicability Policy LU-1.2 is buried in the DEIR's Appendix DD, Table DD-1 at page DD-69, and not within the Land Use section of the EIR. The DEIR makes the conclusory statement that the Leapfrog Development Policy simply is "not applicable." The DEIR Appendix DD, Table DD-1 states: "The project as proposed is consistent with the Community Development Model, because the Community Development Model has already applied an established Village Regional Category designation to a portion of the project Site. The project does not propose to create a new Village, or expand or reconfigure the existing Village area. The project is also within the established boundaries of the Vallecitos Water District."

However, the finding in the DEIR is neither explained nor supported by any substantial evidence. As shown above, the North County Metro Subregional Plan Figure 3 at page A-2 does not designate the Office Professional area as being within a Village Boundary. Also, as noted earlier the PSR NC42 County staff report stated that the Leap Frog Development Policy is applicable to the site and suggests that the Project would need to be reviewed against the policy for establishing new village designations outside of an existing or planned village. In addition, the Community Development Model does not apply regional categories to areas of the County. The General Plan and the Subregional Plan establish Village Boundaries, and no Village

O-1-423  
Cont.

O-1-424

O-1-425

Boundary exists on this site. County staff believed that this area was "outside of an existing or established village" in the PSR NC42 report and the site continues to be, which is in direct conflict with the conclusions reached in the DEIR.

### **2. *The Newland Sierra Project Is Leap Frog Development***

The Leapfrog Development Policy clearly applies to the Project and therefore would create a significant land use impact.

General Plan Policy LU-1.2 ("Leapfrog Policy") is defined as:

"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."

### **3. *The Project Is Inconsistent with the Community Development Model***

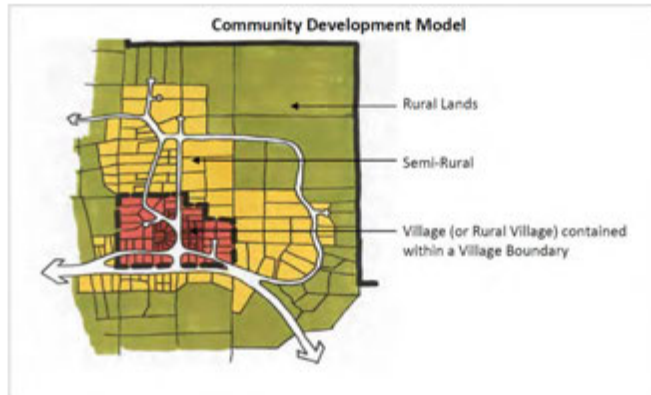
The General Plan at page 1-11 is very specific that the Community Plans will define the Village Boundaries and designated growth areas for each Community. The General Plan states, "When updating Community Plans, communities are encouraged to delineate areas within their plans that will assist with the future planning of developments, infrastructure, facilities, and regulations. An Urban Limit Line and/or Village Boundary may be defined in the Community Plan as a community-specific growth boundary that identifies an area to which development should be directed. These boundaries may also serve as the basis for community specific goals and policies." Figure 3, page A-2, of the North County Metro Subregional Plan provides a map of the North County Metro Village Boundaries. Village boundaries are shown by a green line which outlines the Village Boundary. There are no areas within the Project area that are outlined in the green outline which would designate the site as being within a Village Boundary. Therefore, there is no existing or planned Village Boundary on the site.

The Community Development Model is shown on page 2-8 of the General Plan and excerpted below:

O-1-425  
Cont.

O-1-426

O-1-427



O-1-427  
Cont.

As noted in the Community Development Model, the Village area which serves as the core of the development area is "contained within a Village Boundary." However, as shown on figure 3, page A-2, of the North County Metro Subregional Plan, there is no Village Boundary designated in any area of the Project Site. The proposed Project's changes to figure 3 of the NC Metro Village Boundaries do not include an area at the Project with a Village Boundary. In addition, the area on the proposed figure 3 expands the commercial area beyond the existing area. Since no Village Boundary is designated for the site, there will be no Village area to cluster development around, and the Project will therefore not be consistent with the Community Development Model.

Therefore, the Project is prohibited by the Leapfrog Development Policy of the General Plan which states, "Prohibit leapfrog development which is inconsistent with the Community Development Model."

#### 4. The Project Towne Center Is a New Village Under the Policy

Because there is no Village Boundary within the Project area the Project is a new village. As noted above, the Project is not consistent with the Community Development Model because there is no Village Boundary in the Project. Indeed, the designation of the area near Mesa Rock Road as Village Core Mixed Use (C-5) as part of the proposed Project is an acknowledgment that no Village currently exists, and therefore one needs to be created for the Project. The DEIR at page 3.3-20 even acknowledges that "no established community exists within the Project Site," and therefore, the Project is a new village.

O-1-428

As a new Village, the Project's design 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.

O-1-429

O-1-430

O-1-431

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 U.S. Green Building Council LEED-ND FAQ, attached hereto as **Attachment 58**.)

O-1-432

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 the Project does not promote efficient energy and water use and is the antithesis of "new urbanist best practices." The DEIR cannot discard the central tenets of LEED-ND, such as connectivity, protection of the natural environment, and other such new urbanist best practices to try to create a village out of thin air.

O-1-433

**5. Leapfrog Development Is Defined as Village Densities Located Away from Established Villages or Outside Established Water and Sewer Service Boundaries**

The Project constitutes Leapfrog Development because it is Village densities located away from an established Village. There is no established village on the Project Site. The only development established on the site is an AM/PM minimart and gas station, which hardly constitutes an "established village." An established village means that there are constructed buildings, an array of services and established businesses, and infrastructure to serve those services. The Project Site is totally bereft of any of these items. There are no other areas of the County where a village is only a village on paper, and not in practice.

O-1-434

**6. Even if a Village Existed, It Would Still Be Leapfrog Development**

If an existing Village Boundary did exist on the site, 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 DEIR even makes the conclusion that "no established community exists within the project Site." (DEIR at 3.3-20). 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. In fact the proposed "village" commercial of only 81,000 square feet is the equivalent of the average sized suburban grocery store. This is hardly the "village" center envisioned by the General Plan. And as noted above, the residential portion of the Project is located miles from the "village." If using internal roadways, the Summit neighborhood will be located over 2 miles from the "village," the Knoll neighborhood will be located 1.9 miles, and the Valley neighborhood will be located 2.5

O-1-435



miles from the commercial area. If Deer Springs Road is used to connect these areas, which would be a more likely path of travel, residents can expect to travel over 3 miles. In addition, the steep topography of the Project Site will preclude walking and biking from the commercial area to the residential area. If an existing village designation provides protection from the Leapfrog Policy (it does not), it can only do so for units clustered closely around the existing village designation.

O-1-435  
Cont.

**L. The Project Is Not in Compliance with the General Plan's Guiding Principles**

As noted above, the DEIR's analysis of the Project's compliance with the Guiding Principles of the General Plan is conclusory without the provision of substantial evidence upon which to base those conclusions. The Project's fundamental change to the Twin Oaks area and change to the General Plan land use designations for this site violate all of the Guiding Principles of the General Plan.

In fact, County staff found the changes presented by PSR NC42 (a smaller proposed project at the same location) were so at odds with the Guiding Principles of the General Plan that they could fundamentally change the entire policy construct of the General Plan and require wholesale changes to the General Plan if PSR NC42 were approved. In a follow up staff report for PSR NC42 on January 9, 2012, the Staff report included the following:

**Guiding Principles/General Plan Changes Necessary to Support the Request:**

- *The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.*
- *Revisions may also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive natural resources and certain constraints.*
- *The fundamental approach to designating Rural Lands would require reconsideration.*
- *Depending on the revisions to the principles, policies, and concepts, other lands with Rural Lands designations would require reconsideration.*

O-1-436

Therefore, the Project, as proposed, cannot possibly be consistent with the General Plan Guiding Principles, and the DEIR provides no substantial evidence to support the conclusion that the Project is consistent with those Guiding Principles.

**1. Guiding Principle 1: Support a Reasonable Share of Projected Regional Population Growth**

The General Plan already accommodates a reasonable share of the projected regional population growth. Page 1 of the General Plan Housing Element States, "The County's Land Use Plan provides adequate housing capacity to meet this cycle's overall Regional Housing Needs Assessment (RHNA) of 22,412 residential units." The Housing Element at page 1 also

O-1-437

states that the General Plan “accommodates 80 percent of the unincorporated County’s future population in communities located within the County Water Authority (CWA) boundary, where water and other public services are more readily available... The plan also establishes efficient and cost effective land use through compact development patterns that form distinct communities. This approach is consistent with planning trends and regional growth objectives, which are indicated in Figure H-2 (Smart Growth Opportunity Areas [SANDAG]). Within the CWA, the Land Use Plan has designated more land for multi-family units, thereby increasing the number of future residential sites as well as providing a larger variety of homes. Minimum lot size restrictions have been removed from the General Plan to allow for clustering consistent with the Zoning Ordinance (and Community Plans) and to decrease land and infrastructure costs for new development.”

Indeed, SANDAG’s website for the series 13 growth projections for San Diego County finds that even more of the County’s population is expected to be accommodated in the incorporated cities and not in the unincorporated County. The SANDAG web site (<http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects.detail>) notes that changes in General Plans to accommodate growth have lowered the need for growth in unincorporated areas:

“This forecast represents a continuing trend in the San Diego region to provide more housing and job opportunities in the existing urbanized areas of the region. Since 1999, more than three quarters of the 19 jurisdictions have made or are in the process of making significant updates to their general plans. In 1999, SANDAG projected 21 percent of future housing growth would occur in the unincorporated areas of the county under the local general plans at the time. Today, SANDAG expects 17 percent of growth to occur in the unincorporated areas and much of that is focused in existing villages such as Lakeside, Valley Center, Ramona, and Alpine. As a result of these updates, SANDAG has identified sufficient housing opportunities in the existing general plans for the first time in nearly two decades.”

The DEIR attempts to find that the Project is consistent with Guiding Principle 1, not because it would “support a reasonable share of projected regional population growth,” but simply because it would provide housing. If this logic were followed, any change to the General Plan that provided even one additional home would be consistent with Guiding Principle 1. As noted above, the General Plan provides a variety of sites throughout the County in the Regional Housing Needs Assessment Housing Sites Inventory in Appendix 1 of the Housing Element that provides locations for housing that are consistent with the General Plan. Within the North County Metropolitan subregion, the Sites Inventory provides locations for 2,158 dwelling units. The Project Site is not one of the sites identified in the Sites Inventory. Therefore, the Project does not support a reasonable share of the projected regional housing growth; it adds to it and actually acts counter to the Housing Element and SANDAG’s growth projections.

As noted on page 6-6 of the County General Plan Housing Element:

O-1-437  
Cont.

O-1-438

This Housing Element seeks to balance housing requirements with infrastructure deficiencies, safety issues, and the rural character of many of the County's unincorporated communities. It also seeks to reconcile housing needs with competing land use interests. For example, agriculture is a major sector within the regional economy, and most agricultural operations are located within the unincorporated County. The County of San Diego also has the greatest number of endangered species of any county within the continental United States, and most of those species are located within unincorporated areas. Retaining agricultural and environmental resources, therefore, must be reconciled with a housing allocation that is the second largest share within the region for this Housing Element cycle.

The Project destroys the balance sought by the General Plan, because it undermines the rural character of the Twin Oaks area and places almost 6,000 new residents far from existing infrastructure. The more than 2,100 homes included in the Project would more than double the number of units allotted in the Housing Sites Inventory to the North County Metropolitan Subregion thereby unbalancing the plan. The DEIR finds that the Project has significant and unmitigated growth inducing impacts, which is correct, but the Project is not consistent with the balance sought by the Housing Element's key issues.

Housing Element page 6-7 also states that, "The update also designated low densities within the County's major agricultural areas, areas with significant biological sensitivity or diversity, and areas with significant physical or environmental constraints." The Project would preclude agriculture in this area, and provide significant impacts to threatened and endangered species on Merriam Mountains. The General Plan has set up a framework to preserve areas of particular biological importance (like the conservation area designated on the Project Site), while balancing the need for housing. The Project Site has been designated as Resource Conservation Area 23 in the General Plan. As noted in the County staff report for PSR NC42, the Project would undermine this balance by shifting the focus of the Twin Oaks community from its center to its edge along I-15, potentially eliminate important agricultural lands, and necessitate a wholesale upzoning of the area. The County made a conscious policy decision to set aside this area for preservation and low levels of development because it was an important agricultural and biological resource area. Adding housing in this location would be counter to the balance struck in the Housing Element and throughout the General Plan.

The Project, therefore, is not consistent with Guiding Principle Number 1.

**2. Guiding Principle 2: Promote Health and Sustainability By Locating New Growth Near Existing and Planned Infrastructure Services, and Jobs in a Compact Pattern of Development**

The General Plan at page 1-11 is very specific that the Community Plans will define the designated growth areas for each Community. The General Plan states, "When updating Community Plans, communities are encouraged to delineate areas within their plans that will assist with the future planning of developments, infrastructure, facilities, and regulations. An

O-1-438  
Cont.

O-1-439

Urban Limit Line and/or Village Boundary may be defined in the Community Plan as a community-specific growth boundary that identifies an area to which development should be directed. These boundaries may also serve as the basis for community specific goals and policies." Figure 3, page A-2, of the North County Metro Subregional Plan provides a map of the North County Metro Village Boundaries. Village boundaries are shown by a green line which outlines the Village Boundary. There are no areas of the Project area that are outlined in the green outline which would designate the site as being within a Village Boundary. The Project Site is not identified as an area to which new development should be directed and therefore fails to be consistent with this Guiding Principle.

O-1-439  
Cont.

The proposed Project is not consistent with Guiding Principle 2 because it is not located near existing and planned infrastructure and therefore does not provide the sustainability sought by the General Plan. In an April 2013 report to the County Board of Supervisors entitled "Housing Element Background Report" from the County's Land Use and Environment Group (**Attachment 59**), the report at page 70 states that, "On August 3, 2011, the County adopted its first comprehensive update to the County General Plan since 1979. A major factor in the update process was the desire to reduce future growth in unsustainable areas that lacked infrastructure and refocus future growth to areas where densities could be increased." In fact the General Plan at page 1-25 calls out the Twin Oaks area as having "an absence of infrastructure." This shows that the General Plan designated areas where sustainable growth was possible and excluded it from areas that compromised the Guiding Principles of the plan.

O-1-440

The land use designation of the proposed Project area is rural residential and is therefore determined to be an area where growth is unsustainable because it lacks the infrastructure necessary to serve the Project. In addition, as noted above, the Housing Element sites inventory for the North County Metropolitan Area did not identify this site as a potential site for housing.

Housing Element page 6-7 states with regard to property designated rural lands that, "Many of the County's lower income families live in remote, rural communities as shown on Figure H-3 (Median Household Income). However, locating future growth in these areas is not consistent with the County's multiple planning objectives." Therefore, locating such enormous increases of housing on areas designated rural lands (like the Project Site) "is not consistent with the County's multiple planning objectives."

O-1-441

The Project is also not located near existing and planned infrastructure, services and jobs. As stated in the Project Description, in order to serve the project, there are a number of significant utility improvements needed, including two new water storage tanks. In addition, sewer service does not extend to the site and requires annexation to a sewer district and the construction of a quarter mile long public sewer main to the property and on-site collection system. Electric and gas services will need to be extended similar distances from the Mesa Rock/Deer Springs intersection throughout the site, and there are no storm drain facilities in the vicinity. Therefore, there is little to no existing infrastructure near the Project Site. The only "planned" infrastructure in the area is the Vallecitos Water District reservoir identified in the VWD Plan to serve 2030 demands, which is not planned until Phases 3 and 5 of the VWD Master Plan (see <http://www.vwd.org/home/showdocument?id=909>).

O-1-442

Based on a review of the amount of nearby commercial or industrial land, there are very few jobs in the area to serve the residents of the Project. Although the DEIR purports that the site is 3 miles from San Marcos/Escondido, this represents the distance to the incorporated City limits and not the employment centers. In addition SANDAG's RTP does not plan any projects for this section of the I-15 corridor prior to 2050. (See Attachment 25.) Therefore, it is inaccurate to state that the Project could connect to regional mobility improvements. The only alternative transportation would internally serve the Project, such as trails, an electric bike-share for internal trips, car-share efforts, or coordination of a potential ride-share or shuttle system, would connect to "external transit facilities." The Project also references Sprinter stations within 6 miles of the site, but residents would still have to drive to these stations in significant traffic in order to access these transit stations during peak periods. The shuttle system proposed for the Project would also sit in the same failing peak hour traffic caused by the Project and would therefore render this transit option useless.

O-1-442  
Cont.

Therefore, the DEIR cannot find that the Project is consistent with Guiding Principle 2.

**3. Guiding Principle 3: Reinforce the Vitality, Local Economy, and Individual Character of Existing Communities When Planning New Housing, Employment, and Recreational Opportunities**

The Project runs counter to the rural community character of the Twin Oaks community. The Project will upend the community and change the focus of the community from a rural community, based on agriculture, to a suburban one, based on homes. No reasonable person can make the argument that the Twin Oaks Community is anything other than a rural community when viewing the photos of the existing conditions in the Aesthetics section of the DEIR.

The DEIR at page 2.2-12 provides a description of the surrounding uses to the Project which illustrate the community character of Twin Oaks:

Of the current land uses within the 1 mile of the project Site, approximately 16 acres are used for row crops that include tomatoes, beans, strawberries, cucumbers, potatoes, squash, cauliflower, and peppers. Within 1 mile of the project Site approximately 243 acres support nursery and greenhouse agriculture that typically contain structures used to cultivate high-value products, such as flowering/foliage plants and gourmet food products such as mushrooms. Nursery and greenhouse operations may also be used to grow commodities, such as landscaping, decorative plants, fruit trees, herbs, and flowers. Additionally, approximately 1,041 acres within the 1 mile of the project Site is currently used for orchard (e.g., citrus and avocado orchard) or vineyard purposes.

O-1-443

County staff has previously found that a project of this magnitude, on the current Project Site, runs contrary to the community character of Twin Oaks. As noted in the County staff

O-1-444



report for PSR NC42, development of this scale on the Merriam Mountains property is a major shift in the community character of the area:

- *The work plan 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.*

In addition, a January 9, 2012 staff report on PSR NC42 stated that the change presented for the General Plan was "Major" and noted that the rationale for the Major category classification is that:

- *This site is remote and lacks adequate access.*
- *The General Plan Community Development Model does not support increased development away from existing villages.*
- *The General Plan principles and policies do not support increased development in areas with limited access, sensitive resources, and significant constraints*

In addition, the website for the Twin Oaks Valley Sponsor Group (<https://tovesg.wordpress.com/the-twin-oaks-community/draft-history-of-twin-oaks-valley-planning-area/>) states the "Twin Oaks Valley's traditional character has been defined by its agricultural pursuits. Agriculture was the predominant feature of the community as it evolved through the years." The web site notes that the influx of suburban sprawl in the 1980's was

O-1-444  
Cont.

O-1-445

O-1-446



counter to the Community Character of the area: "In the 1980s, the tranquility of Twin Oaks Valley began to change with land uses contrary to its rural way of life. Urban sprawl and distortion of General Plan and zoning regulations began introducing incompatible and impactful land uses in Twin Oaks Valley, resulting in major conflicts with community character." The Project presents the same challenge to the tranquility and rural community character of the Twin Oaks Valley. In fact the County Board of Supervisors and County staff have already found that development of a project of this size and scope in this area would conflict with the community character of the area. The Board of Supervisors did not approve the Merriam Mountains development proposal, noting the incompatibility of that project with the community character of the area. In addition, the Board of Supervisors made a conscious choice to reduce the potential density of the Project area during the 2011 General Plan update. The owners of the Project area objected to the reduction in density for the Project area and filed a petition for PSR NC42, which has been described by County staff as posing major challenges to the community character in the area. In fact the staff noted that 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." (Emphasis added.) The DEIR fails to evaluate the Project's consistency with General Plan policy LU-2.3, instead making a conclusory statement of consistency without providing substantial evidence and analysis.

O-1-446  
Cont.

In addition, the Project proposes approximately 81,000 square feet of retail space. This will hardly "reinforce the vitality of the local economy" because it will have little to no effect on the local economy. The commercial area will provide minimal jobs and economic activity, and will simply serve as a new strip mall for the area.

O-1-447

Given the Project's complete contrast with the existing community character and the numerous Board of Supervisors, and County staff findings of inconsistency, the Project cannot be consistent with Guiding Principle 3.

O-1-448

4. *Guiding Principle 4: Promote Environmental Stewardship that Protects the Range of Natural Resources and Habitats that Uniquely Define the County's Character and Ecological Importance*

The Project will develop significantly more property than would be developed under the existing General Plan designations for the property. As shown in evaluation of the existing General Plan developable area in this letter, under the County's Conservation Subdivision Ordinance, a total of 1557.8 acres would be required to be preserved on-site under the Existing General Plan condition for the Project Site. This is in contrast to the Project, which only claims to conserve 1,209 acres on-site and 212 acres off-site for a total of 1,421 acres of preserved lands under the Project scenario. Even accepting the DEIR's inflated calculation of the Project's preserved habitat, the Project would preserve 136.8 fewer acres than the Existing General Plan designations for the site and will be much more invasive with over 6,000 residents in close proximity to sensitive biological habitats. Therefore, the Project does not promote the environmental stewardship necessary to protect the range of resources on the site.

O-1-449

Dr. Jennings' Merriam Mountains Wildlife Connectivity Review shows that major wildlife corridors on the property will be cut off by the Project, which would degrade the natural resources and habitats that are unique to the property. Indeed, the findings of the Connectivity Review show the Merriam Mountains is a unique area that requires maximum preservation. The Review notes that, "The Merriam Mountains area is only one of two large habitat blocks that remain west of I-15 that are classified as Pre-Approved Mitigation Area (PAMA) with a goal of 75% conservation under the Draft North County Multiple Species Conservation Plan (NCMSCP). Given the remaining open spaces and known critical movement areas nearby (i.e., the San Luis Rey River to the north), the Merriam Mountains area serves as a critical area for wildlife movement and connectivity at a local scale... it appears that the Merriam Mountains are situated in a critical location that currently allows it to serve as a stepping stone between habitat patches north of Escondido, San Marcos, and Vista to the Merriam and San Marcos Mountains, Moosa Canyon, and the San Luis Rey River." The Review goes on to note, "From a broader regional perspective on connectivity, the connections available for wildlife to move through this area are crucial for maintaining connectivity to the Santa Ana Mountains." With regard to the proposed Project, the Review finds, "Although the proposed design configuration of the Newland Sierra project is intended to preserve the core habitat on Merriam Mountain, it will rather serve to further isolate that area and limit its function in providing habitat that will contribute to regional biodiversity."

O-1-450

Therefore the Project fails to promote the environmental stewardship that would make it compatible with Guiding Principle number 4.

**5. Guiding Principle 5: Ensure that Development Accounts for Physical Constraints and the Natural Hazards of the Land**

As noted above, the Project does not account for the physical constraints and barriers that would be created to wildlife movement by the Project. In addition, the Project is located in a very high fire hazard area with limited ingress and egress from the Project. The Project is located in an area of significant slopes of greater than 25% which will require blasting to create suitable areas for development. In fact, the County staff already found in their staff report for PSR NC42, "Specifically the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat." Therefore, a project with greater density and intensity cannot be found consistent with Guiding Principle 5.

O-1-451

The Project does not account for or develop within the physical constraints of the land, but merely seeks to tame the land through blasting and grading that will degrade the overall form of the land and therefore not be consistent with Guiding Principle 5. The Project is so inconsistent with the County's RPO, which requires preservation of slope areas, that the Project requires an exemption from the RPO to allow for significant variances from regulations that would otherwise preclude development of the Project. The Project is therefore not accounting for the physical constraints of the land, but it is disregarding them and seeking "work arounds" from (in other words, end runs around) regulations that have been developed over decades to preserve the unique topography of the County. The Project cannot be consistent with Guiding Principle 5.

O-1-452

6. *Guiding Principle 6: Provide and Support a Multi-Modal Transportation Network that Enhances Connectivity and Supports Community Development Patterns and, When Appropriate, Plan for Development which Supports Public Transportation*

The Project is located far from any public transportation and will create significant impacts on local roadways and the I-15 freeway. The DEIR focuses internally as to the Project's compliance with this Guiding Principle and ignores the connections to the larger community. The DEIR touts the mixed-use nature of the Project while ignoring the Project's isolation as a suburban island on a mountain top. The Project attempts to claim credit for connectivity to transit by providing a shuttle system to the Sprinter station, but fails to discuss how the shuttle will sit in the same gridlock traffic as other vehicles coming to and from the Project rendering the Project feature to be of little practical use.

O-1-453

The Guiding Principle is meant to provide development in areas where it "enhances connectivity" not simply places another car on the road. The Project generates over 28,000 average daily trips in an area that is rural in character and is served by the I-15 freeway and Deer Springs Road. The DEIR finds that there will be significant impacts to both Deer Springs Road and the I-15 freeway, with no potential mitigation for impacts along the I-15 freeway. Therefore, the Project cannot claim to enhance connectivity, because the DEIR finds that the Project will degrade the connectivity for existing and future residents of the area.

The Guiding Principle is meant to incentivize the growth of housing within existing areas that are near to transit. The SANDAG web site on the Series 13 growth model ([http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects\\_detail](http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects_detail)) states how the policies in General Plans throughout the region are focusing growth into existing communities where transit investments have already or are planned to be made:

"As a result of changing local plans, SANDAG forecasts a general intensification of existing land uses within urban communities and along key transportation corridors. For example, National City's general plan update results in opportunities for over 10,000 additional multifamily units near the Blue Line Trolley and planned trolley connecting San Ysidro and UTC via National City. San Marcos has drafted Specific Plans for the San Marcos Creek and University districts adding mixed use developments near Cal State-San Marcos and the SPRINTER Rail Corridor. Finally, over half of the growth in new housing will occur in the city of San Diego. Downtown will continue to thrive over the next few decades and the growth will start to spill over into areas of Barrio Logan, Golden Hill, and Uptown communities."

O-1-454

The Project proposes growth in an area that is completely disconnected from transportation corridors and is therefore indicative of the suburban sprawl which SANDAG and the General Plan seek to avoid. The Project is therefore inconsistent with Guiding Principle 6.

**7. Guiding Principle 7: Maintain Environmentally Sustainable Communities and Reduce Greenhouse Gas Emissions that Contribute to Climate Change**

See the discussion of Greenhouse Gas emissions in this letter. The Project will generate over 28,000 average daily trips with minimal connections to transit. Therefore, the Project will generate large amounts of GHG emissions from mobile sources and increase traffic on local roads and freeways. The DEIR underestimates the Project's emissions and is a poor imitation of previous "net zero" proposals.

O-1-455

In addition, although the DEIR touts the pedestrian and electric bike connectivity of the Project, these resources will be little used due to the steep topography of the Project. In addition, the maintenance of the electric bicycle program will be in doubt due to the reliance on a homeowners association to maintain it.

O-1-456

In addition, the environmental sustainability discussed in this Guiding Principle is based on the General Plan's guidance to grow from existing village areas where transit and transportation infrastructure already exist. This Project seeks to create a new village and a development the size of the City of Del Mar in an area that was never intended to accommodate this type of growth or density. The Project is not sustainable, because it does not have the infrastructure to support it, and does not build on existing infrastructure.

O-1-457

**8. Guiding Principle 8: Preserve Agriculture as an Integral Component of the Region's Economy, Character, and Open Space Network**

The Project Site is currently designated as rural lands that can be used for agriculture. The property has the potential to grow a wide array of crops from avocados to seasonal fruits. As noted above, the Twin Oaks Valley Sponsor Group website (<https://tovcsg.wordpress.com/the-twin-oaks-community/draft-history-of-twin-oaks-valley-planning-area/>) states the "Twin Oaks Valley's traditional character has been defined by its agricultural pursuits. Agriculture was the predominant feature of the community as it evolved through the years." The website notes that the influx of suburban sprawl in the 1980's (like the Newland Sierra Project today) was counter to the Community Character of the area: "In the 1980s, the tranquility of Twin Oaks Valley began to change with land uses contrary to its rural way of life. Urban sprawl and distortion of General Plan and zoning regulations began introducing incompatible and impactive land uses in Twin Oaks Valley, resulting in major conflicts with community character." Indeed the Project proposes an existential threat to the agricultural character of the community, because as noted above in staff reports for the PSR NC42, densification of the Project area could prompt densification of adjacent properties, which would push out agriculture in favor of housing. The Project's anemic community gardens and vineyards do not constitute agriculture as an integral component of the region's economy and therefore cannot be considered as providing justification for consistency with this Guiding Principle. The Guiding Principle seeks to preserve agriculture as a way of life, and economically viable option in the County. The Project would preclude agriculture on the Project Site and therefore be inconsistent with the Guiding Principle. The Project is therefore not consistent with Guiding Principle 8.

O-1-458

**9. Guiding Principle 9: Minimize Public Costs of Infrastructure and Services and Correlate Their Timing with New Development**

The Project significantly increases major infrastructure costs for the Twin Oaks area and shifts those costs from the Project to the taxpayers of San Diego County in direct contradiction to this Guiding Principle. When the 2011 General Plan was approved it reduced the allowable development in the County and incentivized growth within the incorporated cities throughout San Diego. The San Diego Association of Governments used the 2011 General Plan Update to produce the Regional Transportation Plan for San Diego County, which provides transit and roadway infrastructure to move people around the County. Significant investments in infrastructure have been directed to public transportation projects like the San Diego Trolley, North County Sprinter, and Bus Rapid Transit projects throughout the County to provide connectivity to the areas where growth is planned. None of these investments have been targeted to support the Twin Oaks area, because no substantial growth was planned for this area. As noted in the DEIR, the development of the Project will be growth inducing and produce significant and unmitigable impacts associated with growth inducement of this area. This will necessitate a significant shift to investments in transportation infrastructure by SANDAG in an attempt to serve the Project population.

O-1-459

In addition, the Project creates significant impacts to the I-15 freeway, creating a failing level of service between Escondido and the Riverside County line, yet provides no money to mitigate these impacts. Because this corridor is already burdened by significant levels of traffic, additional taxpayer funds will be required to upgrade the I-15 freeway which will shift the infrastructure costs from the Project to the taxpayer. The DELANE Fair Share Memo shows that the Project's fair share costs for impacts to the I-15 freeway will be \$153 million in today's costs. The Project's refusal to pay the cost of their impacts will shift this cost to the County taxpayer which will maximize the cost of public infrastructure in direct contradiction of the Guiding Principle.

Locating the Project close to an existing public transportation line would minimize the costs of infrastructure, while locating the Project in a rural area not served by public transportation, maximizes costs of transportation infrastructure. Therefore, the Project fails to be consistent with Guiding Principle 9.

**10. Guiding Principle 10: Recognize Community and Stakeholder Interests While Striving for Consensus**

The Project has failed to provide adequate avenues of input on the Project and the DEIR. Although the applicant made presentations to the local area sponsor groups about the benefits of the Project months before the release of the DEIR, the Project impacts in the DEIR have never been fairly presented to the community. The surrounding communities have been allowed no meaningful opportunity to ask questions to the applicant or the County or gain information about a DEIR that is over 20,000 pages with appendices. Several of the official community sponsor groups have requested that the applicant or County staff provide workshops or presentations to their sponsor group on the DEIR and its findings, but all requests have been refused.

O-1-460

County staff informed the community sponsor groups that a public information meeting on the DEIR would be held on July 18, 2017, at the San Marcos Civic Center. A meeting was held and attended by over 200 people; however, the County provided no meaningful information about the DEIR and told the assembled crowd that none of the comments made at the meeting would be recorded and responded to unless they were written down and submitted to the County. This "official" meeting on the DEIR neither "recognized" community and stakeholder interests nor "stroved" for consensus. In fact, the community has largely been locked out of the DEIR process because they lack the information and resources to provide adequate comments on the 20,000+ page DEIR. The applicant has further retreated from the community, refusing to answer questions, or "recognize" community and stakeholder interests by presenting the findings of the DEIR at sponsor group meetings. Although it is not required for an applicant or the County to agree with comments from the community, recognition of the community means providing avenues for constructive input. These have not been provided, despite the community's requests for such forums.

O-1-461

In addition, representatives for the applicant have provided inaccurate and conflicting statements to the community to mislead them about the impacts of the Project. In one such instance, a spokesperson for the applicant who attended the Hidden Meadows Sponsor Group meeting indicated that no building permits for homes in the Project would be allowed until the new Deer Springs and I-15 freeway interchange was completed. This was an incorrect statement that was intended to mislead the Hidden Meadows Community from providing stakeholder input on the potential impacts of the freeway interchange construction (a project that is integral to the functioning of their community). The spokesperson later emailed some Sponsor Group members to correct the record, but the correction reached a different audience than the initial incorrect statement. In addition, the applicant has distributed brochures stating that "Big Box" retail could be built in the area currently designated for commercial uses. This is incorrect. At a meeting of the Twin Oaks Valley Sponsor Group another representative for the applicant stated that "Big Box" retail could not be built in the same location. Again, the multitude of conflicting and inconsistent messages coming from the applicant leads to confusion instead of consensus and does not allow the public to properly participate in the process.

O-1-462

The lack of access and the inability to form consensus has clearly shown that the Project is not in compliance with Guiding Principle 10.

**M. The Project is not in compliance with the North County Metropolitan Subregional Plan**

O-1-463

**1. The Project Is Not Consistent with the Goals in the Subregional Plan and Therefore the Project Will Create a Significant Land Use Impact**

**a. Goal 1: Accommodate Urban Development in Appropriate Areas**

The General Plan at page 1-11 is very specific that the Community Plans will define the designated growth areas for each community. The General Plan states, "When updating Community Plans, communities are encouraged to delineate areas within their plans that will assist with the future planning of developments, infrastructure, facilities, and regulations. An Urban Limit Line and/or Village Boundary may be defined in the Community Plan as a

O-1-464



community-specific growth boundary that identifies an area to which development should be directed. These boundaries may also serve as the basis for community specific goals and policies." Figure 3, page A-2, of the North County Metro Subregional Plan provides a map of the North County Metro Village Boundaries. Village boundaries are shown by a green line which outlines the Village Boundary. Village Boundaries are the specific growth boundaries that identify where development should be directed, and indicates the "appropriate area" for development that is part of Goal 1. There are no areas of the Project area that are outlined in the green outline which would designate the site as being within a Village Boundary. The Project Site is not identified as an area to which new development should be directed and therefore is not an appropriate area for development as designated by the Subregional Plan and fails to be consistent with Goal 1. The Project also does not propose any amendments to the Subregional Plan to change the areas designated for development, so under the Project scenario the Project is clearly not consistent with Goal 1 because it directs growth into an inappropriate area.

O-1-464  
Cont.

b. Goal 2: Encourage Logical City Annexations

The Subregional Plan notes that the Cities adjacent to the Subregional Plan area have designated spheres of influence within the Subregional Plan area to facilitate logical City annexations. The Subregional Plan goes on to state that the County must "encourage the annexation of unincorporated land within each City's adopted sphere of influence." The Project is inconsistent with this goal because the Project would discourage and frustrate City annexations instead of encouraging them.

O-1-465

(1) San Marcos

Areas of the Project Area are within the San Marcos Sphere of Influence and have been pre-designated by the San Marcos General Plan as County Rural Residential and Agricultural Residential. Areas designated as County Rural Residential would need to comply with the County Rural Residential requirements which the Project will not. The Project changes these areas to a Semi-Rural category, which would create a conflict between the San Marcos General Plan and the County General Plan which would not "encourage logical City Annexations." In addition, the Project area closer to the City of San Marcos is designated agricultural residential. According to the San Marcos General Plan Land Use Element at table 2-3, agricultural residential uses are defined as "Agricultural uses as the primary use. Agricultural uses include greenhouses, wholesale nurseries, and agricultural crops. Raising poultry, cattle, birds, small animals, horses, and bovine animals is permitted. Agricultural tourism activities may also be allowed." The Project would preclude agricultural uses as a primary use in favor of suburban housing and would therefore conflict with the areas pre-designated in the San Marcos General Plan for possible annexation. If the Project area were to develop at suburban densities it would create an island of inconsistent land uses within the City's sphere of influence which would not encourage logical annexation as the City annexes property from the City boundary toward the I-15 freeway. The City's pre-designation of land shows that the City wishes to maintain the rural character of the Twin Oaks area following annexation, and the Project would thwart the City's wishes. This action could create disincentives to the City from wanting to annex the area, and therefore be inconsistent with Goal 2 of the North County Metro Subregional Plan.

O-1-466

(2) Escondido

A portion of the Project Site falls within the City of Escondido's sphere of influence. The San Diego County Local Agency Formation Commission's ("LAFCO") map of the Escondido sphere of influence is attached hereto as **Attachment 60**. The map clearly shows the Escondido sphere of influence extends north of Deer Springs Road and west of I-15 into the Project Site where the Project proposes to place the highest density. The Project's proposed density would be inconsistent with the Escondido General Plan.

O-1-467

NC Metro CP Policy 7 limits density on unincorporated County land within the Escondido sphere of influence to one unit per acre. Specifically, Policy 7 prohibits "new major and minor subdivisions within the adopted Escondido city spheres of influence if the density shown on the final subdivision or parcel map is greater than one dwelling unit per gross acre, unless: (1) consistent with the general plan land use map; or (2) the proposed project has sewers available and can obtain sewer lateral connections to an existing sewer main, in which case this policy shall not apply to the property." This provision appears intended to limit the County's ability to approve dense development within the City of Escondido's sphere of influence. The County's General Plan, therefore, limits the County to approving development at a density of one unit per acre within the City of Escondido's sphere of influence unless the Escondido General Plan allows for additional density.

Currently, Escondido's General Plan designates the portion of the Project Site within its sphere of influence for very low density development. (See Escondido General Plan Land Use Map, attached hereto as **Attachment 61**.) The northwest corner of the Escondido General Plan land use map includes the portion of the sphere of influence covering the part of the Project Site. It depicts this area as Rural Residential I (1 du/4, 8, 20 acres) and Estate I (1 du/1, 2, 4, 20 acres). (*Ibid.*) This density is equal to or less than one dwelling unit per acre, and therefore does not create an exception to NC Metro CP Policy 7. As a result, the County is not able to approve density greater than one unit per acre on that portion of the Project Site, because it would be inconsistent with the County's General Plan pursuant to NC Metro CP Policy 7. (See *Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal.App.3d at 703 ["[T]he general plan is required to be consistent within itself."]; *Concerned Citizens of Calaveras Cty.*, 166 Cal.App.3d. at 97 ["A general plan must be reasonably consistent and integrated on its face. A document that, on its face, displays substantial contradictions and inconsistencies cannot serve as an effective plan because those subject to the plan cannot tell what it says should happen or not happen."].)

O-1-468

Therefore the Project would not comply with Goal 2 of the Subregional Plan, because it would conflict with and frustrate the annexation of this property.

c. Goal 3: Promote Agriculture in Non-Urban Areas

The North County Metro Subregional Plan states that, "a large portion of the unincorporated territory of the Subregion is in some form of valuable agricultural production; and agriculture provides economic benefits to County residents." In furtherance of this goal the County should, "promote agriculture by protecting semi-rural and rural areas from urbanization and incompatible development." The Project is in direct conflict with this goal because it places urban and suburban densities in rural area, thus failing to protect them from incompatible

O-1-469

development. The Project precludes agricultural use of the property by either developing it for housing, or placing it off limits for open space conservation. In addition, as found in the PSR NC42 and the growth inducement analysis in the DEIR, the Project has the potential to induce other surrounding and adjacent areas in Twin Oaks to densify and change from rural agricultural lands to suburban housing. The growth inducing nature of the Project runs counter to the promotion and promulgation of agriculture on the property.

Therefore, the Project would be inconsistent with Goal 3 and a significant land use impact will occur.

d. Goal 4: Protect Environmental Resources

The Subregional Plan states that "because the Subregion includes scenic rugged terrain, which is not suitable for urbanization; and Resource Conservation Areas have been identified to help protect valuable resources throughout the Subregion," and in furtherance of this goal the County must "protect natural and economic resources by designating appropriate lands as rural, semi-rural and environmentally constrained areas." Therefore, the County's action in the 2011 General Plan update, designating the lands within the Project as predominantly rural lands, was to protect the environmental resources of the area. The designation of rural lands was provided to "appropriate lands" where development and growth were not to be allowed, specifically to protect environmental resources. The majority of the Project area is designated in figure 4 of the Subregional Plan as Conservation Area 23, Merriam Mountains. As noted above, the Conservation Areas were identified to help protect valuable resources and wildlife connectivity throughout the region. A wholesale densification of the area would significantly reduce the conservation area on the Project Site, and would impact sensitive resources. Moving over 6,000 residents into the Merriam Mountains area would place residents in close proximity to those valuable environmental resources which would likely lead to their reduction in size and value. The wildlife connectivity report provided by Dr. Jennings has also concluded that placement of the Project would interrupt wildlife corridors through the area, further degrading and not protecting the environmental resources of the Project area. Therefore, the Project cannot be found to be consistent with Goal 4 of the Subregional Plan.

**N. The project Requires an Amendment to the Transportation Impact Fee ("TIF") Program**

The DEIR does not disclose that the Project will require an amendment to the TIF Program. The staff report for the General Plan Amendment Workplan Options for Property Specific Requests at page 4, states that the PSR for NC42 would require an amendment to the TIF program. The staff report designates PSR NC42 as a Very High Complexity category request and states (emphasis added below):

Very High Complexity – In considering the requests and possible categories, one was uniquely different: NC42. This request involves far more acreage, 1,162 additional dwelling future units than the High Complexity Category, densities up to 20 dwelling units per acre, and more parcels than any of the other requests. It has numerous known issues that have been raised before that will need to be addressed if an amendment is processed. (See the NC42 worksheets in

O-1-469  
Cont.

O-1-470

O-1-471

Attachment A for additional information.) **Under this category of requests, the scope of changes to the TIF Ordinance would likely be similar to that of the changes required by the High Complexity category requests and necessitate a comprehensive update to the TIF program.**

The staff report goes on to state at page 7 that (emphasis added below):

The Very High Complexity category requests, which would include accommodating all requests, is estimated to take 62 months at an estimated cost of \$1.56 million. This includes \$350,000 for consultants and a 30% contingency. **In addition, the costs to update the TIF under both the High and Very High Complexity category are estimated to be at the top of the range, \$750K due to the likely requirement to comprehensively update the TIF Ordinance and supporting documents.** The current TIF Update budget is \$850K. A comprehensive TIF Update would require traffic modeling, an update to all technical documents, extensive public outreach, and ongoing internal coordination.

Page 9 of the staff report continues (emphasis added below):

The TIF program and associated fees are derived from projected land use development and the planned Mobility Element road improvements according to the County's adopted General Plan. Consistency between the adopted General Plan and the TIF program ensures that the cumulative traffic impacts resulting from planned development in the unincorporated area are adequately mitigated by the TIF program. **Approved GPAs that result in increased land use densities and/or expansion of the Mobility Element roadway network would have a direct effect on TIF program costs and fee rates which would prompt the need to update the TIF program. Therefore, adoption of a GPA that changes the General Plan's land use map and/or Mobility Element network could very likely make the TIF program inconsistent with the General Plan.** The more substantial the changes are to the Land Use and/or Mobility Element Plans, the greater need there would be to revise/update the TIF program to ensure the program remains consistent with the adopted General Plan.

The proposed Project introduces even more complexity than the PSR NC42 due to the additional 1,000 units being placed in the Project area and the unplanned and inconsistent nature of the Project with the existing General Plan. Therefore, a comprehensive TIF Program amendment must be made part of the Project, and the DEIR must analyze this change in the TIF program on the General Plan. Please provide this analysis and re-circulate the Draft EIR for comment on this issue.

**O. The Project Does Not Comply with the General Plan Housing Element**

The DEIR and information disseminated by the applicant has said that the reason that the Project needs to be built, despite its conflicts with the General Plan land use designations for the site, is because the unincorporated areas of the County need additional housing. However, the

O-1-471  
Cont.

O-1-472

Project does not propose an amendment to the Housing Element to increase the amount of housing needed in the County of San Diego, nor does it amend the Housing Sites Inventory of the Housing Element to identify the Project Site as appropriate for housing. The DEIR provides no analysis of how the Project is consistent with the Housing Element. Instead the DEIR provides irrelevant information about a consumer survey the applicant performed to determine the type of housing people wanted to purchase. It is interesting to note that this section at page 3.3-33 of the DEIR states that the "consumer survey informed the applicant's land planning for the neighborhoods, resulting in a mix of housing types," but that the DEIR never makes the same statement about the policies and regulations of the General Plan informing the applicant's land planning. It is clear that the applicant has decided to attempt a wholesale re-writing of policies and regulations affecting the Twin Oaks Area instead of trying to work within those regulations.

O-1-472  
Cont.

**P. SANDAG Indicates a Reduction in the Need for Housing in the Unincorporated Area; Therefore, the Policy Justification for the Project Is Unfounded**

As noted on the SANDAG web site ([http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects\\_detail](http://www.sandag.org/index.asp?classid=12&subclassid=84&projectid=503&fuseaction=projects_detail)) discussion of the Series 13: 2050 Regional Growth Forecast that "[i]n 1999, SANDAG projected 21 percent of future housing growth would occur in the unincorporated areas of the county under the local general plans at the time. Today, SANDAG expects 17 percent of growth to occur in the unincorporated areas and much of that is focused in existing villages such as Lakeside, Valley Center, Ramona, and Alpine. As a result of these updates, SANDAG has identified sufficient housing opportunities in the existing general plans for the first time in nearly two decades." This is because the cities within the San Diego region have revised their General Plans to accommodate growth in existing areas that are served by transit and other infrastructure. The Planning paradigm created by the County General Plan – to focus growth into the incorporated cities where infrastructure investments have been made and are planned – is working. Shifting growth to an outlying area of the County, such as Twin Oaks, would undermine the current trajectory of growth and place it outside of the "smart growth" principles that have been incorporated into the County General Plan and General Plans for cities throughout the region.

O-1-473

**Q. Project Not Consistent with Guiding Principle of the Housing Element**

Page 6-5 of the Housing Element states, "The foundation for Housing Element policy is based on the defined objectives of the General Plan update as well as the initiatives of the County's Strategic Plan. The objectives of improving housing affordability, assigning densities based on characteristics of the land, and locating growth near infrastructure, services, and jobs were of particular significance. Policies respond to the characteristics and challenges of both urban and rural community development. In general, housing affordability is addressed through policies intended to increase the supply of housing and decrease housing costs. Both approaches are applicable to urbanized centers with access to infrastructure, services, and jobs, **but in rural areas, the lack of infrastructure and services dictates maintaining low densities. Thus, policies affecting rural areas emphasize lowering housing costs.**" (Emphasis added.)

O-1-474

The Twin Oaks Valley is a rural area. As noted above, the guiding principle of the Housing Element states that the lack of infrastructure and services in rural areas dictates maintaining low densities. Housing policy should not emphasize increasing supply, it should be about lowering costs. This is directly counter to the Project's policy emphasis on the creation of new housing in a rural area at all costs, regardless of the policies and restrictions that have been placed on the Project Site. The Project proposes no amendment to the Housing Element's policy to maintain low densities in rural areas, and therefore, the Project will be inconsistent with the General Plan if approved.

O-1-474  
Cont.

**R. Adding Density in Rural Area Is "Not Consistent with the County's Multiple Planning Objectives."**

Page 6-7 of the Housing Element states that with regard to rural and semi-rural lands, although there are many low income families in rural areas, "future growth in these areas is not consistent with the County's multiple planning objectives." Those objectives, as analyzed in this letter, include the preservation of rural community character, preservation of habitat and agricultural areas. Page 6-7 goes on to state, "The update also designated low densities within the County's major agricultural areas, areas with significant biological sensitivity or diversity, and areas with significant physical or environmental constraints." Therefore, the County made a conscious policy choice to designate low densities within areas like Merriam Mountains to fulfill the other policy goals of the County General Plan. The Project cannot now use the need for housing as a reason to discard the other policies in the General Plan. The Housing Element at page 6-8 makes this clear stating that, "The goals and policies contained in the County of San Diego Housing Element are designed to be consistent with other elements of the General Plan." Therefore, if significant changes are being made in other elements of the General Plan, the Housing Element will also, likely need to be amended.

O-1-475

**S. Housing Sites Inventory for the RHNA Did Not Identify Merriam Mountains for Significant Housing**

The Housing Sites Inventory for North County Metro provides locations where 2158 units can be developed. All of these areas are designated Village Residential and are zoned correctly to provide housing opportunities. The proposed Project area is not identified in the Housing Sites Inventory as a location that can accommodate housing in the North County Metro area. The proposed Project also does not include an amendment to the Housing Sites Inventory to include the site as being an area that can accommodate housing. Therefore, the Project is not and will not be in compliance with Housing Element of the General Plan if approved.

O-1-476

**T. General Plan Already Balanced and Has Locations for Growth; Newland Project Is Additive**

The Project site was not designated for significant amounts of housing, because leaving the Project site rural provided the necessary balance between the preservation of agricultural and habitat areas, and need for housing. As noted in the April 2013 County Background Report on the Housing Element section 2.1:

O-1-477



This Housing Element seeks to balance housing requirements with infrastructure deficiencies, safety issues, and the rural character of many of the County's unincorporated communities. It also seeks to reconcile housing needs with competing land use interests. For example, agriculture is a major sector within the regional economy, and most agricultural operations are located within the unincorporated County. San Diego County also has the greatest number of endangered species of any county within the continental United States, and most of those species are located within unincorporated areas. Retaining agricultural and environmental resources, therefore, must be reconciled with a housing allocation that is the second largest share within the region for the fifth Housing Element cycle. Because of the size and physical variation of the unincorporated County, key Housing Element issues are identified by location type—Village, Semi-Rural, and Rural Lands regional categories defined within the Land Use Element—to facilitate place-based solutions for housing issues within the unincorporated County.

O-1-477  
Cont.

To maintain this balance, specific policy choices were made:

In order to maintain the semirural character and pattern of development in these communities, residential growth is redirected away from rural and remote areas with minimal or nonexistent public services to areas where higher density and a less rural character is consistent with the existing pattern of development and the availability of public services.

The Project proposes the opposite of this important Housing Element policy. The Project directs housing into an area that is rural and remote and lacks public services. If the Project proposes to change this policy of balance within the Housing Element, it must actually change the policy and provide amended language. Because no amendment has been proposed, a significant impact will occur if the Project is approved, and the Project will be inconsistent with the Housing Element.

**U. Project Is Inconsistent with the Zoning Ordinance and RPO**

**1. Zone Change Constitutes "Spot Zoning" Which Must Be Analyzed.**

As part of the PSR NC42 review, the 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." (See 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 Attachments 3, 56.) 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

O-1-478

*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. Inconsistent with RPA

a. Exemption and Wholesale Re-Write Required

The DEIR at page 3.3-39 acknowledges that “the project is not strictly in conformance with RPO.” In fact, the Project is so vastly out of conformance with the RPO that the Project proposes an “amendment to the RPO that would exempt the Project from the requirements of the RPO.” The DEIR goes on to explain that a Resource Protection Plan (“RPP”) will be put in place that will serve as the functional equivalent of the RPO. The need to fully exempt the Project from the RPO shows that the level of development proposed for the Project Site was never anticipated here. The need for a blanket exemption for the Project shows that the Project is so out of sync with the policies and regulations for land use in the County of San Diego that it must write its own rules to receive special treatment from the County.

b. No Significance Call Made

The DEIR discusses the need for a wholesale exemption from the RPO ordinance, but does not provide a determination of whether the Project’s non-compliance with the RPO and need for a total re-write of the regulations affecting the property would be a significant land use impact. The existing allowable development on the Project property would be subject to the RPO and could be configured to comply with the RPO and Resource Protection Subdivision Ordinance. There would be no need for an exemption from the RPO under the existing regulatory environment. Therefore, because the proposed Project would not be consistent with the RPO, so much so that the Project would require an exemption from the RPO and a total re-write of regulations for the proposed Project, the conflict would be a significant land use impact.

c. Functional Equivalency Is Not Equivalency

The Project proposes an exemption from the RPO as “any project located within the approximately 1,985 acre property known as ‘Newland Sierra Specific Plan’ if determined to be consistent with a comprehensive Resource Management Plan (RMP) [that] has been adopted by the Board of Supervisors as the functional equivalent of RPO.” However, even the RMP which is supposed to be functionally equivalent to the RPO needs an exception from the exemption stating that, “this Resource Protection Plan concludes that the project would be fully consistent with the County RPO, with the exception of impacts to coastal California gnatcatcher-occupied habitat along the eastern side of the project Site and impacts associated with RPO wetlands.” The DEIR indicates that the exception is justified because of the design and density needs of the Project. This means that the Project cannot even design an exemption that does not need a separate exception embedded within it.

The RPP is required by the exemption to be “functionally equivalent” to the RPO to be consistent with the revised RPO language which will include the exemption. However, there is no objective standard provided in the RPP or within any regulatory document as to what “functionally equivalent” means. As stated above, the RPP states that the RPP is equivalent

↑ O-1-478  
Cont.

O-1-479

O-1-480

O-1-481

↓ O-1-482

except as it pertains to impacts to the California gnatcatcher and RPO wetlands. This statement leaves the reader asking if the RPP is indeed equivalent or not equivalent? And if it is not equivalent, as it states, what makes it functionally equivalent? There is no analysis of the functional equivalency of the RPP versus the RPO, just a conclusory statement that the RPP is functionally equivalent to the RPO. If no objective standard exists, how is the RPP supposed to be evaluated?

O-1-482  
Cont.

**V. The Project Is Not Consistent with SANDAG's SCS or SB 375**

**1. The Project Is Not Smart Growth**

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." (General Plan Land Use Element at 3-27.) The RTP/SCS 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." (2013 General Plan Annual Progress Report, at 3 (Mar. 2014), attached hereto as **Attachment 62**.) 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 services, and will require long, single-occupant vehicle trips in contradiction of these policies.

O-1-483

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 do not negate the impacts of long single-occupant vehicle trips required to job and urban centers. The shuttle proposed for connections to local transit centers will wait in the same traffic created by the Project as all other commuters in the area which will diminish the incentives to use this facility. When a transit trip is no less efficient than a vehicle trip, the vehicle trip is more likely to be chosen.

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 because the topography of the Project will require and incentivize vehicle use for even internal trips to the commercial area. 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 to carrying bags of groceries long distances, uphill, to get back to their home. The steep 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,

O-1-484

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 to be able to find consistency with the SCS.

O-1-484  
Cont.

In addition, the Project lacks any meaningful transit options. The DEIR notes that transit stations are located "within six miles" of the Project. This distance would preclude the Sprinter train from serving as a viable everyday commute option for Project residents. In addition, although the DEIR considers a shuttle that would connect the Project to the closest Sprinter stations and the Escondido Transit Center, the operational nature of the shuttle is in question, because the Project leaves it up to the HOA for the Project to fund and manage the shuttle system. This places what the Project considers a key piece of connective infrastructure into an uncertain future. Therefore it cannot be used as mitigation measure or even relied upon to provide connectivity to transit. Indeed, the existence of a shuttle system is an acknowledgement of how far the Project is located from transit. If the shuttle is to be used a substantial evidence of connectivity, the Project should perform a study of how long the shuttle will take to reach the transit station from the Project and should commit to funding the shuttle's operation. Because the shuttle will operate in the same diminished levels of service on the I-15 freeway, the shuttle is likely to be of little assistance to residents.

O-1-485

Because the Project would be located in the rural I-15 corridor in North County, which lacks transit infrastructure, the Project should take a "transit-first" approach to transportation. However, the Project provides no funding or contributions to plan or construct 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.

O-1-486

Therefore, the Project is not "smart growth" and cannot be found consistent with SANDAG SCS.

#### **W. The Project Is Inconsistent with County Board of Supervisors Policies**

##### **1. Board Policy Statements**

The DEIR attempts to summarize each of the Board of Supervisors' policies which are analyzed in the DEIR. However, the summaries provided are not completely accurate and misstate the nature of the policies as shown in the J-33 example below. In addition, providing a summary of the policy precludes the reader from understanding the policy based upon their reading of the policy and not the interpretation of the DEIR writer. The DEIR states each of the Guiding Principles of the General Plan in full, and the Board Policies should be presented in full in the DEIR document.

O-1-487

##### **2. Policy J-33 on the Use of Eminent Domain**

The DEIR at page 3.3-43 provides the conclusion that the Project would be consistent with policy J-33 but provides no analysis or substantial evidence to support that determination.

O-1-488

The DEIR states that "the Project applicant would work with County staff to ensure proper procedures for eminent domain are followed. The Project would be consistent with this policy for public facilities." Does this mean that the Project will utilize eminent domain to accommodate Project infrastructure? If so, where will eminent domain be used?

The DEIR alludes to the potential for the use of eminent domain on Sarver Lane, Deer Springs Road, and Camino Mayor, but provides no map, or description of property that will be required to be obtained by eminent domain.

Board Policy J-33 states that the purpose of the policy is, "to **define and limit** the circumstances in which the Board of Supervisors will use their power of eminent domain, on behalf of private developers, to acquire real property rights for public facilities." (Emphasis added.)

First, it is not clear that proposed eminent domain will be used solely for public facilities. The Project proposes the improvement of Camino Mayor as a northern access route into an out of the Project. Appendix D of the DEIR includes two alternative routes for Camino Mayor. Appendix D at page 2 states: "Both Alternative Alignment 1 and Alternative Alignment 2 would be designated as private roads." Therefore, the use of eminent domain to acquire property for either of these alignments would not be consistent with Board Policy J-33 as they will be private facilities. Concerns have been raised by residents along Camino Mayor that their property may be taken by eminent domain due to the alignments presented in the DEIR. It is impossible to determine whether or not eminent domain will be used in this area, because it is not disclosed in the DEIR. Similarly, the DEIR does not disclose whether eminent domain will be required to acquire right of way along Sarver Lane or Deer Springs Road. The DEIR therefore does not "define and limit" the use of eminent domain for this Project and therefore the Project cannot be consistent with this policy.

Further, the policy section and states:

*It is the policy of the Board of Supervisors that the power of eminent domain be used to acquire property rights required by conditions of approval of subdivisions only when:*

- 1. The subdivider has made reasonable offers based on a fair market value appraisal report and has made every reasonable effort to acquire the property rights; and*
- 2. Alternative locations for the public facilities have been considered and none found practical; and*
- 3. Deletion of the off-site requirements of the subdivision is not recommended by staff; and*
- 4. The subdivider has agreed to pay full County costs of eminent domain proceedings, including all costs to purchase the real property rights required; and*

O-1-488  
Cont.

O-1-489

O-1-490

*5. The Board of Supervisors has prescribed the location of the proposed acquisition.*

*Notwithstanding the above, non-blighted, owner-occupied, residential structures cannot be condemned for transfer to another private party for purposes of more profitable economic development.*

How much of this process has the applicant already implemented to obtain property for off public facilities? It appears that the Project contemplates the use of eminent domain but does not disclose where eminent domain will be used or for what public facilities. If eminent domain will be used, the DEIR must provide an analysis of elements 1-5 of the policy and make a determination if a significant impact will occur. This disclosure and the analysis of any impacts related to the use of eminent domain must be provided. A DELANE Engineering analysis of the Project's grading plans shows that impacts private drives along Deer Springs Road were not analyzed, despite several private drives that will be impacted by new drainage channels along Deer Springs Road. (See DELANE Offsite Memo.) In addition, previous work by DELANE demonstrated numerous property impacts from a six-lane Deer Springs Road alignment that have not been disclosed in the DEIR or analyzed pursuant to Policy J-33. (See DELANE Road Widening Memo.)

O-1-490  
Cont.

#### **X. Cumulative Impacts Are Not Thoroughly Addressed**

Cumulative land use impacts have not been adequately addressed by the DEIR. The DEIR discusses the significant and unmitigable impact of growth inducement in the population and housing section of the EIR, but fails to provide an analysis of the impacts on land use.

O-1-491

It is clear that the growth inducing impacts of the Project will fundamentally alter the land uses in Twin Oaks area and create a cascade of up-zoning that will fundamentally change the rural character of the area and the underlying land uses. County staff reached the same conclusion in the PSR NC42 staff report of January 20, 2012. The report states that with the addition of the Project, "These increases in development potential on this property also required consideration of the designations on the properties in the surrounding community. It would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties. Therefore, the properties within the off-site study area are recommended for SR2 or SR4 depending on size of other parcels in that area." The staff report goes on to state that, "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... 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."

O-1-492



This fundamental shift in the character and land use of the Twin Oaks area that is acknowledged by County staff report is not acknowledged or analyzed in the DEIR. The DEIR fails to grasp that development of the Project will induce a change in Land Use for the area, because as noted in the County Staff Report, "these increases in development potential on this property also required consideration of the designations on the properties in the surrounding community. It would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties." Therefore, the DEIR must analyze the changes in land uses the Project will induce on surrounding properties. Although the population and housing section discusses growth potential attached to the economics of adding over 6,000 people to this rural area, the DEIR provides no discussion of the potential land use changes that will be necessitated by the Project to surrounding property. This is a glaring omission given that County staff identified this potential impact in a previous review of a smaller project on this site.

Moreover, a portion of the project site falls within the City of Escondido's sphere of influence. The LAFCO map of the Escondido sphere of influence is attached hereto as Attachment 60. The map clearly shows the Escondido sphere of influence extends north of Deer Springs Road and west of I-15 into the project site—notably covering the area currently designated as "village." This inter-jurisdictional issue requires review of both the County General Plan and Escondido General Plan to analyze consistency. Here, NC42's proposed density would be inconsistent with these General Plans.

The North County Metro Community Plan ("NC Metro CP") is part of the County General Plan and includes the Project Site. The general goals and policies of NC Metro CP require the County to take the City of Escondido's planning into consideration. NC Metro CP Policy 7 limits density on unincorporated County land within the Escondido sphere of influence to one unit per acre. Specifically, Policy 7 prohibits "new major and minor subdivisions within the adopted Escondido city spheres of influence if the density shown on the final subdivision or parcel map is greater than one dwelling unit per gross acre, unless: (1) consistent with the general plan land use map; or (2) the proposed project has sewers available and can obtain sewer lateral connections to an existing sewer main, in which case this policy shall not apply to the property." (See Attachment 57.) This provision appears intended to limit the County's ability to approve dense development within the City of Escondido's sphere of influence. The County's General Plan, therefore, limits the County to approving development at a density of one unit per acre within the City of Escondido's sphere of influence unless the Escondido General Plan allows for additional density.

O-1-492  
Cont.

O-1-493

O-1-494

O-1-495

### XX. PARKS AND RECREATION

The DEIR's analysis of parks and recreation falls victim to the same errors enumerated in this letter's Biology section. The DEIR ignores the Project's inconsistency with the NC MSCP. General Plan Policy M-12.9 provides that "within the [MSCP] preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans." The DEIR does not analyze how it is consistent with the MSCP plans in this section. Thus, it is unclear how the parks siting will comply with these plans based off of the information contained in the DEIR. The DEIR simply states that "trail segments were designed to minimize impacts to sensitive environmental resources and ensure compatibility with adjacent agricultural land uses. (DEIR at p. 2.4-12.) It does not provide any additional analysis or support for this statement, nor does it mention the MSCP, despite stating that the Project is "within the North County MSCP planning area and within a draft Preapproved Mitigation area." (DEIR at p. 3.4-3.) By neglecting to mention the MSCP in its analysis of compliance with local plans, including General Plan Policy M-12.9, it appears as if the DEIR is suggesting the Project need not comply with the draft MSCP, while simultaneously basing its biological resources significance conclusion on the Project's compliance with the draft NC MSCP. This renders the DEIR internally inconsistent.

O-1-496

The DEIR notes that the specific amenities each park provides are included within the Specific Plan. However, the Project includes an amphitheater located near existing residences. The DEIR should acknowledge that the Project includes an amphitheater within the Parks and Recreation analysis, and describe the types of events and potential noise and traffic impacts that may result. For instance, details on the number of people that may be accommodated at the amphitheater, the frequency of events, and whether amplified sound will be used are vital information for members to the public to analyze the potential impacts the amphitheater may have.

O-1-497

**XXI. PUBLIC SERVICES**

The DEIR's conclusions that the Project's impacts to public services will be less than significant are not supported by substantial evidence or analysis. The DEIR must be revised and recirculated for additional public review and comment after acknowledging and correct the deficiencies noted in this letter.

O-1-498

First, as for fire protection, the fire fee agreement with the Deer Springs Fire Protection District is not adequate or permissible mitigation. The DEIR states that this agreement and its associated fee is necessary for a finding of a "less than significant" impact to fire protection services and facilities. (DEIR at 3.5-15.) However, in addition to the fact that a pre-commitment for mitigation in support of a project before the certification of the EIR may be a violation of CEQA (*see, e.g., Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116), this fee agreement alone does not constitute adequate mitigation under CEQA (*see, e.g., Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 727-28 (1990)).

O-1-499

Second, as to impacts on school overcrowding, the DEIR relies on current regulatory structures (i.e., state-mandated school fees or School Mitigation Agreement(s)) to justify the conclusion of less than significant impact. However, the DEIR concedes that:

- "According to the Project Facility Availability Form from the San Marcos Unified School District, it indicated that overcrowding would occur at the elementary, middle, and high school";
- Escondido "schools may exceed capacity due to new student growth as a result of the proposed project and it cannot be known at this time if the boundaries will, or will not, change in the future to meet changing student demand" and
- "[E]xisting schools in San Marcos are over capacity."

O-1-500

The DEIR also relies on the analysis of the Escondido General Plan EIR as further justification for its conclusion, ignoring the fact that the Escondido General Plan EIR was not a *project-specific* EIR (like the Newland DEIR at issue here). Reliance on the conclusions of a plan-level EIR for another jurisdiction (City of Escondido) does not constitute substantial evidence for conclusions in a project-specific EIR in the County of San Diego.

O-1-501

Further, the Escondido General Plan EIR was completed in 2012, and there is no evidence or analysis that the EIR's analysis, evidence, and conclusions are reliable in 2017 or 2018. The Newland DEIR makes no attempt to analyze whether the conditions and analysis underlying the Escondido General Plan EIR remain applicable for this 2017 DEIR in the unincorporated area of the County of San Diego or that the Escondido General Plan EIR took into consideration the school space necessary to service a new project the size of the City of Del Mar.

O-1-502

**XXII. PROJECT ALTERNATIVES**

**A. The Project Alternatives Do Not Comply With CEQA**

CEQA requires that a draft EIR include a discussion and evaluation of “a reasonable range of alternatives to the project, or to the location of the project, which would feasibly obtain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (CEQA Guidelines §15126.6(a).) CEQA requires the lead agency to identify a range of feasible alternatives, including alternative sites, that could “substantially lessen any significant effects that the project would have on the environment,” and to discuss the comparative environmental effects of the project and the alternatives. (*Id.* § 15021(a)(2), see *Mountain Lion Foundation v. Fish and Game Comm’n* (1997) 16 Cal.4th 105.) Alternatives that may avoid or lessen the impacts of a project must be thoroughly analyzed, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines § 15126.6(b).) These alternatives should not merely be variations on the design that the project proponent ultimately hopes to implement, but should be designed with the goal of avoiding or lessening the impacts of a project.

O-1-503

The DEIR has evaluated eleven alternatives to the Project, including the two alternatives it considered and rejected. Many of these alternatives were designed to fail—in contrast to CEQA’s requirement to analyze alternatives that would avoid or lessen a project’s impacts. In addition, the DEIR did not develop or consider any of its own alternatives. Each alternative presented (with the exception of No Project and Existing General Plan) was suggested by an outside agency or member of the public. There was no good faith effort to develop an independent viable alternative. The EIR fails to follow the standard CEQA process of identifying significant and unavoidable impacts and the designing an alternative for the purpose of lessening or avoiding that impact. This approach was successfully employed in the Baranek Report.

O-1-504

O-1-505

Instead of adhering to this principle, as discussed in greater detail below, it appears the DEIR has set up straw man assumptions designed to make the analyzed alternative fail, in violation of CEQA. For instance, with the exception of the No Build Alternative, each of the alternatives includes a fatally flawed assumption that the County would be unable to direct traffic away from Deer Springs Road, requiring the widening of Deer Springs Road. The DEIR approaches the analysis as if it was written by the applicant. It does not consider whether the County may implement traffic calming devices, for example. The alternatives do not even consider such suggestions, and just assume that traffic will continue to flow onto Deer Springs Road. Finally, the DEIR did not analyze travel times for the alternatives in concluding that Deer Springs Road would need to be widened, and only analyzed road lengths. The DEIR should have considered travel times within their alternatives analysis, and instead seemingly chose a methodology designed to cause the alternatives to fail.

O-1-506

**B. The “No Build” Alternative Is Inadequate**

Pursuant to CEQA, the lead agency must “analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if

O-1-507

the project were not approved, based on current plans and consistent with available infrastructure and community services.” (CEQA Guidelines § 15126.6(e)(3)(C).) In analyzing the no project alternative in a draft EIR, the lead agency “should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (CEQA Guidelines § 15126.6(e)(3)(B).) If the disapproval of the project being considered would lead to other actions, “such as the proposal of some other project, this ‘no project’ consequence should be discussed” in the EIR. (*Ibid.*)

The No Build Alternative does not account for reasonably foreseeable improvements, such as the I-15 interchange improvement, in violation of CEQA. It appears that the No Build Alternative assumes that no improvements or strategies to increase capacity or traffic flow on I-15 will be implemented at all, and that the I-15 interchange will be configured and operated exactly as it is today in the Project build-out year. This is an unreasonable and unsupported assumption, and does not comport with CEQA guidance that requires the project alternative to include “what would reasonably be expected to occur” in the Project Study Area if the proposed Project were not improved. Similarly, the DEIR’s No Build Alternative does not analyze any potential improvements to Deer Springs Road – such as traffic calming measures the County may implement. Assuming that Deer Springs Road will exist exactly as it is today decades into the future is an artificial assumption that obscures the purpose of including a no project alternative in an EIR. Instead of demonstrating what future conditions would be if the proposed Project were not approved, the DEIR invents dire future conditions in which absolutely no improvements are made to the I-15 interchange or to Deer Springs Road. Even if it is the case that Caltrans or the County would not make any operational improvements, the DEIR does not provide substantial evidence to support this scenario as the practical result of a failure to approve the proposed Project. Moreover, the DEIR does not consider that building the proposed Project now would require recirculation of the General Plan, as County staff previously acknowledged would be required by the NC-42 PSR.

### C. The “Existing General Plan” Alternative Description Is Not Correct

The DEIR paints a false picture of the development that could be developed under the existing general plan land use designations. The site plan proposed in the Alternative has been designed to maximize its impacts, while unreasonably disregarding strategies and regulatory structures that would be required to be applied, which would lower the potential impacts of development under the existing General Plan land use designations. In addition, the DEIR makes the startling finding that the Existing General Plan Alternative has a greater land use impact on the Project area than the Project itself. The finding defies logic, because the Existing General Plan Alternative represents the existing general plan, which has already been found to meet all of the policies within the General Plan. In addition, when the County staff reviewed PSR NC42, which was a smaller version of the current Project, they found that that Project would have potentially significant impacts on the property when compared to the existing general plan land use designations. The analysis in the DEIR incorrectly describes the existing general plan land use condition, and therefore, the analysis comes to incorrect determinations that are not supported by logic or evidence.

O-1-507  
Cont.

O-1-508

O-1-509

O-1-510

O-1-511

O-1-512

**1. *No Substantial Evidence Is Provided to Support the Conclusions Related to the Alternative***

The DEIR provides no site plan, or other substantial evidence to support the analysis of this Alternative. The analysis makes conclusory statements that the Existing General Plan Alternative will degrade open space and increase biological impacts on the site, but provides no basis for these findings. In addition, as discussed below, the analysis makes assumptions about the development potential of the site without actually applying the regulatory measures impacting the site.

O-1-513

**2. *Two Million Square Feet of Development Is Not Allowed, Nor Feasible as Part of the Existing General Plan for the Site***

Section 4.5 of the DEIR provides the Existing General Plan Alternative Description. The description states:

In summary, the existing General Plan land use designations would allow approximately 99 single-family residential dwelling units and 2,008,116 square feet of office professional and commercial space with associated roadways, leach fields for septic systems, and Fuel Modification Zones (FMZs). The distribution of the 99 single-family residential dwelling units was developed to ensure compliance with the County's Conservation Subdivision Ordinance and other existing development requirements and constraints that apply to the project Site.

O-1-514

This statement is inaccurate. It is correct that a maximum of 99 residential dwelling units can be developed on the property, but 2,008,116 square feet of commercial development may not be developed on the property given regulatory, physical, and market constraints.

**a. Feasible Commercial Square Footage**

**(1) Office Professional Area**

The DEIR states there is currently 53.6 acres of land designated for Office Professional and zoned C30. Over 30% of the property is encumbered by steep slopes greater than 25% which renders those areas of the property almost undevelopable under the County's RPO. The RPO generally requires preservation of these slopes and only allows encroachment of 10% into those steep slope areas. There are flat areas of the property which exist between the steep slopes that are also not developable due to the adjacent topography. After accounting for setbacks and slopes, there are approximately 27.7 acres of "developable" land that are designated Office Professional and zoned C30 on the site.

O-1-515

Office uses in this area have a maximum 2-story height limit, which would necessitate industrial-office type development with surface parking. Although the General Plan's Office Professional designation allows a maximum floor area ratio ("FAR") of 0.8, when requirements for surface parking, setbacks, height, and other development restrictions are applied to the property, the area would only be able to provide a maximum building square footage of



635,000 square feet. These limiting factors are more thoroughly discussed in the DELANE Commercial Memo.

The DEIR must consider these facts and be recirculated for further public review and comment under CEQA Guidelines section 15088.5.

(2) General Commercial Area

The General Commercial area of the property is 4.6 acres. General Commercial in this area is allowed to develop to a maximum FAR of 0.7. However, given requirements for parking, a 2-story height maximum, and required setbacks, the property could only develop to a maximum of 103,000 square feet per the analysis in the DELANE Commercial Memo.

Also, the General Commercial parcels are divided by Mesa Rock Road, which would make it impossible for all of the development square footage to be used by a single building like a "Big Box" store. These limiting factors are more thoroughly discussed in the DELANE Commercial Memo.

The DEIR must consider these facts and be recirculated for further public review and comment under CEQA Guidelines section 15088.5.

b. Total Feasible Allowed Commercial Development

The total feasible combined Office Professional and General Commercial square footage allowed in the existing conditions is 738,000 square feet and not 2 million square feet. The feasible square footage shown in the DELANE Commercial Memo only accounts for restrictions from development regulations and does not take into account economic factors that would further reduce the feasible development on the site.

Therefore, the DEIR's characterization of the commercial area of the Project Site under existing conditions is incorrect and must be revised and recirculated.

c. Buildout Is Not Technically or Economically Viable

As discussed in the DELANE Commercial Memo, build out at maximum FAR is not feasible for the property due to topography, regulatory restrictions, and economic factors. As noted in the DELANE Commercial Memo, the property is significantly constrained by steep slopes of over 25%, which would render these areas undevelopable, and therefore cannot be counted in the development area. After accounting for steep slopes, height restrictions of 2-stories, setback and parking requirements, and the feasible development area is reduced to 635,000 square feet of building area in the Office Professional designated portion of the property. In addition, a maximum of 103,000 square feet of general commercial uses could be developed on the portion of the property designated for commercial uses, given the same slope, height, setback, and parking restrictions. Therefore, a total maximum development capacity of approximately 738,000 square feet could be developed on the property.

Similarly, the Cushman Study determined that construction of commercial office or retail on the Project Site is not economically viable. The report states, "There is no current

O-1-515  
Cont.

O-1-516

O-1-517

O-1-518

construction of office and a net negative (2,000 sf) absorption as of the 2nd quarter 2017. Thus, there does not appear to be significant demand for office space in the subject's designated site area." With respect to retail, the study finds, "there is little to no current demand for retail development at the subject's site." Therefore, even if the Project Site's commercial area could physically be developed to the maximum square footage, there is no economic demand for the square footage in the foreseeable future. Negative absorption rates for both office and retail shown in the Cushman Study illustrate that there will be little to no growth in demand for these land uses in the short or long term.

O-1-518  
Cont.

Finally, even the previous owner of the Project Site and the applicant for the Merriam Mountains Project noted in an August 31, 2009 letter to the County of San Diego that, "the commercial and office professional designations in the draft General Plan Update are too small and isolated to be economically viable." Therefore, not even the former owners of the property believed that the commercial area of the Project could be developed to anywhere near the maximum build-out assumed in the DEIR.

O-1-519

The DEIR traffic study acknowledges that producing 2 million square feet of commercial uses on the property is unlikely. The technical report in the DEIR assesses traffic trips that relate to approximately 800,000 square feet of commercial development on the property and not 2 million square feet. Therefore, the DEIR cannot claim a maximum build out allowance of 2 million square feet of development in the Project Description and Land Use sections of the DEIR and use an alternative existing condition in the traffic study. This creates an internal inconsistency in the DEIR, is misleading to the public and decision makers, and violates CEQA.

O-1-520

**3. Development Consistent with the County's Conservation Subdivision Ordinance Would Reduce Impacts and Increase Open Space**

**a. Development Area**

The description of the Existing General Plan Alternative states that it was designed using the County's Conservation Subdivision Ordinance ("CSO"). The County provides information about the CSO and links to the Rural Subdivision and Processing Guidelines on the County web site at <http://www.sandiegocounty.gov/content/sdc/pds/advance/conservationsubdivision.html>. As noted on the web site, "This program is mandatory when subdividing property with General Plan residential land use designations of Semi-Rural 10 and Rural Lands 20, 40 & 80." As noted in the DEIR, 1,907 acres of property in the Project are designated Rural Lands 20 and 19.6 acres are designated Semi-rural - SR-10. Therefore, any subdivision of the property to accommodate the allowed 99 units would require compliance with the CSO.

O-1-521

According to table 81.401.1 of the CSO, subdivision of RL-20 lands require a minimum avoidance of resources in the amount of 80 percent of the total area. Therefore 20% of the land designated RL-20 is developable. In the Project area the CSO would allow, 381.4 acres of the 1,907 acres designated RL-20 to be developed. Also under the CSO, SR-10 lands require a 75% avoidance of resources, which would allow for 4.9 acres of development on the 19.6 acres of SR-10 land in the Project area. Therefore, a total of 386.3 acres would be the maximum allowed area for development or disturbance under the CSO for the 1926.6 acre area designated RL-20 or

SR-10. This is in contrast to the DEIR characterization of 1,049 acres of disturbance on the property.

b. Site Plan

The County's website lists incentives to encourage conservation. It states, "Minimum lot size in zoning has been decoupled from the density regulations in the General Plan; meaning that a minimum lot size in zoning does not dictate the number of permitted dwellings. Rather the General Plan land use designation identifies the maximum number of permitted dwelling units allowed." Using smaller lot sizes and clustering would allow for even greater conservation of the property. These units could easily be clustered in within the site plan shown for the Project's Hillside or Terraces Neighborhood, while allowing the units to be located on larger 10,000 square foot lots, while still accommodating all of the roads and fuel modification area necessary to serve those units. Clustering the 99 allowed units would provide even less disturbance to the site and greater conservation than the Project.

The DEIR inappropriately assumes that under the Existing General Plan, homes would be spread/sprawled across the entire 1,907 acres of RL-20 in an attempt to create the greatest possible impact by inflating the potential impacts of development under the Existing General Plan. But, the DEIR ignores the fact that this type of site planning is prohibited by the County's Conservation Subdivision Ordinance. Therefore, the DEIR's analysis is misleading and improper under CEQA. The DEIR must be revised to consider realistic, feasible development of the property under existing regulatory conditions and be recirculated for further public review and comment.

c. Open Space Conservation

Per section 81.401.1(r)(6)(v) of the CSO, "Resources shall be avoided and placed in open space pursuant to the percentage indicated in Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director." Therefore, under the Existing General Plan 1,540.3 acres of the 1,926.6 acres designated for housing would be required to be set aside for open space conservation. In addition, as noted in the DELANE Commercial Memo, 30% of the commercial area on the property is covered by steep slopes that must be preserved under the RPO. Therefore, an additional 17.46 acres would be preserved in the commercial area in the Existing General Plan designation. In total 1,557.8 acres would be required to be preserved under the Existing General Plan condition for the Project Site. This is in contrast to the Project, which the DEIR states would conserve 1,209 acres on-site and 212 acres off-site for a total of 1,421 acres of preserved lands under the Project scenario (although the Golden Door contest these total as overestimates in the Biology section of this letter). The DEIR's inflated total for open space conservation, therefore, is still 136.8 acres less preservation than the Existing General Plan Alternative for the site. In addition, all of the lands conserved under the Existing General Plan Alternative are on-site and therefore better preserve the biological functions of the area than the off-site mitigation offered by the Project.

The analysis of the Existing General Plan Alternative states that, "Overall, open space would decrease by approximately 273 acres and disturbed area would increase by the same

↑ O-1-521  
Cont.

O-1-522

O-1-523

acreage under the Existing General Plan Alternative compared to the project. The increase in development footprint would result in greater impacts to on-site vegetation communities, including coastal sage scrub." The analysis goes on to state that "The commercial area in the southeastern portion of the project would impact coastal California gnatcatcher (*Poliophtila californica*), a federally listed threatened bird species, and the coastal California gnatcatcher biological ladder along the I-15 corridor. Therefore, this alternative would result in greater impacts compared to the proposed project."

d. Gnatcatcher Impacts are Unsubstantiated

The DEIR statement that impacts to the California Gnatcatcher would be greater under the Existing General Plan Alternative are unfounded and not supported. The California Gnatcatcher is covered under the Federal Endangered Species Act, and would therefore require the same level of protection under the Existing General Plan Alternative or the Project.

e. The Analysis' Determination That There Will Be a Decrease in Open Space Acreage Under the Alternative Is Not Supported

As noted above, the description of the Existing General Plan Alternative states that it was designed using the County's Conservation Subdivision Ordinance ("CSO"). The County provides information about the CSO and links to the Rural Subdivision and Processing Guidelines on the County web site at <http://www.sandiegocounty.gov/content/sdc/pds/advance/conservationsubdivision.html>. As noted on the web site, "This program is mandatory when subdividing property with General Plan residential land use designations of Semi-Rural 10 and Rural Lands 20, 40 & 80." As noted in the DEIR, 1,907 acres of property in the Project is designated Rural Lands 20. Therefore, any subdivision of the property to accommodate the allowed 99 units would require compliance with the CSO.

According to table 81.401.1 of the CSO, subdivision of RL-20 lands requires a minimum avoidance of resources in the amount of 80 percent of the total area. This would indicate that 20% of the land designated RL-20 is developable. Therefore, under the CSO, 381.4 acres of 1,907 acres would be developed. Also under the CSO, SR-10 lands require a 75% avoidance of resources which would allow for 4.9 acres of development on the 19.6 acres of Semi-rural SR-10 land in the Project area. Therefore, a total of 386.3 acres would be the maximum allowed for development or disturbance area under the CSO for the 1926.6 acre area designated RL-20 or SR-10. Per section 81.401.1(r)(6)iv, "Resources shall be avoided and placed in open space pursuant to the percentage indicated in Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director." Therefore, under the Existing General Plan 1540.3 acres of the 1926.6 acres designated for housing, would be required to be set aside for open space conservation. In addition, as noted in the DELANE Commercial Memo, 30% of the commercial area on the property is covered in steep slopes that must be preserved under the Resource Protection Ordinance. Therefore, an additional 17.46 acres would be preserved in the commercial area in the Existing General Plan designation. In total 1,557.8 acres would be required to be preserved under the Existing General Plan condition for the Project Site. This is in contrast to the Project, which the DEIR alleges would conserve 1,209 acres on-site and 212 acres off-site for a total of 1,421 acres of preserved

O-1-523  
Cont.

O-1-524

O-1-525

O-1-526

lands under the Project scenario. This is still 136.8 acres less preservation than the Existing General Plan Alternative for the site. In addition, all of the lands conserved under the Existing General Plan Alternative are on-site and therefore better preserve the biological functions of the area.

↑ O-1-526  
Cont.

In addition, the County's website lists incentives to encourage conservation. It states, "Minimum lot size in zoning has been decoupled from the density regulations in the General Plan; meaning that a minimum lot size in zoning does not dictate the number of permitted dwellings. Rather the General Plan land use designation identifies the maximum number of permitted dwelling units allowed." Using smaller lot sizes and clustering under current zoning under the General Plan would allow for even greater conservation than the Project.

O-1-527

Therefore, the DEIR's characterization of the Existing General Plan Alternative as not being consistent with the General Plan is both factually false and logically flawed. Substantial evidence shows that the Existing General Plan Alternative will have fewer impacts than the Project, and is, of course, consistent with the General Plan, because it is the General Plan and the Board of Supervisors has found this analysis to be correct in their adoption of the General Plan. The DEIR must be revised and recirculated to correctly present the Existing General Plan Alternative.

O-1-528

f. The Existing General Plan Must Be in Compliance with the General Plan

Section 4.5.4 of the General Plan makes the incredible statement:

"The Existing General Plan Alternative is feasible due to consistency with the existing General Plan land use designations and zoning. However, this alternative would not be in compliance with General Plan policies M-3.3, S-3.1, S-3.3, and S-3.5..."

O-1-529

Though the DEIR is able to concede that the Existing General Plan Alternative is feasible due to consistency with the existing General Plan, it then arbitrarily and illogically concludes that the Existing General Plan Alternative is not in compliance with policies of the General Plan. The DEIR finds that the Existing General Plan Alternative would be inconsistent with the following existing general plan policies, but provides no information or reasoning as to why a project built out under the existing general plan would be would not be able to comply with these policies:

- M-3.3 Multiple Ingress and Egress. Require development to provide multiple ingress/egress routes in conformance with State law and local regulations.
- S-3.1 Defensible Development. Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.
- S-3.6 Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.

O-1-530

O-1-531

O-1-532

In other words, the DEIR automatically assumes that the “Existing General Plan Alternative” would be built out of compliance with the General Plan (another example of the misleading and unreasonable straw-man comparisons pervading throughout the DEIR), in order to justify its conclusion that the Project would have fewer impacts than the existing general plan land use designations. One of the most outrageous claims is that the Project will be more consistent with the General Plan than the existing General Plan. This type of biased and illogical reasoning in the discussion of this Alternative (and throughout the DEIR) illustrates that the DEIR is “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded” such that revision and recirculation of the DEIR are required.

O-1-533

**D. The Newland Sierra Parkway Alternatives Analyses Are Flawed**

As the DEIR notes, the Golden Door suggested several alternatives for the County to analyze, and hired a technical consultant to address the two additional alignments. (DEIR at p. 4-5; see also DELANE Engineering, Concept Alternative Alignment Study for Deer Springs Road (April 5, 2016) [“DELANE Option C Memo”] included as an attachment to the DELANE Offsite Memo.) Unlike the County and the developer, the Golden Door’s consultant did not have access to the Project Site to appropriately survey and develop the appropriate route for Alternative C Newland Sierra Parkway. The DEIR does not attempt to analyze or develop the best possible route across the Project Site. Instead, it takes the DELANE Option C Memo alignments—drafted without the benefit of the site knowledge the County and developer possess—and proceeds to say the alignments will not actually mitigate impacts to Deer Springs Road and will not achieve the Project’s objectives. Under CEQA, the DEIR must describe a reasonable range of alternatives that would feasibly attain most of the project’s basic objectives while reducing or avoiding any of its significant effects. It is unreasonable to presume that a commenter has the level of knowledge about the site, and any failure to analyze an appropriate alternative that achieves a reduction of traffic on Deer Springs Road without resorting to widening Deer Springs Road to four lanes due to such a reliance on a commenter’s knowledge rather than the County’s own superior knowledge is bad faith on the County’s part.

O-1-534

Moreover, the DEIR’s analysis of Alternative C for Newland Sierra Parkway improperly assumes a four-lane buildout of Deer Springs Road despite the added capacity on Newland Sierra Parkway. This contradicts the DEIR’s “Option A” proposal, which keeps Deer Springs Road at two lanes between Mesa Rock Road and Sarver Lane even without the added capacity of Newland Sierra Parkway. In addition, the DEIR assumes that this Alternative will require more grading and off-site hauling. (See DELANE Offsite Memo.) The DEIR makes no efforts to suggest that cuts may be utilized on site and that the Project will be designed to balance, like they attempt to do in the Project’s analysis. (*Id.* at p. 6.) Further, the DEIR makes no effort to suggest traffic calming measures or other improvements to Deer Springs Road in order to encourage traffic to utilize Newland Sierra Parkway, minimize the impact to Deer Springs Road, and improve safety on Deer Springs Road. (*Ibid.*)

O-1-535

O-1-536

O-1-537

**E. The Multi-Family Town Center Alternative Analysis Is Flawed**

Against the DEIR sets up straw men assumptions in order to reject an alternative proposed by a third party. The DEIR’s analysis of the Multi-Family Town Center alternative

O-1-538



describes very high grading figures with no support. It also neglects the land use benefit of locating development closer to existing infrastructure such as the I-15 and clustering development in order to decrease traffic trips. While the analysis admits this alternative would decrease operational mobile source GHG emission, it determines GHG impacts would increase, presumably due to the DEIR's unsupported assumption that construction-related GHG emissions would decrease.

O-1-538  
Cont.

#### F. The Wildlife Agency Alternatives Analysis Is Flawed

In their NOP letters, USFWS and CDFW proposed alternatives aimed at preserving wildlife corridors. The DEIR analyzed these alternatives, but designed them in a manner fundamentally designed for failure. For instance, the DEIR concludes that these alternatives would have increased land use planning impacts (DEIR at pp. 4-68, 4-77, 4-85, Table 4-1), whereas the DEIR concludes that the Project itself would have no such impacts. As discussed above, this is not the case. However, because the Project already proposes amending the General Plan, it is unclear why that is infeasible in this circumstance. While there would no longer be a commercial center in the location on the site under these alternatives, the DEIR did not consider locating the commercial uses in a different location on the Project Site to allow for wildlife connectivity.

O-1-539

Similarly, the DEIR concludes that these alternatives would have an increased hazards impact due to the delay in fire services, but failed to analyze placing a fire station on the Project Site to reduce the impact to a less than significant level.

O-1-540

The DEIR also concludes that these alternatives will cause more traffic impacts than the proposed Project because there will be more trips on Sarver Lane. Yet, the alternatives will **decrease** the number of overall trips. Also, the alternatives analysis fails to consider additional improvements to Sarver Lane that would mitigate the impact. As such, the DEIR's conclusion is not supported by substantial evidence.

O-1-541

The Wildlife Agency Alternatives would reduce the impacts to biological resources. The three "increased" impacts are easily avoidable, as discussed above.

O-1-542

In the USFWS Alternative, the DEIR cites Public Resources Code section 91159.16 to state that an agency cannot reduce the number of housing units in a housing development as mitigation or as an alternative if there is another alternative that results in comparable mitigation. (See DEIR section 4.10.3.) However, this section should not apply in this circumstance. The DEIR fails to make any attempt to reduce significant impacts through meaningful project alternatives, instead setting up straw-man assumptions in order to predetermine the failure of the alternatives. In fact, in addition to reducing biological impacts, the USFWS Alternative could potentially reduce impacts to public health and safety. For instance, by shifting development away from Deer Springs Road, the sensitive receptors in the Deer Springs Oaks mobile home community may not face as many air quality impacts.

O-1-543

**G. The Agricultural Alternatives Were Not Appropriately Analyzed Prior to Its Rejection**

The conclusions in the Agricultural Alternative section are contradictory. The DEIR states that less than 18 percent of the site has a high agricultural potential, yet states that this alternative is inconsistent with the Project's objective to preserve open space. The DEIR repeatedly emphasizes that only a small portion of the site has the potential for intensive agricultural production, yet assumes that the entire Project Site will be used as agricultural. (DEIR at p. 49.) If agricultural uses were located on the 18 percent of the site with high potential and the other 82 percent of the site was preserved as open space, it would exceed the preserved open space on-site compared to the proposed Project.

O-1-544

The DEIR also states that the Project Site is inappropriate for the growth of avocados. However, County Agricultural Guidelines state: "Avocado groves that thrive on steep, rock slopes benefit from the effect that topography has on facilitating water drainage. The fractured rocks on steep slopes, considered unsuitable for agriculture according to traditional soil quality measures, provide rapid water and air drainage preventing frost damage and avocado rot..." (County Agricultural Guidelines § 1.2.3, attached hereto as **Attachment 63**.) Based on this information, the areas of Important Farmland designations/agricultural zoning are potentially suitable for crops such as avocado, and the conclusion in the alternatives is inaccurate. Further, this alternative, like the other, assumes that Deer Springs Road needs to be widened and improved.

O-1-545

O-1-546

**H. The Alternative Site Analysis Was Not Appropriately Analyzed Prior to Its Rejection**

The DEIR notes that it considers several alternative sites, although only briefly analyzes the Golden Door's proposed site alternative with any detail (approximately two paragraphs of analysis), with approximately one paragraph devoted to the "other considered locations" that are not described in any detail before rejecting the alternative sites. The analysis is flawed for several reasons.

O-1-547

First, the analysis improperly notes that no single site can provide the same number of units as the Project Site. The DEIR fails to analyze the development of multiple sites to reach the same unit count.

O-1-548

Second, the DEIR assumes that the alternative site has to have a Village designation pursuant to the Project objectives. However, as discussed in greater detail above, the **existing Project Site is not located in a Village**. The General Plan designation for the Project Site does not include a Village Boundary. Figure 3, page A-2 of the North County Metro Subregional Plan provides a map of the North County Metro Village Boundaries. Village boundaries are shown by a green line which outlines the Village Boundary. There are no areas of the Project area that are outlined in the green outline which would designate the site as being within a Village Boundary. Therefore, there is no Village on the site, because Villages are located within Village Boundaries. Thus, because the Project fails meet its own objectives, the alternative site should not be rejected for the same flaw.

O-1-549

Additionally, the DEIR fails to acknowledge or consider that if the housing is properly located near an existing mix of uses, the Project will not have to build mixed use.

O-1-550

**I. Additional Alternatives Should Be Considered**

The DEIR should be revised to consider additional alternatives that reduce or avoid significant impacts. As discussed above the County and the developer, as the parties most knowledgeable of on-site conditions, are best positioned to design and propose such alternatives. The County is also the party with the legal duty to do so. Straw man proposals designed to fail are insufficient.

O-1-551

Below are additional alternatives that should be studied in the DEIR for the purpose of reducing or avoiding impacts.

**Existing General Plan Residential Only Alternative:** The County should study an alternative that constructs 99 homes in accordance with existing General Plan's residential density on the Project Site. This alternative should be designed to preserve open space in compliance with the Conservation Subdivision Ordinance. The residential units should be designed to minimize the project's footprint and avoid fragmenting habitat and to protect identified wildlife corridors. This alternative may or may not amend the General Plan land use designations for the portion of the Project Site currently classified as office and commercial use, depending on what the County determines would minimize land use impacts. The Existing General Plan Residential Only Alternative would have the benefit of fewer biological, air quality, and traffic impacts than the proposed Project. This alternative should be designed to minimize or avoid all other impacts.

O-1-552

**Existing General Plan Residential with Limited Commercial Alternative:** The County should study an alternative that constructs 99 homes in accordance with existing General Plan's residential density on the Project Site and constructs 81,000 square feet of commercial development consistent with the proposed Project's plans. This alternative should be designed to preserve open space in compliance with the Conservation Subdivision Ordinance. The residential units and commercial development should be designed to minimize the project's footprint and avoid fragmenting habitat and to protect identified wildlife corridors. This alternative may or may not amend the General Plan land use designations for the portion of the Project Site currently classified as office and commercial use, depending on what the County determines would minimize land use impacts. The Existing General Plan Residential with Limited Commercial Alternative would have the benefit of fewer biological, air quality, and traffic impacts than the proposed Project. It would also provide a mix of uses. This alternative should be designed to minimize or avoid all other impacts.

O-1-553

**Smart Planning Bifurcation Alternative:** The County should study an alternative that is consistent with the density of the proposed Project but that delays certain land use approvals in order to allow for other agencies with jurisdiction over the Project or over facilities impacted by the Project to revise their planning documents to account for the drastic proposed density increase. Under this alternative, the County would prepare CEQA documents that analyze the full impacts of the project, but would only approve the General Plan Amendment. No other entitlements, including zoning change, would be approved concurrent with approval of the

O-1-554

General Plan Amendment and CEQA document certification. Other agencies, such as Caltrans, SANDAG, and the Vallecitos Water District could then update their own plans based on the increased density approved by the County as part of its General Plan and determine how to meet the new infrastructure needs. For example, SANDAG and Caltrans would be able to develop a project and funding mechanism to mitigate impacts to I-15 and avoid significant and unavoidable impacts. (See DEIR at 2.3-112, 2.3-117; Impact TR-18; Impact TR-41.)

The DEIR already recognizes the need for other agencies to amend their plans in order to mitigate the Project's significant impacts. In M-AQ-1, the County proposes to revise its population estimates prior to SANDAG's next RHNA update in order to become consistent with SIP and RAQS. The Smart Planning Bifurcation Alternative would allow for such compliance to take place prior to final approval of the Project.

Additional planning actions that include the County could also be completed prior to final project approval under the Smart Planning Bifurcation Alternative. The County complete and approve its CAP, and the Wildlife Agencies would be able review and approve the NC MSCP preserve design along with the County. Additional project approvals could be provided with tiered CEQA review once the necessary planning documents had been updated.

While the Golden Door opposes the density increase proposed by the Project in any form, the County should at least study ways to allow for regional planning bodies to take into account this drastic density increase prior to final approval and construction in order to provide for a more orderly shift in the County's urban limit line that would reduce impacts on backcountry residents and businesses.

**Smart Planning Contingency Alternative:** The County should study an alternative that is consistent with the density of the proposed Project but that delays certain land use approvals in order to allow for other agencies with jurisdiction over the Project or over facilities impacted by the Project to revise their planning documents to account for the drastic proposed density increase. Similar to the Smart Planning Bifurcation Alternative, under this alternative, the County would prepare CEQA documents that analyze the full impacts of the project. Under this alternative, the County would provide all approvals immediately, but would make the issuance of grading permits, or some other appropriate trigger event, contingent upon specific planning updates being completed by other agencies with jurisdiction over the Project or over facilities impacted by the Project within five years. The County would need to identify the relevant agencies, including but not limited to Caltrans, SANDAG, the Vallecitos Water District, and the Wildlife Agencies. These agencies could then update their own plans based on the increased density approved by the County and determine how to meet the new infrastructure needs. For example, SANDAG and Caltrans would be able to develop a project and funding mechanism to mitigate impacts to I-15 and avoid significant and unavoidable impacts. (See DEIR at 2.3-112, 2.3-117; Impact TR-18; Impact TR-41.)

The DEIR already recognizes the need for other agencies to amend their plans in order to mitigate the Project's significant impacts. In M-AQ-1, the County proposes to revise its population estimates prior to SANDAG's next RHNA update in order to become consistent with SIP and RAQS. The Smart Planning Contingency Alternative would allow for such compliance to take place prior to final approval of the Project.

O-1-554  
Cont.

O-1-555

Completion of all applicable plan revisions would be a triggering event allowing the developer to move forward with grading and construction, or some other preliminary development action as defined by the County.

While the Golden Door opposes the density increase proposed by the Project in any form, the County should at least study ways to allow for regional planning bodies to take into account this drastic density increase prior to final approval and construction in order to provide for a more orderly shift in the County's urban limit line that would reduce impacts on backcountry residents and businesses.

**Increased Housing Alternative:** The County should study an alternative that is consistent with the density of the proposed Project but that includes a General Plan Amendment to the Housing Element that adds 2,036 housing units to the County's inventory. This alternative would also add these 2,036 housing units to the North County Metro housing inventory. This alternative would increase the County's planned housing supply and allow planning for the additional housing units.

**Reallocated/Balanced Housing Alternative:** The County should study an alternative that is consistent with the density of the proposed Project but that includes a General Plan Amendment to the Housing Element that adds 2,036 housing units to the North County Metro housing inventory while subtracting a total of 2,036 housing units from other subregional planning areas' housing inventories. This alternative would balance the total planned housing supply in the County's jurisdiction and disclose the areas that would be removed the housing inventory.

O-1-555  
Cont.

O-1-556

O-1-557

INTENTIONALLY LEFT BLANK



## O-1.1 L&W Attachment 1

Comment Letter O-1.1

August 14, 2017 Golden Door Comment Letter – Attachments Index

NO.	DATE	ATTACHMENT
1	N/A	Scenic Preservation Guidelines I-15 Corridor Design Review Board
2	07/30/2007	County of San Diego Report Format & Content Requirements – Visual Resources
3	06/20/2012	NC-42 Staff Report, Property Specific Request
4	07/27/2017	County of San Diego PRA Response letter to Golden Door (Andrew Yancey) re Newland Sierra
5	08/10/2017	Article: <i>"The diesel death zone is a thousand feet" Caltrans finalizes environmental report for I-5-56 project</i> by Marty Graham
6	08/10/2017	Email from County Staff (Ashley Smith) to Golden Door (Andrew Yancey) re Golden Door Request for Documents Cited in Newland Sierra Draft EIR
7	N/A	Map: Biological Cores, Linkages, and Wildlife Crossings, Newland Sierra Project
8	N/A	Map: Habitat Evaluation Model, Newland Sierra Project
9	N/A	Map: Draft North County MSCP PAMA Map Newland Mitigation Site Location Newland Sierra Project
10	N/A	Map: Draft North County MSCP PAMA Map and Resource Conservation Areas Newland Sierra Project
11	04/18/2017	Merriam Mountains Wildlife Connectivity Review, by Megan Jennings
12	05/12/2014	Revised and Amended Planning Agreement between the County of San Diego, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Service
13	06/05/2017	Letter from County of San Diego (Mark Wardlaw) to Golden Door (Christopher Garrett) re: Response to "Investigation Needed Into Newland's Misleading Backroom Dealing For Its 'Sierra' Project And Potential Implications For County Staff"
14	2017	Draft NC MSCP Excerpt: D.4 Private Hardline Projects (Pending Board Approval/Pending Concurrence from Wildlife Agencies)
15	04/17/2017	Endangered Habitats League (EHL) Honoring the MSCP: <i>Correcting the Record</i>

O-1.1-1

US-DOCS192608840 2

## Comment Letters

NO.	DATE	ATTACHMENT
16	04/24/2017	Wildlife and Habitat Conservation Coalition letter to Board of Supervisors re Newland Sierra project and the North County Multiple Species Conservation Program
17	05/17/2017	Letter from the Golden Door (Christopher Garrett) to San Diego County Board of Supervisors re: Investigation Needed into Newland's Misleading Backroom Dealing For Its "Sierra" Project and Potential Implications For County Staff
18	05/22/2017	Letter from Golden Door (Christopher Garrett) to County of San Diego Planning & Development Services (Mary Kopaskie) re: North County MSCP Steering Committee Presentation
19	04/11/2016	Biological Constraints Report, Deer Springs Road Widening Project, by Schaefer Ecological Solutions
20	05/2016	Cultural Resources Reconnaissance of the Deer Springs Road Widening Project, City of San Marcos, County of San Diego, California
21	06/12/2017	CDFW, Final Additional Environmental Analysis, Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan, SCH. 2000011025 (June 12, 2017), Chapter 2
22	11/03/2016	Letter from Air Resources Board (Richard Corey) to California Department of Fish and Wildlife (Chuck Bonham) re: Review of technical basis for net zero Greenhouse Gas
23	07/01/2009	San Diego County General Plan Update Draft EIR – 2.17 Global Climate Change
24	08/10/2017	County of San Diego, Draft Climate Action Plan, Chapter 3 Greenhouse Gas Reduction Strategies and Measures
25	10/2015	San Diego Forward, The Regional Plan October 2015
26	07/15/2015	County of San Diego letter to SANDAG re: Comments on the Draft San Diego Forward: The Regional Plan and Draft EIR; SANDAG response
27	06/02/2017	Notice of Entry of Judgment, <i>Golden Door Properties, LLC v. County of San Diego, et al.</i> , Case No. 37-2016-00037402-CU-TT-CTL, San Diego Superior Court
28	05/30/2017	Order on Writ of Mandate, <i>Golden Door Properties, LLC v. County of San Diego, et al.</i> , Case No. 37-2016-00037402-CU-TT-CTL, San Diego Superior Court
29	11/22/2013	The Great Recession, December 2007- June 2009
30	N/A	Newland Sierra Project Traffic Impacts Map

O-1.1-1  
Cont.

US-DOCD192608840.2

## Comment Letters

NO.	DATE	ATTACHMENT
31	05/05/2014	LLG License Plate Survey
32	06/24/2014	Letter from Department of Transportation (Jacob Armstrong) to County of San Diego (Mark Slovick) re: Lilac Hills Ranch Draft Revised EIR
33	12/05/2016	Letter from Golden Door (Andrew Yancey) to Caltrans (Jacob Armstrong) re: Recent Caltrans Guidance Requiring a VMT Analysis for the Newland Sierra Project
34	03/21/2017	Letter from DOT (Jacob Armstrong) to Golden Door (Andrew Yancey) re December 5, 2016 letter
35	04/11/2017	Letter from Golden Door (Andrew Yancey) to DOT (Jacob Armstrong) in response to March 21, 2017 letter
36	05/15/2017	Letter from Golden Door (Andrew Yancey) to County of San Diego (Mark Slovick) re: The County's Responsibility Regarding Analysis of the Vallecitos Water District's Water Supply Assessment for the Newland Sierra Project
37	2015	Vallecitos Water District 2015 Urban Water Management Plan
38	2008	Combined 2008 Master Plan
39	09/21/2016	Staff Report re: Modification of Unit Water Demands and Wastewater Unit Generation Factors (Duty Factors) Utilized for Estimating Water Demands and Wastewater Flows
40	05/2016	Olivenhain 2015 Urban Water Management Plan
41	06/2016	Valley Center Municipal Water District Urban Water Management Plan 2015 Update
42	05/2016	City of Escondido 2015 Urban Water Management Plan
43	10/04/2016	Article: "Taking a Shower with Governor Brown", by Gary Arant
44	03/13/2015	News Release: "Nexus eWater is World's First Company to Obtain NSF/ANSI Certification for Residential Grey Water Treatment"
45	09/22/2016	Article: "Fountains flowing again after drought restrictions eased," by Roger Showley
46	01/06/2016	Transcription of Vallecitos Water Board of Directors Meeting, January 6, 2016
47	2015	San Diego County Water Authority Final 2015 Urban Water Management Plan

O-1.1-1  
Cont.

US-DOCD192608840.2

## Comment Letters

NO.	DATE	ATTACHMENT
48	10/05/2016	Golden Door: Comparison Chart of Vallecitos Water District's Proposed Mandatory Rationing Requirement with County Water Authority Projections
49	07/06/2016	Ordinance No. 198 An Ordinance of the Board of Directors of the Vallecitos Water District Repealing Ordinances No. 162 and 195 and Adopting a Drought Response Water Conservation Program and Water Shortage Contingency Plan
50	09/27/2016	Vallecitos Water District Press Release re: Vallecitos Board of Directors Denies Proposed Rate Increases
51	10/03/2016	Article: "Vallecitos Water District Ends Restrictions on Outdoor Watering"
52	03/16/2015	Letter from Golden Door (Christopher Garrett) to County of San Diego (Mark Slovick) 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
53	08/31/2009	Letter from Sheppard Mullin to County of San Diego Department of Planning and Land Use re: Comments on the General Plan Update Draft EIR
54	07/18/2017	Newland Sierra Brochure, A Better Choice...Dispelling the Myths and Telling the Truth
55	01/09/2012	Letter from County of San Diego to Board of Supervisors re: General Plan Property Specific Requests Workshop (District: All)
56	01/09/2012	NC-42 Staff Report, Property Specific Request
57	08/03/2011	North County Metropolitan Subregional Plan
58	N/A	USGBC FAQs about LEED®
59	04/2013	County of San Diego General Plan Housing Element Background Report
60	10/2011	LAFCO City of Escondido Map
61	N/A	Escondido GP Land use Map
62	03/2014	County of San Diego 2013 General Plan Annual Progress Report
63	06/23/2015	County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements

O-1.1-1  
Cont.

US-DOCD192608840.2

## O-1.2 L&W Attachment 2

### Comment Letter O-1.2

Christopher W. Garrett  
Telephone: +1.858.523.5400  
christopher.garrett@lw.com

**LATHAM & WATKINS** LLP

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

12670 High Bluff Drive  
San Diego, California 92130  
Tel: +1.858.523.5400 Fax: +1.858.523.5450  
www.lw.com

#### FIRM / AFFILIATE OFFICES

Abu Dhabi	Milan
Barcelona	Moscow
Beijing	Munich
Boston	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Riyadh
Düsseldorf	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.

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.

O-1.2-1

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.

O-1.2-2

O-1.2-3

SD1566532.6

March 16, 2018  
Page 2

LATHAM & WATKINS

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.

O-1.2-4

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.

O-1.2-5

## 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.

O-1.2-6

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).

SD1566532.6



March 16, 2015  
Page 3

LATHAM & WATKINS

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.

O-1.2-6  
Cont.

O-1.2-7

SDR1566532.6

March 16, 2018  
Page 4

LATHAM & WATKINS LLP

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.<sup>1</sup>

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

O-1.2-7  
Cont.

O-1.2-8

O-1.2-9

<sup>1</sup> 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.

SDR1566532.6

March 16, 2018  
Page 5

LATHAM+WATKINS

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,

O-1.2-9  
Cont.

O-1.2-10

SD-1566532.6

March 16, 2015  
Page 6

LATHAM & WATKINS LLP

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

O-1.2-10  
Cont.

O-1.2-11

SDJ156532.6

March 16, 2018  
Page 7

LATHAM & WATKINS

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

SDX1566532.6

↑ O-1.2-11  
Cont.

↓ O-1.2-12

↓ O-1.2-13

March 16, 2015  
Page 8

LATHAM & WATKINS

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.

SD-1566532.6

O-1.2-13  
Cont.

O-1.2-14



March 16, 2018  
Page 9

LATHAM+WATKINS

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.

O-1.2-15

**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.

O-1.2-16

**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).

O-1.2-17

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.

O-1.2-18

O-1.2-19

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

O-1.2-20

SD\1566532.6

March 16, 2018  
Page 10

LATHAM & WATKINS LLP

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

## 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.

<sup>2</sup> 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.

SD-1566532.6

↑ O-1.2-20  
Cont.

O-1.2-21

O-1.2-22

O-1.2-23

March 16, 2018  
Page 11

LATHAM & WATKINS LLP

**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.

O-1.2-24

**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.

O-1.2-25

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.

O-1.2-26

O-1.2-27

**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.

O-1.2-28

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

O-1.2-29

SD-1566532.6

March 16, 2018  
Page 12

LATHAM & WATKINS

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

O-1.2-29  
Cont.

O-1.2-30

O-1.2-31

O-1.2-32

O-1.2-33

O-1.2-34

O-1.2-35

O-1.2-36

SD-1566532.6

March 16, 2015  
Page 12

LATHAM & WATKINS LLP

"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 shoe-horning 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

SDJ1566332.6

O-1.2-36  
Cont.

O-1.2-37

O-1.2-38

O-1.2-39

O-1.2-40

March 16, 2018  
Page 14

LATHAM & WATKINS

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.

O-1.2-40  
Cont.

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.

O-1.2-41

#### 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.

O-1.2-42

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 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,

O-1.2-43

SD\1566532.6



March 16, 2015  
Page 15

LATHAM & WATKINS

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.

O-1.2-43  
Cont.

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).

O-1.2-44

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.

O-1.2-45

#### 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.

O-1.2-46

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.

O-1.2-47

SD-1566532.6

March 16, 2018  
Page 16

LATHAM & WATKINS LLP

## 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.

O-1.2-48

### I. 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.

O-1.2-49

SD-1566532-6

March 16, 2018  
Page 17

LATHAM & WATKINS

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.

O-1.2-49  
Cont.

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.

O-1.2-50

O-1.2-51

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.

O-1.2-52

SD-1566332.6

March 16, 2018  
Page 18

LATHAM+WATKINS

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

O-1.2-53

O-1.2-54

O-1.2-55

O-1.2-56

O-1.2-57

O-1.2-58

O-1.2-59

O-1.2-60

SD-1566532.6

March 16, 2018  
Page 19

LATHAM & WATKINS

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.

O-1.2-60  
Cont.

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.

O-1.2-61

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).

O-1.2-62

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.

O-1.2-63

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

SD-1566532.6

March 16, 2018  
Page 20

LATHAM & WATKINS

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

↑ O-1.2-63  
Cont.

O-1.2-64

O-1.2-65

O-1.2-66

O-1.2-67

↓ O-1.2-68

SD-1566532.6



March 16, 2018  
Page 21

LATHAM & WATKINS

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).<sup>3</sup> The EIR should analyze the Project's

<sup>3</sup> 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 rehearing, No. D063288, 2014 Cal. App. LEXIS 1150 (Dec. 16, 2014), petition for review granted, No. S223603 (Cal. Mar. 11, 2015).

SD-156632.6

O-1.2-68  
Cont.

O-1.2-69

O-1.2-70

O-1.2-71

March 16, 2018  
Page 22

LATHAM & WATKINS

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.

O-1.2-71  
Cont.

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.

O-1.2-72

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.

O-1.2-73

SD-156632.6

March 16, 2018  
Page 23

LATHAM & WATKINS LLP

#### 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.

O-1.2-74

O-1.2-75

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.

O-1.2-76

O-1.2-77

#### 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.

O-1.2-78

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

O-1.2-79

SD:1566532.6

March 16, 2018  
Page 24

LATHAM & WATKINS LLP

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

SD-1566532.6

O-1.2-79  
Cont.

O-1.2-80

O-1.2-81

March 16, 2018  
Page 28

LATHAM & WATKINS

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

SD-1566532.6

O-1.2-81  
Cont.

O-1.2-82

O-1.2-83

O-1.2-84

O-1.2-85

March 16, 2015  
Page 26

LATHAM & WATKINS

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.

O-1.2-85  
Cont.

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.

O-1.2-86

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.*

O-1.2-87

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

SD1166532.6

March 16, 2015  
Page 27

LATHAM & WATKINS LLP

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 lanes<sup>4</sup>—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.

<sup>4</sup> 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).

SD1506532.6

↑ O-1.2-87  
Cont.

O-1.2-88

O-1.2-89



March 16, 2015  
Page 28

LATHAM & WATKINS

## 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.

O-1.2-90

## 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.

O-1.2-91

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.

O-1.2-92

## 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

O-1.2-93

SD-1566532.6

March 16, 2016  
Page 29

LATHAM & WATKINS LLP

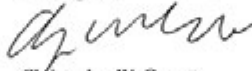
to water and wastewater services of the Project's drastic proposed density increase, including to other users in the VWD area or that users who service providers share facilities with VWD.

### 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 [christopher.garrett@lw.com](mailto:christopher.garrett@lw.com) if you would like to discuss these matters further.

Best regards,



Christopher W. Garrett  
of LATHAM & WATKINS LLP

cc: Kathy Van Ness, Golden Door  
Jeff Dawson, Golden Door  
Stephanie Sauthoff, Clay Co.  
Maddy Kilkenny, Clay Co.  
Dawn Wilson, Fehr & Peers  
Andrew Yancey, Latham & Watkins

SD-1566532.6

↑ O-1.2-93  
Cont.

↑ O-1.2-94

↑ O-1.2-95

INTENTIONALLY LEFT BLANK

## O-1.3 L&W Attachment 3

### Comment Letter O-1.3

**LATHAM & WATKINS LLP**

August 14, 2017

**VIA EMAIL AND HAND DELIVERY**

Ashley Smith  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

12670 High Bluff Drive  
San Diego, California 92130  
Tel: +1 858 523 5400 Fax: +1 858 523 5450  
www.lw.com

FIRM / AFFILIATE OFFICES  
Barcelona Moscow  
Beijing Munich  
Boston New York  
Brussels Orange County  
Century City Paris  
Chicago Riyadh  
Dubai Rome  
Düsseldorf San Diego  
Frankfurt San Francisco  
Hamburg Seoul  
Hong Kong Shanghai  
Houston Silicon Valley  
London Singapore  
Los Angeles Tokyo  
Madrid Washington, D.C.  
Milan

Re: Newland Sierra (Log No. PDS2015-ER-15-08-001; SCH No. 2015021036, Project Numbers: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597, PDSXXXX-HLP-XXXX)

Dear Ms. Smith:

As we stated at the County's July 18, 2017 public meeting on the Newland Sierra Project, the Golden Door hereby attaches a transcript of the public comments made at the meeting on the Project's draft environmental impact report for the County's consideration and response.

Please consider the statements to be made by the community members to spoke as indicated in the attached transcript to be comments that are submitted on the above referenced Draft EIR. Additionally, if it is necessary to get a written response from the County to these comments, our client the Golden Door hereby incorporates by reference all of these comments as if fully set forth in the Golden Door's own comment letter on the County's EIR on the Newland Project.

We know that community members who spoke at the County's meeting will appreciate receiving written responses to their comments as part of the CEQA process.

We thank you for your time and attention to this matter.

Best regards,

*Christopher W. Garrett*

Christopher W. Garrett  
of LATHAM & WATKINS LLP

Attachment


O-1.3-1

COUNTY OF SAN DIEGO  
JULY 18, 2017 PUBLIC MEETING RE: NEWLAND SIERRA PROJECT  
TRANSCRIPT

**Mark Slovick:** Attention, we'd like to get started. We have the room until 8:00 tonight, so we want to get going. Just to start, I wanted to introduce the staff team here from the County of San Diego. My name is Mark Slovick, I have here Ashley Smith, Darin Neufeld and then Greg Kazmer. The four of us all work for Planning and Development Services, all at the County of San Diego. Feel free after the meeting, you can come up to us and ask any questions, or we can get you any contact information that you need. First thing I wanted to state tonight was, thank you for everyone to come out tonight. I wanted to let you know that there are speaker slips in the back of the room. If you would like an opportunity to speak tonight, please fill out one of those slips and then just bring it up to the podium here, and then we'll read your name off once we get to the comment period. The other point I wanted to make, was that comments provided tonight will not be formal comments provided on the Environmental Impact Report for the new NCR project. Formal comments can only be provided in writing. So, either by email, by letter, by hand tonight, however you want to provide it, it just needs to be in writing. We are not transcribing tonight's meeting, so any comments tonight will be provided to us, they will not be part of the formal process of the response to comments. So, if anybody has any questions about that, again, please come up to us after the meeting and we can walk you through that. That means that all formal comments need to


O-1.3-2

be provided by 4:00 on August 14th. That is the close of the public comment period. So, if you want your comments to be included in the final Environmental Impact Report, and responded to formally in the EIR, they need to be provided before 4:00 on August 14th. Okay, I wanted everyone else to know, too, that the documents, the Environmental Impact Report, along with all the technical appendices, and all the project application documents, they're all available on the County of San Diego's website. They are also available at the San Marcos and Vista county libraries, and they are also available at the county office. On some of the handouts that we've provided tonight, some of that information is included on those as well. A note about the material provided, the only county documents prepared for this meeting, are available on the back table there. Anything outside of documents that were put on that table, were not prepared by the County of San Diego. Just keep that in mind if you receive any documents tonight. The other thing I wanted to do was just walk everyone through the process for the project. Now that the EIR has been released for public comment, and after the comment period closes on August 14th, the County of San Diego will be preparing responses to those comments that we've received. As part of that process, we will also be evaluating the comments, to see if there are any changes to the EIR, or changes to the project that are required to address a public comment. The reason for that is we need to determine if there would any reason to have to recirculate any portion or all of the document itself. If there is no reason to recirculate the document,



O-1.3-2  
Cont.

and all of the comments can be responded to, and all the information is available in the EIR, what will then happen is county staff will prepare the project, and take it forward to the planning commission. The planning commission will hold a public hearing, and then from there, they will be making a recommendation, ultimately to the Board of Supervisors. The Board of Supervisors is the authority to either approve or deny the project. That's also a fully noticed public hearing. So, if you want to be noticed of those hearings, please make sure that you provide us your name and your address for the record, so we can add you to our contact list for the project. So, just make sure that you do that before you leave tonight. Or you can send us an email at any time, just to let us know that you want to be included on that distribution list. Like I was saying, this is not the only opportunity to provide comments to the county on this project. There's going to be public hearings, like I said, the Planning Commission and the Board of Supervisors. The other thing I wanted to make clear is that the county staff and the county has not made a formal recommendation on this project. That means that we do not either support or we do not deny this project at this point. What we have done, is we've released an analysis of its environmental impact reports for the public to review and comment on. The point in which county staff would make a recommendation to the Planning Commission, will come after all of those comments are responded to. In terms of the overall schedule, just wanted to give everybody a sense of that. What we do is we try to forecast these dates as best as we can. A



O-1.3-2  
Cont.



[00:05:00]	<p>lot of times, these things have a tendency to change. The way we are looking at it now, in terms of forecasting potential future hearing dates, would be potentially going to the Planning Commission sometime in the 1st quarter of 2018, and then the Board of Supervisors, probably in that 2nd quarter of 2018. But I strongly caveat that, saying that a lot of things could change between now and then, and that schedule could ultimately change. I'm going to turn the presentation over to Ashley, she's going to walk everyone through the actual project, and what is proposed as part of the project. So, with that, I'm going to have Ashley go through that.</p>	O-1.3-2 Cont.
Ashley Smith:	<p>Good evening. As Mark mentioned, I'm just going to give some high-level details about what the proposal is that has been evaluated in the EIR. The property is located approximately a mile north of the City of San Marcos. It's directly west of the 15 and north of Deer Springs Road. The project site is located in the North County Metropolitan Subregional plan area, as well as the Bonsall Community plan area, and within the North County Metro Subregional plan area. It's located in the communities of Twin Oaks and Hidden Meadows. The project site itself is 1,985 acres, and the proposal for the project include 2,135 dwelling units. A portion of those are proposed as single-family homes, 1,140. And then, some additional multi-family homes, 995. The project also includes 81,000 square feet of general commercial uses. The project includes 36 acres of public and</p>	O-1.3-3

private parks, 1,209 acres of proposed biological open space. A six-acre school site. Access to the project site is provided off of two main access points, off of Deer Springs Road. Those are Sarver Lance and Mesa Rock Road, and one additional access point up off Twin Oaks Valley Road. And that's [PH 00:06:55] Camino Mayor. The services provided for the project would be provided by the Vallecitos Water District for water and sewer service. And fire service would be provided by the Deer Springs Fire Protection District. The applications that the applicant are proposing for the project include a general plan amendment, a re-zone, a specific plan, and a tentative map, and then the EIR is the Environment Analysis. That's the high-level project description. If you have any detailed questions, we'd be happy to answer any questions about the project, but I'll turn it over to Darin to give just a high-level overview of the EIR.

O-1.3-3  
Cont.

**Darin Neufeld:** Cool, thanks. Is this it? Okay. Nah, I'm good. Okay, so I'm just going to run through the EIR really briefly. My name is Darin Neufeld, I'm with Planning and Development Services, and I'm working on the EIR. So, my team does all the CEQA review for the county. So, we'll be working on this one as well. The EIR identified six significant and unmitigated impacts for the project. These are impacts for which there are no additional, feasible mitigation measures. What that means, these are aesthetics, air quality, mineral resources, noise, population and housing and traffic. What that means to be significant and unmitigated is that if the

O-1.3-4

Board of Supervisors were to approve this project, they would have to do so by making overriding considerations, such that the project would be -- they could approve the project with the significant, unmitigated impacts. Those are the big impacts in the EIR that the EIR analyzes. We've developed nine alternatives that have been carried forward for evaluation in the draft EIR. Alternatives were selected based on whether or not they reduced any of the significant impacts and whether or not they attained most of the project objectives. Alternatives had to be feasible as well. Those alternatives are the no-project alternative. We're required to do that under CEQA. The existing general plan, there are three different alternatives that evaluate a different parkway alternative for Deer Springs Road. We have a multi-family alternative in the town center, so that's a mixed-use alternative. And we have three alternatives that were discussed by California Department of Fish and Wildlife and/or the US Fish and Wildlife Service. That's a total of nine alternatives in the EIR. We'll go through all the questions you have on the EIR tonight. What we've done is we've gathered speaker slips tonight, just so we can give everybody a chance to speak, because there's a lot of you and we want to give everybody an opportunity. I will grab that from you. It looks like we've got about over 40 or so. So, I think we're going to try to do two minutes each.

[00:10:00]

And then, if we have extra time at the end, then we can just open it up for questions. We're going to leave this microphone up here and on, if you

O-1.3-4  
Cont.

prefer to walk up and amplify your voice a little bit. If not, and you can stand up and everybody can hear you, we can go that route as well. Unfortunately, we don't have a wireless microphone, so I guess we'll just have to project or come up here, if you don't mind. Oh, yeah, just to keep everybody on time, so we do give everybody and opportunity to speak, we've got sort of little soft reminders when your time's coming close. Anything else [PH] Kaz? Can you put that over there? Thanks.

O-1.3-4  
Cont.

**Greg Kazmer:** The first five speakers we have are [PH] Paul Warren, [PH] Georgann Higgins, [PH] Mark Seabeck, [PH] Greg Lartin and [PH] Joan Slovenski. If you wanted to come up here, or if you prefer to speak, we could just do five in a row.


O-1.3-5

[BACKGROUND CONVERSATION]

**Paul Warren:** Good evening. My name's Paul Warren, and I want to congratulate everyone here for their homeownership in the neighborhood. Perhaps I'm wrong, but I would guess that 90% of the homeowners represented in this room are over 40 years old. I feel like I'm probably under-represented. I feel proud in that a year and a half ago, I achieved my childhood dream of buying my first land. It's behind the Moose Lodge. About once a week, one of the neighbors calls the Sheriff, the county, and I've received \$9,800 in fines to date. It has not been fun. When I think back about watching

O-1.3-6

Little House on the Prairie, Bonanza and a movie I really like, Far Away, with Tom Cruise, I think about what has America become, where, no offense, but the majority of you are silver eagles, white-haired. We have forgotten the debt we owe to our children's children, and letting them achieve the same dreams each of you have already. I challenge you -- there's a lot of people in here against this development, but this development is good for economic growth, it creates jobs, and it allows people to have a home like you have. Open your minds, please, and think about young families. For the other day, I was depressed, thinking, "How am I going to make my \$2,000 rent, in San Diego, where occupancy is 2%?" Meaning, the people who can't buy a house, they have to rent, which displaces people that are marginalized and in effect, we have scarcity. So, when I was forlorn, walking downtown San Diego, "How am I going to pay my rent?" I looked up and there was a whole street full of tents and homeless people. And I guarantee you, if we build more developments -- it doesn't have to be this development, but any development in San Diego is needed. I've been to China twice. That's over developed. This development here is a good thing for San Diego. Thank you.



O-1.3-6  
Cont.

[BACKGROUND CONVERSATION]

Georgann Higgins: Hi, my name is Georgann Higgins, and I'm here to address the EIR Chapter 2, Section 2.10 regarding noise. And specifically, sound walls. We are



O-1.3-7

[00:14:58]

disagreeing with [PH] Newland's stance on sound walls. Should this project be approved, Newland is discouraging the use of sound walls, is just another example of how they're missing the point. We notice measurements for this study were taken in September of 2014. Even at that time, there were several places where the noise levels exceeded 67 decibels, which is the criteria which Caltrans, deems it necessary to install sound walls. There's every reason to believe if these studies were current, you would find an increase at all levels. The Federal Highway Administration lists decibels in the 60s as their worst-case scenarios when discussing the need for noise abatement. According to the US Department of Transportation, "Sound walls can reduce the loudness of traffic noise by as much as half. Can be effective regardless of the material used. Must be tall and long. Are most effective within 200 feet of the highway. Do not increase noise levels perceptively in the opposite side of the highway, and they substantially reduce noise levels for people living near the highway." Newland characterizes noise, air quality, all forms of pollution, water availability and fire hazard, both during and after construction as "less than" or "not significant." To them maybe, but not with the people who are left with the after effects. This is the downside of overdevelopment. We cannot continue to build and not expect consequences. Does San Marcos and San Diego County really want to build every square inch, and become impacted and dismal like so many places that we can name?

O-1.3-7  
Cont.



**Joan Slovenski:** My name is Joan Slovenski. We moved to San Marcos in the early 70s. We did that because we wanted our children to have a rural lifestyle. The horses, the pigs, the goats, the 4-H, the whole bit. The thing is, we lived right there on Twin Oaks. Across the street was a cow pasture, now a golf course. I ended up being appointed to the Recreation Commission and eventually moved up to the Planning Commission. So, I do know a little bit about planning. I cannot see that the density that is being asked for is going to work on that property. It does say in some of their brochures, about providing lifestyle and so forth, that the average person raising kids, are not going to be able to afford a house there, because so much money is going to be going into the infrastructure: the roads, the walls, the parks, and whatever. I'm not saying that they don't have the right to develop, I'm just saying it doesn't need to be of that density. I think the rest of us will be affected by the density. We live now at Lawrence Welk Champagne Village. And it's hard enough to come down Twin Oaks anyway, at any time. I think even widening the road isn't going to solve the problem. I hope this is not approved in this density. Thank you.

O-1.3-8

**Mark Seabeck:** Hi, Mark Seabeck. Champagne Village. Champagne Village is directly east of this development. And the particulate matter, the air quality and the CO2 emissions are going to change the air quality forever. Champagne Village sits in the direct down-wind path of everything that this development is going to put in the air. That's not to mention their

O-1.3-9



	<p>suspected numbers in how much water they're going to use, and how much you are going to have to conserve to allow this development to take place. It's estimated 36% will be the conservation that we will have to save on top of what we're doing already. Basically, the traffic is estimated at almost 29,000 daily-use trips, in and out. And, in response to the cancer risk, and the DEIR, it states the northeast area of the development will exceed SDAPCD, the San Diego Air Pollution Control District risk threshold. Again, we as a community of older people, sit directly down-wind of this thing. The grading, the blasting, the bulldozing, the rock crushing plant, is going to basically, for however many years this thing's being constructed, is going to be throwing particulate matter of X% in the air, and people who live in our community are already susceptible to upper respiratory infections and diseases. And I doubt Newland is going to pay for any of their</p> <p>[00:20:00] medical costs. Thank you.</p>	 O-1.3-9 Cont.
<b>Greg Laurtin:</b>	<p>Okay, I'm Greg Laurtin. I also live in Champagne Village. I retired two years ago and moved up to Champagne Village just before I retired. I worked first as a chemical engineer and then an environmental engineer, and environmental manager. My last job was with the Navy as the Air Quality Program Manager, where we had a team that evaluated new air issues that the Navy would have to comply with, and I worked a lot with the regulatory agencies, a lot APCD. And we also reviewed EIRs and</p>	 O-1.3-10

terms of impacts. We would look at -- whenever a project got close to significant impact, we would look at it real carefully. With respect to this project, Mark mentioned a few things, but my concern looking at air quality is that carbon monoxide emissions during construction, will be over three times the significance threshold. Almost 1,800 pounds of CO per day. Nitrogen oxides, twice the thresholds, 590 versus 250. Nitrogen oxides contribute to formation of ozone, which is the bad stuff that we worry about and smog. And then PM10, particulate matter, 10 microns, five times the threshold. This is the stuff that we'll breathe in and have respiratory problems, 516 pounds per day, versus 100-pound threshold. One of the mitigation measures that the DEIR pointed out is, the APCD should change their state implementation plan and air-quality strategy. Working with the Navy, and the Navy working with APCD, I know that, that's not something that APCD is looking forward to, and it's not something that they can accommodate in the time frame that we're talking about for this project. I think one other concern -- I'm concerned that the EIR did not address criteria pollutants for increased traffic on I15 caused by this. Thank you very much.

O-1.3-10  
Cont.

Greg Kazmer: Okay, the next five, I have [PH] Tony Eason, [PH] Karen Benz, [PH] Michael McIntyre, and [PH] Allen Rings.

O-1.3-11

[BACKGROUND CONVERSATION]

**Greg Kazmer:** Okay, I have a question from [PH] Kim Holmes. She said, if we could read the question, it says, "How does the draft EIR take into account existing development in the area, and also how would they interact with Newland Sierra?"

O-1.3-12

[BACKGROUND CONVERSATION]

**Mark Slovick:** The way that we handle existing development when we look at a project, we look at existing baseline conditions, what's on the ground today. And then, what we do is we put on top of that the proposed project. The easiest example would be traffic. What they do is they do counts along the existing roadways around the project to determine how much traffic is actually traveling on those roadways under the current condition, without the project. Then what they do is based on adopted guidance from [PH] SANDAG, they use a certain trip calculation for how many trips generated from a project of this size, and they put that on top of the existing conditions, in order to evaluate whether there's a significant impact resulting to those roadways and intersections and segments. That is kind of how we do an existing plus project analysis. That's the best example that I can provide, like for traffic. If you have specific concerns, regarding the analysis, or any of the assumptions that were made as part of the existing conditions, I'd encourage you to put your comments in writing, so that we

O-1.3-13

can have an opportunity to review those and put in formal responses in the final EIR.

↑ O-1.3-13  
Cont.

Tony Eason:

I'm Tony Eason. I'm a member and a resident of Deer Springs Oaks mobile home park, which is located directly across the road from this project. We're very

[00:25:02]

concerned about the high risk of fires, wildfires. To quote from this EIR, it says, "A large wildfire has not occurred in the Newland Sierra project site in recorded history." Does that mean there's never going to be one, no. This is located in a high fire district, hazard fire area, where it's got the perfect weather, vegetation, topography, ignition from the nearby I15, all the ingredients for a disaster. The other thing we know that causes wildfires -- the main thing, the first thing that cause wildfires, is people. You put 6,000 more people in this densely populated area, you've got all the ingredients for a disaster. Now, the other thing that catches your attention from this EIR, is they do not have an approved emergency evacuation plan. They've got a very high-class fire protection plan, to try to prevent one from starting. That's great, but you know, from what I just said, there's going to be a fire here. Now, there's not an evacuation -- there is an evacuation plan by Dudek, the people who put these plans together for them. They admit it's not a good plan, it might not work in county-wide emergency. They don't account for emergency vehicles coming in when the people are trying to get out. And they're dumping them all on a failing

↓ O-1.3-14

road, Deer Springs. And a failing freeway, I15. We know that from 2007. They're failing now. You put 6,000 more there -- my solution would be, number one, bypass the end of Deer Springs Road with a four-lane road that goes through Newland's property and empties out further North of the property on I15 to bypass the bad I15 interchange. Or deny the project.

O-1.3-14  
Cont.

**Karen Benz:**

Hi, I'm Karen Benz, Deer Springs Place, I abut the project, and I'm a 30-year resident. For those of us in Twin Oaks Valley, life as we know it will no longer be the same. Traffic, dust, noise, blasting, rock crushing, silica dust, bad air during the 10 to 15 years of construction. If you think the traffic's bad now, just wait. Wait and see how bad it will be during the construction phases. It will be unbearable for those of us who live here 24/7, and I am not being overly dramatic. From their own EIR, there's going to be 6,063 more people. 5,650 tons of rock crushed per day. Grading to last 244 weeks, which is five years. Or 1,464 working days at six days a week. Blasting at two to three-day intervals with one blast per day.

O-1.3-15

**Michael McIntyre:**

I'm Michael McIntyre. I live at 1299 Deer Springs Road. We're in the mobile home park there. What I want to address is a lot of people talking about different things. I think of air quality. We have people in our park that already suffer from pulmonary disorders. Some of our homes are less than 50 feet from the roadbed. I did a head count, and there's four of them.

O-1.3-16

[00:30:00]	<p>Right now, the EIR says there's 19,000 ADT, daily trips going through that area. What I don't understand, is when they did this, when the colleges are in session, from Mesa Rock to Sarver Lane, which is a mile and a half, it's just a parking lot. All their cars are sitting there idling. All that emission is going up the corridor, right out towards the 15. The other thing is that the EIR addresses, the fact that emissions produced by vehicles will cause what they call a CO2 hotspot. Now, we're directly across from that street, that roadbed. That will definitely affect the air quality in our community. The other problem is, when they start widening Deer Springs, you've got a two-lane road. When you start widening that, at times that road's going to be one way. Because they're going to be stopping, they're going to have flagmen switching traffic. I can't imagine what it's going to be like in the afternoon traffic. Also, when they start this, there's going to be a mining operation. The silica dust is a carcinogenic as we all know. The problem is that in the EIR, the developer doesn't want to build a sound retaining wall, or a wall of protection for residents. This is something that we have to have to protect our community. Thank you.</p>	O-1.3-16 Cont.
Allen Rings:	<p>My name's Allen Rings. I am in favor of development, providing it's put in the proper place. I have 38 years of economic and industrial development construction work. I was the senior vice president of one of the largest construction companies in San Diego, for 25 years. You can't put your whole fist into a thimble. That's what this project proposes doing. They've</p>	O-1.3-17

done a good job of developing trails and a lot of amenities inside the project, but have not given an ounce of thought to the impact of this project on the rest of the area. It will double the number of people living approximately from 78 to 76 along the I15 corridor. The traffic plan is miserable. All three ways in and out, all dump onto Deer Springs Road. There should be at least two roads from this property connecting to Gopher Canyon, all the way to Gopher Canyon. The thing that needs to be done, is to remove as much traffic off of that interchange as you possibly can. But even if they did that, we're going to widen the interchange. We're going to have to widen I15 by two lanes at least. I actually think that we should put another interchange down at Mesa Rock, right as the undercrossing, to help relieve some of the traffic. I don't know how many tens or hundreds of millions of dollars of infrastructure needs to be spent by the public on this, because of this project. I know they have to do sewer line all the way down to over by [PH] Fry's. If they project is developed according to the current plan, county plan, not penny of public money has to be spent. Thank you.

O-1.3-17  
Cont.

**Greg Kazmer:** The next five I have are [PH] Diane Hodely, [PH] Megan Jennings, [PH] Nancy Lane, [PH] Rob Peterson and [PH] Suzanne Brahna.

O-1.3-18

**Diane Hodely:** I'm Diane Hodely and I live in Champagne Village also. And boy, we are the absolute front edge of this whole development. I share everyone's concern here on all the issues. I think my main concern is though, during a

O-1.3-19



fire -- we've had on in '03, '07, we had to evacuate at least once last year, and we just had a fire on Thursday last week directly across from our entrance. When we leave the village, or try to leave the village, 395 is a parking lot. If you can get to 15, that is a parking lot. If we add this development, I'm not kidding, we'll be sitting in our cars, and that's where we'll be when we go. They aren't widening 395, if they aren't widening or doing anything to 15, there is no legitimate evacuation route for us, or for the people in the Newland's here, a development to get out, north or south. You sit there and that's my biggest concern. Thank you.

O-1.3-19  
Cont.

[BACKGROUND CONVERSATION]

**Megan Jennings:** You're welcome. Hi, my name is Megan Jennings. I am a researcher at San Diego State University. I hold a Ph.D. in wildlife ecology and conservation.

[00:34:59] I have been retained by the Golden Door Spa to provide comments on the effects of this project on wildlife and wildlife movement in the area. I specialize in wildlife movement and have been working on researching and assessing barriers to movement in San Diego County and Southern California for the better part of a decade. I am concerned about the project effects on wildlife connectivity. This proposed project would fragment one of the last remaining large, in-tact landscapes in North County, west of I15. Globally and locally, in particular, habitat loss and fragmentation are the greatest threats to biodiversity and population persistence. The loss of connectivity

O-1.3-20

can greatly impact wildlife, ranging all the way down from genes, to individuals, to populations, up to species and ecological communities. So, this is a very real threat. Loss of connectivity can limit access to suitable habitat for individuals, it can affect reproduction and survival, directly causing mortality of individuals. It can reduce population abundance and resilience to dynamic landscape. Things like fires, floods, disease. Fires and floods are some of the things you all are talking about today. Reduced gene flow and limit population viability. And ultimately, what happens, is this can make populations and species vulnerable to extirpation and extinction. Despite the open space design of this project, the total acreage is not as important as the configuration. Contiguous habitat is what is recommended by best available habitat, unencumbered by roads, houses, all that goes along with it. The things that will come along with this project. The current design, especially the southeast corner of the project, will impeded important movement corridors leading from east to west under I15 up through the Merriam Mountains, across Deer Springs Road, which will be a major barrier. My question is, does the county have plans to request or require design changes to mitigate these impacts, or to assess connectivity more thoroughly and take it into account in mitigation measures? Thank you.

O-1.3-20  
Cont.

**Rob Peterson:** Hi, I'm Rob Peterson. I live at 906 Deer Springs Road. I'm President of the Twin Oaks Valley Property Owner's Association. It's great to see so many friends and neighbors here. Some of you we've seen for years, and years,

O-1.3-21

batTLing this project. It started out as Stonegate, AKA, Merriam Mountains, AKA Newland Sierra. Essentially, it's the same project all over again. I think one of the overarching questions is why are we here again? The County Board of Supervisors voted this thing down two times previously. Why are we here again? Why are the taxpayers funding this whole process once more? The developer talks about it as being affordable housing. There's nothing affordable about this housing. It's for the children. Our children want to move away when they're done with college, it's getting too crowded. How much more traffic can we sustain? I encourage everybody, please, please, please get your comments in. Don't just come out the meeting. Call your Board of Supervisors. Talk to people. Get your friends aware of it. Get those comments in. Thank you. I'm under time.

O-1.3-21  
Cont.





**Nancy Lane:** Hi, my name's Nancy Lane. I am a resident of Fall Brook. I actually had a couple of quick questions regarding the EIR, and I wanted to know how you came up with the contributors to the draft EIR, and how were their credential evaluated? How did we come up with this EIR? Who are the people who that did it?

O-1.3-22

**Mark Slovick:** So everybody understands the process in who prepares these documents, who reviews them, the county has an approved list of consultants that are allowed to prepare technical studies based on certain specialties. For instance, there are certain traffic engineers within the county that can prepare traffic studies

O-1.3-23

	<p>for the County of San Diego. That goes for other issue areas like air quality, biology, all the subject areas that have been mentioned tonight. That list has been approved. The consultants on that list prepared the study. They submit it to the county, and the county has internal staff specialists, that review that work to make sure that it's consistent with all county regulations, with state law, anything else that needs to be brought into conformance with it. That's the process. The documents that have been submitted for public review, for public comment,</p>	
[00:40:00]	<p>have been reviewed and accepted by the county of San Diego as complete and thorough. And that's why we put it out for public comment.</p>	<p>O-1.3-23 Cont.</p>
Nancy Lane:	<p>One other one. Specific to the biological habitat, because I noticed on the maps there, if the site were built with the existing general plan, how would it compare to this project?</p>	<p>O-1.3-24</p>
Mark Slovick:	<p>Rather than get into real specifics, what I want to do is just point everyone to the alternatives section of the EIR. One of the alternatives that we did study is the existing general plan designations for the property. In that study, you'll see there's a diagram provided in the EIR, with statistics in terms of open space development areas, all of the things that we kind of evaluate as part of the project. So, you can take a look at the proposed project in comparison to the actual existing general plan. There's also a table -- okay, it's alternative #2 in the EIR. There's also a table that will summarize all of the impacts and</p>	<p>O-1.3-25</p>

	whether they are greater or less than the actual proposed project. If you're interested in knowing what the existing general plan allows on the property in comparison to what the project is proposing, I'd point you to those sections of the EIR to be able to evaluate the differences between the two.	 O-1.3-25 Cont.
Male 3:	Thank you for the question. [INDISCERNIBLE]. The question I have to be addressed to this [INDISCERNIBLE] is, is a purchase of 200 acres [INDISCERNIBLE]?	 O-1.3-26
Mark Slovick:	So, his question was, "Is this a specific property in Ramona going to be used for mitigation for the project?" Yes, there has been a specific property identified that would be used as mitigation for project impacts. Now, there is a nuance there though. It's not for the entire project. There are specific habitat types, that the project is going to be impacting that do require mitigation. That mitigation is that property that's identified in the documents. If you have specific concerns about that site and whether it should be used for mitigation purposes, I'd encourage you to provide formal comments on it.	 O-1.3-27
Male 3:	I don't think the foxes and the coyotes [INDISCERNIBLE] are going to appreciate what [INDISCERNIBLE].	 O-1.3-28

**Mark Slovick:** Yeah, if those are your concerns, put those into formal comments in the EIR. I don't want to go into too many questions, because I want to give everybody a chance to speak, because we do have the room to a specific time.

O-1.3-29

[BACKGROUND CONVERSATION]

**Nancy Lane:** I just wanted to say that I presume everybody here lives in a house that at some point wasn't there. My family moved here in the 1800's. My mom was born here locally in 1918. And they moved here to have a quite country village. That's changed. The entire state of California is in a housing crisis right now. We don't have enough housing for the people that are already here, much less that are coming. Unless we put a giant wall around the state and lock everybody out, we're not going to be able to house the people that are here. I know that there is very little housing now. The average price in Valley Center is 800,000. Same with Valgr, and it's going up. And it's less and less affordable. I'm just saying we need to be careful about how we build things and how we stop things, as well.

O-1.3-30

**Suzanne Brahna:** Good evening, my name is Suzanne Brahna, and I'm a resident of Hidden Meadows. I've been here for almost 13 years. I reviewed the first 11 of 17 pages on the plan in the back, and there are absolutely no additions to infrastructure that we need to protect ourselves. There's no new fire stations. There's no new water supply. No additional law enforcement presence. That

O-1.3-31

	means that the existing infrastructure is going to be stressed even more. And when it comes to evacuation, we're not going to be able to get out. With less law enforcement and fire assets to respond to fires, the likelihood of your house burning down is greater.	
[00:45:00]	This project doesn't take into account any of that. This isn't affordable housing. The problem with San Diego is that landlords don't lower the rents. They're not giving people any more for what you could get for \$300 a month 20 years ago. This is not going to solve a housing crisis in California. The housing crisis in California was created by greedy developers. All the people that stand to make a lot of money, banks, title companies, mortgage companies, contractors, everyone that is a parasite on a new development, stands to make a lot of money. Why should we absorb that risk and decrease the quality of our life, and the safety of our life?	O-1.3-31 Cont.
Greg Kazmer:	Okay, the next five I have are [PH] Michael [INDISCERNIBLE]. I can't read the last name, on Ricardo Ranch from Valley Center. [PH] James Healey, [PH] Michael Huntsaker, [PH] Clarissa Loughlin, and [PH] Chris Nava.	O-1.3-32
Chris Nava:	Good evening. My name is Chris Nava, and I'm here representing the Escondido Chamber of Citizens. Chamber of Citizens wants to go on record as completely opposing this development. We have not had a chance to really plow through the voluminous EIR report, but I am here to perhaps	O-1.3-33



make it more general. I agree with everything that has been said so far, but one of the items, or one of the issues that really disturbs us greatly, is the flavor of the day, that is completely absorbed by the developers. And that is seeking exemptions to the general plan. We have a general plan that costs the county a lot of money and a lot of time. And the work that they did was for a reason. It was because we wanted smart growth, sustainable growth. Not this kind of a sprawl. Sprawl does not belong in North County or anyplace. Another issue that really draws to this, and I can't go through all of it right now, because of time, but it's the water issue. Where is the water coming from? Is there enough water to provide all these new homes for 20 years, as is contained in the requirements of the Show Me the Water A, B, the two Senate Bills that require that? Where is the water coming from? If this development goes through, we are going to lose precious, precious treasures that are part of North County and which are part of what we want to leave our children. Thank you.

O-1.3-33  
Cont.

**Jim Healey:**

My name is Jim Healey, and I live in Champagne Village since 2002. We moved there and we moved out to this area because it was a nice rural country area. That's one reason we came here and we stayed here. Let me talk about several things briefly. Housing, if you go up and down the 15, you go through Escondido, you'll see plenty of open space that isn't where they want to build here. Where they can build single family homes, and garden apartments. Plenty of space. Acres and acres of space. This stuff about you

O-1.3-34

have to have this, to provide affordable housing, is not valid. Pollution, noise pollution, particulate pollution.

[00:49:59] We are talking about 10 to 15 years of construction. We're talking about 244 weeks of grading. Champagne Village will suffer from this. Somebody talked about providing housing for young families. What are you going to do, kill granny and grandpa to do that? That's what you're going to do if you build this thing. Sound, they don't want to build sound walls. Of course, they don't, they don't have to live here. Traffic, have you ever been on Deer Spring Road from 3:00 to 5:00 in the afternoon, or during morning rush hour? Can you imagine what that will be like with this thing? I can. Fires, we've had three or four fires in the last six months, within a half a mile of that intersection. No, we haven't had any exactly where they're going to build, but within a few hundred yards, we have. And evacuation is a nightmare. Thank you.

O-1.3-34  
Cont.

**Michael Hunsaker:** Mike Hunsaker, Twin Oaks Valley Property Owner's Association. And the Property Owner's Defense League. You're probably wondering as you look around, why all this building. First, it is worse than you think. In San Marcos City alone, there are 7,000 new homes going in over the next four years. With this and other developments, we're looking at 30,000 new residences. The problem why is this all going on so fast? Water. 68% of our water comes from the Colorado River. That in three years is going to be cut back. We suddenly have at least a 20% reduction

O-1.3-35

for the state, and far more for our community. When that happens, all development stops. So, if they don't build over the next three years, they will not be able to build again for decades. Tomorrow, the Vallecitos Water District Board is voting in a resolution that requires all existing rate payers, to pay for all the water infrastructure these new developments need. We will not only give up our water, we will pay for the privilege. I don't consider that a privilege. It's expropriation not conservation.

O-1.3-35  
Cont.

**Clarissa Loughlin:** Hi, my name is Clarissa Loughlin. I'm actually a business owner on Deer Springs in Twin Oaks. It looked like I'm definitely here representing the younger generation today. I am 30 years old. I just recently got married. And I am one of those people that pays \$2,000 a month rent, unfortunately. Today, I actually just have a question. My question is about housing. I wanted to know, was the need for housing studied in the DEIR, and what types of housing are actually needed in our county and in North County.

O-1.3-36

**Mark Slovick:** I think I got it. The draft EIR itself, did not analyze the specific need for housing. It wasn't part of the project objective for that. We do as the county, analyze the need for housing in our Regional Housing Needs Assessment. I believe we just updated that last in 2015. You can find that on our general plan website. That goes into very much detail on the types of housing we need from anywhere from low-income, moderate-income, above moderate-income, and how short we are on our supply that we're meant to

O-1.3-37

provide as part of the larger regional housing needs. But this specific EIR does not address the need for this type of housing.

↑  
O-1.3-37  
Cont.

Michael O'Connell: Hello, my name's [PH] Michael O'Connell, I'm a resident of Valley Center,  
[00:55:00] also a member of the fire board for Valley Center, and ex-member for the planning group of Valley Center. My question is to the developers, as usual, when are you going to put the roads in for all these developments when you hardly can pay for the real infrastructure that we need now. I put that on the county, because like Chris already said, he spent \$13 million on that general plan, and a lot of hours, of residents just like myself and [PH] Oliver Smith, and people in the community, [PH] Cassie Fritz, and a lot of people that protect their communities and care about their communities and want proper growth. According to the general plan, this is leapfrog development, plain and simple. The infrastructure's not going to support it. The tax base is going to be hit with it, just like the gentlemen said about the water. The rates are going to go up for the existing people. The traffic is going to be terrible. And the fire protection's going to be even harder. The Board of Supervisors adopted a plan back after all the fires in 2003 and 2007, that they wouldn't keep building these homes on mid-slope. And they would start providing the roads for these developments. Well, they're not providing the roads. According to Lilac Hills, they lied to the tax payers. They spent \$8

↓  
O-1.3-38



million trying to shove that up our butts in Valley Center. You know what? It didn't happen. It didn't happen for a reason, because it went to the voters. We know what our kids need. They don't need more plush, excessive homes in the back country, and putting lives in danger. If you're going to build these projects, you've got to put the roads in and you got to follow the general plan. You're not following the general plan. You keep entertaining these developers through politicians, and keep entertaining these developments, that don't provide the proper protection to our community, the roads. Putting more people back in the back country, congesting the traffic. Look at Temecula, they did not build the infrastructure roads, and they can't even get off the freeway. You're going to build these developments and you're not even going to be able to get out of the back country when fires come. I'm a retired firefighter. I don't want to see people in the back country sitting in their cars. If you're going to build these developments, build the damn roads that go with it. And not the taxpayers. Caltrans is going to foot the bill to widen Deer Spring Road. That's us as the taxpayers.

O-1.3-38  
Cont.

Greg Kazmer:

The next commenter requested us to read the comment. It's from [PH] Pat Martin at Lawrence Welk. It states that, "We are a complex of 457 homes, and we are 55 and over complex. As older people, there are medical issues such as COPD, emphysema, heart, that will be affected due to the blasting of the area, to accommodate this huge project." Okay, the

O-1.3-39

	next four speakers I have are [PH] Larry Grano, [PH] Ruth Matis, [PH] John Prince, and [PH] Jack Fox.	 O-1.3-39 Cont.
Ruth Matis:	<p>Ruth Matis, Valley Center, and I'm going to reiterate some of the concerns that we've all had, and that is traffic, fire, water, environment, noise, density, going directly against the general plan. This is running our landscape. It does not attract people to San Diego. We avoid Temecula because they have over-developed. We're not looking for another L.A. It would be totally irresponsible and these developers are totally irresponsible because they build and leave, and we are stuck with the aftermath of the traffic, the pollution, the noise, the fire danger, and as it's stated, we just had a fire last Thursday. I can see fires from my patio. You don't have to wait for traffic to increase. It has in the past 14 years since I've moved here. All I know is that you can't control hurricanes and tornadoes and earthquakes, but it is irresponsible to expose our population to fire.</p>	 O-1.3-40
[01:00:00]	<p>You literally would be putting people in an inferno on 15. There is no escape route. And then the builders could build all they want, because it would be leveled. The other thing is our white-hair or blue-hair, whatever you want to say, will be gone in 10, 15 years, so there will be plenty of houses. This housing shortage is a bump. And we'll leave it to our children. Thank you.</p>	

Jack Fox:

My name is Jack Fox, and I'm a Valley Center resident and I'm here in support of the people on Deer Springs, because they supported us when we fought [PH] Randy Goodson and the Lilac Hills Ranch project, which was defeated by 36% of the vote when the voters casted their votes back in the day. This is a carbon copy of Randy's project which we defeated on the ballot, no on B. There's no infrastructure. The roads are impacted. Like one gentleman said, or somebody said here recently, there have been three highway fires on 15 within the last probably four to five months. And I'm here to say they have absolutely stopped traffic on 15. With helicopters flying down to try and put out the fires, like last Thursday, traffic was backed up on 15 from that fire, all the way through Escondido. Old 395 was backed up all the way to Escondido. Fire is a major threat to this area. These developers build and leave. They don't care about the fire. They don't care about anything else but filling their pockets. There's no infrastructure for this project, just the same as there wasn't any provided for Lilac Hills. They tried to force it down our throats, making us think that they were going to provide fire protection and schools and water. The water companies have said, "We are here in the business to provide water." They don't care about what we have to do as people who have already settled here with regards to the water we have to conserve already. Now we're having to conserve more water to be able to provide these developers to be able to build and leave town. Send them back to where they came, and let them build where the infrastructure is, and create

O-1.3-41



the jobs and all the other stuff that they presume to be created from these developments, where the impact and the infrastructure is, in the communities where it's needed. Thank you.

O-1.3-41  
Cont.

**John Prince:**

Hello, my name is John Prince. I'm with Delane Engineering. I'm a professional civil engineer, and I've been working in San Diego for 15 years. We've been retained by the Golden Door to help review the project and let the community know what it's really about. Since we've been going through the new documents, there's still some things we see are missing, and kind of don't really paint the whole picture for the project. So, to name a few of the key ones, especially for Deer Springs Road, the geotechnical investigation and the rock slope, the rock fall hazard analysis, doesn't address the big slopes and walls on Deer Springs Road. Also, along that corridor, as you guys all know, there's many access points, access roads, very steep driveways. Proposed drainage facilities as part of the improvements that aren't really addressed in the right of way analysis in the documents, and the grading plans. And in some cases, the right of way analysis and the grading plans don't really match up with each other. Finally, as the gentleman mentioned -- many of you mentioned -- to support this kind of development, the general plan calls for six lanes on Deer Springs Road, which isn't exciting either, but that's what it calls for to support this type of development, this scenario. This project doesn't address that at all. There are, as we look at the documents, there is

O-1.3-42

	<p>verbiage that basically supports that they should grade for it at least, plan for it. They say they're planning for the future, future growth, forecasted future planning, but there's also verbiage that suggests that they should do a six lane. But they don't analyze it. At the very least they should consider, or suggest the county make sure they consider the center line alignment of a six-lane road is going to be very different than a two lane or a four-lane alignment. We did a study in 2016, on 2016 documents, that highlighted a lot of this that's still kind of missing.</p>	
[01:05:04]	<p>Our main question or comment for the county is, are there going to be revised documents that address these things, and where judgment calls are needed to be made, or where there's preliminary analysis that's limited,</p>	
are	<p>they going to make sure that it's conservative in nature, so you understand the full impacts of a potential development like this. Thank you.</p>	O-1.3-42 Cont.
Larry Grano:	<p>Hi, my name is Larry Grano. I'm a native San Diegoan. Lived in LA Gardens for a long time, and then moved up with my girlfriend to Glen Meade Way in Deer Springs. I teach at Valley Center High School. I'm an assistant drum line coach. I'm a musician. I've been a musician since I was 13. That's all I've done for a living. I know Deer Springs. It's quiet, it's nice. You won't hear my drums out there. But I see the impact going to school every day, going to work every day, on Old Castle and Lilac, when I get behind someone who's not seen five cars behind them, and there I am in someone else's parade, and I'm late to work. And then this</p>	O-1.3-43

thing happens, and I'm imaging, what would it be like with more people. What would Deer Springs -- what would -- from my house, getting to the freeway, sometimes takes 15, 20 minutes because the lights are jacked up, because some guy ran over it in a Cadillac last year. Do you hear what I'm saying? I don't know who's from the company, but I had a relative who was a commercial real estate broker. I hung around those guys. I heard parasite earlier, I'm using pimp right now. You're there to make money, you're there to carpet bag, and then you split. That's fine. You make money, I make money, but I've got return customers. I've been a musician in this town for 35 years going on 40 years professionally. And people come and see me because I take care of my customers. Doesn't sound like these guys care much, if at all. You got to work on that people, you got to care for each other. Come on.

O-1.3-43  
Cont.

**Mark Slovick:** We've got 40 minutes left, and 36 commenters still. So, if you could please keep to the two minutes, we want to hear everybody tonight. So, we'll probably end up going a little bit past. But if you don't mind, we'll just keep going as quick as possible.

O-1.3-44

**Greg Kazmer:** Okay, the next five are [PH] Margaret Lyles, [PH] W. Seibert, [PH] Ross Banks, [PH] Tom Comoura, and [PH] Carl Wayne Dauber.

O-1.3-45

**Ross Banks:** Let's get this over, Ross Banks, Bueno Creek. Hey, D, how you doing?

I'm here because I just recently heard about the project, so I was getting a lot of information, that EIR online, that was kind of helpful. Bueno Creek is under attack from all the projects. They don't have a lot of it listed. It's a very dangerous road. There's a lot of accidents on it. I can't even imagine -- I saw in the EIR they want to do a parkway, that six lane road. I couldn't imagine. The intersections that just don't work, it's like no common sense in some of the projects. I also wanted to make sure everybody writes down. Grab those forms and write to these people. You're only going to get a little feedback to the people, I guess who need to make that decision to reject it. I was surprised to hear it's already been rejected a few times and we just keep wasting our money on stuff like this. I'm like, "Come on. What the --?" I'm a New Yorker, I'm not originally from here, but I'm like, "This is crazy." So anyway, I love being on the microphone, thank you everybody.

O-1.3-46  
Cont.

**Margaret Lyles:** Good evening, my name is Margaret Lyles. I'm a native Californian. We moved to Hidden Meadows in 1980. My family on both sides who've lived in California for over 100 years, so we've watched the change and we lived in Southern California for over 100 years. I often hear the question, "Where are our children going to find housing?" I think a better question would be, "Where are our great-grandchildren, or our great-great grandchildren going to have a planet to live upon?" That's looking less

O-1.3-47

[01:10:00] and less likely. As Dr. Richard Carson, who's the UCSD economist points out, there's two ways you can grow in San Diego County: you can build out like Hong Kong, and prices will go up. Or you can have controlled growth, and follow the general plan, and prices will go up more quickly. That's your choice. If you want to have affordable housing, you're going to have to have subsidized housing. That's just the economic facts of the matter. There are, in the general plan, room without any amendments -- 72,600 some houses that could be built without any amendments at all. It seems to me that our local politicians are kind of like hamsters in one of those exercise wheels. They say, "We're going to get more jobs, and then we're going to bring in more people, so they need more housing." And it just continues and continues. This is not affordable housing, this is sprawl. Thank you.

O-1.3-47  
Cont.

Tom Kumura: My name is Tom Kumura, I'm on the Twin Oaks Valley Community Sponsor Group, but I'm here as a private citizen. One of the things that I find is that the draft EIR is very difficult to follow. If I can have a show of hands of everyone that had a chance to read it that have found it to be very confusing and very hard to read. Staff, please look at this. It is very, very difficult to read through the draft EIR. There's conclusory statements which are unsupported by factual information. You just make a conclusion and I can't follow how you got from point A to point B. I don't care how

O-1.3-48

you get there, just show how you got there. You asked during the draft EIR process, during the notice of preparation, for letters and comments. Over 35 letters were produced. I did not see a response to any of those letters. I'm bringing to you those over 35 letters, and asking formally, that you answer those questions that we took the time to ask you. And put them in the report. Otherwise, it is not a finished draft EIR. I do not believe it's a completed EIR. You have not addressed any of the questions in a normal fashion. Even the City of San Marcos, when they get letters, they respond and say, "Here's the question, this is how we answered it." You lump the Twin Oaks Valley Community Sponsor Group with the North County Metro Area. There's nothing about the Twin Oaks Community Sponsor Group. You need to develop facts and figures, how this project, this terrible project affects the community. Thank you very much. There are other points that I find lacking, but it will take all night, so thank you.

O-1.3-48  
Cont.

**Wayne Dauber:** I'm Wayne Dauber. I'm short. Okay. I'm Wayne Dauber. I live in Hidden Meadows. I'm a member of the Sponsor Group, but I'm speaking as an individual. I'd like to reiterate a couple of the comments that Tom made about the organization of this EIR. It takes forever to find anything. I'm concerned with most of the things that have been said tonight. My subject that I'm going to talk about is traffic, and the number of dwelling units that we're trying to support. Two things come to mind. One is that the level of service rating for Deer Springs Road and the I15/Deer Springs

O-1.3-49

[01:15:00] interchange, is F, at several times of the day. F like, we silver haired folks used to get in school if we didn't do well.

There is talk in the EIR about mitigation being planned by Caltrans for a new interchange. The plan that Caltrans is still living under, is the one that Newland Sierra wishes to change, from 91 units to roughly 21 times that, or a little over that. The possibility of that number of units dropping traffic onto I15, Deer Springs Intersection with nothing being changed is horrible. I think if they're going to build something here, which I don't think they should, it should wait until the I15 interchange and a real improvement to Deer Springs is completed. Thank you. And don't clap, they told us not to clap.

O-1.3-49  
Cont.

**Debbie Seibert:** Hi, I'm Debbie Seibert. I'm at 1299 Deer Springs Road, Mesa Rock Road and Deer Springs. I'm 40 feet away from Mesa Rock. I'm 120 feet away from Deer Springs Road that has not been talked about in the EIR, what they are going to do for people like me. There's no wall. There's nothing. So, the good news is this. I'm going to be a great test candidate, if this goes through, I have no respiratory problems. I will be documenting every day. I have great insurance, I have no problem going to the doctors and finding out how everything is looking. And I'm sure I'm not the only one who is going to be doing that. There are so many things that have not been brought up in the EIR, especially for those of us that are right there. We're

O-1.3-50



	all in this pocket. So, anyway, thank you, and I hope you document if this goes through.	↑ O-1.3-50 Cont.
Mark Slovick:	Just wanted to clarify one thing. If you did send in a comment on the NOP, all of your comments are included in Appendix A of the EIR. We've addressed all your comments through each of the chapters and when you go to each of the chapters, there's a summary of all the environmental issues that you all brought up during the NOP. We don't formally respond to NOP comments. We will formally respond to all of your comments in writing on the draft EIR. For example, several of you requested that we analyze alternatives in the draft EIR, and there are probably about 6 of the 9 alternatives that were directly requested by you all. So, we did include your analysis and we did take that seriously.	↑ O-1.3-51 ↓
Greg Kazmer:	The next five speaker slips: Andrew Yancey, [PH] Cameron Currie, [PH] Stacy Green, [PH] Clifton Williams and Samantha Seikkula.	↑ O-1.3-52 ↓
Cameron Currie:	Well, good evening. I'm Cameron Currie, and I live in Hidden Meadows. First of all, I just want to say how exciting it is to see so many people out tonight actively involved in their community. The second thing I want to say is, thank you guys for just coming tonight and really taking the bullets. Not fun at all, but it's great to have this dialogue. What I'm really interested to know is, there's been a lot of talk about this community is	↑ O-1.3-53 ↓

	going to be carbon neutral. What does that really mean to our community? What does that mean?	↑ O-1.3-53 Cont.
Mark Slovick:	Sure, so again, just basically, and you can read the greenhouse gasses chapter, there's a number of project design features, as well as mitigation where the project [INDISCERNIBLE]. Basically, they're providing off-site mitigation to reduce greenhouse gasses. And then their mitigating off-site of the project to reduce all of their emissions down to zero. There are a couple of other projects in California that are doing the same approach. There's a lot of projects [INDISCERNIBLE] project [INDISCERNIBLE] environmental leadership, and economic design projects, that's also require projects to go carbon-neutral. That's sort of a basic explanation about it. All the information you need on that is in the [INDISCERNIBLE].	↑ O-1.3-54
[01:20:00]		
Andrew Yancey:	Hi, I'm Andrew Yancey. I'm an attorney with Latham & Watkins. I'm here representing the Golden Door. Mark, just a couple clarifying questions first, or Darren. The comments made here tonight, are they being taken down and recorded? But the county will respond to formal written comments on the EIR.	↑ O-1.3-55
Mark Slovick:	Yes. Just in case anyone came in late, since we're not transcribing tonight's meeting, these are not considered formal comments of the EIR	↑ O-1.3-56

that will be responded to in writing. If you want to submit a formal comment that will be responded to in writing, you need to do it in writing. Email, or letter, handwritten, just get in to us before 4:00 p.m. on August 14th.

O-1.3-56  
Cont.

**Andrew Yancey:** Mark, tell me if this works, because I know a lot of people took time out of their night to come here, and be heard. We are video recording tonight. We will be making a transcript of that after we get the video. We can then submit that transcript to the county, as part of the formal written comments to responses.

O-1.3-57

**Mark Slovick:** You have comment forms, so if you wanted to jot down comments tonight, you could that in writing, and just have it [INDISCERNIBLE].

O-1.3-58

**Andrew Yancey:** Thank you. Just to get straight to the point, because I know time is limited here, this project proposes putting over 6,000 new residents in rural Twin Oaks Valley. That's going to cause a lot of very long car trips. All the problems that are on I15 now, are just going to get worse. What the EIR says about the cumulative impacts from Newland's proposed development, is that there would be level of service F. Failing level of service from the Riverside County line, all the way down south of Escondido to [PH] Palmetto Road. Just to translate that to people who don't know what LSF is, that means you're going to have gridlock on over 25 miles of freeway on

O-1.3-59

the main north/south route through rural North County. Part of this secret process is to identify impacts and then figure out ways to mitigate or avoid them. Unfortunately, here, the developers not proposing a single dollar to mitigate impacts to mainline freeway on I15 or SR78. Their excuse, as specially noted in the EIR, is that Caltrans doesn't have a specific program proposed to improve that section of freeway. There's a reason that Caltrans and SANDAG, the Regional Planning Agency don't have plans to improve the freeway up there. It's because they took the land use plan from the county, and it said that rural North County was going to remain rural. It didn't include Newland project. It said, "This area is going to be a rural area." So, that's what the planning agencies have planned for. This seems like a problem where there should be a solution, so my question for the record is, what is being done prior to project approval, to make sure that Caltrans and SANDAG have updated their plans to include something that will help people's way of life, that drive on the I15 every day. Thank you.


O-1.3-59  
Cont.

**Cliff Williams:** Just to follow along there -- my name's Cliff Williams. I'm a land use analyst with Latham & Watkins, also representing the Golden Door. To follow along what Andrew was just saying, the general plan that was passed -- and many of you participated in that process --

[01:25:00] it was a covenant that was made with you, that this area was going to stay rural. It was an eight year, 10-year process, \$20 million, and choices were made, compromises were made. Because of those choices and

O-1.3-60

compromises, SANDAG, the big regional transportation planning agency, decided where the infrastructure was going to go. The county made a very specific decision to reduce the growth in the county, so it would force that into the incorporated cities. That's why you see great development going on right here in San Marcos and in Vista, along the SPRINTER lines. That's why in the City of San Diego, you see lots of development going up along [PH] Maurana Boulevard, where the trolley's going to go. Thousands upon thousands of units are being developed in these areas, because the infrastructure is going there. This an area with absolutely no infrastructure, and your general plan that you participate in, said that, that wasn't going to be there, and so nobody planned for it. It kind of makes sense. You plan for things so you know what you're going to do. And all of you have planned your lives based upon that as well. What we want to do is to hold the county accountable for the general plan. A general plan that frankly, was only developed an approved six years ago. This is not something that was a plan that was 30 years old and so it had to catch up to new planning principles. This was a covenant that was made with you only a few short years ago. So, I would really support you in keeping them accountable for that. I've got 30 seconds. I used to work for the City of San Diego. I've worked for Latham now for 12 years. I've worked for a lot of politicians and people in public service. It seems very odd to me to invite you here to an information meeting about the EIR, not provide any information about the EIR, and then say that they aren't going to record



O-1.3-60  
Cont.

your comments. So, we're going to do that for you. And I really encourage you to contact your representatives, and also ask Newland to come to the community planning groups, and make comments there. Make a presentation to you. They've said that they aren't going to talk to the community. We would encourage them to do that.

O-1.3-60  
Cont.

**Samantha Seikkula:** Hi, my name's Samantha Seikkula. I'm with Latham & Watkins as well, on behalf of the Golden Door. I'm going to address the alternatives analysis that was conducted in the draft EIR. It appears the draft EIR's alternatives are illusory. The county did not develop its own alternatives, and took shortcuts with alternatives that [INDISCERNIBLE]. For instance, the alternatives make the fatally flawed assumption that that county would be unable to direct traffic away from Deer Springs Road. Under CEQA, the county cannot only create and analyze alternatives that are design to fail. The alternatives should address environmental impacts. The draft EIR, for example, analyzes the existing general plan alternative that includes approximately 2 million square feet of office use, and 99 homes. Given that the site's previous developer wrote a letter to the county stating that commercial is not a viable use for the site, we asked the county, why don't you analyze and alternative that only looks at the residential use considered under the general plan. Thank you.

O-1.3-61

**Stacy Green:** Hi, good evening. I have a point of view that you all might not agree with, but I'd like the opportunity to respectfully to address it to you tonight. My name is Stacy Green, and I've been local San Diego county resident for over 40 years. So, I can speak to you about my experience of living in the county, plus the fact that I've worked in new construction development for over 25 years. That being said, when I moved here, the population was about 300,000. We had rural roads along I8 had just been built. There were cows, there were pastures, but I also recognize today, it's apparent, the population exceeds 3 million. And the way housing is developed and built today has changed to meet the ever-growing demands of the population that we have here in San Diego. That reality, for example, an average apartment costs \$2,500 a month for 950 square feet. You all have your homes here. And it is critical mass, because we have a huge housing shortage. One aspect, and you could each go on for hours and hours tonight, is the way housing is being built to meet the demands of the ever-growing population, is to build mixed-use developments that allow for example, people to live, work and play in the environment in which they live in. Not get on the 15 and not have traffic. I urge you to consider options for generations to come, to live here in San Diego. Thank you for your time.

O-1.3-62

**Greg Kazmer:** Okay, the next five I have are Taiga Takahashi, Chris Garrett, [PH] Carl [INDISCERNIBLE], [PH] Paul Loska and [PH] Patricia Borchman.

O-1.3-63



**Taiga Takahashi:** Hi, my name is Taiga Takahashi. I am attorney with Latham & Watkins, and I'm also helping the Golden Door out, and reviewing the draft EIR. I wanted to talk about two issues specifically, water supply and fire evacuation. On water supply -- many of you have noted already, the water district projects a substantial supply deficit for 2020 and future years, starting at 36% and being greater than that as you go forward in time. The EIR says that the supply deficit will be met by conservation measures, but it doesn't really explain what those conservation measures are, who's going to implement them, to what extent, and this is really something that the EIR needs to disclose to the community if the water supply analysis is going to rely on this vague conservation concept. It really should disclose to the community what it's going to have to do in order to meet the water supply demands. My question to the county is really, what is the county going to do

[01:30:00] to ensure that these conservation burdens are fair to existing residents, and when are these measures going to be disclosed to the community. The second issues I wanted to talk about is wildfire evacuation. When I looked at the evacuation plans, they're really focused on the project, and project residents and how they're going to be able to get off the project site. But when there's a major wildfire in the area, just getting off the project site is not really your concern. You need to get on I15 and away from the project area, and the fire evacuation plans don't really address that. What's kind of remarkable, is that the fire evacuation plans really don't talk about what the

O-1.3-64

project is going -- what effect it's going to have on existing residents and existing evacuation times. And how long it's going to take them to get away from a major wildfire. So, my question to the county on this topic is that -- is the county going to look at the effect of the project on evacuating from the general area, say five, six miles away and not just onto the adjacent roads. Thank you.

O-1.3-64  
Cont.

**Chris Garrett:** Hi, my name's Chris Garrett. I'm working for the Golden Door as well. I'm with Latham & Watkins. We've been working on this project, expecting to come out for the past two and a half years. I have two questions, actually three questions. You might have noticed two pro-project comments today, and that's their right, they can ask pro-project comments. Mr. [INDISCERNIBLE] got up and answered both of them, but he didn't supply all the information, and I'm asking the county to supply the additional information. The first question he got was, "Carbon neutral, what does that mean?" Then he says, he explained how it would all be balanced and everything else. What's missing from the EIR, is the explanation of where the offsets that they're buying -- which can come from outside of the county, they can come from anywhere in the world -- how do those offsets play into the county's commitment and the general plan that this county within the county reduce its emissions to below the 1990 level. It's not enough to just say the developer will buy offsets, we won't tell you where he'll buy them from. He can buy them outside of San Diego County. You have to plug that

O-1.3-65

in to the county's Climate Action Plan, which is mentioned in the EIR, and which is still not finished. The second pro-project question where I don't think a full answer was given, was, "What about housing?" One of the other commenters said, "We already have a general plan, which already plans for 72,000 new housing units." I didn't have chance to look that up, but when we're talking about the need for housing and everything else, and Mr. [INDISCERNIBLE] got right up here and talked about regional housing needs. As of today, under the county's adopted plans of the housing element, how much of the housing need has been unmet? I think the answer is zero. The county's general plan is balanced, it has a place for all the housing that the county says we need under the regional housing needs element. If that's not right, the EIR should say that, but it doesn't say that now. Last point, in the last 30 seconds. The Caltranz interchange, it's required for this project. I just read in appendix R, that some of the consultants used in interchange design, that's going to be built there that's new. The question is, what will that design be? How will you get on and off the freeway at Deer Springs Road, when the existing one's demolished and the new one's built? The design's not in there, but the consultants used it. The consultants and the developer used it in doing their modeling and planning. I would urge you to comment to the EIR and ask, where is that interchange design? Why can't we see it as part of the EIR process?

O-1.3-65  
Cont.

**Patricia Borchman:** Hello, my name is Patricia Borchman. I'm a resident in Escondido, and I'm a member of the Escondido Chamber of Citizens. I have several concerns regarding the draft EIR that's been prepared. Although it's a voluminous document, quantity is no substitute for quality. I think the speakers that have preceded me, have pointed out a lot of technical aspects, where there's missing information, there are assumptions made in the EIR, and conclusions that are not supported by evidence in the record. There's going to be a lot of substantive comments the county will received during the public comment period. One of my biggest concerns is the cumulative impact analysis. I think one of the speakers, Mike Hunsaker, indicated that over the next projected 30 years, there's -- I can't remember how many dwelling units are expected -- based on the projected land use designations in these areas,

[01:35:00] there's just going to be an exceptional growth rate, that's way beyond the general plan. I think the speakers have all emphasize how important it is, that the land uses that were defined in the general plan, have been carefully considered by the sponsor groups, and the people who live in those areas. I think it's vital that the county of San Diego apply those. Thank you very much.

O-1.3-66

**Greg Kazmer:** Okay, last call for Carl [INDISCERNIBLE] and Paul Loska. Then also, the next five are [PH] Stephanie Schubert, [PH] Jane Platz, [PH] Kirk Effinger, [PH] Castoria Rongon and [PH] Byron Marler.

O-1.3-67

**Kirk Effinger:** Hi, Kirk Effinger. A longtime resident of North County, currently a resident of Escondido, a 30-year resident of San Marcos before that. There's been a lot of talk about noise pollution and air pollution and traffic and all the rest of that stuff, which is rightly a concern. One of the things that I find curious is, I don't recall that the general plan calls that particular site open space. So, if it's not designated open space, that means something will likely get built there. Whether this project gets built there or not, something is going to get built there, and I'm assuming that, that means there will probably be traffic, noise, dust, what have you. So, my question would be, would the impact be similar to what is being proposed? Is there any analysis of that in the EIR? What would that be?

O-1.3-68

**Mark Slovick:** So, again, I would point folks to -- if you want to understand what's existing and what's planned for that property, and how [INDISCERNIBLE] post-project, again, I would point you to the alternatives section in the EIR. Under that alternatives section, we did study the existing [INDISCERNIBLE] land. That is one of the alternatives that we did study. There's also a table provide, I think I mentioned this earlier, where you can see whether the impacts are greater or less than the proposed project. So, you can maybe make a comparison if you needed to. So, I point everybody to that section, if you want to see the different [INDISCERNIBLE].

O-1.3-69

**Kirk Effinger:** And that would include the six lane Deer Springs --?

O-1.3-70

**Mark Slovick:** No, the existing general plan development looks at land use designations on the property itself. So, it's talking about what the current allowance is for residential and commercial building on that property. There's an allowance for approximately 2 million square feet of commercial office, and about 99 residential units. So, when you pull open the alternatives section, you'll see a graphic [INDISCERNIBLE] that development, and if you compare that [INDISCERNIBLE].

O-1.3-71

**Kirk Effinger:** Thank you.

**Stephanie Schubert:** Good evening, I'm Stephanie Schubert from Sarver Lane, which is going up north, right from Deer Springs. I also happen to be trained as an architect in a place, mysterious place, where the general plan is law, and developments like this would not be considered. There's a New York Times study about what young people, how they want to live. Please study that. Look it up in the New York Times archives. Young people don't want to do yardwork, in single homes, far away from the work place. They don't want to spend their time sitting in traffic.

O-1.3-72

[01:40:03] They want to live near the workplace, where they can walk or bike to work, and if that's not possible, where they can take a bus or other public

transportation. I'm also coming from a city that's continuously growing, like here, and growth will be limited by developments like this. If you want to continue growing, you can do that by implementing public transportation, building housing and work and shopping centers near public transportation. Imagine all of those parking spots, we could be putting housing there, because we don't need to go there by car anymore. Just dreaming, hopefully not. I have a question for the county. We are a church, and we are doing meditation, silent meditation, right on Sarver Lane. We own all the property up to Newland's property on the eastern side. You have not studied us, you have not come to our meditation hall. There's zero mitigation, instead you put a composting plant next to our meditation hall. Where there will be smell and truck traffic. Would you please come out and have a look at what's really going on there? We need this to be addressed. We need at least some mitigation suggestions. Thank you.

O-1.3-72  
Cont.

**Jane Platz:**

Hello, I'm Jane Platz. I want to thank you for giving us this opportunity. I'm speaking to section two, the project's traffic impact analysis. They describe the roads that would be impacted, and they include Bueno Creek. I've lived off of Bueno Creek for 34 years. They also include a section where Bueno Creek meets Santa Fe. Here's how they describe it, "The project also impacts a segment of Santa Fe, between Bueno Creek Road and [PH] Robalini Drive, for 100 feet in length, approximately ¼ of a mile

O-1.3-73



in length. Due to significant right of way constraints, including environmental and private property impacts, no feasible mitigation exists to fully mitigate the project's impacts. However, the county has prepared construction plans for widening and realignment of South Santa Fe Avenue, to connect Sycamore Avenue directly to Bueno Creek Road. This is called the South Santa Fe CIP Project." Well, I've heard about this for 34 years. They really didn't describe completely, this intersection. It is the -- you know what it is. It's the SPRINTER. It's the SPRINTER station. Those of us who have been there, know that there are 78 trains that come every day, 15 minutes apart. The traffic backs up at rush hour, sometimes all the way to Manta Vista. So, 6,000 more cars is not going to be a good thing for that intersection. And the county has done nothing.

O-1.3-73  
Cont.

**Greg Kazmer:** Okay, I'm going to call the next five. If I previously called your name, and you feel like speaking, please feel free to come up as well. I have [PH] Dawn Wilson, [PH] Todd Landers, [PH] Turmin Arlen, [PH] Allen Benz and [PH] David Brazier.

O-1.3-74

**Dawn Wilson:** Good evening, my name is Dawn Wilson. I'm a registered traffic engineer with over 22 years of experience. Most of which has been here in San Diego County. I have been retained by the Golden Door to review the traffic impact analysis reports, and all of the other associated traffic

O-1.3-75

[01:45:00]

related documents included in the Environmental Impact Report. My review of these documents has led me to believe that there are some very key assumptions in the technical analysis that result in flaws in the findings of their reports. Due to the limited time this evening, I will focus my comments on three key areas, not yet mentioned tonight. First, the description of the project suggests that this has a mixed use component to it, which includes the town center located in the southeastern most portion of the project, and the school and park site. Although we don't disagree that the retail would be a benefit to this area, we feel that relating urbanized area trip reduction factors for a mixed used related development, in this type of rural community, overstates the internal trip reduction factors included in their analysis. Therefore, we request that those be reconsidered. Second, Newland's traffic consultant characterizes Sarver Lane and Comino Mayor as carrying minimal traffic. Currently Sarver is two lanes, carries less than 40 trips in the a.m. and the p.m. peak hour. That's with the project, over 450 and 550 vehicles per hour would be on that road. I would hardly consider that to be minimal for the people who live along that corridor, and the EIR does not address the conditions at the impacted driveways and intersections along that road. Finally, the project suggests TDM measures, transportation demand measures for this community, that would reduce automobile oriented trips. Although, TDM measures are great in urban communities, that could attract a change in travel behavior,

O-1.3-75  
Cont.

we would suggest that these types of TDM measures in this type of community, overestimate the total vehicle mile travel reduction significantly. Therefore, we suggest that the county prepare a cost benefit analysis to evaluate funding mechanisms for the TDM measures that are being suggested, and the TDM benefits that are being associated with the project. Thank you.

O-1.3-75  
Cont.

**Allen Benz:**

Hello, my name is Allen Benz, 2637 Deer Springs Place. We hear a lot about the general plan. Do you folks know what a general plan is? Can you answer that question? What is the general plan? I didn't think you could. It's easy to make a general plan. It's hard to enforce the general plan. And that's what you don't do. That's the thing. Anybody can make a general plan, but if you don't enforce, what good is the general plan? Why did we spend that money? Why did we spend 10 years trying to figure out what a general plan is and then just throw it away, bastardize it to the first developer that comes around with deep pockets? It doesn't make any sense. Density is what I think most of the people here are against. It's all that density. 2000% increase in the general plan is what he's asking for. A 2000% increase. When is it enough? Why not 10,000% increase? Why would that stop? Don't worry about the traffic, don't worry about the schools. You use the general plan to figure out where you need to put the roads, where you need to put the trolley, where

O-1.3-76

you need to put the train. When you don't follow the general plan, it's just mayhem out there, and it's going to get worse. Thank you.

↑  
O-1.3-76  
Cont.

**Todd Landers:** Okay, so we're coming up to the end of this, and I got handed a note here to remind everybody to email your county supervisors, all of them, even email them often, I guess. Probably a good idea to. Also, all the planning commissioners. Three votes will eventually decide whether or not this project gets passed or not. Make sure you get on your email and start blasting them with email. Jane actually talked a lot about the stuff I was going to bring up also. The intersection between Bueno Creek and South Santa Fe, is a train wreck. Pardon the pun. But they did a really bad job of planning the SPRINTER station there. It's the only SPRINTER station in the county, that's not represented by a city. And it kind of shows. It was the runt of the litter and got whatever was left over after the rest of the SPRINTER stations got the landscaping, got the traffic and everything else. One thing that I did notice in EIR, as I was going through the EIR, is that assumptions that you seem to be

[01:50:00] using in the traffic analysis on Bueno Creek, ignores the fact that there's a SPRINTER station there. Currently, that SPRINTER station causes that intersection to operate at an F condition or worse. I've sat there through five or six light cycles. I think F condition is two light cycles. There's a big disconnect between the assumptions that you guys used and the reality of the intersection. I would like to point out, along with Tom, and point

↓  
O-1.3-77

out that, that doesn't seem to be complete, and I'd like to -- I'll follow up with an email also. That's my comment, thank you.

↑  
O-1.3-77  
Cont.

**Arlen Turmin:** Hi, everybody. My name is Arlen Turmin, T-U-R-M-I-N. I'm a resident of 684 Deer Springs Road. That puts me right, probably one of the closest residences at the base of that proposed development. Now, we fought this at least twice before, and it's failed before, and hopefully it will fail again. Nothing's really changed. This is just Stonegate with another name. I haven't read the EIR, and from what I hear, it's almost unreadable, so I'm not well versed in all the intricacies, and the imbalances. I would just like to point out, leave a few thoughts with you to ponder, until this comes before the county for a vote. There's over 1,000 acres of open space. I think the whole project's like 2,100 acres, and almost half of it's so called open space. It was pointed out to me last time, around by a Vallecito's water district person, I won't name, that they will attack that open space. If they want to change the general plan now, when they get up there, they're going to make every attempt in the world to develop that open space. That's not going to stay open for long. I want to leave that thought with you. I think it was Pam Slayer, yes, that nice lady that cast one of the deciding votes last time around, she challenged Vallecito's water district on their math. She said it was wrong. She caught them at it, and I think that helped bring down the project. There's another form of pollution, and that's light pollution. That whole north end of our valley is going to be lit

↓  
O-1.3-78

up. Whereas, it's disturbing. I don't know where they get 6,000 people for 2,100 housing units. A man and wife, and two kids is four. Do the math. That 6,000 is absolutely wrong. Thank you.

O-1.3-78  
Cont.

**David Brasier:** Good evening. My name is David Brasier. I'm with the Hidden Valley Zen Center. It's located right on Sarver Lane. And it's 2626 Sarver. We have about 22 acres on that piece of land extending from Deer Springs in toward Merriam Mountain. One of our big concerns that we have is noise, and how it's going to be impacted by an increase in traffic. I couldn't really find that in the EIR, that it addressed our property. It did say something about the catholic church, I think. And they were doing a dB rating there, and how it would be impacted. But farther back up in the canyon area, there was nothing that I could see, that the EIR addressed. So, we have a big concern about that. We also have a concern about the county actually owns the road for about a few 100 feet off of Deer Springs. So, they widened that. When the catholic church was there, when they built their facility, they had to widen the roads. So, the county took it over. After that point, it becomes a private road, and it's very narrow. Again, we don't know the impacts of how much they're going to widen the road. How many of our native oak trees are going to be taken out as a result. How much of our parking area is going to be encroached on by a road? So, there's all of these questions, and there is on the map, it does show a park right on the corner,

O-1.3-79

[01:55:00] right by our property, and actually looks like it's encroaching on our property. As far as I know, Newland hasn't paid us for that property. I don't know how that came about either. Just a lot of questions. Hopefully we will get some answers, and hopefully the project will never happen.

↑  
O-1.3-79  
Cont.

Greg Kazmer: The next five I have are [PH] Sandra Ferrell, [PH] Kelly Cruise, [PH] Mike Dunder, [PH] Tina Insko, and [PH] Steve Scribbin.

↑  
O-1.3-80

Sandra Ferrell: Hello, my name is Sandra Ferrell. I'm a member of the Twin Oaks Valley Community Sponsor Group, but I'm here this evening speaking as an individual. My family moved here in 1960, and I remember before there was an I15, and San Marcos was a couple of chicken ranches. And Palomar College was there too. I have a couple of questions and then a comment. The EIR is quite difficult. I went in the library today because sometimes it's really good to see hard copies, where you can compare one map to another. And, not all the maps are there. The appendices aren't printed out. I really wanted to see a grading plan, or at least a topography map and a grading plan. If you can send those to me digitally that would be helpful. The questions that I have are this. We talk about population of North County Metro. What is the population of Twin Oaks currently, or at the last census, within the Twin Oaks planning area? What is it without the project and with the project? I'd like to see a comparison there. Because the last time this came through, when it was either Merriam Mountains, or maybe when it

↑  
O-1.3-81  
↓



was [INDISCERNIBLE], that's another name for it. It doubled or tripled the population of Twin Oaks planning area. I'm curious, because I don't think the EIR really looked at that. The next question I have is, I'd want to confirm that the whole site is the Palma area. And what is the conservation percent target for Palma lands? The traffic counts -- it talked about the use of existing undercrossings, under I15 for wildlife to get to the east side, but the undercrossings mentioned are for vehicles. Thank you. I need to know how that's going to work, if the animals might use that. Around the dog parks in the project -- I'm looking at the biology, by the way -- what kind of fencing is being used around those dog parks? I do remember the general plan. I was part of that planning process for about ten years. I know we made some consolations. Some of the areas were down-zoned. But areas like along the SPRINTER station were high increase in density. And those are the areas that really would benefit from a project like this. If we could redevelop that core area, make that a village core, we've already got the SPRINTER lines, that's what SANDAG was trying to accomplish with its growth. That's what would make sense, that's what would be affordable. Thank you very much.

O-1.3-81  
Cont.

**Male 1:**

Hi. I'm a millennial, I'm a brand-new homeowner on Bueno Creek Road. I'm a taxpayer, and I'm also a registered civil engineer. Civil engineers like myself, work in traffic, structures, water and waste water, and other areas related to development. A quick check of Zillow for the project zip code

O-1.3-82

will inform any millennial, and any other homeowners that there are plenty of houses for sale in the area. San Diego County used to be a great place to live. Then the county approved impressive amounts of sprawl and overdevelopment, and quality of life has cratered in just one generation. The San Diego County government is failing at its job, and many inside and outside the county recognize this fact. It's not providing for its citizens and its taxpayers. The traffic on Bueno Creek Road, the 78, the I15, and all other areas surrounding this development are deplorable.

[01:59:59] Services are marginal, air quality is failing, water is scarce, and waste water systems are over-stressed. Millennials want to live close to work because traffic sucks, and it's a waste of time. The county needs to fix the roads, fix the traffic, and control the growth, and the millennials will come. Otherwise, the county is in danger of looking like Detroit. I second the earlier point about kids wanting to leave the area, and there's really no wondering why. 10 to 30% of the county's -- by the county's own transportation study estimates of the nearly 20,000 residential average daily traffic volume from the proposed Newland Sierra development will use the transit stop at the corner of Santa Fe Road and Bueno Creek Road. Bueno Creek Road is a narrow, dangerous, two lane road that the county has already admitted is in failing status, through multiple traffic studies. The county planning department has publicly admitted, in multiple locations at different times, that it has no plans to enhance Bueno Creek Road, due to many regulatory and permitting challenges. The project will only

O-1.3-82  
Cont.

exacerbate the challenges on Bueno Creek Road, and lengthen the already failing waiting times at the Bueno Creek intersection with Santa Fe. The draft EIR is incomprehensible, incomplete, and inadequate. The county would be negligent to not resubmit the draft EIR, in a format this more conducive. For this reason and many more, I implore the county to deny the project. Thank you.

O-1.3-83

**Kelly Cruise:**

Hi, my name's Kelly Cruise, and I live in the Twin Oaks area. I just have two questions, so I'll just ask them and then you can answer them. I also have them written down, so you can take them with you tonight. My concern is about the water, and the aesthetics. Does the draft EIR take into account the water shortage conditions and a severe drought? And number two, does it accommodate those drought conditions? And then number two, it looks to me like the way that the plan is set up, that it's really pleasing aesthetically, it goes along the terrain. If this plan wasn't approved, and we had to build it out just like it is, would that also be required to meet those specifications? That's all. Can I hand it to you now?

O-1.3-84

**Steve Scribbin:**

Hi, my name is Steve Scribbin. I was born in [PH] Paloway. I've lived in the San Marcos area for 30 years. I'm 30 years old. I've heard a lot of things tonight that I wanted to touch on. I know the time's real short. I've got section 2.3, page 43 of the EIR on air quality here. I work as a general contractor, so I'm always on the road. Traffic is terrible and I see it

O-1.3-85

everywhere I go, every day in San Diego. I also work with a lot of fine particulate matter that can cause cancer and respiratory illness. Right here on this page, it says that the feasible mitigation measures for taking care of the fine particulate and large particulate matter, it's significant and unavoidable. There is no mitigation that can downplay the amount of fine particulate that's going to be spread miles from this development, because when it gets into the air, and it's on top of a mountain, it's going to flow out and it can travel for miles. Then it gets kicked up by the wildlife and by people that are walking, equestrian horses, whatever. You name it, they're going to be inhaling it. Not a good thing for everybody. It's also listed as one of the biggest things in California right now, as far as contaminants that people are subjected to on a daily basis. I have one more concern with Newland that I would like to be addressed by the county, which is we have a situation with unincorporated areas of surrounding our city here. One of them is the traffic. Nothing ever gets done about it, because technically it's unincorporated San Diego.

[02:05:02]

So, we have to deal with San Diego to get anything fixed. Since Newland Sierra is an unincorporated San Diego area, all of the problems that this will cause, once it's been developed, if San Marcos is affected, or Escondido is affected, or Vista, or whoever, it's just going to get swallowed up in this bureaucracy of when's it going to get taken care of, because San Marcos has to collaborate with San Diego. San Diego's got to collaborate with San Marcos. It goes back and forth and it never gets fixed. Perfect example is

O-1.3-85  
Cont.

over by the high school on San Marcos Boulevard. That area, you can't even leave the neighborhood for about 10 to 15 minutes because of the amount of traffic, and nothing has ever been done about it. I feel like Newland Sierra is going to be the same thing, but on a massive scale. Thank you.

O-1.3-85  
Cont.

**Greg Kazmer:** Okay, I'm going to read the remainder of the speaker slips. We have [PH] Ginger Hitsky, [PH] Eric Lindsey, [PH] Jan Wolzy, [PH] Lee Rainer, [PH] Ana Rosvall, Kathy Van Ness, [PH] Cathy Robbins, and [PH] Ashley Duhmer.

O-1.3-86

**Jan Wolzy:** Good evening. My name is Jan Wolzy. I live in Rosemount Estates, which is off of Sycamore Drive. I probably, too, am going to have a somewhat unpopular comment. But, the general plan -- lots of people have talked about the fact that there were 99 homes planned, versus 2,135. But very few, only our colleagues up here, have said anything about the fact that it was over 2 million square feet of commercial that was approved in the plan. If you don't think that's going to be popular, a huge impact, we really do need to look at the entire picture before defeating this or any other plan, because the general plan was approved for over 2 million square feet of commercial space, big box space. If you've been to any of those lately, they're crowded. They've got lots of traffic. They're going to have lots of people coming in and out. And 99 homes. I would urge you to really study

O-1.3-87

the differences between the two plans, before just saying, "I don't want that in my backyard." It's not just the housing units. It is a flip-flop. And something will ultimately be built there. So, thank you.

O-1.3-87  
Cont.

**Eric Lindsey:** Hello, everyone. My name's Eric Lindsey. I live off of Sarver Lane. It's literally going to be yards away from this development. One of our speakers here tonight was [INDISCERNIBLE] and his wife, kind of came up and had their dream home here. Well, my wife and myself and my family are the same way. When we came here, we had dreams too. And our dreams were a quite community, dream home that we've always wanted, somewhere serene. And now, that's all at risk. Newland had their non-caring way. Our dreams will turn to nightmares. These nightmares are going to be what you've all hear tonight. Noise, dust, fire safety, loss of health living, and just endless loss of serenity. Water, you're going to ask us to get less water, but pay more. We're going to suffer our losses for others. We're going to lose a lot. But most of all, we're going to lose our dream. And you guys are going to lose your dream. I strongly oppose this development. And I thank each and every one of you guys, as well as you guys for having us here, for standing strong against this. I am strongly opposed to this, and I just want to thank you guys again for being here and standing strong against this unplanned insanity. Thank you very much.

O-1.3-88

**Ashley Duhmer:** Hello, my name is Ashley Duhmer. I live on Bueno Creek Road. A couple comments to things that have already been addressed, and then I have a question regarding the EIR.

[02:10:00] One of the things was, young people need houses and stuff. But there's no way a young adult is going to be afford the houses they're proposing, so this isn't even really solving that problem. Some of the need for housing, that kind of goes out the window for us young people who couldn't even begin to afford something like these new houses they are proposing. Then, the traffic on Bueno Creek is terrible. Other people have done a much better job addressing some of that stuff, but it is a nightmare. Living on it, I've occasionally had to take the SPRINTER, and walking down to it is a very scary experience. My question is regarding the EIR talks about the Colorado River water being supplied by the Central Valley Water project. And I'm wondering how Newland Sierra is proposing that they're going to pipe Colorado River water up to the Central Valley aqueduct, and then bring it back down to San Diego?

**Mark Slovick:** I think you're referring to the existing conditions, where it's [INDISCERNIBLE].

**Ashley Duhmer:** It's in the utilities discussion.

**Mark Slovick:** [INDISCERNIBLE].

O-1.3-89



**Ashely Duhmer:** Yeah, we don't get our water from the Central Valley Water project. We get our water from the state water project, and the Colorado River aqueduct through Metropolitan Water District. The Central Valley pipeline does exist, but it stops in the Central Valley, and supplies water to farmers, not San Diego.

O-1.3-89  
Cont.

**Lee Rainer:** Hello, my name's Lee Rainer. I live off of Bueno Creek. We raised our family in this area. We've lived there for 28 years. Like all of you, or many of you, I came here with a lot of concerns about Newland Sierra, but then I found, sitting on my chair, this pamphlet, and learned that it's actually a better choice. I learned that the 2,135 homes that they're proposing is actually going to generate less traffic, than the 99 homes that the general plan calls for. And, that it's going to use less water, the 2,135 homes is going to use less water than the 99 homes under the general plan. So, how is this? Well, someone a little earlier mentioned the commercial space. And maybe they're doing a little voodoo math, and they're figuring some theoretical development there. I don't know about you, but I'm losing a lot of sleep worrying about a Wal-Mart going in behind the [PH] Arco Station. We don't know what might eventually go in there, but what I do know is that this pamphlet, which they ironically say, "Dispelling the myths and telling the truth." I'm not believing a thing that Newland Sierra is saying. The last comment I'd like to make, is while they don't bother to hold any community meetings or meet with us face

O-1.3-90

to face, they have taken the time to trash the Golden Door in this pamphlet. I don't have any connection with the Golden Door, but they've been a good neighbor. They support a lot of charities. They give a lot of money to charities, including to foster youth, which is a cause near and dear to my heart. I say, "Thank God for the Golden Door." Thank you.

O-1.3-90  
Cont.

**Kathy Van Ness:** Well, thank you, that was perfect timing. I'm Kathy Van Ness, the General Manager and COO of the Golden Door. I was going to -- thank you so much. I was going to talk about something else, but instead, I want to talk about some facts that you're hearing and reading, that I really want to put on the record. The Golden Door is this incredible 600 acres, that every single week, with our over 200 employees, we take care of guests who come to us from all over the world. We're a farmer, just like you all are. We farm avocados, and we farm this, and we care about the environment. Probably the most important thing about the Golden Door, that you might now know, did you know that we give away 100% of our net profits to stop child abuse and trafficking in America?

O-1.3-91

[02:15:00] Let me tell you something, if that is self-interest, I'm happy to do it. And so are those kids, and so is my community. Six years ago, we adopted a general plan. That general plan is to maintain our beautiful environment, which how many of these environments are really left today? This is it. We want to stick by that plan. If approved the Newland Sierra project would destroy local communities as we know it today. That's why we're all here fighting.

That's why we're here supporting you. We're not supporting Golden Door. My goodness, we're supporting the land. It makes me quite crazy, can you tell? The main justification for these significant impacts is increasing housing supply. Well, I agree with the last speaker. You can't afford these houses. They're \$600,000 and more. More important, is housing should be where employment is. Housing should be where jobs are. There's no jobs in that part of our county. Last but not least, we're going to put our comments in writing. We're urging the County of San Diego to respect its own general plan you all worked so hard to create, and honor it. Thank you so much.

O-1.3-91  
Cont.

**Cathy Robbins:** Hi, my name is Cathy Robbins. I've been a resident here for 30 years. I'm a retired special education teacher. I focused on the school section of the report. When I drive over the hill to [PH] San Alayo, I see an elementary school, a middle school, and the high school students go to the new high school. And now they have a K-8 school. But guess what? They're building 2,200 homes and no school. They've set aside six acres that some charter school may come in and run, but the bulk of the students will be going to our San Marcos schools, or Escondido. My question is, are you ready to pass another school bond, which will have to happen, because our schools are already full. In San Marcos, 12 of 14 of our schools are over enrolled now. My question also, is a little off that topic. I'd like to know how many one-story homes will be built in the project, that will enable handicapped and

O-1.3-92

senior citizens to reside in one story? I couldn't find a number in your report.  
Thank you.

O-1.3-92  
Cont.

**Ana Rosvall:** My name is Ana Rosvall, and I live off of Bueno Creek Road. I'm also a member of the Twin Oaks Valley Community Sponsor Group, but I'll be speaking as an individual tonight. There are a lot of things that I had planned to say tonight, but I feel like more importantly I need to address what the first speaker said about the housing and young people, and I'm a young person. I've lived here my whole life. I joined the Community Sponsor Group, because I wanted to be part of the community to help improve our community, and keep it rural, keep it as beautiful as it is. I'm sorry, I'm not good without my notes. I'm totally going off script. I feel that this whole housing crisis thing is, like some people said, it's brought on by the developers who are not conforming to our general plan. We planned for -- we spent 13 years, over a decade and millions of dollars, to figure out where we should have housing. There's not a housing crisis, there's developers that don't want to develop in the proper places, because they're not going to make enough money there. I really want to stress that, that the housing crisis is something that -- I'm a realtor, as well. I'm a young person, and I'm a realtor. There's plenty -- there's 72,000 units, so why are we not building there? Why are we not building where we're close to transportation, where it's not high fire hazard, and where they don't have to use public funds for the infrastructure? This just makes no sense. Nobody is winning here but

O-1.3-93

	<p>the developer. The community suffers, the county, the taxpayers, everybody is bending over backwards to just completely blow off this entire general plan that we spent so long working on. It's just completely blown off. I want to just add a couple more things about when people are talking about this industrial -- it's office space. They can't put big box stores. According to the general plan right now, it's office space. Who's going to want to have office space there? That makes no sense.</p>	
[02:20:00]	<p>It's preapproved mitigation area, it could be part of the North County NCMSCP, which is the North County Multiple Species Conservation Act. And they've also, they're completely running all over that. We are working on that, and we have goals, and they're not conforming to that at all. They're completely cutting off wildlife corridors. They're not doing anything that is helpful for our community or for the land.</p>	O-1.3-93 Cont.
Mark Slovick:	<p>Okay, that concludes tonight's meeting. I want to say thank you to everybody for coming out and providing comments. Again, make sure that you get your written comments in by August 14th. If you have any questions about how to provide those comments, between now and that period, please get ahold of staff here. We're available, and we can provide you our contact information. You can get ahold of us via phone or email, whatever works best for you. Thank you very much, have a great night.</p>	O-1.3-94

**O-1.4 L&W Attachment 4**

**Comment Letter O-1.4**

**Comments**  
**on the**  
**Draft Environmental Impact Report**  
**for the**  
**Newland Sierra Project**  
**San Diego County**  
**California**

August 14, 2017

Phyllis Fox, PhD, PE  
745 White Pine Ave.  
Rockledge, FL 32955





## TABLE OF CONTENTS

1.	INTRODUCTION, SUMMARY, AND CONCLUSIONS .....	1
2.	GREENHOUSE GAS EMISSIONS.....	5
2.1.	GHG Construction and Vegetation Emissions Are Underestimated .....	6
2.2.	GHG Emissions from Vegetation Removal Are Underestimated.....	7
2.3.	GHG Emissions from Construction Trips Are Underestimated .....	10
2.4.	GHG Emissions from Construction Equipment Are Underestimated.....	11
2.5.	GHG Emissions from Construction of Off-Site Roadway Improvements Were Omitted .....	14
2.6.	GHG Emissions from Off-Site Utility Improvement Emissions Were Omitted.....	17
2.7.	GHG Operational Emissions Are Underestimated.....	17
2.8.	Future Regulation Is an Unreasonable Basis for Reducing GHG Emissions .....	18
2.9.	GHGs from Traffic Were Omitted .....	18
2.9.1.	Impacts from Induced Traffic.....	19
2.9.2.	The DEIR Did Not Estimate Emission Increases from Induced Traffic.....	20
2.9.3.	The DEIR Overestimated Emission Reductions from the TDM Program.....	22
2.9.4.	The DEIR Did Not Account for Emissions from Increased Freeway Congestion .....	23
2.10.	GHG Emissions from Water Use Were Underestimated .....	24
2.11.	GHGs from Wastewater Treatment and Disposal Were Omitted .....	26
2.12.	GHGs from Residential Electricity Use Were Omitted .....	27
2.13.	Increases in GHGs Due to Barbecuing Omitted.....	28
2.14.	Increases in GHGs Due to Climate Change Were Omitted .....	28
2.15.	GHG Mitigation Measures Are Not Adequate.....	31
2.15.1.	Mitigation Measure M-GHG-1.....	31
2.15.2.	Mitigation Measure M-GHG-2.....	32
3.	AIR QUALITY IMPACTS ARE SIGNIFICANT.....	33
3.1.	The DEIR Failed to Include PM10 and PM2.5 Emissions from Wind Erosion.....	33
3.2.	The DEIR Underestimated Emissions from Rock Crushing.....	34

O-1.4-1

3.3.	The DEIR Fails to Analyze Potentially Significant Health Impacts Due to Valley Fever .....	35
3.3.1.	San Diego County Is Endemic for Valley Fever .....	35
3.3.2.	Construction Workers Are an At-Risk Population .....	37
3.3.3.	Sensitive Receptors Near the Project Site Are an At-Risk Population.....	39
3.3.4.	Valley Fever Symptoms .....	40
3.4.	A Conventional Dust Control Plan Is Inadequate to Address Potential Health Risks Posed by Exposure to Valley Fever.....	42
3.5.	The DEIR Fails to Require Adequate Mitigation for Valley Fever.....	43
3.6.	The DEIR Underestimated Emissions of NOx, VOCs, CO, PM10, and PM2.5 .....	48
3.7.	The DEIR Failed to Evaluate Ozone Impacts.....	49
3.8.	The DEIR Failed to Evaluate the Impact of Criteria Pollutant Emissions on Ambient Air Quality Standards for NOx, SOx, CO, PM10, and PM2.5 .....	50
3.9.	Operational Mitigation for Criteria Pollutant (NOx, SOx, CO, PM10, PM2.5) Emissions Is Not Adequate .....	52
3.10.	Construction Mitigation for Criteria Pollutant (NOx, SOx, CO, PM10, PM2.5) Emissions Is Not Adequate .....	54
4.	HEALTH RISKS ARE SIGNIFICANT AND UNMITIGATED.....	59
4.1.	Construction Health Impacts Are Significant and Unmitigated .....	59
4.1.1.	Construction Health Impacts from Diesel Particulate Matter Are Underestimated.....	59
4.1.2.	Project Mitigated Operational Health Impacts Are Significant .....	63
4.1.3.	The DEIR Did Not Evaluate Health Impacts to On-Site Workers .....	64

O-1.4-1  
Cont.

#### TABLES

Table 1: Estimated Construction and Vegetation GHG Emissions.....	7
Table 2: Increase in GHG from Vegetation Removal CalEEMod Output.....	7
Table 3: Mass of Sequestered CO2 per Unit Area by Land Use .....	8
Table 4: GHG Reduction from New Trees.....	10
Table 5: Useful Life of Construction Equipment .....	13
Table 6: Estimated Proposed Project GHGe Emissions with Reduction Features (2021) .....	17
Table 7: An Example of GHG Emissions from Induced Travel.....	20

Table 8: Roadway Capacity Expansion Project Daily VMT.....	21
Table 9: Reported Cases of Valley Fever in San Diego County .....	37

**FIGURES**

Figure 1: Transit Facility Improvements.....	15
Figure 2: Project Phasing Plan.....	16
Figure 3: Daily Electricity Temperature Response Function, Average (Total Hourly Load/24) (blue) and Peak (maximum hourly load) (red) .....	30
Figure 4: Projected Change in Intensity of Peak Load under RCP4.5 Compared to RCP8.5 .....	30
Figure 5: Endemic Areas for Valley Fever in California.....	36
Figure 6: Valley Fever Risk to Construction Workers .....	37
Figure 7: Size of Cocci Spores Compared to Soil Particles (in mm).....	39
Figure 8: Comparison of DPM (PM) Emissions in Tier 0 to Tier 4 Engines.....	60

↑  
O-1.4-1  
Cont.  
↓



## 1. INTRODUCTION, SUMMARY, AND CONCLUSIONS

Newland Sierra (Applicant) proposes to develop a 1,985-acre site west of Interstate 15 in rural San Diego County, about 6.4 miles north of the City of Escondido and about 4.6 miles north of the city of San Marcos (Project). The Project would include:

- 875 single family dwelling units
- 935 multi-family dwelling units
- 325 senior adult dwelling units
- 81,000 square feet of neighborhood commercial
- 6-acre, 555-student K-8 school site
- 35.9 acres of parks

I reviewed the air quality and greenhouse gas emission sections of the Draft Environmental Impact Report (DEIR) and supporting appendices for this Project.<sup>1</sup> The public review period granted by the County of San Diego (County), the lead agency, is not adequate to review a document as technically complex and long as this DEIR.

The DEIR consists of a 1,719-page summary and 35 technical appendices, consisting of many subparts, appendices within appendices, where all the support for the conclusions in the summary is found. The total number of pages encompassed by the "summary" (1,719 pages) and its supporting appendices (20,107 pages) is 21,826 pages. The "summary" does not contain sufficient information to support conclusions nor citations to where the support can be found, requiring the review of the supporting technical appendices to understand and confirm the DEIR's conclusions. For example, if an affected party wished to discover the potential impacts at her nearby property, she would have to review thousands of pages of highly complex calculations and model output and even then, would be unlikely to find the risk at her property.

The allotted review period—June 15, 2017 to August 14, 2017—contains 61 days, of which 14 are weekend days. Assuming a reviewer worked every day of the review period, she would have to read 364 pages of dense technical material every single day to just read the DEIR, leaving no time to critically evaluate and reverse engineer the many unsupported calculations and then write comments. The reading alone is equivalent to reading a full-length novel every single day of the review period. Few people could devote entire days to doing nothing but reading this DEIR and even fewer are speed readers with the training to figure out how emissions were calculated without inputs and equations to review.

The analyses in the appendices supporting the conclusions in the DEIR are highly technical, poorly supported, and contain many inconsistencies, requiring that key assumptions be teased out of hundreds of pages of complex calculations and pdf versions of model inputs and outputs by reverse engineering. This is beyond the ability of members of the public and

<sup>1</sup> County of San Diego, Draft Environmental Impact Report, Newland Sierra Project, Prepared by Dudek, June 2017; available at <http://www.sandiegocounty.gov/content/sdc/pds/ceqa/SP-15-001/NSDEIR.html>.

O-1.4-1  
Cont.

O-1.4-2

technical experts, especially without supporting electronic files and cited sources that were not publicly available, in 61 days.

I requested electronic files to support the air quality and GHG sections of the DEIR to facilitate my review, which was limited to GHG emissions and air quality due to the limited review time. However, the County declined the request to provide electronic files,<sup>2</sup> a routine matter in hundreds of similar cases that I have worked on, thus further complicating the review of this DEIR.

In addition, numerous key assumptions throughout the DEIR are based on report(s) variously cited as "Fusco Engineering 2014",<sup>3</sup> "Fusco Engineering 2015",<sup>4</sup> "Fusco Engineering 2016",<sup>5</sup> "Fusco Engineering 2016a," or "Fusco Engineering 2016b,"<sup>6</sup> etc. These reports, which contain the support for numerous assumptions throughout the DEIR, especially with respect to construction, also are missing from the DEIR, preventing meaningful review of the GHG, air quality, and many other sections of the DEIR, which depend on information from these reports. We requested two of these documents and got nonresponsive replies.

First, we requested Fusco Engineering 2016a. The County supplied a copy of what it asserts is "Fusco Engineering 2016a" four days before the close of public comments.<sup>7</sup> The supplied document is just three pages from the DEIR found in Appendix A of Part 1 of Appendix G,<sup>8</sup> which itself is cited to "Fusco August 2016", which is not in the record and is apparently the source for many if not all of the assumptions used to estimate construction emissions. This is a serious omission. Second, we requested Fusco Engineering 2016b. This document, email correspondence between Bob Chase and Jennifer Sucha, was supplied four days before the close of public comments, two of which are weekend days, precluding general public review, except by the requesting party. This email identifies a potential discrepancy in the soil movements for Phases 1 and 2 that is not disclosed in the DEIR.

In sum, based on the available material and limited review time, in my opinion the DEIR is substantially deficient and does not fulfill its mandate as an informational document under CEQA to inform the public of potential impacts. It has omitted sources of emissions and underestimated others, thus underestimating impacts of greenhouse gases (GHG), criteria

<sup>2</sup> Letter from Sharon Ippolito, Public Records Act Request Coordinator, County of San Diego, to Andrew D. Yancey, Latham & Watkins, LLP, Re: Public Record Act Response Regarding Newland Sierra, July 27, 2017.

<sup>3</sup> DEIR, pdf 13,269; Fusco Engineering, 2014, Newland Sierra APN Exhibit, dated November 25, 2014.

<sup>4</sup> DEIR, pdf 13,269; Fusco Engineering, 2015, Conceptual Grading Plans, for Newland Sierra, provided June, 2015.

<sup>5</sup> DEIR, pdf 1,685 and 1,702; "Fusco Engineering, 2016. Construction Schedule and Assumptions spreadsheet, August 2016."

<sup>6</sup> DEIR, pdf 11,686; Fusco Engineering, Email correspondence between Bob Chase, Fusco, and Jennifer Sucha, Dudek, August 17, 2016.

<sup>7</sup> Email from Ashley Smith, County of San Diego, to Andrew Yancey, Latham & Watkins, August 10, 2017.

<sup>8</sup> DEIR, Appx. G, Part 1, Appendix A, pdf 138-140.

↑ O-1.4-2  
Cont.

O-1.4-3

O-1.4-4

O-1.4-5  
↓

pollutants (NOx, CO, VOC, SOx, PM10, PM2.5), toxic air contaminants (TACs)<sup>9</sup>, and health risks including:

- GHG, criteria pollutant, and TAC emissions from construction of off-site roadway and utility improvements are omitted.
- GHG, criteria pollutant, and TAC emissions from construction worker trips are underestimated.
- GHG, criteria pollutant, and TAC emissions from material deliveries to the site are underestimated.
- GHG emissions from vegetation removal are underestimated.
- GHG emission reductions from new tree plantings are overestimated.
- GHG, criteria pollutant, and TAC emissions from induced traffic are omitted.
- GHG, criteria pollutant, and TAC emissions from inefficient vehicle operation due to added congestion on the mainline freeway are omitted.
- GHG, criteria pollutant, and TAC emission reductions from the Traffic Demand Management (TDM) program are overestimated.
- GHG, criteria pollutants, and TAC emissions from construction equipment were underestimated by assuming 100% Tier 4 final equipment.
- GHG and criteria pollutant emissions from water use are underestimated.
- GHG, criteria pollutant, and TAC emissions from outdoor barbecuing are omitted.
- GHG emissions due to climate change are omitted.
- PM10, PM2.5, and silica dust emissions from wind erosion are omitted.
- The impact of Santa Ana winds on PM10, PM2.5, and health impacts from silica dust were omitted.

As almost all these sources also emit TACs, the health risks of Project construction and operation were also significantly underestimated, especially with respect to diesel particulate matter, a potent carcinogen that will be emitted by construction equipment and increases in traffic and roadway congestion due to the Project. My review indicates the Project will result in the following significant health impacts that were not identified in the DEIR:

- Mitigated cancer health risks from Project construction to on-site sensitive receptors are significant.
- Mitigated cancer health risks from Project operation would result in significant health impacts at the school and at residences in northeast and southeast portions of the Project site.
- The DEIR failed to evaluate health impacts to on-site workers after Project buildout.

<sup>9</sup> A toxic air contaminant (TAC) is defined by California law as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Federal laws use the term hazardous air pollutants (HAPs) to refer to the same types of compounds that are referred to as TACs under California law.



GHG mitigation measures for the significant GHG impacts are not adequate because they (i) overestimate sequestration from planting new trees; (ii) are based on a 30-year project life; and (iii) include a "true up" clause that allows reductions in GHG offsets at the sole discretion of the County, outside of CEQA review. They also fail to include all feasible mitigation, which is required as GHG and criteria pollutant construction and operational impacts remain significant after mitigation.

The DEIR also failed to evaluate other impacts of Project construction and operation and fails to require adequate mitigation for these impacts, including:

- Valley fever impacts during Project construction and operation were not disclosed, are significant, and will not be mitigated by construction mitigation measures.
- The impacts of Project construction and operational emissions of NOx and VOC on ambient ozone concentrations and on the ozone attainment status of San Diego Air Basin were not evaluated.
- The impacts of Project construction and operational emissions of criteria pollutants on ambient air quality, to determine if a NAAQS or CAAQS would be violated, were not evaluated.

The DEIR concluded that mitigated cumulative construction emissions of VOCs, NOx, CO, SOx, PM10, and PM2.5 would be significant.<sup>10</sup> The DEIR also concluded that mitigated combined maximum daily construction and operational emissions of NOx, CO, and PM10 would be significant and unavoidable.<sup>11</sup> In spite of these findings, the DEIR fails to evaluate the impact of these mitigated significant emission increases on ambient air quality. The DEIR should have, but did not, conduct ambient air quality modeling to determine if the Project's construction and operational emissions would violate any National Ambient Air Quality Standard (NAAQS) or California Air Quality Standard (CAAQS).

Finally, even though the DEIR concluded that construction and operational air quality impacts of the Project were significant, it failed to require all feasible mitigation, which it must because Project construction and operational criteria pollutant impacts remain significant after the DEIR's proposed mitigation.

My resume is included in Exhibit 1 to these Comments. I have over 40 years of experience in the field of environmental engineering, including air emissions and air pollution control; greenhouse gas (GHG) emission inventory and control; water quality and water supply investigations; hazardous waste investigations; hazard investigations; risk of upset modeling; environmental permitting; nuisance investigations (odor, noise); environmental impact reports (EIRs), including CEQA/NEPA documentation; risk assessments; and litigation support. I have M.S. and Ph.D. degrees in environmental engineering from the University of California at Berkeley. I am a licensed professional engineer in California.

<sup>10</sup> DEIR, Table 2.3-12.

<sup>11</sup> DEIR, p. 2.3-64.

O-1.4-7

O-1.4-8

O-1.4-9

O-1.4-10

O-1.4-11

O-1.4-12

I have prepared comments, responses to comments and sections of CEQA documents on air quality, greenhouse gas emissions, water supply, water quality, hazardous waste, public health, risk assessment, worker health and safety, odor, risk of upset, noise, land use, and other areas for well over 500 CEQA documents. This work includes EIRs, Negative Declarations (NDs), and Mitigated Negative Declarations (MNDs). My work has been specifically cited in two published CEQA opinions: *Berkeley Keep Jets Over the Bay Committee, City of San Leandro, and City of Alameda et al. v. Board of Port Commissioners* (2001) 111 Cal. Rptr. 2d 598, and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310; and has supported the record in many other CEQA cases.

O-1.4-12  
Cont.

## 2. GREENHOUSE GAS EMISSIONS

The GHG emissions (as well as criteria pollutant emissions – NO<sub>x</sub>, SO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>) from Project construction and operation were estimated using default and other assumptions found in the California Emissions Estimator Model (CalEEMod).<sup>12</sup> The DEIR does not summarize and explain in a coherent fashion how these emissions were estimated. Instead, it provides 188 pages of pdf output from runs of the CalEEMod model. The outputs are not annotated in the same manner as the summary emission tables in the body of the DEIR, making it very difficult to determine if emissions have been correctly estimated and summarized in the DEIR. Further, as noted elsewhere, the County declined to provide live electronic copies of the CalEEMod modeling files, significantly complicating review and requiring reverse engineering to figure out how the emission calculations were made.

O-1.4-13

O-1.4-14

O-1.4-15

This section specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR's air quality analyses. This is true because most emission sources generate GHGs, criteria pollutants, and TACs with few exceptions (e.g., wind erosion and architectural coatings). Further, the same CalEEMod model was used to estimate both GHG and criteria pollutant emissions from most sources.<sup>13</sup>

O-1.4-16

To understand and verify the DEIR's GHG emission calculations, the reviewer must master the CalEEMod User's Guide, a 56-page document with six appendices, dig through 188 pages of hardcopy pdf printout in Appendix K to search for inputs, back-calculate emission factors and compare them with options included in the CalEEMod User's Guide to figure out what the DEIR assumed (see, for example, the discussion below of vegetation sequestration)<sup>14</sup> and figure out which of thousands of outputs were used to categorize and summarize the construction emissions in DEIR Appendix K, Tables 4 and 5. This is beyond the reach of most members of the public who would be impacted by the Project. Further, it cannot be completed

O-1.4-17

O-1.4-18

<sup>12</sup> DEIR, Appx. K, Appx. C.

<sup>13</sup> DEIR, p. 2.3-20.

<sup>14</sup> The DEIR, for example, calculated the loss in vegetation sequestration from grading the site, assuming scrub, when the removed vegetation would actually be chaparral, a fact that cannot be ascertained without reverse engineering the CalEEMod output files in Appendix K. This is an egregious failure to disclose.

by anyone in the available review time, without access to the electronic modelling files and the inputs reported in the various Fuscoe reports, which were not included as appendices to the DEIR. Further, the County declined to supply upon request the electronic modeling files for the GHG and air quality emission estimates calculated using the CalEEMod model and for the health risks calculated using AERMOD and HARP.

I was unable to run CalEEMod to attempt to sort out how the DEIR calculated construction emissions because the DEIR does not provide a detailed construction schedule, the *sine qua non* for estimating construction emissions, but rather only a summary, cited to Fuscoe August 2016. Thus, the DEIR fails as an informational document under CEQA. After reviewing the available information, I conclude that the DEIR underestimated GHG, criteria pollutant, and toxic air pollutant emissions, omitted many sources of GHG, underestimated health risks, and failed to impose adequate mitigation.

#### 21. GHG Construction and Vegetation Emissions Are Underestimated

The DEIR estimated that the Project's GHG emissions from construction and vegetation removal would be approximately 93,323 metric tons of carbon dioxide equivalents (MT CO<sub>2</sub>e or MT GHGe) at buildout, as summarized in Table 1.<sup>15</sup> This table is confusing, as the header reports the emissions in "metric tons *per year*" while the construction entries in the table are annual totals for each year. Vegetation removal, on the other hand, is treated elsewhere in the DEIR as the total GHG loss over the 30-year Project lifetime, not per year. See Comment 2.15.1. The "total emissions" in Table 1 is the sum of total construction plus vegetation removal over the assumed Project lifetime, rather than per year.

The supporting CalEEMod documentation does not clarify whether the vegetation model output is per year or a one-time loss of GHG sequestration potential over the Project lifetime. This should be clarified and documented for the record as GHG emissions from vegetation removal could be 30 times higher than disclosed. Regardless, as discussed below, the construction and vegetation removal GHG emissions are much higher than reported.

O-1.4-18  
Cont.

O-1.4-19

O-1.4-20

O-1.4-21

<sup>15</sup> DEIR, Table 4.

Table 1: Estimated Construction and Vegetation GHG Emissions

Emissions Year	Annual Emissions (Metric Tons per Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
2018	8,627	1.88	0.00	8,634
2019	9,384	2.37	0.00	9,444
2020	12,864	2.74	0.00	12,933
2021	11,328	2.02	0.00	11,378
2022	10,225	1.89	0.00	10,273
2023	6,692	0.93	0.00	6,715
2024	5,452	0.72	0.00	5,470
2025	3,631	0.37	0.00	3,640
2026	3,929	0.32	0.00	3,937
2027	3,564	0.29	0.00	3,571
Subtotal Construction GHG Emissions	75,696	13.52	0	76,034
Vegetation Removal	17,289	0.00	0.00	17,289
Total Emissions	92,985	13.52	0.00	93,323

## 2.2 GHG Emissions from Vegetation Removal Are Underestimated

Construction of the Project is reported to include the removal of 777 acres of vegetation, resulting in 17,289 metric tons of carbon dioxide equivalents.<sup>16</sup> See Comment 2.15.1. The CalEEMod output in Appendix K indicates that these emissions were calculated assuming an initial vegetated area of 1,986 acres and a final vegetated area of 777 acres, for total removed vegetation of 1,209 acres,<sup>17</sup> as shown in Table 2:<sup>18</sup>

Table 2: Increase in GHG from Vegetation Removal CalEEMod Output

	Initial/Final	Total CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
	Acres	MT			
Scrub	1986 / 777	-	0.0000	0.0000	-
		17,288.700			17,288.70
		0			00
Total		-	0.0000	0.0000	-
		17,288.700			17,288.70
		0			00

Thus, the DEIR has assumed a one-time GHGe emission factor for vegetation removal of 14.3 MT GHGe/ac.<sup>19</sup> The DEIR does not disclose this emission factor or discuss its basis, which

<sup>16</sup> DEIR, Appx. K, pdf 79, 244, 255 (1986 - 777 = 1,209). Various reported as 776 and 777 acres.

<sup>17</sup> This is the "open space area," as reported in the DEIR, Appx. K, pdf 330.

<sup>18</sup> DEIR, Appx. K, pdf 254-255.

<sup>19</sup> Vegetation removal factor = 17,288.70 MT GHGe / (1986 - 777 ac) = 14.3 MT GHGe/ac.

is a significant omission. However, the CalEEMod User's Guide indicates that the "default CO<sub>2</sub> accumulation per acre" (MT CO<sub>2</sub>/acre) is 14.3 MT CO<sub>2</sub>/acre for "scrub" (Table 3):<sup>20</sup>

**Table 3: Mass of Sequestered CO<sub>2</sub> per Unit Area by Land Use**

Land Use	Sub-Category	Default CO <sub>2</sub> accumulation per acre (MT CO <sub>2</sub> /acre)
Forest Land	Scrub	14.3
	Trees	111
Cropland	--	6.20
Grassland	--	4.31
Wetlands	--	0

Thus, the DEIR's GHG emission calculations assume that 100% of the removed vegetation is "scrub," a fact not disclosed in the DEIR.

This is an unreasonable choice for vegetation that would be removed from the site. The Specific Plan describes the site as "primarily undeveloped," consisting mostly of dense chaparral with only patches of scrub, as follows:<sup>21</sup>

Vegetation onsite consists of large blocks of densely vegetated, senescent southern mixed chaparral with limited patches of Diegan coastal sage scrub, live oak woodlands, and southern willow scrub. Due to the dense nature of the chaparral covering most of the Site, wildlife movement generally is confined to existing dirt roads.

Further, the DEIR includes a table that shows most of the direct impacts to vegetation are to "chaparral" rather than scrub.<sup>22</sup> Chaparral, especially old-growth chaparral such as on the Newland Sierra site, is woodier and grows taller and denser, resulting in much higher biomass and hence greater CO<sub>2</sub>e capture than "scrub."

Eight years (1996–2003) of carbon sequestration measurements were made in a chamise-dominated chaparral ecosystem in eastern San Diego County,<sup>23</sup> typical of chaparral types in California occupying most of the hills and lower mountain slopes, including the Project site. This study demonstrated that old-growth stands of chaparral are significant sinks of carbon, much higher than assumed for scrub in the DEIR's analysis. The sequestration occurs annually.

<sup>20</sup> CalEEMod User's Guide, pp. 50–51.

<sup>21</sup> DEIR, Appx. C, Part 2, Sec. 1.3.2, pdf 7–8. See also Memorandum from Brian Grover, Dudek, to Mark Slovick, County of San Diego, Re: Newland Sierra—Project Description, January 20, 2015 ("Vegetation on the project site consists of large blocks of Southern Mixed Chaparral with limited patches of Diegan Coastal Sage Scrub, Live Oak Woodlands, and Southern Willow Scrub...").

<sup>22</sup> DEIR, Table 2.4-18.

<sup>23</sup> Hongyan Luo and others, Mature Semiarid Chaparral Ecosystems Can Be a Significant Sink for Atmospheric Carbon Dioxide, *Global Change Biology*, v. 13, pp. 386–396, 2007.

Thus, removing this vegetation results in a net loss of sequestration capacity every year, until it is replaced by an equivalent amount of annual sequestration capacity.

This study showed that old-growth chaparral, such as that found on the Project site, sequestered carbon at between -96 and -155 g C/m<sup>2</sup>-yr, averaging -52 g C/m<sup>2</sup>-yr, rates comparable to forest ecosystems. Converting these measurements into the units used in the DEIR, and assuming the loss in sequestered carbon occurs every year over the Project life (and forever into the future until offset or replaced), the CO<sub>2</sub> sequestration for chaparral ranges from 43<sup>24</sup> to 69<sup>25</sup> MT GHGe/ac and averages 23 MT GHGe/ac,<sup>26</sup> compared to 14.3 MT GHGe/ac assumed in the DEIR. Thus, the DEIR has significantly underestimated the increase in GHG emissions from removing native vegetation from the Project site by using a default CO<sub>2</sub> accumulation factor for "scrub," which is not common at the site. Assuming the average measured CO<sub>2</sub> sequestration in San Diego County for chaparral, the GHG emissions from vegetation removal would increase from 17,289 MT over the life of the Project to 27,807 MT per year.<sup>27</sup> The DEIR failed to disclose that "scrub" was assumed, requiring reverse engineering of hardcopy CalEEMod output.

The loss of GHG sequestration capacity from removing native vegetation would occur every year over the Project life and beyond, unless replaced by an equivalent amount of sequestration capacity. The Project includes planting 4,492 new trees,<sup>28</sup> increasing sequestration by 3,297 MT,<sup>29</sup> which is a one-time CO<sub>2</sub> reduction.

The DEIR's CO<sub>2</sub> sequestration calculations for new trees assume mixed hardwood, as shown in Table 4.<sup>30</sup> The DEIR did not take credit for this increase in sequestration capacity. However, for the record, if the EIR is revised to take credit for this increase, it is important to note that the mitigation measures do not currently require "mixed hardwood" with the assumed default annual GHG accumulation per tree used in CalEEMod.<sup>31</sup>

Further, CalEEMod's calculations for tree plantings assume the new trees sequester CO<sub>2</sub> only while they are actively growing for a period of 20 years. Thereafter, the accumulation of carbon in biomass slows with age and will be completely offset by losses from clipping, pruning, and occasional death. Thus, the trees must be replaced at the end of 20 years to

O-1.4-23  
Cont.

O-1.4-24

<sup>24</sup>  $(52 \text{ g C/m}^2\text{-yr})(1 \times 10^{-6} \text{ MT/g})(\text{m}^2/0.000247105 \text{ acres})(44/12)(30 \text{ yr}) = 23.15 \text{ MT GHGe/ac.}$

<sup>25</sup>  $(96 \text{ g C/m}^2\text{-yr})(1 \times 10^{-6} \text{ MT/g})(\text{m}^2/0.000247105 \text{ acres})(44/12)(30 \text{ yr}) = 42.73 \text{ MT GHGe/ac.}$

<sup>26</sup>  $(155 \text{ g C/m}^2\text{-yr})(1 \times 10^{-6} \text{ MT/g})(\text{m}^2/0.000247105 \text{ acres})(44/12)(30 \text{ yr}) = 69.0 \text{ MT GHGe/ac.}$

<sup>27</sup> Increase in GHG emissions from vegetation removal =  $(17,289 \text{ MT})(23/14.3) = 27,807 \text{ MT.}$

<sup>28</sup> DEIR, Appx. K, pdf 79 and 244.

<sup>29</sup> DEIR, Appx. K, pdf 80.

<sup>30</sup> DEIR, Appx. K, pdf 255.

<sup>31</sup> CalEEMod User's Guide, p. 53.

maintain the assumed sequestration over the next 20-year period if mitigation credit is claimed.<sup>32</sup>

**Table 4: GHG Reduction from New Trees**

	Number of Trees	Total CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
		MT			
Mixed Hardwood	4492	3,297.1280	0.0000	0.0000	3,297.1280
Total		3,297.1280	0.0000	0.0000	3,297.1280

### 2.3. GHG Emissions from Construction Trips Are Underestimated

The DEIR indicates that construction worker trip information was provided by Fuscoe 2016a and relevant details are included in Appendices B and C of Appendix K.<sup>33</sup> The GHG (and criteria pollutant) emissions from worker trips were calculated based on the number of construction workers and an average one-way commute distance of 20 miles, compared to the CalEEMod default of 16.8 miles.<sup>34</sup> A comparison of the CalEEMod inputs<sup>35</sup> with the construction summary information<sup>36</sup> identifies significant discrepancies that cannot be resolved with information available in the DEIR.

*First*, the construction summary indicates 2,260 workers would be required to build out Phases I and II, each of whom would make a roundtrip to the site, for 4,520 trips/day. The CalEEMod input, on the other hand, is based on only 3,470 trips/day.<sup>37</sup> Assuming the Fuscoe 2016a information is accurate, which is relied on throughout the DEIR, the DEIR has underestimated emissions from worker trips by a factor of at least 1.3 (4520/3470=1.3).

*Second*, the average default worker and vendor trip length of 20 miles assumed in the CalEEMod inputs<sup>38</sup> most likely substantially underestimates actual trip lengths for Project construction, given that a large number of highly skilled construction workers would be

<sup>32</sup> CalEEMod User's Guide, p. 52.

<sup>33</sup> DEIR, Appx. K, pdf 65.

<sup>34</sup> DEIR, Appx. K, pdf 151-152.

<sup>35</sup> DEIR, Appx. K, pdf 151-152.

<sup>36</sup> DEIR, Appx. K, pdf 139-140.

<sup>37</sup> DEIR, Appx. K, pdf 151-152.

<sup>38</sup> DEIR, Appx. K, pdf 150-151.

O-1.4-24  
Cont.

O-1.4-25

O-1.4-26



required to operate the various specialized equipment such as drill rigs, paving equipment, aerial lifts, trenchers, rock crushers, etc. that would be required to build the Project.

It appears unlikely that a sufficiently skilled construction labor force would be available within an average 20-mile radius of the Project site, which is rural and surrounded by small towns. More likely, the construction work force does not live close by but instead may commute long distances to the Project site. Based on a report by the Denver Research Institute, construction workers commute as much as 60 miles daily to construction sites from their homes.<sup>39</sup>

Further, the size of the Project would likely require much larger amounts of supplies for paving, coating, construction materials, etc. than available locally, requiring imports from distant sources, much greater than the 20-mile roundtrip assumed in the DEIR. The DEIR is silent on the sources and amounts of construction materials that it would require.

*Third*, the DEIR is silent on construction worker off-site lunch trips. They presumably were not included in construction worker trip emissions. Due to the rural location of the construction site, there are very few nearby dining options, increasing the distance that workers would have to travel to buy lunch.

*Fourth*, the DEIR assumes that construction workers would drive an "LD\_Mix" of vehicles,<sup>40</sup> which is not defined in the DEIR. Based on the CalEEMod User's Guide, presumably, it is 50% light-duty auto (or passenger car), 25% light-duty truck type 1 (LDT1), and 25% light-duty truck type 2 (LDT2),<sup>41</sup> which are gasoline-powered vehicles. However, construction workers often drive large pickup trucks. According to CalEEMod, these vehicles have considerably higher fleet-average emission factors. The unstated assumption that all construction workers would commute in gasoline-powered passenger vehicles and trucks may lead to a substantial underestimate of commuter vehicle emissions.

*Fifth*, the DEIR assumes state-wide fleet average emission factors obtained from the CalEEMod default data tables<sup>42</sup> without requiring that the construction equipment used at the Project site comply with these assumed emission factors. In fact, it is unlikely that they would.

#### 2.4. GHG Emissions from Construction Equipment Are Underestimated

The DEIR assumed that all construction off-road equipment would be equipped with Tier 4 final engines, regardless of size.<sup>43</sup> However, the construction mitigation measures do not

O-1.4-26  
Cont.

O-1.4-27

O-1.4-28

O-1.4-29

O-1.4-30

<sup>39</sup> Denver Research Institute, *Assessing and Managing Socioeconomic Impacts of Power Plants*, August 1, 1984; available at <https://www.epri.com/#/pages/product/EA-3660/>.

<sup>40</sup> DEIR, Appx. K, pdf 158.

<sup>41</sup> CalEEMod, Appendix A, Calculation Details for CalEEMod, September 2016, pdf 17-18.

<sup>42</sup> CalEEMod, Appendix D, Default Data Tables, September 2016, Table 3.4.

<sup>43</sup> DEIR, Appx. K, pdf 144. See also DEIR, p. 2.3-36 (Table 2.3-12, daily construction emissions, assumes the use of Tier 4 Final equipment).

require Tier 4 engines for all construction equipment. As summarized in Table 5, the majority of the construction fleet in the market is not equipped with Tier 4 engines. Thus, this assumption will significantly underestimate not only GHG emissions, but also criteria pollutant, TACs, and diesel particulate matter (DPM) emissions, significantly underestimating ambient air quality and public health impacts from Project construction.

The DEIR admits that "Tier 4 construction equipment would be employed during construction activities when feasible and commercially available at the regional level."<sup>44</sup> Elsewhere it asserts that "[h]eavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available..."<sup>45</sup> "Heavy duty" is not defined. A mitigation measure must be added requiring that all construction equipment, regardless of size, be equipped with Tier 4 engines, or the emission calculations must be revised to reflect actual fleet equipment.

Studies of the average useful life of construction fleet equipment demonstrate that some engines in the construction equipment fleet would likely be very old. Table 5 shows a summary of the useful life of construction equipment in years and their corresponding percentage emissions for the entire construction fleet as estimated by the Union of Concerned Scientists.<sup>46</sup>

O-1.4-30  
Cont.  
O-1.4-31  
O-1.4-32

<sup>44</sup> DEIR, Table 2.7-17, p. 3.1-15 ("Tier 4...where feasible"), 7-2; Appx. K, Table 25 ("when feasible and commercially available at the regional level"), pdf 144-145.

<sup>45</sup> DEIR, Table S-1, p. S.0-19/20 and p. 2.3-33, M-AQ-2(a).

<sup>46</sup> Union of Concerned Scientists, Digging up Trouble: The Health Risk of Construction Pollution in California, November 2006, p. 4; available at [https://www.ucsusa.org/assets/documents/clean\\_vehicles/digging-up-trouble.pdf](https://www.ucsusa.org/assets/documents/clean_vehicles/digging-up-trouble.pdf).

Table 5: Useful Life of Construction Equipment

	Percent of Total PM from Construction Equipment	Percent of Total NOx from Construction Equipment	Useful Life (in years)
Excavators	17%	18%	17
Tractors/Loaders/Backhoes	16%	12%	18
Crawler Tractors (Tracked Bulldozers)	13%	13%	29
Rubber-Tired Loaders	12%	12%	21
Skid-Steer Loaders	7%	4%	13
Off-Highway Trucks	5%	9%	17
Rough-Terrain Forklifts	5%	3%	16
Graders	5%	5%	23
Off-Highway Tractors	4%	5%	31
Rollers	3%	3%	20
Trenchers	3%	2%	28
Scrapers	3%	4%	26
Cranes	3%	4%	19
Rubber-Tired Dozers	2%	2%	32
Pavers	2%	1%	26
Bore/Drill Rigs	1%	1%	10
Other Construction Equipment	0.4%	1%	16
Paving Equipment	0.3%	0.2%	24
Surfacing Equipment	0.04%	0.1%	22

As the above table shows, the useful life of construction equipment, which is defined as the age at which half of the equipment of a given model year has been retired, varies from 10 to 32 years. In other words, the other half of equipment of a given model year continues to be operated considerably longer than 10 to 32 years. Especially heavy-duty equipment can be very old. For example, the average useful life for crawler tractors is 29 years, for cranes 19 years, for scrapers 26 years, and for graders 23 years. Thus, the full benefits of Tier 4 standards for construction equipment will not be realized until sometime after 2030, when the long-lasting equipment currently in use today is finally retired,<sup>47</sup> when the Project will be fully built out. Thus, there is a good chance that some of the equipment used at the site—especially the heavy-duty equipment with the highest emissions—may be very old and have very high emissions, and due to its age is currently not covered by federal and state regulations.

California Air Resources Board emission inventories indicate that the five highest-polluting categories of construction equipment are responsible for 65% of the PM and 60% of the NOx emissions. In descending order, they are excavators, tractors/loaders/backhoes, bulldozers rubber-tired loaders, and skid-steer loaders.<sup>48</sup> Significant numbers of this high-polluting equipment are proposed to construct the Project.<sup>49</sup>

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> DEIR, Appx. K, Table 9, pdf 67.

In sum, for the above reasons, the DEIR has significantly underestimated GHG, criteria pollutant, and TAC emissions from constructing the Project. The underestimate in TACs indicates that the health risks, particularly due to diesel particulate matter, have been significantly underestimated. See Comment 4.1.1.

O-1.4-33  
Cont.

**2.5. GHG Emissions from Construction of Off-Site Roadway Improvements Were Omitted**

The transportation network that will serve the Project includes Interstate -15 (I-15) east of the Project site, running in a north-south direction, and Deer Springs Road, a two-lane County road south of the Project site, running east-west. The Project will modify this existing roadway network to mitigate traffic impacts by adding lanes, widening lanes, and/or improving intersections. Deer Springs Road and Twin Oaks Valley Road will be widened. Intersection improvements will also be made along these roadways and two other local roadways, Buena Creek Road and Sarver Lane. CalTrans is also working with the Applicant to expand the capacity of the I-15/Deer Springs Road interchange.<sup>50</sup>

The Project will be constructed in two phases. Phase I will include some of these roadway improvements, installation of on-site water tanks, and construction of five neighborhoods: Hillside, Mesa, Lower Knolls, Valley, and Terraces.<sup>51</sup> Because these roadway improvements are offered as off-site mitigation measures to reduce traffic impacts of the Project,<sup>52</sup> the GHG and air quality impacts from constructing these off-site roadway projects must be included in the DEIR. The DEIR, for example, specifically notes that construction of the I-15 interchange improvements is “an off-site mitigation measure improvement of the project.”<sup>53</sup> Thus, even though these interchange improvements are being carried out by CalTrans under a separate project, their impacts must be included in this Project as they are being relied upon to mitigate this Project’s traffic impacts.

O-1.4-34

My review of the GHG and other emission estimates suggests that emissions from most off-site roadway improvements were not included in the DEIR’s GHG and air quality emission calculations. The roadway improvements that are mitigation for Project traffic impacts are shown in Figure 1.<sup>54</sup>

<sup>50</sup> DEIR, Appx. R, Part 6, pdf 2.

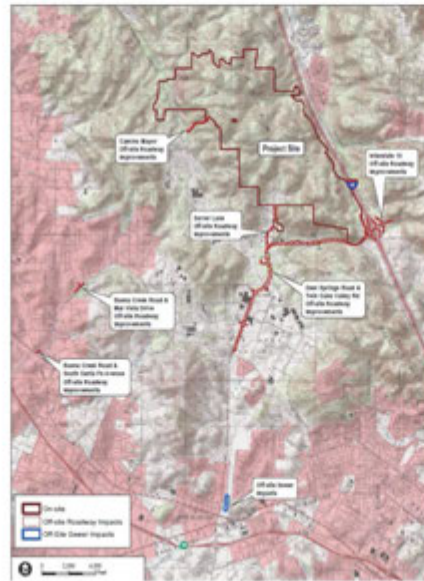
<sup>51</sup> DEIR, Appx. K, pdf 65.

<sup>52</sup> DEIR, p. 2.7-34 and Appx. K, Figure 2, pdf 17.

<sup>53</sup> DEIR, p. 2.7-34.

<sup>54</sup> DEIR, Appx. K, Figure 2, pdf 17. See also Appx. R, Part 6, Figure 1.

Figure 1: Transit Facility Improvements



O-1.4-34  
Cont.

The construction phasing plan is shown in Figure 2.<sup>55</sup> A comparison of Figures 1 and 2 indicates that several off-site roadway improvement projects were not included in the DEIR's construction emission calculations, including the I-15 roadway improvements up to Deer Springs Road, the Camino Mayor off-site roadway improvements, and the Buena Creek Road and South Santa Fe Avenue off-site roadway improvements.

However, the air quality section of the DEIR asserts that "the analysis of the Phase 1 improvements includes and addresses construction of the Caltrans I-15/Deer Springs Road interchange"<sup>56</sup> and that Phase I includes "I-15, Sarver Lane, and Deer Springs Rd."<sup>57</sup> The air quality section also asserts that all permanent roadway infrastructure improvements were included in Phase I.<sup>58</sup> The same model and model setup was used to estimate both GHG and air quality emissions. Thus, the DEIR is internally inconsistent.

<sup>55</sup> DEIR, Appx. K, Figure 4, pdf 71.

<sup>56</sup> DEIR, p. 2.3-32.

<sup>57</sup> DEIR, Appx. K, pdf 139.

<sup>58</sup> DEIR, p. 2.3-23, 2.3-31 ("Phase 1 of construction would include roadway improvement...").

A reviewer cannot sort this out because the DEIR lacks a detailed construction schedule and the Fuscoe 2016a report, which are required to estimate construction emissions, thus obscuring the off-site components included in Project emission calculations. Further, the CalEEMod output does not identify the specific off-site projects.<sup>59</sup> However, based on my experience and the magnitude of reported “mitigated construction off-site” emissions, it is unlikely that I-15 intersection construction emissions (and possibly other off-site road construction projects) are included.<sup>60</sup> Thus, some of the GHG emissions from construction of the Project have most likely been omitted or otherwise underestimated.

O-1.4-35

O-1.4-36

Figure 2: Project Phasing Plan



In sum, my review of the emission calculations indicates that emissions from most off-site roadway improvements may not have been included in the DEIR’s estimate of GHG and criteria pollutant construction emissions.<sup>61</sup> Regardless, the DEIR is internally inconsistent, preventing meaningful public review, and fails to support its conclusions. Thus, the DEIR fails as an informational document under CEQA.

O-1.4-37

<sup>59</sup> See, for example, DEIR, Appx. K, pdf 159-237.

<sup>60</sup> DEIR, Appx. K, pdf 173-237: “Mitigated Construction Off-Site.”

<sup>61</sup> The same CalEEMod run was used to calculate both GHG and criteria pollutants. Thus, errors and omissions in the GHG analysis occur also for the criteria pollutant emission estimates.



**2.6. GHG Emissions from Off-Site Utility Improvement Emissions Were Omitted**

The DEIR indicates that off-site sewer and water improvements would be made in conjunction with surface improvements, including to Sarver Lane, Deer Springs Road, and Twin Oaks Valley Road.<sup>62</sup> As these improvements are off-site, and are not otherwise discussed in Appendix K, it is assumed that GHG emissions from these utility improvements were also excluded from the GHG (and criteria pollutant) emission inventories.

O-1.4-38

**2.7. GHG Operational Emissions Are Underestimated**

The DEIR estimated that the Project would emit approximately 43,498 MT/yr at buildout,<sup>63</sup> of which 87% is from motor vehicles, as summarized in Table 6.<sup>64</sup>

**Table 6: Estimated Proposed Project GHGe Emissions with Reduction Features (2021)**

Emissions Source	Annual Emissions (Metric Tons per Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
Motor Vehicles	37,766	1.94	0.00	37,814
Electricity Consumption	296	0.01	0.00	298
Natural Gas Consumption	2,452	0.05	0.04	2,467
Area Sources	1,539	0.04	0.02	1,549
Water Demand	675	0.17	0.09	711
Solid Waste Generation	266	15.85	0.00	659
<b>Total</b>	<b>42,995</b>	<b>18.07</b>	<b>0.15</b>	<b>43,498</b>
<b>Total Annual CO<sub>2</sub>E Emissions</b>	<b>43,498</b>			
<b>Total GHG Offsets (CO<sub>2</sub>E) Over 30-year Project Life</b>	<b>1,304,940</b>			

O-1.4-39

The DEIR further asserts that the GHG emissions estimate in Table 6 is conservative (*i.e.*, overestimated) and that mitigation measures M-GHG-1 through M-GHG-3 would achieve carbon neutrality – a net zero GHG emissions level, reducing GHG emission impacts to less than significant.<sup>65</sup> However, as explained below, the GHG emissions in Table 6 represent a significant underestimate because the DEIR failed to include several important emission sources and underestimated emissions from other sources. Further, the proposed mitigation measures include an escape clause that allows mitigated GHG emissions to increase beyond significant levels, as well as other flaws.

O-1.4-40

<sup>62</sup> DEIR, Appx. K, pdf 28.

<sup>63</sup> DEIR, Appx. K: Greenhouse Gas Emissions Technical Report, pdf 10.

<sup>64</sup> DEIR, Appx. K, Table 16, pdf 91.

<sup>65</sup> DEIR, Appx. K, pdf 10-11.



**2.8. Future Regulation Is an Unreasonable Basis for Reducing GHG Emissions**

The DEIR asserts that “GHG emission estimates provided in EIR Table 2.7-4 are considered a conservative estimate” due in part to unknown future regulations that may further reduce GHG emissions from mobile sources.<sup>66</sup> However, reliance on potential future regulations that may never materialize is irrelevant for a CEQA analysis, particularly in the current political climate. Further, as discussed in Comment 2.14, global warming may offset any reduction(s) from future regulations.

O-1.4-41

**2.9. GHGs from Traffic Were Omitted**

Traffic congestion has historically been addressed by increasing capacity by constructing new roadways, adding lanes to existing roadways, or adding controlled access to existing highways. However, numerous recent studies have demonstrated that increasing the availability of road space or smoothing the flow of traffic increases idling, reduces fuel efficiency, and increases vehicle miles traveled in the long run, thus increasing GHG, CO, VOC, and NOx emissions.<sup>67</sup> The VOC emissions include the toxic air pollutants included in the health risk assessment.

O-1.4-42

The Project includes various improvements to roadways designed to increase capacity, improve flow, and/or reduce congestion by adding lanes, widening lanes, and/or improving intersections as mitigation for Project impacts. They include a new Deer Springs Road/I-15 Interchange (to reduce congestion)<sup>68</sup> and improvements to Deer Springs Road (increase capacity by adding lanes); Twin Oaks Valley Road (increase capacity by adding and widening lanes); Buena Creek Road (intersection improvements); Monte Vista Drive (intersection improvements); S. Santa Fe Avenue (intersection improvements), and various other roads and intersections.<sup>69</sup> These improvements are “identified as mitigation measures.” They are asserted

<sup>66</sup> DEIR, p. 2.7-37.

<sup>67</sup> See, for example: R.T. Milam and J. Walters, Fehr & Peers and Caltrans TAG/TSG Induced Travel Subcommittee, Induced Travel Investigation, Final, April 24, 2016, p. 19; available at <http://smartmobilityca.org/resources/>; R. B. Noland and M. A. Quddus, Flow Improvements and Vehicle Emissions: Effects of Trip Generation and Emission Control Technology, *Journal of Transportation Research Part D*, v. 11 no. 1, pp. 1-14; available at [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=en&user=bE33vurQAAAAJ&citation\\_for\\_view=bE33vurQAAAAJY0pCk6q\\_DkC](https://scholar.google.com/citations?view_op=view_citation&hl=en&user=bE33vurQAAAAJ&citation_for_view=bE33vurQAAAAJY0pCk6q_DkC); R. B. Noland and L. L. Lem, A Review of the Evidence for Induced Travel and Changes in Transportation and Environmental Policy in the United States and the United Kingdom, *Journal of Transportation Research Part D*, 2002, v. 7, no. 1, pp. 1-26; available at <https://trid.trb.org/view.aspx?id=714602>; Susan Handy, Increasing Highway Capacity Unlikely to Relieve Traffic Congestion, National Center for Sustainable Transportation, Policy Brief, October 2015; available at [http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST\\_Brief\\_InducedTravel\\_CS6\\_v3.pdf](http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf); Susan Handy and Marlon G. Boarnet, Technical Background Document on the Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions, September 30, 2014; available at [https://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway\\_capacity\\_bkgd.pdf](https://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway_capacity_bkgd.pdf).

<sup>68</sup> The purpose of the interchange improvements is to increase intersection spacing to eliminate queue spillover, thus reducing congestion. DEIR, p. 2.13-5.

<sup>69</sup> DEIR, Section 2.13, pp. 2.13-2/3, 2.13-6/11, and Appx. K, pdf 26-28.

to be "necessary to improve the capacity and operations of these roadways."<sup>70</sup> The DEIR did not include emission increases from induced travel resulting from these improvements, which are substantial and eliminate any mitigation benefit.

#### 2.9.1. Impacts from Induced Traffic

New highway capacity is quickly filled with more vehicles burning more fuel and releasing more GHG, CO, VOC and NOx in wider traffic jams. The resulting increases in vehicle miles traveled (VMT) are referred to as "induced travel." Induced travel is the increase in vehicle miles that occurs due to capacity expansion. The resulting increase in VMT may be from new trips, mode shifts, longer trips, or trips generated by the development of previously inaccessible land.<sup>71</sup> Travel speed, for example, enables more trips and longer distance trips in a given amount of time. Induced travel has been confirmed in many studies.<sup>72</sup>

Over the short term, some GHG reduction may be achieved from capacity expansion. However, over the lifetime of a roadway improvement, GHG, NOx, CO, and VOC emissions will increase significantly because the increase lasts for the lifetime of the modified roadway. A review of studies on the impact of highway capacity expansion on vehicle travel found the lag time between capacity increases and VMT increases (and hence emission increases) ranges between 1 and 8 years. One study, for example, summarized in Table 7,<sup>73</sup> demonstrated that building one lane-mile of urban highway would increase vehicle GHG emissions by 116,500 to 186,500 tons.

O-1.4-42  
Cont.

O-1.4-43

<sup>70</sup> DEIR, Newland Sierra Specific Plan, June 2017, Part 2, p. 45.

<sup>71</sup> F. Stathopoulos and R. B. Noland, Induced Travel and Emissions from Traffic Flow Improvement Projects, Transportation Research Record 1842, pp. 57-63, 2003; available at <https://trid.trb.org/view/682233>; and R. B. Noland and M. A. Quddus, Flow Improvements and Vehicle Emissions: Effects of Trip Generation and Emission Control Technology, Journal of Transportation Research Part D, 2006, v. 11, pp. 1-14; available at <https://dspace.lboro.ac.uk/dspace-jspui/bitstream/2134/5289/3/TR-D%20induced%20emissions%20revised%2019-May.pdf>

<sup>72</sup> Stathopoulos and Noland, 2003; Noland and Quddus, 2006; Handy, 2015; Handy and Boarnet, 2014.

<sup>73</sup> Clark Williams-Derry, Increases in Greenhouse-Gas Emissions from Highway-Widening Projects, Sightline Research Backgrounder, October 2007; available at <http://www.jtc.sala.ubc.ca/reports/analysis-ghg-roads.pdf> and [http://transdef.org/Resources/Smart\\_Growth\\_assets/Sightline%20GHG%20analysis.pdf](http://transdef.org/Resources/Smart_Growth_assets/Sightline%20GHG%20analysis.pdf).

Table 7: An Example of GHG Emissions from Induced Travel

Carbon dioxide emissions from building one lane-mile of urban highway, over 50 years	
Construction, building materials, and maintenance	3,500 tons
Net congestion relief	-7,000 tons
Additional vehicle travel on the facility	90,000 tons
Induced vehicle travel off the facility	30,000-100,000 tons
<b>TOTAL</b>	<b>116,500-186,500 tons</b>

In fact, the GHG increases from induced traffic can exceed the GHG emissions from the project it was designed to mitigate.

#### 2.9.2. The DEIR Did Not Estimate Emission Increases from Induced Traffic

The DEIR asserts that:<sup>74</sup>

No operational emissions are anticipated as a result of the construction of off-site mitigation improvements at the I-15/Deer Springs Road interchange because: (i) the project would not increase the concentration of criteria pollutants that would result in air quality standard violations, (ii) the project would not violate standards for particulate matter of 2.5 micrometers or less (PM<sub>2.5</sub>), and (iii) the project would not increase mobile source air toxics emissions as it is an improvement to an existing interchange.

This is incorrect because the DEIR calculated the increase in daily VMT due to induced traffic<sup>75</sup>, but failed to calculate the increase in GHG and criteria pollutant emissions due to the increase in induced traffic mileage. The DEIR asserts that the Project would generate 294,804 daily vehicle miles traveled (VMT) or 28,852 trips per day averaging about 10.21 miles each.<sup>76</sup> These estimates do not include any induced traffic mileage.<sup>77</sup> These miles were used in the

<sup>74</sup> DEIR, p. 23-26.

<sup>75</sup> DEIR, Appx. R, Part 5.

<sup>76</sup> DEIR, Appx. K, pdf 69 and DEIR, Appx R, Part 7.

<sup>77</sup> See, for example, DEIR, Table 2.13-10 (gross project, without any induced travel = 28,862 ADT), p. 2.13-48 ("the full project is calculated to generate a total of 28,862 ADT..."); Appx. K, Table 24, pdf 107; DEIR, p. 23-26 ("The proposed project would impact air quality through the vehicular traffic generated by project residents. According to the project's Traffic Impact Analysis...total project-generated daily traffic is estimated to be 28,862 trips per day at full build out (2028) with an average trip length of 10.21 miles per one-way trip." The GHG analysis estimated emissions using these inputs, 28,862 trips per day and an average trip length of 10.21 miles. Elsewhere on p. 23-26, the DEIR asserts "No operational emissions are anticipated as a result of the construction of off-site mitigation improvements at the I-15/Deer Spring Road interchange...")

CalEEMod to estimate GHG and criteria pollutant emissions.<sup>78</sup> The GHG emissions were then reduced by 11.1% based on the Project's TDM Program.<sup>79</sup> This estimate of VMT does not appear to include the VMT generated by off-site roadway capacity improvements imposed as mitigation for the Project. Further, as discussed in Comment 2.9.3, the 11.1% reduction is a significant overestimate of the effectiveness of the TDM Program.

Induced traffic results in congestion, which individually and cumulatively with future projected traffic, will increase idling and decrease fuel efficiency. Increased idling and reduced fuel efficiency increase emissions of NO<sub>x</sub>, CO, VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>. Several studies, for example, have demonstrated factors of up to fourfold, threefold, and twofold increases in CO, VOC, and NO<sub>x</sub> emissions, respectively, with congestion compared to uncongested conditions.<sup>80</sup> Thus, induced traffic and related cumulative traffic impacts will increase not only GHG emissions, but also criteria pollutant emissions. The DEIR did not include these emission side effects of its capacity expansion mitigation measures or propose any mitigation for them.

Rather than estimating the increase in emissions from induced traffic, a separate analysis was performed by Fehr & Peers to evaluate increases in VMT from roadway improvements to respond to SB 743.<sup>81</sup> This analysis estimated increases in VMT as summarized in Table 8.<sup>82</sup>

**Table 8: Roadway Capacity Expansion Project Daily VMT**

Variable	Short-Term VMT (Low)	Short-Term VMT (High)	Long Term VMT
Baseline Lane-Miles (a)	10,370.11 miles		
Project Added Lane-Miles	6.04 miles		
Percent Change in Lane-Miles	0.058%		
Baseline VMT (a)	77,484,940		
Elasticity (b)	0.1	0.6	1.03
Induced Daily VMT (c)	4,513	27,078	46,484
Induced Annual VMT (d)	1,647,245	9,803,470	16,966,660

<sup>78</sup> DEIR, Sec. 5.2.1, p. 59; Appx. K, pdf 239-240 (lb/Vehicle Trips = 10.21 added as a new value in last column)

<sup>79</sup> DEIR, Appx. K, Table 15 and pdf 90.

<sup>80</sup> Kai Zhang, Stuart Batterman, and Francois Dion, Vehicle Emissions in Congestion: Comparison of Work Zone, Rush Hour and Free-Flow Conditions, Atmospheric Environment, v. 45, pp. 1929-1939, 2011, available at <https://eph.uth.edu/kai Zhang/files/2014/02/Zhang-2011-AE.pdf>

<sup>81</sup> DEIR, Appx. R, Part 5: Fehr & Peers Memorandum, March 17, 2017, Newland Sierra VMT Analysis to Respond to SB 743. See also DEIR, Sec. 2.13.10.4: Project VMT Analysis.

<sup>82</sup> DEIR, Appx. R, Part 5, Table 5.

O-1.4-44  
Cont.

However, even though this analysis explicitly recognizes that VMT will increase due to the roadway improvement projects, the resulting increases in GHG and criteria pollutant emissions were not estimated and included in Project emission totals for mitigation.

The Caltrans TAG/TISG Induced Travel Subcommittee recently concluded that induced travel "emissions" should be included in CEQA analyses: "Induced demand and induced vehicle travel have the potential to affect future outcomes related to land use and transportation. As such, transportation impact analysis under CEQA should account for these effects."<sup>83</sup> The lead preparer of the Caltrans TAG/TISG Report, Fehr & Peers, is one of the Applicant's traffic consultants<sup>84</sup> and prepared the induced traffic analysis in Table 8, but did not quantify the resulting increase in GHG and criteria pollutant emissions. Table 8 suggests induced traffic would increase daily trips by 9%<sup>85</sup> and hence GHG and criteria pollutant emissions by at least 9%. Emission increases could be much higher as induced travel increases idling, which significantly increases GHG and criteria pollutant emissions, compared to free flowing traffic due to inefficient combustion.

Further, the Fehr & Peers induced traffic analysis underestimated induced traffic impacts under its analysis methodology. It excluded improvements at Sarver Lane and Mesa Rock Road because they were asserted to be limited to providing capacity necessary to serve the Project's traffic volumes and existing uses along these roads, which would not facilitate any cut-through or regional traffic as they dead end in the Project. Thus, Fehr & Peers concluded they would not expand road capacity in a way that induces VMT.<sup>86</sup> However, this use of these roads is not restricted in a mitigation measure and cannot thus be relied upon to eliminate induced traffic associated with them.

### 2.9.3. The DEIR Overestimated Emission Reductions from the TDM Program

The GHG emission inventory assumed an 11.1% reduction in GHG emissions due to a Traffic Demand Management (TDM) program.<sup>87</sup> This 11.1% was directly applied to reduce GHG emissions from mobile sources by 4,722 MT CO<sub>2</sub>e/yr.<sup>88</sup> This is an overestimate for several reasons.

First, the measures involved in this program largely involve "promoting" and "coordinating." As discussed in Comment 3.9, "promoting" and "coordinating" are not

O-1.4-44  
Cont.

O-1.4-45

O-1.4-46

O-1.4-47

<sup>83</sup> Milan and Walters, 2016, p. 19.

<sup>84</sup> DEIR, Appx. R, Part 5: Newland Sierra VMT Analysis to Respond to SB 743.

<sup>85</sup> Increase in daily trips due to induced traffic, based on Fehr & Peers analysis:  $(294,804 \text{ VMT/day} + 27,078 \text{ VMT/day}) / 294,804 \text{ VMT/day} = 1.09$ .

<sup>86</sup> *Ibid.*, p. 2.

<sup>87</sup> DEIR, Appx. K, pdf 10 and Table 15.

<sup>88</sup> DEIR, Appx. K, pdf 57 and 78 and Table 15.



effective methods to reduce emissions. Promoting and coordinating do not assure that any reductions in emissions will occur. Rather, an effective TDM program must require that specific actions be taken and funded. Further, they must include frequent follow up to demonstrate that the assumed reductions have occurred.

*Second*, many of the measures in the TDM program would not be effective in a low-density, isolated community such as Newland Sierra. The proposed TDM measures require high density to induce residents to break habits and invest more time and energy in daily activities.

*Third*, the Fehr & Peers evaluation of the TDM program indicates that a "Transportation Coordinator" would be used to ensure the TDM Program is implemented.<sup>89</sup> However, the Coordinator would only be "promoting" and "coordinating," not implementing.

*Fourth*, while monitoring is required, it would occur only every 3 to 5 years, which is too infrequent to assure routine compliance. Further, to be relevant to CEQA, emission reductions must be reported relative to a baseline, which is not defined.

*Fifth*, the TDM program would only be implemented at the end of Phase 2, even though Phase 1 would be occupied before Phase 2 is built out. The Commercial Center, the hub for the TDM program for which an 11.1% reduction in GHG and criteria pollutant emissions was taken, is not scheduled for construction until Phase 2, while over 1,800 of the 2,135 residential units will be built and potentially occupied in Phase 1. Further, a mixed-use credit for trip reduction is taken, which would not apply during this period. The DEIR does not include any mitigation for the increase in GHG and criteria pollutants that would result before assumed mitigation is in place.

#### 2.9.4. The DEIR Did Not Account for Emissions from Increased Freeway Congestion

The DEIR states that the Project will cause a significant direct impact on I-15 and cumulative impacts on I-15 and SR-78<sup>90</sup> and that these impacts are significant and unavoidable.<sup>91</sup> The DEIR's cumulative impacts analysis indicates that I-15 will operate at Level of Service "F" during peak hours between Pomerado Road and the Riverside County line.<sup>92</sup> As discussed in Comment 2.9.2 increased idling and reduced fuel efficiency caused by congestion increase GHG, criteria, and TAC emissions compared to uncongested conditions.<sup>93</sup> It does not

O-1.4-47  
Cont.

O-1.4-48

O-1.4-49

O-1.4-50

O-1.4-51

O-1.4-52

<sup>89</sup> DEIR, Appx. D of Appx. K.

<sup>90</sup> DEIR, pp. 2.13-102 to 2.13-103.

<sup>91</sup> DEIR, pp. 2.13-112, 2.3-117.

<sup>92</sup> DEIR, Table 2.13-28, Table 2.13-30.

<sup>93</sup> Kai Zhang, Stuart Batterman, and Francois Dion, Vehicle Emissions in Congestion: Comparison of Work Zone, Rush Hour and Free-Flow Conditions, *Atmospheric Environment*, v. 45, pp. 1929-1939, 2011; available at <https://sph.uth.edu/kaizhang/files/2014/02/Zhang-2011-AE.pdf>.

appear that the DEIR has accounted for additional emissions caused by increased congestion on the mainline freeways.

#### 2.10. GHG Emissions from Water Use Were Underestimated

The supply, conveyance, treatment, distribution, and reuse of water would increase GHG and criteria pollutant emissions through the use of electricity. The DEIR estimated that meeting the Project's water demand would emit 711 MT/yr of GHG with GHG reduction features.<sup>94</sup> This is underestimated by a factor of more than two, as discussed below.

The DEIR does not explain how these GHG emissions were calculated, but rather provides 187 pages of output from a CalEEMod run that was used to make the calculations, leaving it to the reviewer to figure out the inputs and assumptions underlying the 711 MT/yr estimate.<sup>95</sup> Thus the DEIR fails as an informational document. Presumably, GHG emissions were calculated according to the CalEEMod User's Guide, Appendix A.<sup>96</sup> My review of the DEIR's analysis indicates that GHG emissions from water use are underestimated for two reasons.

*First*, the DEIR's estimate of GHG emissions from water use excludes water that would be used during construction. Significant amounts of water would be used to control fugitive dust during construction. The DEIR does not contain an estimate for this water demand. Water is used to control dust on roads within the construction site and adjacent access roads and to control fugitive dust emissions during grading, cut and fill, and soil movement from disturbed land surfaces and storage piles. The construction schedule, for example, shows that 60 water trucks will be used, 576 acres will be graded, 2,423,710 cubic yards<sup>97</sup> of this soil will be moved at the site, and 302,963 haul truck trips will occur.<sup>98</sup> Further, 10.7 million cubic yards of cut and fill would occur.<sup>99</sup> See Comment 3.1 for discrepancies in soil movements. Water would also be required to control dust from rock crushing<sup>100</sup> and for concrete mixing and cleaning of equipment.<sup>101</sup> The DEIR did not quantify the amount of water that would be used during construction or estimate GHG emissions due to this use.

*Second*, the DEIR underestimated the amount of GHGs and criteria pollutants that would be emitted by supplying domestic water to the Project. The DEIR concluded that, with various conservation measures, the Project would use 870 acre-feet/year (AFY) of water. This is

<sup>94</sup> DEIR, Table 2.7-8 and Appx. K, Table 16, pdf 91.

<sup>95</sup> DEIR, Appx. K, Appx. C: CalEEMod Output Files, pdf 141-328.

<sup>96</sup> CalEEMod, Appx. A, pp. 34-35; available at <http://www.caleemod.com/>.

<sup>97</sup> DEIR, Appx. K, Table 10. The cited total is the sum of Phase I and II.

<sup>98</sup> DEIR, Appx. K, pdf 138-140. The cited totals are the sum of Phase I and Phase II.

<sup>99</sup> DEIR, Appx. K, pdf 56.

<sup>100</sup> DEIR, Table 2.7-2 and Appx. K, pdf 139-140.

<sup>101</sup> DEIR, p. 2.14-43.

O-1.4-52  
Cont.  
O-1.4-53  
O-1.4-54  
O-1.4-55



equivalent to 852,220 gallons per day (gpd).<sup>102</sup> Thus, the DEIR has assumed that supplying treated water to the Project would emit 0.82 MT/yr of GHG per acre foot of water.<sup>103</sup> This is a very low GHG emission intensity for supplying treated water that originates in northern California and out of state, the Project's principal water supplies.

The Vallecitos Water District (VWD) will supply water to the Project. This water district gets its supply from the Metropolitan Water District (MWD).<sup>104</sup> The MWD pumps its water over great distances, from northern California and the Colorado River. Just delivering MWD's water to the Los Angeles Department of Water and Power (LADWP) emits 1 MT of GHGe per AF of water, or 23% more than assumed for the delivery of treated water to the Project, which is 102 miles south of LADWP. Pumping the water an additional 102 miles and treating it at the VWD would increase GHG emissions by an additional 0.8 MT/yr.<sup>105</sup> Thus, the DEIR has underestimated GHG emissions from supplying water to the Project by a factor of about 2.25 ( $1.8/0.8 = 2.25$ ).

The energy demand to supply water to the Project may significantly increase in the future as the Delta Tunnel Project, which will route water headed to Southern California (and the Project) through a giant tunnel system, was recently given the green light by federal agencies.<sup>106</sup> This Project would add about 1,727 gigawatts/hr (GWh) of additional net electricity demand to water sent to southern California,<sup>107</sup> which would increase GHG emissions of meeting the Project's water demand.

Third, the water use estimate does not include any recycled water because VWD does not currently provide recycled water service.<sup>108</sup> However, the Project will include plumbing for grey water use.<sup>109</sup> Thus, GHG emissions from this potential future service should be included in the GHG inventory. The GHG emissions from treating water are quite high, estimated at about 0.9 MT of GHGe per AF of water.<sup>110</sup>

O-1.4-55  
Cont.

O-1.4-56

O-1.4-57

<sup>102</sup> DEIR, p. 2.14-46.

<sup>103</sup> Unit GHG emission factor = 711 MT GHGe/yr / 870 AF/yr water = 0.82 MT GHGe/AF water.

<sup>104</sup> DEIR, Section 2.14.

<sup>105</sup> A. J. Fang, J. P. Newell and J. J. Cousins, The Energy and Emissions Footprint of Water Supply for Southern California, *Environmental Research Letters*, v. 10, no. 11, 2015, Figure 5; available at <http://iopscience.iop.org/article/10.1088/1748-9326/10/11/114002> and Corrigendum at <http://iopscience.iop.org/article/10.1088/1748-9326/11/11/119501>.

<sup>106</sup> Bettina Boxall, Federal Agencies Greenlight Proposed Delta Tunnel Project, June 26, 2017; available at <https://www.latimes.com/local/lanow/la-me-delta-tunnels-20170626-story.html>.

<sup>107</sup> Final Environmental Impact Report/Environmental Impact Statement for the Bay Delta Conservation Plan/California Water Fix, 2016, Chapter 22, p. 22-101; available at <http://baydeltaconservationplan.com/FinalEIR/Chapter22/FinalEIR-Chapter22-Vol101.aspx>.

<sup>108</sup> DEIR, Appx. K, Table 25, pdf 109.

<sup>109</sup> DEIR, Appx. K, Table 25, pdf 110.

<sup>110</sup> Fang et al. 2015, Figure 5.

## 2.11. GHGs from Wastewater Treatment and Disposal Were Omitted

Wastewater generated by the Project would require electricity for conveyance, treatment, and disposal.<sup>111</sup> The DEIR did not report GHG emissions from treating the Project's wastewater in its GHG emission summary (Table 6),<sup>112</sup> even though statements in the DEIR suggest they were calculated.<sup>113</sup> If calculated, but not reported, they would not be offset. The input to the CalEEMod consistently reports as follows, never mentioning wastewater inputs:<sup>114</sup>

Water And Wastewater - water demand per GSI study

Thus, the input to the CalEEMod, which theoretically estimates these emissions, does not identify a source for wastewater GHG emission calculation. Rather, the DEIR and its appendices cite only to a "GSI study" as the source of wastewater information.<sup>115</sup> This document is apparently Appendix T, which is a technical memorandum on water conservation demand for the Project and does not address wastewater GHG emissions.<sup>116</sup>

The CalEEMod calculation details<sup>117</sup> likewise do not explain how wastewater GHG emissions are calculated in the model, although the model inputs in Appendix K indicate that 100% of the Project wastewater treatment would be aerobic.<sup>118</sup> Thus, I assume that wastewater GHG emissions if calculated for aerobic treatment within the model, were omitted from the GHG emission inventory, or at least so thoroughly buried that a reviewer cannot identify and review them.

The DEIR indicates that 180 gallons per day of wastewater is produced per housing unit.<sup>119</sup> The Project would include 2,135 separate housing units.<sup>120</sup> Thus, about 384,300 gallons of wastewater would require treatment every day. Assuming standard aerobic biological treatment<sup>121</sup> for conventional wastewater treatment, 0.6 kg GHGe/m<sup>3</sup> would be generated.<sup>122</sup>

O-1.4-58

<sup>111</sup> DEIR, Appx. K, pdf 75.

<sup>112</sup> DEIR, Appx. K, Table 16, pdf 91.

<sup>113</sup> DEIR, Appx. K, pdf 9, 75, 239, 256 etc.

<sup>114</sup> DEIR, Appx. K, pdf 239, 256, 267, 278, 290, 301, 312, 239.

<sup>115</sup> DEIR, Appx. K, pdf 256, 267, 278, 290, 301, 312, 239, 256, 267, etc.

<sup>116</sup> DEIR, Appx. T.

<sup>117</sup> CalEEMod, Appx. A.

<sup>118</sup> DEIR, Appx. K, pdf 257, 268, 279, 291, 302, 314.

<sup>119</sup> DEIR, Appx. S, pdf 54.

<sup>120</sup> DEIR, Appx. K, pdf 143, 238.

<sup>121</sup> DEIR, Appx. K, pdf 257, 268, 279, 291, 302, 314.

<sup>122</sup> J. L. Campos and others, Greenhouse Gases Emissions from Wastewater Treatment Plants: Minimization, Treatment, and Prevention, *Journal of Chemistry*, v. 2016, Figure 5; available at <https://www.hindawi.com/journals/jchem/2016/3796352/>. See also Fang et al. 2015, Figure 4.

Thus, wastewater treatment would generate 319 MT GHGe/yr.<sup>123</sup> Similar wastewater treatment emission factors have been reported by others (0.75 MT GHGe/AF).<sup>124</sup>

The DEIR does include GHG calculations for a category designated as “waste by land use,” which reports 216.3 MT/yr CO<sub>2</sub>e for “condo/townhouses.”<sup>125</sup> This is close to my estimate above for wastewater treatment. However, there is uncertainty as to what “waste” encompasses — for example, is it solid waste or wastewater? Further, the estimate is not included in the emission summary table that would be offset in the mitigation program, and it is less than my estimate based on more reliable and recent information (319 MT GHGe/yr).

## 2.12 GHGs from Residential Electricity Use Were Omitted

The DEIR discloses that:<sup>126</sup>

To accurately estimate the “Proposed Project” condition, CalEEMod’s emissions outputs were modified to reflect the provision of solar photovoltaic panels for all single-family and multi-family residential development sufficient to offset 100 percent of the residential structural electricity demand. Conservatively, electricity demand reductions achieved through on-site solar installations were not applied to the project’s water-related electricity demand or proposed Community facilities.

However, the DEIR does not explain how the Project would “offset 100% of the residential structural electricity demand.” Pacific Gas & Electric (PGE) presents more details in its advertising (LED lighting, high performance walls, attics, windows and doors, low flow water fixtures, high efficiency water heater, high efficiency appliances, smart HVAC systems)<sup>127</sup> than the DEIR does on a Project that would have so many significant effects.

The DEIR also does not require that solar panels be used to supply any of the residential electricity demand. They only need to be “solar-ready.” Further, solar without backup battery support cannot supply 100% of residential electrical demand. The failure to use 100% solar in residential units would increase GHG emissions from electricity generation by up to 3,453 MT CO<sub>2</sub>e/yr.<sup>128</sup> Similarly, the DEIR also requires EV charging equipment in the garages of all single-family residential units,<sup>129</sup> but does not require that they be used. Residents would be free to drive any car of choice. The DEIR cannot rely on solar and EV charging stations to

<sup>123</sup> Wastewater GHG emission factor = (0.6 kg/m<sup>3</sup>)(0.001 MT/kg)/(0.0008107 AF/m<sup>3</sup>) = 0.74 MT GHGe/AF. Wastewater treatment GHG emissions = (0.74 MT GHGe/AF)(384,300 gal/day wastewater)(365 day/yr)(3.06889 E-6 AF/gal) = **318.5 MT GHGe/yr.**

<sup>124</sup> Fang et al., 2015, Fig. 4.

<sup>125</sup> DEIR, Appx. K, pdf 252.

<sup>126</sup> DEIR, p. 2.7-38. See also DEIR, p. 3.1-12/13.

<sup>127</sup> PG&E, Zero Net Energy Homes Add Up to Savings and Comfort, available at [https://www.pge.com/pge\\_global/common/pdfs/resources/tips-trends-and-incentives/energy-insights/ZNE-Infographic-House.pdf](https://www.pge.com/pge_global/common/pdfs/resources/tips-trends-and-incentives/energy-insights/ZNE-Infographic-House.pdf).

<sup>128</sup> DEIR, p. 2.7-41.

<sup>129</sup> DEIR, Table 2.7-17.

O-1.4-58  
Cont.

O-1.4-59

O-1.4-60

reduce GHG emissions unless accompanied by an enforceable mitigation measure and sufficient design information to demonstrate feasibility, given site constraints.

Further, the DEIR does not contain any design/development details to ensure that roofs can accommodate solar (e.g., they could be too steep or improperly oriented). The DEIR is also silent on how the multifamily units would be designed to accommodate solar. Absent an enforceable requirement to use solar for 100% of residential electrical demand, the DEIR must include GHG emissions from residential electrical demand. Further, the DEIR must demonstrate that 100% solar is feasible by providing design details of the single and multifamily units.

O-1.4-60  
Cont.

### 2.13. Increases in GHGs Due to Barbecuing Omitted

The Project bans the use of wood burning stoves or fireplaces in all residential units<sup>130</sup>, but curiously fails to ban outdoor wood burning and barbecuing, which are also popular. The Project would include 2,135 separate units and will increase the local population by 6,107 people.<sup>131</sup> Roughly 80% of households own barbecues or smokers.<sup>132</sup> Assuming 80% of these households own at least one charcoal grill and barbecue twice a week for the life of the Project, the increase in GHG emissions would be 1,207 MT GHG/yr.<sup>133</sup> Outdoor parties for holidays (e.g., July 4) and special celebrations (e.g., birthdays) could attract many more people and significantly increase this estimate. The Project should ban all outdoor burning, regardless of the fuel.

O-1.4-61

### 2.14. Increases in GHGs Due to Climate Change Were Omitted

The GHG analysis assumed that emissions from many sources—for example, electricity consumption and water demand<sup>134</sup>—would decrease in the future due to more stringent regulations.<sup>135</sup> However, a trend that will likely parallel and offset these assumed decreases is increasing temperatures from global warming, which are already well under way in California.

O-1.4-62

<sup>130</sup> DEIR, Appx. K, pdf 9 (“prohibition of wood-burning fireplaces in all residential units”), 74, 90 (“The project would not install wood-burning fireplaces for heating purposes. All fireplaces would be natural-gas-fired.”), 256, 267, 278, 290, 312 (“woodstoves—no wood burning stoves or fireplaces”).

<sup>131</sup> DEIR, Appx. K, pdf 143, 238.

<sup>132</sup> Eric Johnson, Charcoal versus LPG Grilling: A Carbon-Footprint Comparison, *Environmental Impact Assessment Review*, v. 29, no. 6, 2009; available at [https://www.researchgate.net/publication/248537217\\_Charcoal\\_versus\\_LPG\\_grilling\\_A\\_carbon\\_footprint\\_comparison](https://www.researchgate.net/publication/248537217_Charcoal_versus_LPG_grilling_A_carbon_footprint_comparison); and Maddie Oatman, America's BBQ Grills Create as Much Carbon as a Big Coal Plant, *Mother Jones*, July 2, 2015; available at <http://www.motherjones.com/food/2015/07/your-grills-smoky-truth/>.

<sup>133</sup> Increase in GHG from barbecuing = (2135 units)(0.8)(15 lb GHG/grill)(104 day/yr)(0.000453 MT/lb) = 1,207 MT GHG/yr.

<sup>134</sup> The major source of GHG emissions from supplying and treating water and wastewater is electricity demand—the electricity required to operate the pumps and other equipment used to transport and treat water and wastewater. See, for example, Wilkinson et al. 2006.

<sup>135</sup> DEIR, Appx. K, pdf 94.



The DEIR itself admits that “climate change is already affecting California. The average temperatures in California have increased, leading to more extreme hot days and fewer cold nights...”<sup>136</sup> However, the DEIR did not consider this fact in its GHG analysis, thus underestimating GHG emissions.

Increasing temperature is directly related to daily average electricity consumption as people rush to install air conditioning and fans,<sup>137</sup> or run existing air conditioning in homes and vehicles more than assumed in the baseline. This would increase GHG emissions from all sources in Table 6, as well as others discussed in these comments.

While the Project proposes to install solar photovoltaic panels in all single-family and multi-family residential development,<sup>138</sup> unless solar use is required and coupled with battery backup, these systems would not offset 100% of the increased demand from global warming. Unless global warming is taken into account in designing the solar system, its impact will not be offset. And further, unless electric service is not provided, there is no guarantee that solar would be used for all sources. Under many climate scenarios, heatwaves and extreme temperatures in Southern California will become six to eight times more frequent than at present.<sup>139</sup> This means that both daily average and daily peak electricity consumption will increase, offsetting declines assumed in the GHG analysis, as shown in Figure 3.<sup>140</sup>

O-1.4-62  
Cont.

<sup>136</sup> DEIR, Appx. K, pdf 34.

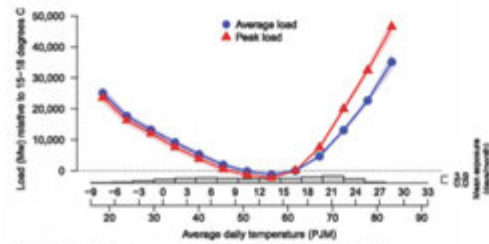
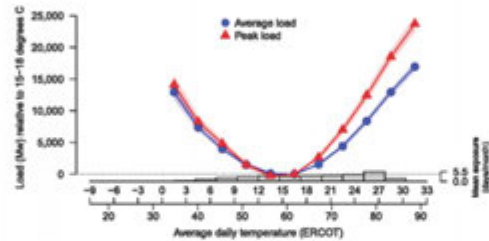
<sup>137</sup> See, e.g., Alan Blinder, *As the Northwest Boils An Aversion to Air Conditioning Wilts*, New York Times, August 3, 2017; available at [https://www.nytimes.com/2017/08/03/us/as-the-northwest-boils-an-aversion-to-air-conditioners-wilts.html?mc=edit\\_tnt\\_20170803&pid=54180804&intemail0=y](https://www.nytimes.com/2017/08/03/us/as-the-northwest-boils-an-aversion-to-air-conditioners-wilts.html?mc=edit_tnt_20170803&pid=54180804&intemail0=y); Brian Denson, *Oregonians Swelter in ‘Hotlandia’*, August 5, 2017, Los Angeles Times; available at <http://enewspaper.latimes.com/desktop/lathimes/default.aspx?pubid=50435180-e58e-48b5-8e0c-236b740270e>.

<sup>138</sup> DEIR, Appx. K, pdf 74.

<sup>139</sup> Katharine Hayhoe et al., *Emissions Pathways, Climate Change, and Impacts on California*, Proceedings of the National Academy of Sciences of the United States of America, v. 101, no. 34, pp. 12422-12427, 2004; available at <http://www.pnas.org/content/101/34/12422.long>.

<sup>140</sup> Maximilian Auffhammer, Patrick Baylis, and Catherine H. Hausmann, *Climate Change Is Projected to Have Severe Impacts on the Frequency and Intensity of Peak Electricity Demand Across the United States*, Proceedings of the National Academy of Sciences of the United States of America, v. 114, no. 8, pp. 1886-1891, 2017; available at <http://www.pnas.org/content/114/8/1886.full.pdf>. See also Lucas W. Davis and Paul J. Gertler, *Contribution of Air Conditioning Adoption to Future Energy Use Under Global Warming*, Proceedings of the National Academy of Sciences of the United States of America, v. 112, no. 9, pp. 5962-5967, 2015; available at <http://www.pnas.org/content/112/9/5962.full.pdf>.

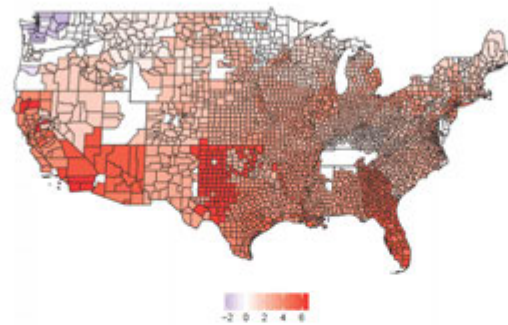
Figure 3: Daily Electricity Temperature Response Function, Average (Total Hourly Load/24) (blue) and Peak (maximum hourly load) (red)



Maximilian Auffhammer et al. PNAS 2017;114:1886-1891

California, particularly San Diego County, is one of the areas where the intensity of peak load increases will be highest, as illustrated by Figure 4.<sup>141</sup>

Figure 4: Projected Change in Intensity of Peak Load under RCP4.5 Compared to RCP8.5



<sup>141</sup> Auffhammer et al., Figure 3.

The DEIR's GHG analysis failed to take into account future increases in temperature and the resulting increase in GHG emissions. The increases in GHG emissions from future temperature increases could offset all of the GHG emission reductions assumed for future regulatory changes and result in substantial additional unidentified increases in GHG emissions from increases in electricity demand.

O-1.4-62  
Cont.

#### 2.15. GHG Mitigation Measures Are Not Adequate

The DEIR asserts the Project will achieve carbon neutrality (*i.e.*, a net zero emission level), thereby resulting in no net increase in GHG emissions relative to existing environmental conditions.<sup>142</sup> To achieve this goal, the DEIR proposes one mitigation measure for construction emissions, M-GHG-1, and two measures for operational GHG impacts, M-GHG-2 and M-GHG-3. These measures do not achieve the goal of no net increase and are not adequate to assure that construction and operational GHG emissions are reduced to a less than significant level.

O-1.4-63

##### 2.15.1. Mitigation Measure M-GHG-1

This measure requires the Applicant to purchase and retire carbon offsets in a quantity sufficient to offset 100% of the Project's construction and sequestration loss from vegetation removal, amounting to 93,323 MT GHGe.<sup>143</sup> However, this would not offset 100% of the vegetation removal GHG emissions because construction and vegetation GHG emissions are significantly underestimated, as discussed in Comment 2.1.

O-1.4-64

Further, the portion of this total that is due to vegetation removal (17,289 MT GHGe/yr), is reported in the DEIR as an annual amount. See Table 1. The uncertainty in the reporting units is discussed in Comment 2.1. If reported correctly in Table 1, the vegetation removal increase must be offset each year over the life of the Project, not a one-time reduction. Thus, the offsets required are 76,034 MT to offset construction emissions over the 2018 to 2027 period, plus potentially 17,289 MT GHGe/yr to offset vegetation removal.

The DEIR indicates that the Project would increase sequestration capacity by about 3,297 MT GHG/yr due to new tree plantings but did not take credit for this reduction.<sup>144</sup> However, as discussed elsewhere, the increase in sequestration capacity due to new tree plantings is a one-time reduction for a 20-year period and new tree plantings are required to maintain the sequestration. See Comment 2.2. Thus, if this mitigation measure is revised in response to comments to take credit for new tree plantings, the revised mitigation measure must require mixed hardwood and 20-year replantings.

O-1.4-65

Thus, in sum, M-GHG-1 does not set out a viable method to mitigate the increase in GHG emissions from Project construction.

<sup>142</sup> DEIR, Appx. K, pdf 11.

<sup>143</sup> DEIR, Appx. K, pdf 30.

<sup>144</sup> DEIR, Appx. K, pdf 30.



#### 2.15.2. Mitigation Measure M-GHG-2

This measure requires operational GHG emissions to be mitigated by purchasing and retiring carbon offsets.<sup>145</sup> There are several problems with this mitigation measure, rendering it ineffective to fully mitigate the significant operational GHG impact.

O-1.4-66

*First*, the measure only applies to the “incremental portion of the project within the Site Plan.” As shown in Figure 1 and as discussed with respect to construction and operational GHG emissions in Comments 2.1 and 2.7, this excludes increases in GHG emissions from construction of off-site roadway improvement projects and from induced traffic arising from off-site roadway improvements. These improvements will result in increases in emissions due to induced traffic. These increases must also be mitigated by purchasing offsets.

O-1.4-67

*Second*, the increase in GHG emissions will only be mitigated for a 30-year period. However, it is unlikely that the Project will cease to emit GHG and criteria pollutant emissions at the end of 30 years. GHG and criteria pollutant emission increases should be mitigated for the life of the Project.

O-1.4-68

*Third*, the total quantity of Project GHG offsets required is not specifically identified. Instead, the DEIR asserts only that the amount of offsets “shall be based on the GHG emissions with the implementing Site Plan, and shall include operational GHG emissions as identified in the Approved Greenhouse Gas Emissions Report (EIR Appendix K).”<sup>146</sup> There are many tables in the DEIR that contain GHG emissions. To eliminate any confusion, this mitigation measure should refer to a specific table where the quantity of GHG emissions to be offset can be found, or the quantity of GHG pollutant emission reductions should be stated in the mitigation measure itself.

O-1.4-69

*Fourth*, the County of San Diego need only “consider” priorities for GHG reduction features.<sup>147</sup> The priorities should be mandatory. Further, the developer should be required to submit proof to the County that offsets are unavailable in one priority category before seeking offsets from the next priority category.

O-1.4-70

*Fifth*, monitoring to ensure the Project is implementing the mitigation program should be required, with annual reports to the County to assure compliance.

O-1.4-71

*Sixth*, this mitigation measure sets out a “true up” procedure that would allow the Applicant to reduce the amount of operational GHG emission offsets that must be purchased, due to decreases beyond those estimated in the EIR.<sup>148</sup> This “true up” would be subject only to County oversight, conducted outside of CEQA, with no public review. At a minimum, any change in GHG emissions that are to be offset should be subject to CEQA review. Further, if

O-1.4-72

<sup>145</sup> DEIR, Appx. K, pdf 95.

<sup>146</sup> DEIR, Appx. K, pdf 96.

<sup>147</sup> DEIR, p. 2.7-48.

<sup>148</sup> DEIR, Appx. K, pdf 96-97.

this “true up” procedure is ultimately upheld, it should be broadened to require offsetting increases in future operational GHG and criteria pollutant emissions, beyond those estimated in the DEIR, as increases are equally likely because future emissions depend upon many factors that cannot be currently predicted—including political will, increasing ambient temperatures, and reductions in water supply due to climate change—which could increase GHG and criteria pollutant emissions beyond those estimated in the DEIR.

O-1.4-72  
Cont.

### 3. AIR QUALITY IMPACTS ARE SIGNIFICANT

The DEIR failed to analyze several air quality impacts, including the impact of Valley Fever on construction workers and sensitive receptors both inside and outside of the Project. It also failed to analyze the impact of Project construction and operation on ambient air quality, underestimated criteria pollutant emissions, underestimated toxic air pollutants and resulting public health impacts, and failed to impose all feasible mitigation for significant impacts. These issues are discussed below.

O-1.4-73

An EIR may conclude that an impact is significant and unavoidable only if all available and feasible mitigation measures have been proposed, but are inadequate to reduce the impact to a less than significant level.<sup>149</sup> However, the lead agency cannot simply conclude that an impact is significant and unavoidable without requiring all feasible mitigation.

O-1.4-74

#### 3.1. The DEIR Failed to Include PM10 and PM2.5 Emissions from Wind Erosion

Windblown dust is a significant source of PM10, PM2.5, associated silica, and Valley Fever spores (Comment 3.3). The DEIR reports 10.7 million cubic yards of cut and fill,<sup>150</sup> of which 2.4 million cubic yards will be relocated at the site,<sup>151</sup> and asserts no soil would be exported offsite<sup>152</sup>. The DEIR is silent on the fate of the balance of the disturbed soil—8.3 million cubic yards that presumably have been stripped of vegetation and graded. The DEIR should be revised to clearly explain what happens to the 8.3 million cubic yards of soil that is cut and filled, but not relocated or moved off-site as it is a potential source of wind erosion emissions unless paved over. This soil presumably would be left in place and depending on its ultimate treatment, if any, could become a major source of fugitive PM10 and PM2.5 dust, silica dust, and Valley Fever spores. See Comments 3.1 and 3.2.

O-1.4-75

<sup>149</sup> See Cal. Code Regs. Title 14 (“CEQA Guidelines”), § 15126.2.

<sup>150</sup> DEIR, Appx. K, pdf 68.

<sup>151</sup> DEIR, Appx. K, Table 10. Sum of Phase 1 and Phase 2.

<sup>152</sup> DEIR, p. 2.3-32 (“all cut-and-fill quantities would be balanced within the boundaries of the project Site...”), p. 4-36 (“Under the proposed project, grading would be balanced within the boundaries of the project and the improvements to Deer Springs Road and Sarver Land immediately off site and, therefore, would not result in the need for soil import or export activity and associated off-site haul truck trips.”). See also DEIR, Appx. G, Part 1, pdf 61.

The CalEEMod model that the DEIR used to calculate construction emissions does not include “fugitive dust generated by wind over land and storage piles.”<sup>153</sup> Thus, these emissions were not included in the DEIR’s construction emissions inventory.

Windblown dust from these disturbed soils is a particular concern at this site due to Santa Ana winds, which occur in the area.<sup>154</sup> These winds are strong, extremely dry, down-slope winds that originate inland and affect coastal Southern California.<sup>155</sup> The DEIR analyzed the fire risk to the Project site from these winds,<sup>156</sup> but is silent as to erosion. As these winds are particularly strong, reaching 30 to 50 mph, they can raise significant amounts of dust, even when conventional tracking and other such controls are used to control dust, often prompting alerts from air pollution control districts.<sup>157</sup> If Santa Ana winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces, even if periodically wetted, significant amounts of PM10, PM2.5, and associated Valley Fever spores and silica dust would be released. These emissions could result in public health impacts from the silica and Valley Fever spores and/or violations of PM10 and PM2.5 CAAQS and NAAQS. These potential impacts were not evaluated.

Wind erosion emissions are typically calculated using methods in AP-42,<sup>158</sup> which require detailed information on site topography, wind profiles, and dispersion modeling. This information is not cited or included in the DEIR. Generally, wind erosion impacts are estimated using AERMOD. The DEIR does not include any calculations of wind erosion emissions but rather tacitly assumes that compliance with conventional construction mitigation measures and regulations are adequate wind erosion control,<sup>159</sup> without any analysis at all or without acknowledging the added risk of Santa Ana winds.

### 3.2. The DEIR Underestimated Emissions from Rock Crushing

The DEIR calculated rock crushing PM10 and PM2.5 emissions assuming a mean wind speed of 2.98 miles per hour (mi/hr).<sup>160</sup> However, if rock crushing were to occur during Santa

O-1.4-75  
Cont.

O-1.4-76

<sup>153</sup> CalEEMod User’s Guide, p. 54; available at <http://www.caleemod.com/>.

<sup>154</sup> DEIR, p. 2.3-2, 2.8-2/3.

<sup>155</sup> See, for example, Gary Robbins, Powerful Santa Ana Winds Could Affect Traffic Across Much of San Diego County Friday-Saturday, The San Diego Union-Tribune, April 28, 2017; available at: <http://www.sandiegouniontribune.com/weather/sd-me-santaanas-weekend-20170427-story.html> and Santa Ana Winds, Wikipedia; available at [https://en.wikipedia.org/wiki/Santa\\_Ana\\_winds](https://en.wikipedia.org/wiki/Santa_Ana_winds).

<sup>156</sup> DEIR, p. 2.17-25 and Dudek, Fire Protection Plan for the Newland Sierra Project, May 2017.

<sup>157</sup> SCAQMD Issues Dust and Ash Advisory Due to Strong Winds in the Southland; available at <https://lasentinel.net/scaqmd-issues-dust-and-ash-advisory-due-to-strong-winds-in-the-southland.html>.

<sup>158</sup> U.S. EPA, AP-42, Section 13.2.5 Industrial Wind Erosion; available at <https://www3.epa.gov/ttnchie1/ap42/ch13/final/c13s0205.pdf>.

<sup>159</sup> DEIR, p. 2.6-18, 3.2-14, 3.2-20.

<sup>160</sup> DEIR, Appx. G, Part L pdf 63.

Ana wind events, the rock crushing PM10 and PM2.5 emissions would increase by up to a factor of about 3.<sup>161</sup> Construction mitigation should be modified to prohibit rock crushing during Santa Ana wind alerts.

Q-1.4-76  
Cont.

### 3.3. The DEIR Fails to Analyze Potentially Significant Health Impacts Due to Valley Fever

Valley Fever, or coccidioidomycosis (abbreviated as cocci), is an infectious disease caused by inhaling the spores of *Coccidioides* spp.<sup>162</sup>, a soil-dwelling fungus. The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become air borne.<sup>163</sup> The Valley Fever fungal spores are too small to be seen by the naked eye, and there is no reliable way to test the soil for spores before working in a particular area.<sup>164</sup> The California Department of Public Health has concluded:<sup>165</sup>

Valley Fever is an illness that usually affects the lungs. It is caused by the fungus *Coccidioides immitis* that lives in soil in many parts of California. When soil containing the fungus is disturbed by digging, vehicles, or by the wind, the fungal spores get into the air. When people breathe the spores into their lungs, they may get Valley Fever.

Q-1.4-77

#### Is Valley Fever a serious concern in California? YES!

Often people can be infected and not have any symptoms. In some cases, however, a serious illness can develop which can cause a previously healthy individual to miss work, have long-lasting and disabling health problems, or even result in death.

#### 3.3.1. San Diego County Is Endemic for Valley Fever

The disease is endemic (native and common) in the semiarid regions of the southwestern United States.<sup>166</sup> San Diego County, including the Project site, is located within

Q-1.4-78

<sup>161</sup> Increase in rock crushing PM10 and PM2.5 emissions during Santa Ana winds (DEIR, Appx. G, Part 1, pdf 63):  $(50 \text{ mg/hr/5})^{1/3} + (2.98 \text{ mg/hr/5})^{1/3} = 2.15/0.84 = 2.6$ .

<sup>162</sup> Two species of *Coccidioides* are known to cause Valley Fever: *C. immitis*, which is typically found in California, and *C. posadasii*, which is typically found outside California. See Centers for Disease Control, Coccidioidomycosis (Valley Fever), Information for Health Professionals; available at <https://www.cdc.gov/fungal/diseases/coccidioidomycosis/health-professionals.html>.

<sup>163</sup> California Department of Public Health, Valley Fever Fact Sheet, January 2016; available at <https://archive.cdph.ca.gov/HealthInfo/discond/Documents/VFGeneral.pdf>.

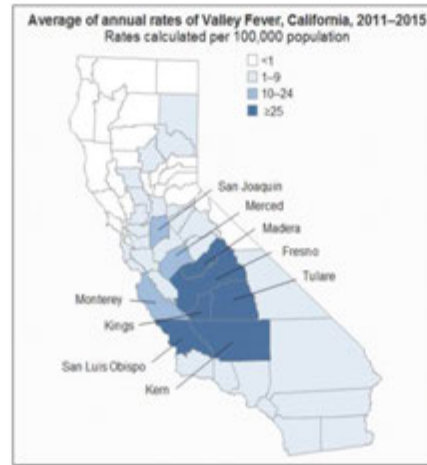
<sup>164</sup> California Department of Public Health, Preventing Work-Related Coccidioidomycosis (Valley Fever), June 2013; available at <https://archive.cdph.ca.gov/healthinfo/discond/Pages/Coccidioidomycosis.aspx>.

<sup>165</sup> California Department of Public Health, Preventing Work-Related Coccidioidomycosis (Valley Fever), June 2012; available at <https://archive.cdph.ca.gov/programs/basis/Documents/CocciFact.pdf>.

<sup>166</sup> San Luis Obispo County Public Health Department, Valley Fever in San Luis Obispo County (undated); available at [http://www.slocounty.ca.gov/health/publichealth/commndisease/Cocci\\_in\\_SLO\\_County.htm](http://www.slocounty.ca.gov/health/publichealth/commndisease/Cocci_in_SLO_County.htm).

the established endemic range of Valley Fever,<sup>167</sup> as shown in Figure 5.<sup>168</sup> The site itself contains conditions that could harbor Valley Fever, including: animal burrows, old Indian campsites, areas with sparse vegetation shown on aerial photographs, packrat middens,<sup>169</sup> and areas of upper 12 inches of undisturbed soil.<sup>170, 171</sup>

Figure 5: Endemic Areas for Valley Fever in California



The number of Valley Fever cases in San Diego County has been rising countywide since 1990.<sup>172</sup> San Diego County had the sixth highest number of reported cases statewide over the

O-1.4-78  
Cont.

<sup>167</sup> See, for example, K. Schmitt, R. Plevin and T. Wood, Just One Breath: Valley Fever Cases Reach Epidemic Levels, But Harm Remains Hidden, September 8, 2012 (“The cocci fungus is common in much of the southwest and in northwestern Mexico, especially in the dry earth of California’s Central Valley and in the areas around Phoenix and Tucson in Arizona. It can be found, however, in soils of the beach haven of San Diego, the wine country of Sonoma County and inland in the Sierra foothills.”); available at <https://www.centerforhealthjournalism.org/content/just-one-breath-valley-fever-cases-reach-epidemic-levels-harm-remains-hidden>.

<sup>168</sup> Medical Board of California Newsletter, v. 141, Winter 2017, pdf 21; available at [http://www.mbc.ca.gov/Publications/Newsletters/newsletter\\_2017\\_01.pdf](http://www.mbc.ca.gov/Publications/Newsletters/newsletter_2017_01.pdf).

<sup>169</sup> DEIR, 2.4-39.

<sup>170</sup> DEIR, Appendix J-1, Sec. 2.2.2.

<sup>171</sup> Kern County Public Health Services Department, Valley Fever Website, Prevention, Clues that Valley Fever May be in the Soil; available at <https://kerncountyvalleyfever.com/what-is-valley-fever/prevention/>.

<sup>172</sup> Janice Arenofsky, San Diego Has Sixth Highest Rate of Valley Fever in California, Concerns Voiced that Imperial County Cases May be Underreported, July 2014, East County Magazine; available at <https://www.eastcountymagazine.org/cost-valley-fever-human-and-economic>.



2007–2011 period: 649 cases.<sup>173</sup> The number of reported cases in San Diego County has continued to rise, reaching 728 over the next five-year period, as shown in Table 9.<sup>174</sup>

**Table 9: Reported Cases of Valley Fever in San Diego County**

Year	No. of Cases
2012	159
2013	126
2014	117
2015	168
2016	158

O-1.4-78  
Cont.

### 3.3.2. Construction Workers Are an At-Risk Population

The CDPH specifically notes that construction workers in endemic areas, such as those that will build the Project, are at risk:<sup>175</sup>

**Figure 6: Valley Fever Risk to Construction Workers**



O-1.4-79

The Project involves a significant amount of grading (890 acres in Phase 1 and 570 acres in Phase 2),<sup>176</sup> requiring about 9.4 million cubic yards of cut and fill during Phase I and about 1.3 million cubic yards of cut and fill during Phase 2. About 2,320,570 cubic yards would be relocated on-site during Phase I and about 103,140 cubic yards during Phase 2.<sup>177</sup> Thus,

<sup>173</sup> MacLean 2014, Table 1.

<sup>174</sup> County of San Diego, Reportable Diseases and Conditions by Year, 2012–2016; available at [http://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/documents/Reportable\\_Diseases\\_and\\_Conditions\\_SD\\_C\\_2012-2016.pdf](http://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/documents/Reportable_Diseases_and_Conditions_SD_C_2012-2016.pdf).

<sup>175</sup> CDPH, June 2012.

<sup>176</sup> DEIR, Table 2.3-8, p. 2.3-70.

<sup>177</sup> DEIR, p. 2.3-23 and Table 2.3-8.

significant opportunity exists to expose both on-site workers and off-site sensitive receptors to Valley Fever spores.

Dust exposure is one of the primary risk factors for contracting Valley Fever.<sup>178</sup> Specific occupations and outdoor activities associated with dust generation such as construction, farming, road work, military training, gardening, hiking, camping, bicycling, or fossil collecting increase the risk of exposure and infection. The risk appears to be more specifically associated with the amount of time spent outdoors than with doing specific activities.<sup>179</sup> As the area surrounding the Project site is rural, locals and visitors who participate in outdoor activities could be exposed during construction.

The most at-risk populations are construction and agricultural workers,<sup>180</sup> the former the very population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that "[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."<sup>181</sup> One study reported that at study sites, "generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected."<sup>182</sup>

The disease debilitates the population and thus prevents them from working.<sup>183</sup> The longest period of disability from occupational exposure in California is to construction workers, with 62% of the reported cases resulting in over 60 days of lost work.<sup>184</sup> Another study

O-1.4-79  
Cont.

<sup>178</sup> Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 20-22; Frederick S. Fisher, Mark W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 47-72 ("All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected."); available at [http://www.researchgate.net/publication/6461426\\_Coccidioides\\_niches\\_and\\_habitat\\_parameters\\_in\\_the\\_southwestern\\_United\\_States\\_a\\_matter\\_of\\_scale/file/72e7e51c9b9f058a45.pdf?origin=publication\\_detail](http://www.researchgate.net/publication/6461426_Coccidioides_niches_and_habitat_parameters_in_the_southwestern_United_States_a_matter_of_scale/file/72e7e51c9b9f058a45.pdf?origin=publication_detail).

<sup>179</sup> Kern County Public Health Services Department, Prevention ("The risk appears to be more specifically associated with the amount of time spent outdoors than with doing specific activities"); available at <http://kerncountyvalleyfever.com/what-is-valley-fever/prevention/>.

<sup>180</sup> Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107-113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

<sup>181</sup> *Ibid.*, p. 110.

<sup>182</sup> Fisher et al., 2007.

<sup>183</sup> Frank E. Swatek, Ecology of *Coccidioides Immitis*, *Mycopathologia et Mycologia Applicata*, v. 40, Nos. 1-2, pp. 3-12, 1970.

<sup>184</sup> Schmelzer and Tabershaw, 1968, Table 4.



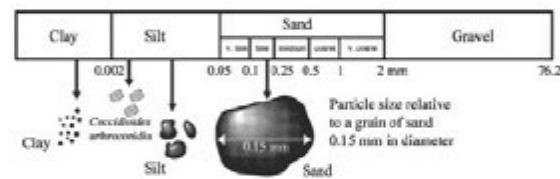
estimated the average hospital stay for each (non-construction work) case of coccidioidomycosis at 35 days.<sup>185</sup>

### 3.3.3. Sensitive Receptors Near the Project Site Are an At-Risk Population

The California Department of Public Health and the State Health Officer have warned that “[p]eople who live, work or travel in Valley Fever areas are also at a higher risk of getting infected, especially if they work or participate in activities where soil is disturbed.”<sup>186</sup> Thus, those living, working, or recreating in the vicinity of the Project site during construction are also at risk of being affected from windblown dust, both during construction and after soils have been disturbed but lie fallow until mitigation has been implemented and/or the Project is built out.

The potentially exposed population in surrounding areas is much larger than construction workers because the non-selective raising of dust during Project construction will carry the very small spores, 0.002-0.005 millimeters (“mm”) (Figure 7),<sup>187</sup> into non-endemic areas, potentially exposing large non-Project-related populations.<sup>188,189</sup> These very small particles are not controlled by conventional construction dust control mitigation measures.

Figure 7: Size of Cocci Spores Compared to Soil Particles (in mm)



Valley Fever spores have been documented to travel as much as 500 miles,<sup>190</sup> and thus dust raised during construction could potentially expose a large number of people hundreds of

<sup>185</sup> Demosthenes Pappagianis and Hans Einstein, *Tempest from Tehachapi Takes Toll or Coccidioides Conveyed Aloft and Afar*, *Western Journal of Medicine*, v. 129, Dec. 1978, pp. 527-530; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1238466/pdf/westmed00256-0073.pdf>.

<sup>186</sup> California Department of Public Health, *State Health Officer Warns About Dangers of Valley Fever*, Number 15-055, August 4, 2015; available at <https://archive.cdph.ca.gov/Pages/PR15-055.aspx>.

<sup>187</sup> Fisher et al., 2007, Fig. 3.

<sup>188</sup> Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978.

<sup>189</sup> Pappagianis and Einstein, 1978, p. 527 (“The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as “a mud storm” that vexed the residents of much of California.” The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento.)

<sup>190</sup> David Filip and Sharon Filip, *Valley Fever Epidemic*, Golden Phoenix Books, 2008, p. 24.

O-1.4-79  
Cont.

O-1.4-80

miles away. Thus, this is a significant concern for this Project because there are sensitive receptors around the Project site, including the Deer Spring Oaks Mobile Home Park,<sup>195</sup> the Golden Door Luxury Resort and Spa,<sup>192</sup> the Hidden Valley Zen Center,<sup>193</sup> St. Mark's Catholic Church, retirement communities east of I-15 including Lawrence Welk Village, Champagne Village, and the Community of Hidden Meadows<sup>194</sup>, various single-family residences to the north, west and south,<sup>195</sup> and the proposed TERI Center just south of Deer Springs Road at Sarver Lane.<sup>196</sup> In fact, residences are located about 100 feet from the southeastern portion of the Project site, where active construction would occur.<sup>197</sup> The mobile home park, for example, is a retirement park with sensitive receptors in about 20 mobile homes, which would be impacted by the Deer Springs Road widening. Further, the Project also includes residential development that would be occupied in Phase 1 while Phase 2 construction is ongoing.<sup>198</sup> The highest mean Valley Fever incidence rate in San Diego County is among those aged 65 and over.<sup>199</sup> Further, Phase I of the Project would be occupied while Phase 2 is built,<sup>200</sup> thus potentially exposing new residents to Valley Fever spores. An individual does not have to have direct soil contact to contract Valley Fever.<sup>201</sup>

O-1.4-80  
Cont.

### 3.3.4. Valley Fever Symptoms

Typical symptoms of Valley Fever include fatigue, fever, cough, headache, shortness of breath, rash, muscle aches, and joint pain. Symptoms of advanced Valley Fever include chronic pneumonia, meningitis, skin lesions, and bone or joint infections. The most common clinical presentation of Valley Fever is a self-limited acute or subacute community-acquired pneumonia that becomes evident 13 weeks after infection.<sup>202</sup> No vaccine or known cure exists for the

O-1.4-81

<sup>195</sup> DEIR, Appx. G, Part 1, pdf 98. Deer Springs Oaks Mobile Home Park at 1299 Deer Springs Road. See <http://www.dreamwellhomes.com/deer-springs-oaks/>.

<sup>192</sup> Golden Door Luxury Resort. See: <https://goldendoor.com/>.

<sup>193</sup> Hidden Valley Zen Center, 2626 Sarver Lane. See <http://www.hvzc.org/>.

<sup>194</sup> DEIR, pp. S.0-4, 1-27, 2.1-5, 2.1-10. See also Table 1-10 and Figure 1-37.

<sup>195</sup> DEIR, p. 2.3-44, pdf 44.

<sup>196</sup> DEIR, Appx. G, Part 1, pdf 13, 98.

<sup>197</sup> DEIR, p. 2.3-24, pdf 24 and 2.3-49, pdf 48. See also Appx. K, Part 1, pdf 64.

<sup>198</sup> DEIR, Appx. K, Part 1, pdf 64.

<sup>199</sup> M. L. MacLean, Health Officer, Kings County, The Epidemiology of Coccidioidomycosis – 15 California Counties, 2007–2011, January 22, 2014, Table 5; available at <http://www.countyofkings.com/home/showdocument?id=3014>.

<sup>200</sup> DEIR, p. 2.3-24, 2.3-49, and 2.3-38.

<sup>202</sup> J.A. Wilken et al., Coccidioidomycosis Among Case and Crew Members at an Outdoor Television Filming Event—California, 2012, Morbidity and Mortality Weekly Report, April 18, 2014; available at <https://www.cdc.gov/Programs/CID/DCDC/Pages/Coccidioidomycosis.aspx#>.

<sup>202</sup> See, e.g., Lisa Valdivia, David Nix, Mark Wright, Elizabeth Lindberg, Timothy Fagan, Donald Lieberman, Prien Stoffer, Neil M. Ampel, and John N. Galgiani, Coccidioidomycosis as a Common Cause of Community-

disease.<sup>203</sup> However, the FDA recently granted Fast Track designation for a proposed treatment.<sup>204</sup> Between 1990 and 2008, more than 3,000 people have died in the United States from Valley Fever, with about half of the deaths occurring in California.<sup>205</sup> Between 2000 and 2013 in California, 1,098 deaths were attributed to Valley Fever.<sup>206</sup> In recent years, reported Valley Fever cases in the Southwest have increased dramatically.<sup>207</sup>

Infections by *Coccidioides* spp. frequently have a seasonal pattern, with infection rates that generally spike in the first few weeks of hot dry weather that follow extended milder rainy periods. In California, infection rates are generally higher during the hot summer months especially if weather patterns bring the usual winter rains between November and April.<sup>208</sup> The majority of cases of Valley Fever accordingly occur during the months of June through December, which are typically periods of peak construction activity.

Typically, the risk of catching Valley Fever begins to increase in June and continues an upward trend until it peaks during the months of August, September, and October.<sup>209</sup> Drought periods can have an especially potent impact on Valley Fever if they follow periods of rain.<sup>210</sup> It is thought that during drought years the number of organisms competing with *Coccidioides* spp. decreases and the fungus remains alive but dormant. When rain finally occurs, the arthroconidia germinate and multiply more than usual because of a decreased number of other

O-1.4-81  
Cont.

Acquired Pneumonia, *Emerging Infectious Diseases*, v. 12, no. 6, June 2006; available at <http://europepmc.org/articles/PMC3373055>.

<sup>203</sup> Rebecca Plevin, National Public Radio, Cases of Mysterious Valley Fever Rise in American Southwest, May 13, 2013; available at <http://www.npr.org/blogs/health/2013/05/13/181880987/cases-of-mysterious-valley-fever-rise-in-american-southwest>.

<sup>204</sup> Mathew Shanley, Valley Fever Treatment Granted FDA Fast Track Designation, July 14, 2017; available at <http://www.rarecdr.com/news/valley-fever-drug-fast-track-designation>.

<sup>205</sup> Jennifer Y. Huang, Benjamin Bristow, Shira Shafir, and Frank Sorvillo, Coccidioidomycosis-Associated Deaths, United States, 1990–2008, *Emerging Infectious Diseases*, v. 18, no. 11, November 2012; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3559166/>.

<sup>206</sup> G.L. Sondermeyer et al., Coccidioidomycosis-Associated Deaths in California, 2000–2013, *Public Health Reports*, v. 131, no. 4, 2016; available at <http://journals.sagepub.com/doi/10.1177/0033354916667210>.

<sup>207</sup> See Centers for Disease Control, Fungal Pneumonia: A Silent Epidemic, Coccidioidomycosis (Valley Fever); available at <http://www.cdc.gov/fungal/pdf/cocci-fact-sheet-sw-us-508c.pdf>.

<sup>208</sup> *Ibid.*

<sup>209</sup> Kern County Public Health Services Department, What Is Valley Fever, Prevention, Valley Fever Risk Factors; available at <http://kerncountyvalleyfever.com/what-is-valley-fever/risk-factors/>.

<sup>210</sup> Gosia Wozniacka, Associated Press, Fever Hits Thousands in Parched West Farm Region, May 5, 2013, Updated April 29, 2016, citing Prof. John Galgiani, Director of the Valley Fever Center for Excellence at the University of Arizona; available at <http://www.denverpost.com/2013/05/05/valley-fever-hits-thousands-in-parched-west/>.

competing organisms. When the soil dries out in the summer and fall, the spores can become airborne and potentially infectious.<sup>211</sup>

The recent drought conditions in southern California may well increase the occurrence of Valley Fever cases. Thus, major onsite and offsite soil-disturbing construction activities should be timed to occur outside of a prolonged dry period. After soil-disturbing activities conclude, all disturbed soils should be sufficiently stabilized to prevent airborne dispersal of cocci spores.

The DEIR makes no mention whatsoever of the potential existence of Valley Fever in the area or of the health risks posed by Valley Fever from construction and/or operation of the Project and does not require any mitigation to limit the public's or workers' potential exposure to cocci. As discussed below, conventional mitigation for construction impacts is not adequate to protect construction workers or offsite sensitive receptors from Valley Fever. Thus, the DEIR utterly fails to inform the public of these potential significant consequences of Project construction. The County should amend and recirculate the DEIR to provide an adequate assessment of Valley Fever and propose adequate mitigation.

#### 3.4. A Conventional Dust Control Plan Is Inadequate to Address Potential Health Risks Posed by Exposure to Valley Fever

Conventional dust control measures that are included in the mitigation measures for the Project in Mitigation Measures M-AQ-2 through M-AQ-4<sup>212</sup> are not effective at controlling Valley Fever<sup>213</sup> as they largely focus on visible dust or larger dust particles – the PM10 fraction – not the very fine particles where the Valley Fever spores are found. While dust exposure is one of the primary risk factors for contracting Valley Fever and dust-control measures are an important defense against infection, it is important to note that PM10 and visible dust, the targets of conventional control mitigation, are only indicators that *Coccidioides* *ssp.* spores may be airborne in a given area. Freshly generated dust clouds usually contain a larger proportion of the more visible coarse particles, PM10 ( $\leq 0.01$  mm), compared to cocci spores (0.002 mm). However, these larger particles settle more rapidly and the remaining fine respirable particles may be difficult to see and are not controlled by conventional dust control measures.

Spores of *Coccidioides* *ssp.* have slow settling rates in air due to their small size (0.002 mm) and low terminal velocity, and possibly also due to their buoyancy, barrel shape, and

O-1.4-81  
Cont.

O-1.4-82

<sup>211</sup> Theodore N. Kirkland and Joshua Fierer, *Coccidioidomycosis: A Reemerging Infectious Disease*, *Emerging Infectious Diseases*, v. 3, no. 2, July-September 1996; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2626789/pdf/8903229.pdf>.

<sup>212</sup> DEIR, pp. 2.3-35/36 and Appx. G, Part 1, Sec. 4.2.1.3.

<sup>213</sup> See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 ("Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.").



commonly attached empty hyphae cell fragments.<sup>224</sup> Thus spores, whose size is well below the limits of human vision, may be present in air that appears relatively clear and dust free. Such ambient airborne spores with their low settling rates can remain aloft for long periods and be carried hundreds of miles from their point of origin. Thus, implementation of conventional dust control measures will not provide sufficient protection for both on-site workers and the general public, especially Phase I occupants during construction of Phase II and nearby off-site sensitive receptors.

### 3.5. The DEIR Fails to Require Adequate Mitigation for Valley Fever

In response to an outbreak of Valley Fever in construction workers in 2007 at a construction site for a solar facility within San Luis Obispo County, its Public Health Department, in conjunction with the California Department of Public Health,<sup>225</sup> developed recommendations to limit exposure to Valley Fever based on scientific information from the published literature. The recommended measures go far beyond the conventional dust control measures recommended in the DEIR to control construction emissions, which primarily control PM10. They include the following measures that are not required in the DEIR to mitigate construction emissions from the Project:

1. Re-evaluate and update your Injury and Illness Prevention Program (as required by Title 8, Section 3203) and ensure safeguards to prevent Valley Fever are included.
2. Train all employees on the following issues:
  - The soils in San Diego County may contain cocci spores;
  - Inhaling cocci spores may cause Valley fever;
  - How to recognize symptoms of Valley Fever; these symptoms resemble common viral infections, and may include fatigue, cough, chest pain, fever, rash, headache, and body and joint ache);
  - Work with a medical professional with expertise in cocci as you develop your training program and consult information on public health department websites;
  - Workers must promptly report suspected symptoms of work-related Valley Fever to a supervisor;
  - Workers are entitled to receive prompt medical care if they suspect symptoms of work-related Valley Fever. Workers should inform the health care provider that they may have been exposed to cocci;
  - To protect themselves, workers should use control measures as outlined here.

<sup>224</sup> Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), U.S. Geological Survey Open-File Report 00-348, 2000; available at <https://pubs.usgs.gov/of/2000/0348/>.

<sup>225</sup> CDPH June 2013, pp. 4-6.

O-1.4-82  
Cont.

O-1.4-83

3. Control dust exposure:

- Consult with local Air Pollution Control District Compliance Assistance programs and with California Occupational Safety and Health Administration ("Cal/OSHA") compliance program regarding meeting the requirements of dust control plans and for specific methods of dust control. These methods may include wetting the soil while ensuring that the wetting process does not raise dust or adversely affect the construction process;
- Provide high-efficiency particulate ("HEP")-filtered, air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment and keeping windows closed.
- Provide communication methods, such as 2-way radios, for use in enclosed cabs.
- Employees should be medically evaluated, fit-tested, and properly trained on the use of the respirators, and a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144) should be in place.
- Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
- Half-face respirators equipped with N-100 or P-100 filters should be used during digging. Employees should wear respirators when working near earth moving machinery.
- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the Fall to essential jobs only, as the risk of cocci infection is higher during this season.

4. Prevent transport of cocci outside endemic areas:

- Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
- Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
- Clothing should be changed after work every day, preferably at the work site.
- Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.

O-1.4-83  
Cont.

- Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
- 5. Improve medical surveillance for employees:
  - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
  - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
  - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
  - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
  - Skin testing is not recommended for evaluation of Valley Fever.<sup>216</sup>
  - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

Two other studies have developed complementary recommendations to minimize the incidence of Valley Fever. The U.S. Geological Survey (“USGS”) has developed recommendations to protect geological field workers in endemic areas.<sup>217</sup> An occupational study of Valley Fever in California workers also developed recommendations to protect those working and living in endemic areas.<sup>218</sup> These two sources identified the following measures, in addition to those identified by the San Luis Obispo County Public Health Department, to minimize the exposure to Valley Fever:

- Evaluate soils to determine if each work location is within an endemic area.
- Implement a vigorous program of medical surveillance.
- Implement aggressive enforcement of respiratory use where exposures from manual digging are involved.
- Test all potential employees for previous infection to identify the immune population and assign immune workers to operations involving known heavy exposures.

<sup>216</sup> Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, *New Valley Fever Skin Test Shows Promise, But Obstacles Remain*, November 21, 2016; available at <http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain>.

<sup>217</sup> Fisher et al., 2000.

<sup>218</sup> Schmelzer and Tabershaw, 1968, pp. 111-113.

O-1.4-83  
Cont.



- Hire resident labor whenever available, particularly for heavy dust exposure work.
- All workers in endemic areas should use dust masks to protect against inhalation of particles as small as 0.4 microns. Mustaches or beards may prevent a mask from making an airtight seal against the face and thus should be discouraged.
- Establish a medical program, including skin tests on all new employees, retesting of susceptibles, prompt treatment of respiratory illness in susceptibles; periodic medical examination or interview to discover a history of low grade or subclinical infection, including repeated skin testing of susceptible persons.

The DEIR's construction control measures M-AQ-2, M-AQ-3, and M-AQ-4 do not include these measures. A few similar measures are required, but they do not go far enough to control Valley Fever. Some examples follow.

Mitigation Measure M-AQ-3(b) requires that all grading areas be watered at least four times daily to minimize fugitive dust.<sup>219</sup> The CDPH, on the other hand, recommends for Valley Fever control, that "[w]hen soil will be disturbed by heavy equipment or vehicles, wet the soil before disturbing it and continuously wet it while digging to keep dust levels down."<sup>220</sup> The watering trucks themselves used in watering generate fugitive dust, which is not addressed by the DEIR's measure, but is addressed by CDPH by requiring the use of "wetting methods that do not raise dust." The BAAQMD requires that all exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%, verified by lab samples or moisture probe.<sup>221</sup>

The best method of preventing roadway dust is to consolidate it, requiring a large quantity of water. The DEIR is silent on the amount of water that would be used and methods of dispensing it. Water evaporates quickly in hot climates such as those at the Project site, requiring more frequent spraying than four times per day.

Further, methods are available to improve dust control. The calcium chloride method or the salt crust process, for example, achieve better control than water alone. Further, fine atomized sprays or mist sprays with droplet diameters of 60 um, produced by swirl-type pressure nozzles or pneumatic atomizers, should be used on the watering trucks.<sup>222</sup>

O-1.4-83  
Cont.

<sup>219</sup> DEIR, p. 2.3-35.

<sup>220</sup> CDPH June 2013, p. 4.

<sup>221</sup> Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, CEQA Guidelines, Updated May 2017, Table 8-2, Measure I; available at <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>.

<sup>222</sup> Amar Solanki, Dust Suppression System, p. 15-19, 25; available at <https://www.slideshare.net/abhi24mining/prevention-suppression-of-dust>.

Mitigation Measure M-AQ-3(d) only requires stabilizing grading areas as quickly as possible but doesn't explain how this will be achieved or set a time limit; hydroseeding, for example, would not eliminate Valley Fever spores. It would be preferable to build out the graded area as soon as possible.

Mitigation Measure M-AQ-3(f) requires wheel washers on trucks only prior to entry on public roads, while CDPH Valley Fever control requires contractors to "[t]horoughly clean equipment, vehicles, and other items before they are moved off-site to other work locations."

Mitigation Measure M-AQ-3(g) allows the use of sweeping to remove visible track-out on public streets. Sweeping generates fugitive dust that may contain spores.

Mitigation Measure M-AQ-3(j) allows 2 feet of freeboard to reduce blow-off during hauling. Trucks should be covered to control Valley Fever blow-off.

In addition to the above discussed measures, I recommend the following additional mitigation measures to protect workers and off-site sensitive receptors:

- Continuously wet the soil before and while digging or moving the earth. Landing zones for helicopters and areas where bulldozers, graders, or skid steers operate are examples where continuously wetting the soil is necessary.
- When digging a trench or fire line or performing other soil-disturbing tasks, position workers upwind when possible.
- Place overnight camps, especially sleeping quarters and dining halls, away from sources of dust such as roadways.
- Minimize the amount of digging by hand. Instead, use heavy equipment with the operator in an enclosed, air-conditioned, HEPA-filtered cab.

In sum, construction mitigation measures in the DEIR are not adequate to control Valley Fever. Projects that have implemented conventional PM10 dust control measures, such as those proposed in the DEIR, have experienced fugitive dust issues and reported cases of Valley Fever.

For example, construction of First Solar's Antelope Valley Solar Ranch One ("AVSR1") was officially halted in April 2013 due to the company's failure to bring the facility into compliance with ambient air quality standards, despite similar dust control measures. A dust storm in Antelope Valley on April 8, 2013 was so severe that it resulted in multiple car pileups in the sparsely populated region, as well as closure of the Antelope Valley Freeway. The company was issued four violations by the Antelope Valley Air Quality Management District. Dust from the project led to complaints of respiratory distress by local residents and a concern of Valley Fever.<sup>223</sup>

At two photovoltaic solar energy projects in San Luis Obispo County, Topaz Solar Farm and California Valley Solar Ranch, 28 construction workers contracted Valley Fever. One man

O-1.4-83  
Cont.

<sup>223</sup> Herman K. Trabish, Green Tech Media, Construction Halted at First Solar's 230 MW Antelope Valley Site, April 22, 2013, available at <http://www.greentechmedia.com/articles/read/Construction-Halted-At-First-Solars-230-MW-Antelope-Valley-Site>.

was digging into the ground and inhaled dust and subsequently became ill. A blood test confirmed Valley Fever.<sup>224</sup>

All of the above health-protective measures recommended by the San Luis Obispo County Public Health Department and the California Department of Public Health are feasible for the Project and must be required in an enhanced dust control plan to reduce the risk to construction workers, on-site residents, and the public of contracting Valley Fever. Many of these measures have been required by the County of Monterey in other EIRs.<sup>225</sup> They are also required in the EIR for the California High-Speed Train.<sup>226</sup> Even if all of the above measures are adopted, a recirculated DEIR is required to analyze whether these measures are adequate to reduce this significant impact to a level below significance.

### 3.6. The DEIR Underestimated Emissions of NOx, VOCs, CO, PM10, and PM2.5

The DEIR estimated the emissions of criteria pollutants—NOx, VOCs, CO, PM10, and PM2.5—in the same CalEEMod model run as used for GHG emissions.<sup>227</sup> Thus, most all of the errors and emissions discussed in Comment 2 for GHG emissions are also present for criteria pollutants and are incorporated here by reference. Exceptions include sources that only increase GHGs, such as vegetation removal. Therefore, the DEIR omitted or underestimated emissions from many sources, as previously described in Comment 2, including:

- NOx, VOC, and CO emissions from induced traffic
- NOx, VOC, CO, PM10, and PM2.5 emissions from construction
- NOx, VOC, CO, PM10, and PM2.5 from omitted off-site roadway improvements
- NOx, VOC, CO, PM10, and PM2.5 from water use
- NOx, VOC, CO, PM10, and PM2.5 from wastewater treatment and disposal
- NOx, VOC, CO, PM10, and PM2.5 from outdoor barbecuing

Additionally, vehicle exhaust emissions are further underestimated as CalEEMod does not include the significant increase in NOx emissions from diesel-fueled vehicles in which controls were disabled during smog tests that still remain on the road. Further, recent tests have

O-1.4-83  
Cont.

O-1.4-84

O-1.4-85

<sup>224</sup> Julie Cart, Los Angeles Times, 28 Solar Workers Sickened by Valley Fever in San Luis Obispo County May 01, 2013; available at <http://articles.latimes.com/2013/may/01/local/la-me-ln-valley-fever-solar-sites-20130501>.

<sup>225</sup> County of Monterey, California Flats Solar Project Final Environmental Impact Report, December 2014; available at [http://www.co.monterey.ca.us/Planning/major/California%20Flats%20Solar/FEIR/FEIR\\_PLN120294\\_122314.pdf](http://www.co.monterey.ca.us/Planning/major/California%20Flats%20Solar/FEIR/FEIR_PLN120294_122314.pdf).

<sup>226</sup> California High-Speed Rail Authority and U.S. Department of Transportation, California High-Speed Train Project Environmental Impact Report/Environmental Impact Statement, Fresno to Bakersfield, Mitigation Monitoring and Enforcement Program Amendments, September 2015; available at [https://www.hsrca.gov/Programs/Environmental\\_Planning/final\\_merced\\_fresno.html](https://www.hsrca.gov/Programs/Environmental_Planning/final_merced_fresno.html).

<sup>227</sup> DEIR, Appx. G, Part 4.

demonstrated that virtually all diesel cars produce far more NOx than required by regulations.<sup>228</sup>

### 3.7. The DEIR Failed to Evaluate Ozone Impacts

The San Diego Air Basin (SDAB), the area in which the Project is located, is designated as a nonattainment area for the state ozone standards (CAAQS) and by EPA as a federal nonattainment (marginal) area for the 2008 8-hour ozone NAAQS.<sup>229</sup> The DEIR failed to determine whether the increases in ozone precursors (NOx, VOC), which are highly significant, would affect the ozone attainment classification of the SDAB.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between NOx and VOCs emitted primarily by construction equipment and the increase in traffic due to the Project. The NOx and VOCs react in the presence of sunlight, creating ozone. Ozone at ground level is a harmful air pollutant because of its adverse effects on people and the environment. The public health impacts include:

- Makes it more difficult to breathe deeply and vigorously
- Causes shortness of breath and pain when taking a deep breath
- Causes coughing and sore or scratchy throat
- Inflames and damages the airways
- Aggravates lung diseases such as asthma, emphysema, and chronic bronchitis
- Increases the frequency of asthma attacks
- Makes the lungs more susceptible to infection
- Continues to damage the lungs even when the symptoms have disappeared
- Causes chronic obstructive pulmonary disease (COPD)<sup>230</sup>

Ozone also affects sensitive vegetation and ecosystems, including forests, parks, wildlife refuges, and wilderness areas. Ozone also can cause significant damage during the growing season.<sup>231</sup> None of these potential impacts from increases in ozone precursors were considered in the DEIR. Thus, the DEIR has failed to evaluate all air quality impacts of the Project.

The DEIR discusses the regulatory framework for ozone,<sup>232</sup> admits that NOx and VOC emissions are ozone precursors,<sup>233</sup> and notes that existing levels of development in the County

O-1.4-85  
Cont.

O-1.4-86

O-1.4-87

<sup>228</sup> Damian Carrington, 38,000 People a Year Die Early Because of Diesel Emissions Testing Failures, The Guardian, May 15, 2017; available at [https://www.theguardian.com/environment/2017/may/15/diesel-emissions-test-scandal-causes-38000-early-deaths-year-study?CMP=Share\\_AndroidApp\\_Gmail](https://www.theguardian.com/environment/2017/may/15/diesel-emissions-test-scandal-causes-38000-early-deaths-year-study?CMP=Share_AndroidApp_Gmail).

<sup>229</sup> DEIR, Appx. G, Part 1, pdf 42.

<sup>230</sup> U.S. EPA, Health Effects of Ozone Pollution; available at <https://www.epa.gov/ozone-pollution/health-effects-ozone-pollution>.

<sup>231</sup> *Ibid.*

<sup>232</sup> DEIR, p. 2.3-2, -8, and -12.



have led to nonattainment status for ozone with respect to both California and National Ambient Air Quality Standards (CAAQS, NAAQS).<sup>234</sup> However, the DEIR fails to conduct any analysis to determine the impact of Project VOC and NOx emissions, which are significant, on ambient levels of ozone or the SDAB's state and federal ozone attainment status.

O-1.4-87  
Cont.

The primary sources of Project VOCs and NOx are exhaust from construction equipment and direct and induced increases in traffic from the Project.<sup>235</sup> The increases in NOx and VOC from Project construction and operation will increase ambient ozone concentrations, aggravating existing exceedances of ozone standards and perhaps result in additional exceedances, a potentially significant and unidentified impact. The estimated maximum combined construction and operational NOx emissions are 495 lb/day, which exceeds the significance threshold of 250 lb/day by nearly a factor of two.<sup>236</sup> The combined construction and operational VOC emissions, 56 lb/day,<sup>237</sup> do not exceed the significance threshold, but these VOC (and NOx) emissions were significantly underestimated by failing to include emissions from induced travel and other sources, as discussed elsewhere in these comments.

O-1.4-88

The DEIR made no attempt to determine if the Project's VOC and NOx emissions coupled with those from other planned projects in the area could affect the classification of San Diego County with respect to ozone or impact the health of sensitive receptors in the vicinity of the Project or elsewhere.

These increases in ozone precursors should have automatically triggered an analysis of their impact on ambient ozone concentration and the County's ozone attainment status. Both the State and Federal ozone standards are set to protect public health. Exceedances translate directly into adverse health impacts in the affected population. Further, these unmitigated increases could interfere with San Diego's ability to comply with its State Implementation Plans, designed to bring it into compliance with ozone standards. These are serious impacts with serious consequences that should result in denial of the Project if they are not mitigated.

O-1.4-89

### 3.8. The DEIR Failed to Evaluate the Impact of Criteria Pollutant Emissions on Ambient Air Quality Standards for NOx, SOx, CO, PM10, and PM2.5

O-1.4-90

The DEIR concluded that mitigated cumulative construction emissions of VOCs, NOx, CO, SOx, PM10, and PM2.5 would be significant.<sup>238</sup> The DEIR also concluded that mitigated combined maximum daily construction and operational emissions of NOx, CO, and PM10

<sup>233</sup> DEIR, p. 2.3-59 and Table 2.3-15.

<sup>234</sup> DEIR, p. 2.3-60, Table 2.3-1.

<sup>235</sup> DEIR, p. 2.3-12.

<sup>236</sup> DEIR, Table 2.3-14.

<sup>237</sup> DEIR, Table 2.3-14.

<sup>238</sup> DEIR, Table 2.3-12.

would be significant and unavoidable.<sup>239</sup> These conclusions should have triggered ambient air quality modeling to determine if the projected emission increases would violate any National Ambient Air Quality Standard (NAAQS) or California Air Quality Standard (CAAQS).

The DEIR itself admits this, stating that: “In the event that emissions exceed these thresholds [which they do], modeling would be required to demonstrate that the project’s total air quality impacts result in ground-level concentrations that are below the CAAQS and NAAQS, including appropriate background levels.”<sup>240</sup> The DEIR also reports a guideline for determining the significance, regarding conformance to federal and state ambient air quality standards as:<sup>241</sup>

Based on Appendix G of the CEQA Guidelines, and the County *Guidelines for Determining Significance – Air Quality*, the proposed project would have a significant impact if it would:

- Result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Elsewhere, with respect to operational emissions, the DEIR concludes:<sup>242</sup>

Based on Appendix G of the CEQA Guidelines, and the County *Guidelines for Determining Significance – Air Quality*, the proposed project would have a significant impact if it would:

- Result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

However, the DEIR fails to evaluate the impact of mitigated significant emission increases on ambient air quality. Instead, it only compares the increase in emissions to significance thresholds in pounds per day (lb/day).<sup>243</sup> The exceedance of a NAAQS or a CAAQS or the contribution to an existing exceedance is a separate impact, affecting regional air quality and SDAPCD’s Federal and State Attainment Plans.<sup>244</sup> Any exceedances of or contribution to exceedances of NAAQS or CAAQS must be disclosed and mitigated.

This is a particularly egregious omission for PM10 and PM2.5 because violations of PM10 and PM2.5 standards are currently experienced in most years near the Project site.<sup>245</sup> The SDAB is classified as a nonattainment area for the state PM10 and PM2.5 standards.<sup>246</sup> The significant increases in PM10 and PM2.5 emissions due to Project construction and operation

O-1.4-90  
Cont.

O-1.4-91

<sup>239</sup> DEIR, p. 2.3-64.

<sup>240</sup> DEIR, Appx. G, Part 1, pdf 58.

<sup>241</sup> DEIR, Appx. G, Part 1, pdf 74-74.

<sup>242</sup> DEIR, Appx. G, Part 1, Sec. 4.2.2.1, pdf 83.

<sup>243</sup> See, e.g., DEIR, Appx. G, Part 1, Tables 21-23.

<sup>244</sup> DEIR, p. 2.3-8/9.

<sup>245</sup> DEIR, Appx. G, Part 1, Sec. 2.4.3.

<sup>246</sup> DEIR, Appx. G, Part 1, pdf 42, 51 and Table 10.

would increase ambient PM10 and PM2.5 concentrations. If these increases caused or contributed to violations of CAAQS or caused violations of NAAQS, this would be an additional and distinct significant impact not otherwise disclosed in the DEIR. The DEIR failed to evaluate these potential impacts.

Significant additional construction and operational mitigation, beyond that recommended in the DEIR<sup>247</sup> and identified elsewhere in these comments (Comments 3.9 and 3.10), is feasible and must be required. It would include, for example, scheduling construction activities to avoid periods when ambient air quality standards would be exceeded or requiring the mandatory use of public transit on forecast NAAQS/CAAQS exceedance days. As the detailed construction schedule was not provided, detailed recommendations for construction scheduling cannot be developed. Thus, the DEIR has failed as an informational document under CEQA.

### 3.9. Operational Mitigation for Criteria Pollutant (NOx, SOx, CO, PM10, PM2.5) Emissions Is Not Adequate

The DEIR concluded that daily Project operational emissions of VOCs, CO, PM10, and PM2.5 would be significant.<sup>248</sup> The DEIR also concluded that daily maximum combined construction and operational emissions were significant for VOCs, NOx, CO, SOx, PM10, and PM2.5.<sup>249</sup> The DEIR then concluded that following implementation of Project design features and mitigation measures PDF-1 through PDF-32 and M-AQ-6 through M-AQ-10, operational emissions would remain significant and unavoidable.<sup>250</sup> However, as explained in Comment 3, the lead agency cannot simply conclude that an impact is significant and unavoidable without requiring all feasible mitigation. As discussed below, the proposed mitigation for air quality emissions from the Project does not comprise all feasible mitigation.

The design and mitigation program for operational emissions, PDF-1 to PDF-32 and M-AQ-6 to M-AQ-10<sup>251,252</sup> omit many measures that would reduce criteria pollutants as well as GHG emissions to a greater degree than otherwise proposed.

First, the significant criteria pollutant impacts could be mitigated to a less than significant level by developing an emission offset program for criteria pollutants, similar to that proposed for GHGs, but curing the defects in the GHG program that I identified in Comment 2.15.

O-1.4-91  
Cont.

O-1.4-92

O-1.4-93

O-1.4-94

<sup>247</sup> DEIR, Appx. G, Part 1, Sec. 4.2.1.3.

<sup>248</sup> DEIR, Table 2.3-13.

<sup>249</sup> DEIR, Table 2.3-14.

<sup>250</sup> DEIR, p. 23-44 and Appx. G, Part 1, Sec. 4.2.2.3.

<sup>251</sup> Elsewhere reported as M-AQ-5 to M-AQ-8; DEIR, Appx. G, Part 1, pdf 89-90.

<sup>252</sup> DEIR, Table 5-1 and Appx. G, Part 1, Sec. 4.2.2.3.



*Second*, the majority of the NO<sub>x</sub>, VOC, and CO emissions, as well as GHG emissions, originate from increases in traffic due to the Project itself and to induced traffic created by highway capacity increases, proposed as mitigation for Project impacts. The impacts from increased direct and induced traffic could be reduced by providing sufficient public transit to meet Project needs and eliminating the proposed freeway capacity increase projects.

O-1.4-95

*Third*, the majority of the proposed mitigation measures involve "promoting" or "coordinating" rather than implementing and funding meaningful mitigation that can be enforced. For example, rather than "promoting" the adjacent park-and-ride lots (PDF-8 and PDF-16), the Project could implement and fund in perpetuity shuttle service between the various developments and these lots. Similarly, rather than "promoting" a transportation option app for mobile devices (PDF-12) and websites for transportation options (PDF-15), the Project could fund the development of an app and a website, provide it free of charge to residents, and conduct periodic training to encourage residents to use these tools. Further, other mitigation is feasible and must be required, including:<sup>253</sup>

- Require solid waste recycling and reuse and provide on-site facilities and services to accomplish this.
- Retain on-site mature trees and vegetation and plant new canopy trees.
- Designate a portion of parking spaces for ride-sharing or high-occupancy vehicles and provide adequate passenger loading and unloading for those vehicles.
- Construct transit facilities as part of the Project and/or in the alternative, provide and fund in perpetuity a dedicated shuttle service to transit stations and analyze and report the efficacy and ridership for such shuttle service.
- Prohibit outdoor grilling.
- Require that all housing units be designed to use solar.
- Require that solar be preferentially used.
- Require solar panels on all uses in the Town Center.
- Equip all homes with battery backup systems for solar systems.
- Equip all homes with induction cooktops.

O-1.4-96

Although solar panels are required as a "sustainability feature" and the DEIR asserts that "solar panels shall be required on all residential units,"<sup>254</sup> the DEIR does not require that they be used to generate electricity. Further, the DEIR does not contain any design/development details to ensure that roofs can accommodate solar (e.g., they could be too steep or improperly oriented). The DEIR is also silent on how the multifamily units would be designed to accommodate solar.

<sup>253</sup> See SCAG 2016, Sec. 3.8.

<sup>254</sup> DEIR, Table S-2, p. S.0-121, 1-14, Fig. 1-24, 2.1-48, 2.3-41.

Fourth, monitoring to ensure the Project is implementing the mitigation program would start only when the community is 85% occupied and would only occur every 3 to 5 years.<sup>255</sup> This is not adequate to assure compliance. The mitigation program should start immediately upon occupation and monitoring should occur at least every 6 months on an unannounced schedule.

O-1.4-97

Finally, the Commercial Center, the hub for the TDM program for which an 11.1% reduction in GHG and criteria pollutant emissions was taken, is not scheduled for construction until Phase 2, while over 1,800 of the 2,135 residential units will be built and presumably occupied in Phase 1. Further, a mixed-used credit for trip reduction is taken, which would not apply during this period. The DEIR does not include any mitigation for the increase in GHG and criteria pollutants that would result before assumed mitigation is in place.

O-1.4-98

### 3.10. Construction Mitigation for Criteria Pollutant (NOx, SOx, CO, PM10, PM2.5) Emissions Is Not Adequate

The DEIR concluded that Project-related construction activities following implementation of proposed mitigation (M-AQ-2 through M-AQ-4) would result in GHG, NOx, CO, PM10, and PM2.5 emissions that would remain "significant and unavoidable."<sup>256</sup> As explained in Comment 3, all feasible mitigation is required when an impact is significant. As discussed below, the proposed mitigation for air quality emissions from construction does not include all feasible mitigation.

Mitigation Measure M-AQ-2(a) requires:

*Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.*

O-1.4-99

This measure only applies to "heavy-duty diesel-powered" equipment, which is not defined. A horsepower cutoff is not specified. Thus, the applicant has the discretion to apply this measure to only the very largest pieces of equipment. This measure should be modified to specify that "all diesel-fueled off-road construction equipment of more than 50 hp shall be equipped with Tier 4 engines," consistent with assumptions used in the emission calculations.

Mitigation Measure M-AQ-2(b) requires:

*Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.*

<sup>255</sup> DEIR, Appx. K, Part 4, pdf 334.

<sup>256</sup> DEIR, p. 2.3-37, 2.3-63; Appx. G, Part 1, Sec. 4.2.1.3.

Limiting idle time to 5 minutes is required by 13 CCR 2449[d][3], 2485 for off-road vehicles.<sup>257</sup> Thus, this is not valid CEQA “mitigation.” This mitigation measure should be modified to lower the maximum idling time to 2 minutes, which has been required for other similar projects.<sup>258</sup> Some states – for example, Connecticut, Delaware, the District of Columbia, and New Jersey – and some cities, such as Santa Barbara, Minneapolis, Burlington and Chicago, limit idling to 3 minutes for all on- and/or off-road vehicles.<sup>259</sup> In addition to lowering the idling time, the construction contractor should be required to maintain a written idling policy and distribute it to all employees and subcontractors. The on-site construction manager shall enforce this limit.<sup>260</sup>

In my experience, mitigation measures beyond those required by the DEIR are almost always required in CEQA documents for projects with a construction fleet as large as the one specified for the Project and for a 10-year construction duration, as proposed here. The following summarizes frequently recommended measures to control NOx, SOx, CO, PM10, PM2.5, and GHG from construction that were not identified in the DEIR and that have been required in other CEQA documents and recommended by various air pollution control districts, e.g., BAAQMD,<sup>261</sup> and other public agencies. The following is a partial list:

- In addition to maintaining all construction equipment in proper tune according to manufacturer’s specifications, the equipment must be checked by an ASE-certified mechanic and determined to be running in proper condition before it is operated (CalAm IS/MND<sup>262</sup>; Chevron FEIR<sup>263</sup>).
- Diesel-powered equipment shall be replaced by gasoline-powered equipment whenever feasible (CalAm IS/MND, Chevron FEIR).
- The engine size of construction equipment shall be the minimum practical size (CalAm IS/MND).
- Catalytic converters shall be installed on gasoline-powered equipment (CalAm IS/MND).

<sup>257</sup> [https://govt.westlaw.com/calregs/Document/ID1C693E02DDD11E197D9B83B68A61150?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/ID1C693E02DDD11E197D9B83B68A61150?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

<sup>258</sup> See, e.g., Chevron Refinery Modernization Project EIR, March 2014, Chapter 5, Mitigation Measure Monitoring and Reporting Program, p. 5-27; available at [https://s3.amazonaws.com/chevron/Final+EIR/5\\_MMRP.pdf](https://s3.amazonaws.com/chevron/Final+EIR/5_MMRP.pdf); see also BAAQMD CEQA Guidelines, May 2017, Table 8-2.

<sup>259</sup> Idling Database; available at [https://cleancities.energy.gov/files/docs/idslebox\\_idlebase\\_database.xlsx](https://cleancities.energy.gov/files/docs/idslebox_idlebase_database.xlsx).

<sup>260</sup> CARB, Written Idling Policy Guidelines, June 2009; available at <https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf>.

<sup>261</sup> BAAQMD, CEQA Guidelines, Updated May 2017, Tables 8-2 and 8-2.

<sup>262</sup> SWCA Environmental Consultants, Draft Initial Study and Mitigated Negative Declaration for the California American Water Slant Test Well Project, Prepared for City of Marina, May 2014 (CalAm IS/MND).

<sup>263</sup> Chevron Refinery Modernization Project EIR, March 2014, Chapter 4.8, Greenhouse Gases; available at [https://s3.amazonaws.com/chevron/Volume+1\\_DEIR\\_r1.pdf](https://s3.amazonaws.com/chevron/Volume+1_DEIR_r1.pdf) and Chapter 5, Mitigation Measure Monitoring and Reporting Program; available at [https://s3.amazonaws.com/chevron/Final+EIR/5\\_MMRP.pdf](https://s3.amazonaws.com/chevron/Final+EIR/5_MMRP.pdf).

O-1.4-99  
Cont.

O-1.4-100

- Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the idling limit (CalAm IS/MND, Chevron FEIR).
- Diesel equipment idling shall not be permitted within 1,000 feet of sensitive receptors (CalAm IS/MND).
- Engine size of construction equipment shall be the minimum practical size (CalAm IS/MND).
- Construction worker trips shall be minimized by providing options for carpooling and by providing for lunch onsite (CalAm IS/MND, Chevron FEIR).
- Use alternative diesel fuels, such as Aquazole fuel, Clean Fuels Technology (water emulsified diesel fuel), or O2 diesel ethanol-diesel fuel (O2 Diesel) in existing engines (Monterey County General Plan EIR).<sup>264</sup>
- Modify engines with ARB verified retrofits.
- Repower engines with Tier 4 final diesel technology.<sup>265</sup>
- Convert part of the construction truck fleet to natural gas.<sup>266</sup>
- Use new or rebuilt equipment.
- Use diesel-electric and hybrid construction equipment.<sup>267</sup>
- Use low rolling resistance tires on long haul class 8 tractor-trailers.<sup>268</sup>
- Use idle reduction technology, defined as a device that is installed on the vehicle that automatically reduces main engine idling and/or is designed to provide services, e.g., heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive

O-1.4-100  
Cont.

<sup>264</sup> Monterey County General Plan EIR, Section 6.4.3.3, p. 6-14 ("The EIRs prepared for the desalination plants are expected to require that construction equipment use alternative fuels or other means to reduce their emissions of ozone precursors. Although, depending upon the intensity of construction, there is the potential for a significant impact on air quality from ozone precursors."); available at [http://www.co.monterey.ca.us/planning/gpu/2007\\_GPU\\_DEIR\\_Sept\\_2008/Text/Sec\\_06\\_Other\\_CEQAs.pdf](http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/Text/Sec_06_Other_CEQAs.pdf). See also Union of Concerned Scientists, November 2009, pp. 23-24.

<sup>265</sup> Union of Concerned Scientists, November 2006, p. 23.

<sup>266</sup> This is a mitigation measure used by PG&E to offset NOx emissions from its Otay Mesa Generating Project. See: GreenBiz, Natural Gas Trucks to Offset Power Plant Emissions, September 12, 2000; available at <http://www.greenbiz.com/news/2000/09/12/natural-gas-trucks-offset-power-plant-emissions>.

<sup>267</sup> Tom Jackson, How 3 Diesel-Electric and Hybrid Construction Machines are Waging War on Wasted Energy, Equipment World, June 1, 2014; available at <http://www.equipmentworld.com/diesel-electric-and-other-hybrid-construction-equipment-are-waging-war-on-wasted-energy/>; Kenneth J. Korane, Hybrid Drives for Construction Equipment, Machine Design, July 7, 2009; available at <http://machinedesign.com/sustainable-engineering/hybrid-drives-construction-equipment>; Caterpillar's D7E Electric Drive Redefines Dozer Productivity; available at <http://www.constructionequipment.com/caterpillars-d7e-electric-drive-redefines-dozer-productivity>.

<sup>268</sup> EPA, Verified Technologies for SmartWay and Clean Diesel, Learn About Low Rolling Resistance (LRR) New and Retread Tire Technologies; available at <https://www.epa.gov/verified-diesel-tech/learn-about-low-rolling-resistance-lrr-new-and-retread-tire-technologies>; EPA, Verified Technologies for SmartWay and Clean Diesel, SmartWay Verified List for Low Rolling Resistance (LRR) New and Retread Tire Technologies; available at <https://www.epa.gov/verified-diesel-tech/smartway-verified-list-low-rolling-resistance-lrr-new-and-retread-tire>.

engine while the vehicle or equipment is temporarily parked or is stationary.<sup>269</sup>

- Implement EPA's National Clean Diesel Program.<sup>270,271,272</sup>
- Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production (SCAG).<sup>273</sup>
- Use minimum feasible amount of GHG-emitting construction materials (SCAG).
- Use lighter-colored pavement where feasible (SCAG).
- Recycle construction debris to maximum extent feasible (SCAG).
- Plant shade trees in or near construction projects where feasible (SCAG).
- Incorporate design measures to reduce GHG emissions from solid waste management by encouraging solid waste recycling and reuse (SCAG).
- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe (BAAQMD).
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph (BAAQMD).
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50% air porosity (BAAQMD).
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established (BAAQMD).
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited.

O-1.4-100  
Cont.

<sup>269</sup> EPA Names Idle Reduction Systems Eligible for Federal Tax Exemptions, March 2009, available at <http://www.greenfleetmagazine.com/channel/green-operations/article/story/2009/03/epa-names-idle-reduction-systems-eligible-for-federal-excite-tax-exemptions-grn.aspx>. See also: Idle Reduction, Wikipedia; available at [https://en.wikipedia.org/wiki/Idle\\_reduction](https://en.wikipedia.org/wiki/Idle_reduction) and Diesel Emissions Reduction Program (DERA): Technologies, Fleets and Project Information, Working Draft Version 1.0; available at <https://nepis.epa.gov/Exe/ZyURL.cgi?Deck=P100CVIS.TXT>.

<sup>270</sup> Northeast Diesel Collaborative, Best Practices for Clean Diesel Construction: Successful Implementation of Equipment Specifications to Minimize Diesel Pollution; available at <https://www.northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>.

<sup>271</sup> U.S. EPA, Cleaner Diesels: Low Cost Ways to Reduce Emissions from Construction Equipment, March 2007; available at <https://www.epa.gov/sites/production/files/2015-09/documents/cleaner-diesels-low-cost-ways-to-reduce-emissions-from-construction-equipment.pdf>.

<sup>272</sup> NEDC Model Contract Specification, April 2008; available at <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-specification.pdf>.

<sup>273</sup> Southern California Association of Governments, Draft Program Environmental Impact Report, 2016-2040 RTP/SCS, Chapter 3.7, p. 3.8-44 and Final Addendum #1 to the Program Environmental Impact Report for the 2016 RTP/SCS Amendment #1 (no changes to air quality or GHG).



Activities shall be phased to reduce the extent of disturbed surfaces at any one time (BAAQMD).

- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel (BAAQMD).
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1% (BAAQMD).
- The project shall use Tier 4 construction equipment as assumed in emission calculations. Alternatively, if emission calculations are revised, the revised emissions and mitigation should be based on a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (*i.e.*, owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20% NO<sub>x</sub> reduction and 45% PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available (BAAQMD).
- Use low-VOC coatings beyond the local requirements (BAAQMD).
- Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM (BAAQMD).
- Require that all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.<sup>274</sup>
- Solicit bids that include these measures (SCAG).

Further, BAAQMD recommended the following additional mitigation measures to reduce NO<sub>x</sub> emissions during construction of the proposed WesPac Pittsburg Energy Infrastructure Project ("WesPac Project"):<sup>275</sup>

- Prohibit diesel generators where access to the electrical grid is available.
- Require electrification of motors, pumps, and other power tools whenever feasible.
- Require the use of biodiesel or other alternative fuels in generators, construction equipment, and/or off-road vehicles.<sup>276</sup>

O-1.4-100  
Cont.

O-1.4-101

<sup>274</sup> BAAQMD, CEQA Guidelines, Updated May 2017, Table 8-3, Measure 13.

<sup>275</sup> The WesPac Project application was withdrawn on November 16, 2015. However, this does not affect the BAAQMD's recommendation for appropriate construction mitigation measures.

<sup>276</sup> Jean Roggenkamp, BAAQMD, Letter to Kristin Vahl Pollot, City of Pittsburg, Re: WesPac Pittsburg Energy Infrastructure Project Recirculated DEIR, September 13, 2013; available at [http://www.baaqmd.gov/~/\\_/media/Files/Planning%20and%20Research/CEQA%20Letters/WesPac%20Pittsburg%20Energy%20Infrastructure%20Project%20DEIR.ashx](http://www.baaqmd.gov/~/_/media/Files/Planning%20and%20Research/CEQA%20Letters/WesPac%20Pittsburg%20Energy%20Infrastructure%20Project%20DEIR.ashx).

Finally, numerous projects have been built using many of these control methods, some of which are summarized elsewhere.<sup>277</sup> All feasible mitigation must be required when an impact is significant and unavoidable. Thus, the DEIR must be revised to include these additional feasible construction mitigation measures and recirculated for public review.

O-1.4-102

#### 4. HEALTH RISKS ARE SIGNIFICANT AND UNMITIGATED

The DEIR asserts that all health impacts are insignificant with mitigation.<sup>278</sup>

The DEIR asserts that during construction, health risks from diesel particulate matter (DPM) would be below the County of San Diego's (County's) thresholds and thus impacts are less than significant.<sup>279</sup> The DEIR also asserts that impacts due to crystalline silica would be less than significant, although mitigation measures M-AQ-9 and M-AQ-10 would nevertheless be implemented to reduce the release of fugitive dust during blasting and general construction activities.<sup>280</sup>

O-1.4-103

The DEIR asserts that during Project operation, cancer risks would be less than significant, except with respect to residents in the northeast corner of the Town Center, where mitigation measures M-HR-1 to M-HR-5 would be required to reduce the maximum cancer risk to 9.1 in 1 million, just below the significance threshold of 10 in 1 million.<sup>281</sup>

These conclusions are unsupported and incorrect.

#### 4.1. Construction Health Impacts Are Significant and Unmitigated

O-1.4-104

##### 4.1.1. Construction Health Impacts from Diesel Particulate Matter Are Underestimated

The DEIR evaluated the health impacts (cancer, chronic) of diesel particulate matter (DPM) emissions from construction equipment on nearby sensitive receptors.<sup>282</sup> Diesel particulate matter is a potent carcinogen and also has chronic non-carcinogenic health impacts (respiratory).<sup>283</sup> Diesel particulate matter is emitted by construction equipment and trucks operating within the Project area. The nearest off-site sensitive receptors are residences about

O-1.4-105

<sup>277</sup> Union of Concerned Scientists, November 2006, p. 24.

<sup>278</sup> DEIR, Appx. G, Part 1.

<sup>279</sup> DEIR, Appx. G, Part 1, pdf 10.

<sup>280</sup> DEIR, Appx. G, Part 1, pdf 11.

<sup>281</sup> DEIR, p. 2.3-56 and Appx. G, Part 1, pdf 11.

<sup>282</sup> DEIR, Tables 2.3-17 and 2.3-18/25 and Appx. G, Part 1, Sec. 3.1.4.

<sup>283</sup> DEIR, p. 2.3-24. See also Table 1. Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values; available at <https://www.arb.ca.gov/toxics/healthval/contable.pdf>.

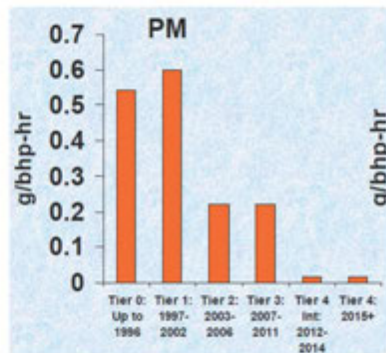


100 feet from the southeastern portion of the site and residents in occupied portions of Phase 1 while Phase 2 is under construction.<sup>284</sup>

The DEIR concluded that DPM emissions from Project construction would not result in any significant cancer or chronic health impacts at the Maximally Exposed Individual Resident (MEIR) either off-site or on-site.<sup>285</sup> This conclusion is wrong for several reasons.

First, as explained in Comment 2.4, DPM (PM) emissions from construction equipment were significantly underestimated by assuming that Tier 4 engines would be used in all equipment. Much of the construction fleet would not be equipped with Tier 4 engines unless the mitigation measures are explicitly modified to require only Tier 4 engines and are made practically enforceable. This is unlikely as much of the available construction fleet is equipped with lower tier engines. See Table 5. As shown in Figure 8,<sup>286</sup> the PM emissions, and hence DPM emissions, from non-Tier 4 engines are significantly higher than the Tier 4 fleet assumed in the emission calculations and therefore the risk assessment is inaccurate.

Figure 8: Comparison of DPM (PM) Emissions in Tier 0 to Tier 4 Engines



The DPM emissions from Tier 0 to Tier 3 engines are about 14 to 38<sup>287</sup> times higher than from the Tier 4 fleet assumed in the construction risk assessment. Thus, the cancer risk to on-site receptors could increase from the reported 0.7 in one million<sup>288</sup> up to 27 in one million, depending upon the makeup of the fleet. This exceeds the significance threshold used in the DEIR of 10 in one million by over a factor of 2. This is a new significant impact that was not

<sup>284</sup> DEIR, Appx G, Part 1, Sec. 3.1.4, pdf 64.

<sup>285</sup> DEIR, p. 2.3-49 and Table 2.3-17 and 2.3-18.

<sup>286</sup> CARB, In-Use Off-Road Diesel Vehicle Regulation; available at <https://www.arb.ca.gov/nsprog/ordiesel/documents/ordifalk08presentation.pdf>.

<sup>287</sup>  $7.5/0.2 = 38$ ;  $2.8/0.2 = 14$ .

<sup>288</sup> DEIR, Table 2.3-17.

O-1.4-105  
Cont.

O-1.4-106

disclosed in the DEIR. Unless the applicant commits to using all Tier 4 engines, and this commitment is enforceable as a practical matter, regardless of horsepower, the construction health risk assessment has significantly underestimated risks to off-site and on-site receptors.

*Second*, the construction HRA is based on a DPM emission rate of 333.62 lb/yr or 0.9 lb/day.<sup>289</sup> This rate appears, with no support. The DEIR consists of 21,826 pages. The reviewer is given no hint as to where the calculations supporting this DPM emission rate can be found. The supporting air quality appendices posted on the County's website are not reliably pdf searchable, requiring that the reviewer inspect thousands of pages of dense technical material to find support for the basis of the construction risk assessment.

My review indicates there is no readily identifiable support. A summary of construction emissions indicates that the peak daily PM10 emission rate from construction activities occurs in 2018 and is 385.31 lb/day,<sup>290</sup> or 428 times higher than assumed in the DEIR's construction health risk assessment analysis. While this daily rate likely includes fugitive dust, which is not DPM, the DEIR fails to break out fugitive dust and DPM fractions of PM10 in a similar summary table, leaving the key assumption in its construction health risk assessment, the DPM emission rate used in the construction HRA, unsupported.

The DEIR assumes that PM10 equals DPM—a reasonable assumption. However, the PM10 emissions were calculated using the CalEEMod model, reported in Appendix K. A search of the 370 pages of Appendix K also does not identify any basis for 333.62 lb/yr (0.167 ton/yr) of construction exhaust PM10 emissions. Thus, the basis of the construction risk assessment is unsupported.

*Third*, the OEHHA risk guidelines that the DEIR's construction health risk assessment is based on<sup>291</sup> recognizes that "it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1 in one million cancer risk). Thus, consideration should be given for very short-term projects to using a lower cancer risk trigger for permitting decisions."<sup>292</sup> In spite of this OEHHA guidance, which the DEIR otherwise relied upon, the DEIR did not adjust the risk significance threshold of 10 in one million to a more appropriate threshold for lifetime exposures during Project construction.

*Fourth*, the construction cancer risks reported in DEIR Table 23-17 were calculated using AERMOD to estimate the maximum ambient concentration of DPM that receptors would breathe. The HARP2 RASP model was then used to convert this maximum ambient concentration into cancer risk. These models require additional inputs that are not disclosed in

<sup>289</sup> DEIR, Appx. G, Part 1, pdf 66.

<sup>290</sup> DEIR, Appx. G, Part 1, Table 21, pdf 82.

<sup>291</sup> DEIR, Appx. G, Part 1, pdf 67 (OEHHA 2015).

<sup>292</sup> Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015, p. 8-18; available at <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

O-1.4-106  
Cont.

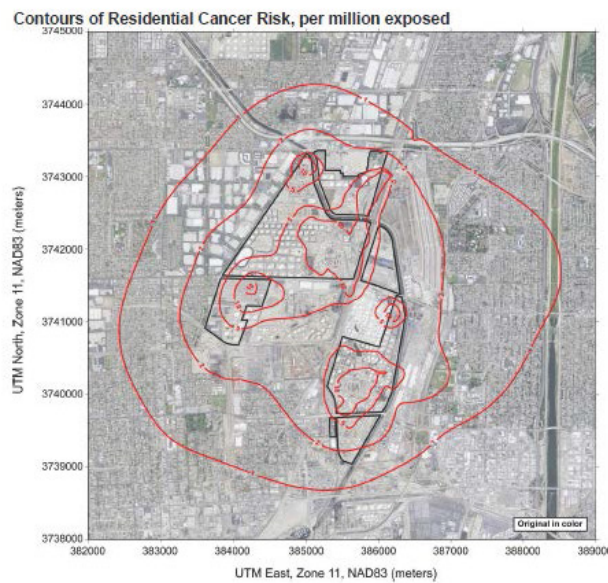
O-1.4-107

O-1.4-108

O-1.4-109

the DEIR.<sup>293</sup> The DEIR does not include the AERMOD and HARP2 RASP input and output files for the construction health risk assessment, which are essential to evaluate the accuracy of a health risk assessment.<sup>294</sup> A specific request to the County to supply the electronic files, routine in similar cases and essential to review the construction health risk analysis, was denied. Thus, the DEIR contains no support for its conclusion that health risks to nearby sensitive receptors from Project construction are not significant.

Finally, it is standard practice in risk assessment to summarize the results of an HRA in a figure or figures that locate sensitive receptors and displays the cancer, chronic, and/or acute cancer risks with isopleths, or lines of equal exposure, so that potentially affected parties can easily determine whether they would be affected:<sup>295</sup>



O-1.4-109  
Cont.

O-1.4-110

<sup>293</sup> DEIR, Appx. G, Part 1, pdf 66-68.

<sup>294</sup> The HARP2 modeling files in DEIR Appendix G, Part 2, are for operational impacts, not construction impacts.

<sup>295</sup> Environmental Audit, Inc., Tesoro Los Angeles Refinery, Integration and Compliance Project DEIR, Submitted to SCAQMD, March 2016.

In fact, the HARP model used in the DEIR generates these maps.<sup>296</sup> Thus, there is no excuse for their exclusion from the DEIR. The OEHHA risk assessment guidance that the DEIR relied on also explains:<sup>297</sup>

**4.6.1 Zone(s) of Impact**

As part of the estimation of the population exposure for the cancer risk analysis, it is necessary to determine the geographic area affected by the facility's emissions. An initial approach to define a "zone of impact" surrounding the source is to generate an isopleth where the total excess lifetime cancer risk from inhalation exposure to all emitted carcinogens is greater than  $10^{-6}$  (one in 1,000,000).

The DEIR does not contain a single risk isopleth figure, obscuring the results of its health risk assessments in thousands of pages of impenetrable numbers and pdf versions of model printouts, with no indication or other explanation or guide to assist the affected public and other interested parties in reviewing the DEIR and assessing impacts from the Project.

**4.1.2. Project Mitigated Operational Health Impacts Are Significant**

The DEIR also includes a health risk assessment for TAC emissions from operation of the Project.<sup>298</sup> The operational HRA concluded that the cancer risk to residents in the northeast and southeast corners of the Town Center residential areas would range from 18.8 to 31.1 in one million, significantly exceeding the cancer significance threshold of 10 in one million.<sup>299</sup> The HRA also concluded that the cancer and noncancer risks to all other receptors was less than significant.<sup>300</sup> The HRA then concluded that mitigation measures MM-HR-1 to MM-HR-5 reduced the cancer risks in these area to 9.1 in one million, which is less than the significance threshold of 10 in one million.<sup>301</sup> These results are summarized in the DEIR.<sup>302</sup> There are several problems with this analysis.

First, the major source of cancer risk is vehicle exhaust from the increase in VMT due to the Project. As discussed in Comment 2.9.2, the DEIR failed to include induced travel due to roadway capacity expansion and emissions from resulting roadway congestion. This would significantly increase cancer risk, beyond levels estimated in the HRA. The Applicant's estimate of the increase in VMT from induced traffic alone would increase the mitigated operational cancer risk of 9.1 in one million to 10 in one million, which is significant. If the increase in emissions due to congestion were added, the mitigated cancer risk would be significantly

O-1.4-110  
Cont.

O-1.4-111

O-1.4-112

<sup>296</sup> OEHHA 2015, Sec. 1.4, p. 19, item 7.

<sup>297</sup> OEHHA 2015, Sec. 4.16.3.

<sup>298</sup> DEIR, Appx. G, Part 1, pdf 537 to Part 2, pdf 4691.

<sup>299</sup> DEIR, p. 23-52 and Appx. G, Part 1, pdf 110.

<sup>300</sup> DEIR, Appx. G, Part 1, Section 4.4.2, pdf 110-111.

<sup>301</sup> DEIR, Appx. G, Part 1, HRA, pdf 570-571.

<sup>302</sup> DEIR, p. 23-56 and mitigation measures M-AQ-12 to M-AQ-16.

greater than 10 in one million. Further, if increased emissions from induced traffic and congestion were included, the cancer risk at the school would be significant. The school risk would not be significantly reduced by the proposed mitigation. Thus, all feasible mitigation is required. The significant cancer risks at these locations can be fully mitigated by not building residences and the school in areas proximate to the I-15 interchange and other roadways where cancer risks to residents and school children are significant.

*Second*, the analyses supporting the HRA's conclusions are opaque. The only support for the significant operational cancer impact is 15 pages of AERMOD output<sup>303</sup> and 5,137 pages HARP output.<sup>304</sup> It is standard practice in risk assessment to summarize the inputs and outputs and the resulting risks by pollutant at sensitive receptors in tables and isopleth figures. Such summaries make the results of the risk calculations accessible to members of the public and facilitate review by subject matter experts.

There are no summaries in this DEIR. The main text of the DEIR does not cite to specific pages in the many thousands of pages in the supporting appendices, forcing the reviewer to dig through thousands of pages of dense pdf computer output, a futile task beyond the capability most members of the reviewing public. The 21,826 page DEIR does not include a single figure that summarizes the health risks to sensitive off-site or on-site receptors. It is common practice to summarize complex health risk analyses on figures that identify sensitive receptors juxtaposed with isopleths showing the magnitude and location of risks. This presentation, called isopleth figures, makes the results of a health risk assessment accessible to the general public, who can then locate their residence or business and determine their specific risk.

Rather, here the results of the various risk calculations are deeply buried in DEIR Appendix G (Air Quality), Parts 1 and 2. These files are indecipherable to anyone but a subject matter expert modeler, who would need the underlying electronic files to effectively evaluate the analyses within the very short allotted review time. I requested electronic copies of the supporting AERMOD and HARP input and output files to evaluate the HRA analyses, a routine matter in similar cases, but the County denied my request. Thus, the DEIR contains inadequate support for its operational HRA analysis.

#### 4.1.3. The DEIR Did Not Evaluate Health Impacts to On-Site Workers

The Project will include a town center occupied by local businesses and their customers. The Town Center is close to I-15, where maximum exposures occur. It is standard practice in health risk assessment to evaluate the cancer and non-cancer health risks to both the Maximum Exposed Individual Worker (MEIW) as well as the MEIR. The DEIR failed to evaluate health risks to the MEIR.

<sup>303</sup> DEIR, Appx. G, Part 1, Appendix B, pdf 587-601.

<sup>304</sup> DEIR, Appx. G, Part 1, Appendix C, HARP Output Files, pdf 602-1047 and Appx. G, Part 2, pdf 1-4691.

O-1.4-112  
Cont.

O-1.4-113

O-1.4-114



## O-1.5 L&W Attachment 5

Comment Letter O-1.5

Landscape Connectivity Issue Review  
Newland Sierra June 2017 DEIR  
Prepared by: Megan K. Jennings, Ph.D.  
August 1, 2017

### SUMMARY

- The Merriam Mountains and Newland Sierra project area is important for both local and regional landscape connectivity, providing for wildlife movement and supporting ecosystem functioning
- The proposed Newland Sierra project will significantly affect high quality core habitat and wildlife movement for both more common and sensitive and protected species to a degree that is not mitigated by the project design
- The proposed open space design for the project is inconsistent with the connectivity goals of the North County MSCP and precludes resilient reserve design in the western portion of the plan area
- The proposed open space design does not take best available science and conservation design practices into account and as such, does not provide for functional connectivity for wildlife
- There is inadequate assessment and mitigation of long-term direct impacts on wildlife from roadways and increased human activity from the proposed project
- There is inadequate assessment and mitigation of long-term indirect impacts of edge effects, human activity, and increasing fire frequency on wildlife movement
- The Newland Sierra DEIR excludes the San Marcos Highlands project, a reasonably foreseeable future project, from cumulative effects analysis
- The determination that the effects of project to wildlife movement will be mitigated below a level of significance are unsupported given the inadequate analyses listed above

O-1.5-1

### INTRODUCTION AND BACKGROUND

#### **Importance of wildlife connectivity in the Merriam Mountains**

The Merriam Mountains/San Marcos Mountains area is only one of three large habitat blocks that remain west of I-15 in all of San Diego County. Two of these three large habitat blocks, including Merriam Mountains, are classified as Pre-Approved Mitigation Area (PAMA) with a goal of 75% conservation under the Draft North County Multiple Species Conservation Plan (NC MSCP). Given the remaining open spaces and known critical movement areas nearby (*i.e.*, the San Luis Rey River to the north), the Merriam Mountains area serves as a critical area for wildlife movement and connectivity at a local scale. The area offers drainages and ridgelines, the primary features known to support wildlife movement, running in both east-west and north-south directions. Based on my research on connectivity in San Diego County (Jennings and Lewison 2013, Jennings and Zeller 2017) and what prior research efforts have learned about wildlife movement and connectivity in the region (Crooks 2002, Lyren *et al.* 2009, 2008, 2006), the Merriam Mountains appear to be situated in a critical location that currently allows it to serve as

O-1.5-2



an essential wildlife linkage connecting habitat patches north of Escondido, San Marcos, and Vista to the Merriam and San Marcos Mountains, Moosa Canyon, and the San Luis Rey River.

Although east-west movement is undoubtedly challenged by Interstate 15 (I-15) to the east of the Merriam Mountains, some species may be able to cross (a) through the concrete box culvert located under I-15 (Figures 1 and 2), a feasible crossing structure for many species that was not documented or evaluated in the Newland Sierra DEIR; (b) through the I-15 culverts noted in the DEIR (Table 2.4-12, p. 2.4-160), or (c) may attempt at-grade crossings of the freeway. There are also locations to the north and south of the Merriam Mountains that allow for east-west movement past the freeway (e.g., Moosa Canyon). North-south connectivity is likely more important for wildlife movement in the area. The quality of undeveloped lands in the area is high; agricultural activities and existing sparse development intensity are not likely to be acting as an impediment to wildlife movement. In a recent update to the connectivity section of the Management Strategic Plan for Conserved Lands in Western San Diego County,<sup>1</sup> the San Diego Management and Monitoring Program identified the Merriam Mountains as a key area connecting core linkages to the north, south, east, and west (Figure 3). Additionally, the proposed designation of area to the north as PAMA under the NC MSCP would further enhance the importance of the open space in the Merriam Mountains and connectivity to and from this area that will serve as a stepping stone, provide source populations of many species, and support ecological resilience in this part of San Diego County.

If the Merriam Mountains are developed according to the proposed Newland Sierra project, the effective distance<sup>2</sup> among preserved lands in this part of San Diego County would more than double, as negotiating additional roads and development would reduce landscape permeability for wildlife and limit the species that could successfully traverse the distance. By fragmenting this area, it may no longer serve as suitable habitat for viable populations of southern mule deer, key predators such as bobcats or coyotes (Crooks 2002), or as a critical linkage for dispersing mountain lions searching for larger blocks of suitable habitat.

Furthermore, the type of stepping-stone connectivity that this area provides is critical for the movement of avifauna with limited dispersal abilities, such as the federally threatened California gnatcatcher (*Poliophtila californica californica*). Connectivity between suitable patches of coastal sage scrub habitat is necessary if the gnatcatcher is to not only persist, but recover in coastal southern California, particularly in San Diego County where coastal sage scrub habitats continue to be constrained at a rapid rate. The proposed development may result in the physical and genetic isolation of populations of mule deer, bobcat, coyote, and other species on either side of Deer Springs Road and west of I-15, a phenomenon that has been demonstrated in other areas of southern California where roads and development have fragmented habitats for these species in a similar fashion (Riley *et al.* 2006, Delaney *et al.* 2010, Lee *et al.* 2012). These effects would result in cumulative impacts to connectivity and wildlife corridors in the area, and require that existing lands providing connectivity be considered more carefully in broader subregional and temporal contexts.

O-1.5-2  
Cont.

O-1.5-3

O-1.5-4

<sup>1</sup> [https://portal.sdmmp.com/view\\_thread.php?threadid=TID\\_20160304\\_1454](https://portal.sdmmp.com/view_thread.php?threadid=TID_20160304_1454) (last accessed Apr. 17, 2017).

<sup>2</sup> Effective distance accounts for both the physical distance and the barriers and resistance of moving through the landscape.

**Importance of connectivity for wildlife**

Current land management plans throughout the U.S. and Europe are designed to protect biodiversity by establishing a network of core habitat areas that are connected via linkages. The central principle of this large-scale conservation planning is that viable populations and natural communities can be supported by a connected landscape network (Beier *et al.* 2006, Crooks and Sanjayan 2006, Boitani *et al.* 2007, Barrows *et al.* 2011), particularly as the landscape becomes altered by anthropogenic features like roads and housing developments. Landscape connectivity allows for movement among patches of suitable habitat, reduces the chance of extinction and effects of demographic stochasticity on small populations (Brown and Kodric-Brown 1977), and maintains gene flow between populations in patchy landscapes (Noss 1987) allowing more rapid recovery after events such as fire and disease outbreaks. Over longer time scales, and in the face of changing abiotic conditions, connectivity may also prove critical for range shifts in response to landscape changes caused by changing climate and altered disturbance regimes (Hannah *et al.* 2002, Heller and Zavaleta 2009). In southern California, this landscape-scale network approach has been adopted in response to the widespread habitat conversion and fragmentation that has resulted from development in the region (Riverside County 2003, County of San Diego 1998).

Although only a handful of species were documented on site and can be found in species occurrence databases such as SanBIOS (County of San Diego 2016), this site is undoubtedly important for a wide range of species given the complexity of terrain and vegetation and the size and placement of the open space. Species detections during project surveys conducted in 2003 and 2013 were likely affected by the fact that both years were during extended droughts, reducing the likelihood of detection of the full range of species that may occur on site or utilize the area as movement corridors. Furthermore, the same topography and vegetation cover that constitute habitat for a range of species also make it difficult to fully survey all areas of the site. Finally, prior data on the site may be limited by the fact that the land has been privately held and generally not accessible for surveys or opportunistic observations. Despite a paucity of information about species occurrences on the project site, habitat suitability modeling has been conducted that suggest that all or portions of the area are adequately suitable (moderate to high suitability) to support movement for a suite of species including: bobcat (*Lynx rufus*), puma (*Puma concolor*), mule deer (*Odocoileus hemionus*), wren-tit (*Chamaea fasciata*), California mouse (*Peromyscus californicus*), big-eared woodrat (*Neotoma macrotis*; Jennings and Zeller 2017) as well as western whiptail (*Aspidoscelis tigris*), western toad (*Anaxyrus boreas*), and granite spiny lizard (*Sceloporus orcutti*; Franklin *et al.* 2009).

O-1.5-5

**ISSUE 1**

**Lack of consistency with Draft North County Multiple Species Conservation Plan (NC MSCP)**

**Determinations based on Draft Plan not approved by CDFW or USFWS**

The findings of consistency with NC MSCP are based on a proposed hardline of the development that was put into the plan by the County at the developer's request but not yet been reviewed by wildlife agencies or been available for public comment. Hardline projects are areas where development impact areas and the preserved open space areas have been predetermined

O-1.5-6

and hardlined for the purposes of a conservation plan. Hardline projects are included and analyzed in Habitat Conservation Plans approved pursuant to 16 U.S.C. section 1539(a)(2)(A) and Natural Community and Conservation Planning Act (California Fish and Game Code section 2800 et seq.) plans such as the NC MSCP. These plans must receive concurrence from the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) prior to implementation. In the case of the NC MSCP, the plan must also be approved by the County Board of Supervisors. At the time of the release of the Newland Sierra DEIR, the NC MSCP had received neither the required concurrence from the wildlife agencies nor the approval of the Board of Supervisors. The determination to place this area into hardline is in direct conflict with the management goals of the NC MSCP and is based on an inadequate assessment of connectivity and is in direct conflict with Wildlife Corridor Conservation Goal and Actions (p. 5-83) stated in the Draft NC MSCP dated May 2017 (and see below).

O-1.5-6  
Cont.

**Connectivity design of project inconsistent with NC MSCP Corridor Conservation Goal and Actions**

The proposed design of open space "Blocks" and "Corridors" is not consistent with the draft guideline for connectivity planning and implementation in the NC MSCP. The Corridor Conservation Goal and Actions (p. 5-83) state that:

- Large contiguous blocks of habitat are preferred
- Stepping stones are not a goal, rather a minimum
- Corridors should have edge buffering
- Design should consider factors that impact wildlife passage like human developments, edge effects, roads and driveway, reduced structural and compositional diversity of vegetation, agricultural cultivation, free roaming pets, lighting, and noise
- Whenever possible, include deliberate redundancies linking cores in more than one way to establish and/or retain functional connectivity

O-1.5-7

Despite these guidelines, the proposed design separates the second largest block of open space remaining in the Draft NC MSCP Plan area in three separate blocks. The three separate blocks are 870.2, 153.9, and 185 acres and are described as "interconnected" (DEIR, p. 2.4-1). All are considered "medium" in size according to the Draft NC MSCP (pp. 4-4 to 4-5), and two are on the small end of medium. These three blocks are separated from each other by large sections of the development, roads, or passage through narrow pinch points that constrain wildlife movement. The design creates stepping stones that are separated and confined by the proposed development features and the "corridors" are not buffered from these effects. Furthermore, the most likely movement pathways in the proposed plan area will be permanently altered by development.

**ISSUE 2**

**Inadequate open space design to allow for functional connectivity for wildlife**

Connectivity is often considered from two different perspectives, physical and functional connectivity. *Physical connectivity* indicates whether there is structure connecting two patches of habitat, whereas *functional connectivity* accounts for how wildlife respond to that structure as

O-1.5-8

well as barriers to movement for the species of concern (Taylor *et al.* 1993, Tischendorf and Fahrig 2000a, 2000b). The distinction between physical connectivity and functional connectivity in fragmented landscapes is critical when implementing conservation and mitigation measures to prevent irreversible habitat fragmentation. There are a variety of factors that can affect this response, including but not limited to, life history traits of the affected species, habitat configuration, degree of habitat fragmentation, and type of fragmenting features (e.g., roads, houses). Furthermore, this response will differ among species with some demonstrating a greater sensitivity to these factors than others. The Newland Sierra DEIR takes physical connectivity into account to some degree but largely ignores functional connectivity.

O-1.5-8  
Cont.

#### Configuration

In the description of Habitat Connectivity and Wildlife Corridors (DEIR, Section 2.4.10) in the Biological Resources section of the Newland Sierra DEIR the proposed "open space design" for the project is described as three large blocks of habitat comprising a total of 1,209 acres connected by internal corridors (DEIR, p. 2.4-51). Following this description, specific lengths and widths are given for each of the internal "blocks of open space", to justify that they meet minimum width goals for corridors (DEIR, pp. 2.4-75 – 2.4-76), recharacterizing the blocks as linkages. The "corridors" connecting the "blocks of open space" are not disclosed in the document despite an assurance that they meet "minimum guidelines" (DEIR, p. 2.4-76). Furthermore, in the DEIR, the basis of the determination that the on-site open space will allow wildlife to move "unimpeded" are based on outdated guidelines from the MSCP County of San Diego Subarea Plan (County of San Diego 1997) that are not consistent with best available science. Neither the bulk acreage provided as "open space" nor the exact measurements of the "corridors" are components of preserve design that are considered critical to ensure an area provides functional connectivity for wildlife (Beier and Loe 1992). Instead, the function of the landscape, often dictated by its composition and configuration, are paramount for wildlife connectivity. In the Loss of Connectivity section (Volume 2B, Section 8.0) of the Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County (SDMMP and TNC 2017), which includes the proposed NC MSCP area, "Core Habitat Areas" are defined as "a contiguous area of relatively intact natural vegetative cover that is 1,250 acres in size and with little or no permanent internal fragmentation from human development". Although the proposed open space design for the Newland Sierra project approaches that total acreage goal, it does not meet the standard for contiguous intact habitat without permanent internal fragmentation. The Merriam Mountain area is currently considered a functioning core habitat area but the proposed project would degrade and fragment the habitat to a degree that would reduce its functioning as a core area, reducing permeability for wildlife and creating permanent barriers to wildlife movement. The Newland Sierra DEIR did not analyze the impacts of fragmentation that would be caused by the development and associated cumulative effects.

O-1.5-9

The weight of scientific evidence suggests that effective and functional corridors are continuous (*i.e.*, not bisected by roads or other anthropogenic features; Bennett *et al.* 1994, Forman 1995, Tilman *et al.* 1997, Brooker *et al.* 2001), wide enough to provide adequate habitat not affected by edge effects (Hilty *et al.* 2006), of high or higher quality than larger core habitat patches (Tilman *et al.* 1997), and dominated by native vegetation (Bennett 1991). The proposed open space design for the Newland Sierra project ignores the best available science, maximizing the amount of edge in small habitat blocks separated by roads, housing, and fuel management zones that will become dominated by non-native vegetation.

*Artificial wildlife corridors*

In the DEIR, a determination is made that the impacts to movement of wildlife as a result of artificial corridors would be less than significant (DEIR, p. 2.4-78). It is reasoned that the designated biological open space and corridors were designed to follow natural ridgelines and landscape patterns that would facilitate wildlife movement and that the developed landscapes would follow natural contours of the landscape. However, large segments of the proposed development are sited along major canyons and ridgelines. These features are known to be important movement corridors for species like pumas (Dickson *et al.* 2005, Beier 1995, Zeller *et al.* 2017) as well as bobcats (Jennings and Lewison 2013) and many other species. Specifically, the Valley, Mesa, and Terraces neighborhoods as well as the Town Center portion of the development either directly occupy likely wildlife movement pathways or block unimpeded passage through canyons that serve as wildlife movement pathways. Limiting wildlife movement to the unnatural movement "corridors" proposed in the open space design will have a significant and permanent impact on wildlife movement and landscape connectivity that is not acknowledged, was not properly assessed, and is not mitigated.

O-1.5-10

*Edge effects*

The proposed design does not minimize edge effects from the development, but rather exacerbates them through the establishment of the two small blocks of "open space" proposed (Blocks 2 and 3) that are surrounded by houses, bisected by roads without consideration for wildlife underpasses and wildlife-vehicle collisions and are not contiguous with adjacent open space. As such, this design should not be considered compliant with best available science, the connectivity goals of the Draft NC MSCP, nor adequate to mitigate the stated impacts to sensitive wildlife, core areas, and wildlife movement. An analysis of 25 studies describing edge effects determined that negative edge effects are biologically significant at distances up to 300 meters (~1,000 feet) in terrestrial systems (Environmental Law Institute 2003), meaning the proposed on-site corridors in the open space design ranging from 200 to 800 feet, are all likely to experience the impacts of edge effects at a level of biological significance. Specifically, the likely edge effects for the proposed project include negative effects of traffic, human activity, lighting, noise, domestic pets, and toxicants.

O-1.5-11

In the DEIR, the two smaller habitat blocks (Block 2 and Block 3) in the proposed project are included in a description of the proposed open space design as "large, interconnected open space blocks within the project" (DEIR, p. 2.4-1). The size of the proposed open spaces under the proposed development plan are compared to that of other preserved lands in the vicinity of the project area (DEIR, Table 2.4-24, p. 2.4-168) to illustrate that the two smaller habitat blocks (Block 2 and Block 3) in the proposed project are of adequate size and support a reserve design consistent with the Draft NC MSCP. However, what this in fact demonstrates is that the project would take the second largest block of habitat remaining west of I-15 in the NC MSCP Plan area and fragment it resulting in three smaller "medium" blocks, as defined by the Draft NC MSCP (pp. 4-4 to 4-5), two of which are on the small end of medium. This is directly in conflict with the stated connectivity and conservation planning goals of the NC MSCP. In addition, the flawed logic justifying the open space design that would fragment this large habitat block ignores the fact that the configuration and location of these blocks is just as important as their size to supporting wildlife movement. Reducing the overall size of the habitat patch in this area will

O-1.5-12

O-1.5-13

significantly impact wildlife habitat and movement and cannot be adequately mitigated by an open space design that introduces more fragmentation and exposure to edge effects.

↑ O-1.5-13  
↑ Cont.

**Corridor redundancy**

The DEIR's connectivity analysis omits consideration of redundancy of corridors, a concept that is fundamental to landscape connectivity planning and functionality (Hilty *et al.* 2006). Redundancy is important for species such as puma, which could be significantly impacted by the proposed project. From a broader regional perspective on connectivity, the connections available for wildlife to move through the Merriam Mountain area are crucial for maintaining connectivity to the Santa Ana Mountains by provided alternative pathways for wildlife moving to the east or west past the I-15. The Santa Ana-Palomar linkage is a wildlife corridor that has been highlighted in numerous connectivity studies to date (e.g., South Coast Wildlands 2008, Spencer *et al.* 2010); however, this linkage remains unrealized due the difficulty in getting animals across the I-15 to the north in Temecula. Currently, one of the few areas with adequate habitat quality and continuity to support wildlife movement is in the vicinity of the Merriam Mountains. This is an especially important issue for mountain lions, which have experienced a decline in genetic diversity and led to inbreeding and concerns about long term persistence of the apex predator in the Santa Ana Mountains (Ernest *et al.* 2014), as well as additional effects to the San Diego population of mountain lions. Although the area near Rainbow, CA, just south of Temecula, CA is thought to be the ideal I-15 crossing location for pumas, there has been a successful I-15 crossing by a puma (M-56) at Moosa Canyon (Vickers *et al.* 2015), just north of the project area. There is suitable habitat for the species from Valley Center into the San Marcos Mountains, which would allow access to the San Luis Rey River, and important wildlife corridor to and from Marine Corps Base Camp Pendleton, which leads into the Santa Ana Mountains. Furthermore there have been pumas detected to the southwest (San Diego Tracking Team 2008), the east (County of San Diego 2016), and north (Vickers *et al.* 2015) of the project area, as well as puma mortality documented along SR-78 in Vista (Vickers *et al.* 2015). These locations and the movement ability of pumas indicate they utilize, even if sporadically, the surrounding areas, suggesting they may be likely to occur on the project site during movement/dispersal activities.

O-1.5-14

**ISSUE 3**

**Inadequate assessment and mitigation of direct effects on connectivity**

**Roads**

Roadways in particular pose a significant challenge to landscape functioning (Laurence and Balmford 2013). Though roads can have many negative indirect effects on wildlife, two mechanisms directly impact habitat suitability and continuity (Fahrig and Rytwinski 2009): the *barrier effect* whereby the road blocks species' movement across the landscape, and *direct mortality* through wildlife-vehicle collisions (Bissonette 2002). The degree of impact of a road may depend on several factors such as the location of the road relative to open space and protected habitats, traffic volume and traffic speed (Fahrig *et al.* 1995), and the sensitivity of species affected by the road.

O-1.5-15



The DEIR includes only minimal and insufficient discussion of the mortality or the barrier effects of roads on sensitive wildlife, core areas, and most importantly, wildlife movement in the Biological Resources Report or the DEIR. The roads and traffic within the development are mentioned, but wildlife-vehicle collisions are dismissed as unlikely based on an assumption that wildlife will move at night when vehicle traffic is low and speeds will be relatively slow. No mitigation to allow wildlife to safely cross under these roads is proposed in the design of the project despite the fact that road construction, grading, and widening are all either immediate components of the proposed project or reasonably foreseeable future actions associated with the project. This is an important omission to both the assessment of project impacts as well as mitigation planning given the many locations where wildlife movement are likely to be affected by roadways in and around the proposed project area (Figure 4). These locations for potential wildlife crossings (Figure 4) are sites where natural features that funnel wildlife movement intersect with roadways and are likely to result in direct and indirect effects to wildlife movement that should be mitigated. The analysis of the impacts of the proposed Newland Sierra project must not only evaluate the effects of these roadways on wildlife movement in general, but specifically for these locations where impacts are most likely.

O-1.5-15  
Cont.

Furthermore, there is no discussion whatsoever as to the impacts of the large increase in traffic rates on multiple roads surrounding the project (*i.e.*, Deer Springs Road, Twin Oaks Valley Road, Mesa Rock Road, and Sarver Lane) or the effects of the widening of Deer Springs Road. Despite the fact that the final planning for the road projects will need to undergo additional coordination and review with the County of San Diego, it is a reasonably foreseeable associated action that should be evaluated and mitigated in this analysis. The increased traffic rates and widening of Deer Springs Road in particular are likely to not only increase the mortality effect of that road on wildlife populations, but may also result in a barrier effect, making that road impenetrable to some species and cutting off populations to the north and south of the road. These effects are likely to impact not only large species, as stated in the Biological Resources section of the DEIR, but many small species as well that are more likely to suffer barrier effects impeding movement (Delaney *et al.* 2010, Brehme *et al.* 2013) as well as mortality effects for the species that do attempt to cross wider and more heavily trafficked roads. Mitigation measures should incorporate appropriately sited, sized, and designed wildlife crossing structures as well as associated fencing to reduce the significant barrier and mortality effects of roadways on and off the project site. The permeable fencing proposed under the Newland Sierra Project's Open Space Fencing and Signage Plan (DEIR, pp. 2.4-118 – 2.4-119) will allow species to enter roadways and will not funnel movement to appropriate existing crossings. There are no details provided in the fencing plan detailing the specifications of the open space walls.

O-1.5-16

O-1.5-17

#### Impact of traffic rates

One of the key characteristics that determine whether a road has mortality or barrier effects is traffic volume, which is thought to have more of a significant impact on wildlife movement than road width or placement (Jaeger *et al.* 2005). Narrow, rural, two-lane highways with low traffic volumes can have barrier effects on many small species, particularly small mammals in the region, and can result in mortality of less sensitive species like the western fence lizard (*Sceloporus occidentalis*, Brehme *et al.* 2013). In prior connectivity studies in the region, high rates of wildlife-vehicle collisions have been detected on narrow secondary roads with high traffic volumes (Jennings and Lewison 2013, Jennings and Lewison 2015). Larger roads with multiple lanes and high traffic volumes have been associated with barrier effects that can be

O-1.5-18

detected through a loss of gene flow (Delaney *et al.* 2010), suggesting populations of even common and relatively mobile species like wrenit, western fence lizard, side-blotched lizard (*Uta stansburiana*), and western skink (*Platiodon skiltonianus*) experience significant biological effects from heavily traveled roads similar to the size and traffic volumes that will occur on and off the project site. A literature review by Charr and Jones (2009) reveals that traffic volumes on the order of 4,000-6,000 Annual Average Daily Traffic (AADT) have substantial effects for many species and may act as a near complete barrier to others. Volumes between 6,000 and 15,000 AADT may act as a nearly complete barrier or result in major habitat avoidance, and volumes in excess of 15,000 AADT appear to result in major habitat avoidance for most species without appropriate movement corridors or wildlife crossing structures to allow for safe crossing. The current impacts of the roads in the project area that would affect wildlife movement corridors, particularly those listed above, should be assessed, an attempt should be made to quantify the likely impact of increased traffic rates under each of the transportation designs in the DEIR, and mitigation measures should be proposed that minimize the impacts of roads on wildlife. In some cases, particularly with Deer Springs Road, it is possible that even with appropriate wildlife-focused mitigation measures, the degree of impact cannot be mitigated below a level of significance. A thorough, quantitative, site-specific evaluation of changes in traffic rates, patterns, and movement of wildlife is required to make that determination, but was not included in the Newland Sierra DEIR.

#### Wildlife responses to roads

In recently completed research, we have identified the distance at which environmental variables such as roads affect a suite of wildlife species in San Diego County (Jennings and Zeller 2017). Because different species have different movement capabilities and sensitivities to landscape features, particularly anthropogenic features, they respond — either positively in the case of features like canyons and riparian habitat, or negatively as with roads and urbanization — to these landscape features at different spatial scales. Recently, multi-scale models have been shown to outperform single scale models for species-habitat relationships (Johnson *et al.* 2004, Wheatley and Johnson 2009, McGarigal *et al.* 2016). Therefore, we assessed environmental variables across a range of scales for each species by testing scales based on previous knowledge of the species habitat use or estimated dispersal distances. The best performing distances in our modeling can be considered as the effect distance of roads for these species. Our analyses suggest small species such as California mouse, big-eared woodrat, and wrenit respond to primary roads at scales between 90 to 360 meters (295-1,180 feet) but larger species like mule deer and bobcat show negative associations at distances 1,000-1,440 meters (3,280-4,725 feet) from the road when considering overall habitat suitability. These distances vary slightly when examining movement behavior only or evaluating the genetic distance of sampled individuals, but generally the trend for these larger species is avoidance of roadways and effect distances ranging from 500 to 3,819 meters (1,640 to 12,530 feet; the latter for puma response to roads during movement behavior). These type of quantitative metrics to assess the impacts of the roadways in the project area should be mapped and evaluated in the assessment of project impacts to wildlife habitat and movement. This type of analysis would reveal that at the impact distances found for the species we modeled across San Diego County (Jennings and Zeller 2017), the smaller habitat blocks proposed for the project area, as well as the proposed interior corridors would not be effective or functional for these and many other species.

#### Deer Springs Road

O-1.5-18  
Cont.

O-1.5-19

Currently, Deer Springs Road is more likely acting as a source of mortality for the majority of species rather than a barrier. The width of the road, traffic amounts and patterns are such that some species likely make successful crossings over the road, particularly at night when traffic volumes on the road are extremely low. Additionally, some species are likely to be successful crossing under the road using the culverts identified in Table 2.4-12 (DEIR, p. 2.4-160). The proposed project and eventual full build-out of the road will increase the width of the road from two lanes to six and result in a 29 to 55% increase in traffic volume (calculated from volume estimates in the Traffic Impact Analysis [DEIR, Appendix R]) from the proposed project as well as the eventual cumulative effects of other projects in the area. With this increase in traffic volume and road width, the road will most likely become a barrier to most individuals of most species (Charry and Jones 2009, Delaney *et al.* 2010, Brehme *et al.* 2013). In addition to increase traffic volumes, the change in traffic pattern is also likely to affect wildlife with increased trips throughout the day rather than majority of activity occurring during peak hours, as is the current condition on Deer Springs Road. This would result in a direct, long-term effect that can only be mitigated with appropriately designed wildlife crossing structures and fencing (Clevenger and Huijser 2011, Huijser *et al.* 2016, Rytwinski *et al.* 2016). There will also be a permanent indirect impact of a roadway of this size and traffic volume resulting in avoidance by many species.

O-1.5-20

Although the habitat on the southern portion of Deer Springs Road (south of the Sarver Lane intersection) is more marginal than that adjacent to the eastern segment, it may still support east-west wildlife movement through the area. The increase in traffic volume on this portion of Deer Springs Road will likely result in barrier and mortality effects that cannot be effectively mitigated with the three existing drainage culverts along this segment of road. They are all relatively small, inadequately placed increasing the likelihood of at-grade crossings by wildlife, have issues with sediment and erosion, and do not have wildlife fencing to support their use. Although the presence and type of fencing along bridges and culverts are documented in the DEIR (Table 2.4-11, p. 2.4-159) the information about the fencing along Deer Springs Road is limited to the information in Figure 2.4-8 (DEIR, p. 2.4-233), which is incomprehensible given the scale and amount of information overlaid onto the map. No additional details are provided on fencing type, height, or placement are provided. The improvement of this segment of Deer Springs Road should also incorporate wildlife crossings and fencing to mitigate the effects of the road widening and increased traffic volumes on wildlife movement.

Improvements to the I-15/Deer Springs Road interchange proposed in the DEIR may also impact wildlife crossings, including access to nearby culverts. Because the design and footprint of the interchange improvements are not included in the DEIR, these impacts cannot be evaluated. Additional information is needed to determine the impacts from proposed interchange improvements and any potential mitigation measures that could be included.

O-1.5-21

#### Mesa Rock Road

As the primary access road into the community, Mesa Rock Road is expected to experience a 370% increase in traffic volume (DEIR, Appendix R). The extension of this roadway and the associated traffic volumes expected in this area will likely result in both barrier and mortality effects for both small and large species. Furthermore, this road will impact the quality and functionality of proposed "Habitat Block 2" and restrict access and movement between "Habitat Block 3" and Blocks 1 and 2. The construction and improvement of Mesa Rock Road should incorporate wildlife crossings and appropriate wildlife fencing (*i.e.*, beyond the aesthetic fencing

O-1.5-22

proposed in the project design) to mitigate the effects of the road widening and increased traffic volumes on wildlife movement.

*Sarver Lane*

At present, Sarver Lane sees very low traffic volumes, estimated at a maximum of 500 average daily traffic (ADT; STC Traffic, Inc. 2017). This road runs adjacent to a drainage that is likely an important north-south movement corridor for wildlife. The upgrade of the northern segment of this road into the project area, resulting in a 1,160% increase in traffic volume (DEIR, Appendix R and STC Traffic, Inc. 2017), will result in significant, long-term, direct and indirect impacts to wildlife movement. The northern segment of Sarver Lane (where the road currently transitions to Gist Road) is currently compacted dirt substrate and likely acts as a wildlife movement corridor. The northern segment of Sarver Lane will be paved as part of the Project, and the southern portion will be widened to three lanes. Although wildlife could move in the drainage adjacent to the road to the west, the edge effects of the road will affect functionality of this movement corridor. As an access point to the development, the increase in traffic volume and size of the road is likely to result in both barrier and mortality effects to a range of species.

*Twin Oaks Valley Road*

North of the intersection with Deer Springs Road, Twin Oaks Valley Road is expected to see a 14% increase in traffic volume (DEIR, Appendix R). The northern segment bisects the landscape linkage between Merriam Mountain and the San Marcos Mountains yet there is no proposed wildlife undercrossing included in the project design to mitigate roadway impacts to species moving through this important linkage. Currently, there is a drainage culvert, approximately 24 inches in size, set back from the road. In the location most likely to support channel wildlife movement between the two areas (Figure 4). There is an additional likely crossing location to the north of this site that should also incorporate a wildlife crossing feature to truly enhance wildlife movement in an attempt to mitigate roadway impacts to wildlife movement.

The southern segment of Twin Oaks Valley Road may experience a 19-24% increase in traffic volume (DEIR, Appendix R). Although the suitable habitat for wildlife occurs in smaller and more spaced out patches than in other locations that may be affected by traffic increases, there should be an evaluation of the need for wildlife crossings on this section of Twin Oaks Valley Road, particularly in the vicinity of E La Cienega Road where the Twin Oaks Golf Course and open space adjacent to the proposed San Marcos Highlands Project meet at Twin Oaks Valley Road.

*Camino Mayor*

The development of Camino Mayor into an alternative community access route will convert a compacted dirt substrate road into a paved roadway that will affect wildlife movement in an area that is largely undisturbed and situated in topography that generally funnels wildlife movement. The mere existence of this roadway will likely result in some level of use to avoid traffic impacts in the remainder of the project area, particularly for trips south on Twin Oaks Valley Road into San Marcos. Both the change in landscape character through the grading and paving of Camino Mayor as well as increased traffic will result in both barrier and mortality effects for a range of species.

↑ O-1.5-22  
Cont.

O-1.5-23

O-1.5-24

O-1.5-25

**Human activity**

In the Newland Sierra DEIR, the evaluation of the impacts of human activity on sensitive species and core wildlife areas are mischaracterized and underestimated. The DEIR explores short-term indirect effects from construction-related human activity on site (DEIR, p. 2.4-64 – 2.4-65; p. 2.4-74) but in the long-term, dismisses the impacts of human activity, concluding the closure of illegal trails and new trail construction after construction should lead to a decrease in human activity in the open areas of the project area. However, recent research (Larson *et al.*, *In Review*) has shown higher rates of recreation in San Diego County occur on preserve lands closer to developments. With >2,000 units, and >6,000 residents on site, both in neighborhoods and on the recreational trails proposed in the open space design, it is highly unlikely the human activity in the proposed open spaces will be less than in its current state. The direct effects of human activity include habitat loss through creation of unauthorized trails and trampling of habitat as well as trampling of individuals of small species. By excluding a thorough and realistic assessment of the impacts of over 6,000 residents on site, the full range of impacts of human activity in and around the site on wildlife behavior, habitat, and movement are not explored and as such, are not adequately mitigated.

O-1.5-26

**ISSUE 4**

**Inadequate assessment and mitigation of indirect effects**

There are a number of long-term indirect effects associated with development that are well known and documented to affect wildlife populations, core areas, and connectivity. These include persistent edge effects, impacts of increased human activity, and increasing fire frequency. These effects were not fully evaluated or mitigated in the DEIR discussion of effects to core wildlife areas, special status species, or wildlife movement. Discussion in the DEIR and summary of impacts to Core Wildlife Areas (specifically Impact CWA-3) are missing the long-term indirect effects of edge effects and human activities on core wildlife areas. The evaluation of indirect impacts to tree-nesting raptors (Impact W-9) should also take into account long-term indirect effects from development such as noise, exposure to toxicants, and effects of increased activities of domestic animals and non-native species that could become nest predators. Under the assessment of effects to wildlife movement, Impact WM-3 incorporates short- and long-term indirect impacts of the project, but does not fully assess the impact of edge effects and roads on suitable foraging and nesting habitat for wildlife species and therefore proposes not mitigation to ameliorate those effects. Furthermore, by not considering those critical and well-known effects, the determination is incorrectly made that the significant impact to movement of large mammals from loss of wildlife corridors can be reduced to less than significant with mitigation measures that do not address these long-term indirect and significant impacts. Finally, Impact WM-4 is based on inadequate analysis and reaches an erroneous determination that there will be no significant impacts to connectivity for small mammals, reptiles, and birds. This conclusion is not supported by best available science. The logic and assumptions made regarding the lack of significant effects from roads and edge effects for both small and large species are lacking in evidence and unsupported by best available science (*e.g.*, Sauvageot *et al.* 1998, Delaney *et al.* 2010, Brehme *et al.* 2013). Furthermore, the listed corridor widths are arbitrary at best (Soulé and Gilpin 1991, Beier and Loe 1992, Hilty *et al.* 2006) and based on outdated information and the determination that the flawed open space design would allow for unimpeded wildlife movement and use is not supported by any data, science, or other relevant information.

O-1.5-27

O-1.5-28

**Edge effects**

The most ubiquitous and persistent indirect effects on sensitive wildlife habitat, wildlife movement, and core areas originate from the development itself. These impacts would include (but are not limited to) avoidance of roads and developed areas at varying distances for different species, risks from interactions with domestic animals (e.g., mortality and spread of disease), exposure to toxicants from urban run off or use of pesticides, human-wildlife conflict, and spread of non-native species, particularly from Fire Management Zones (FMZs).

These edge effects will be greatest in the small blocks of habitat and "corridors" that are proposed in the open space design for the project. They will affect the quality, availability and accessibility of these habitat blocks for wildlife of all types and can create a habitat sink or even an ecological trap where species will be drawn into the area for the small amount of habitat but mortality rates from the edge effects will be higher in these small patches.

O-1.5-29

**Human activity**

The inadequate assessment of the increase in human activity and associated direct impacts also applies to the indirect impacts of human activity on wildlife movement. The proposed trail system throughout the open space would also contribute to edge effects, as human recreation in the form of dog walking, hiking, mountain biking, horseback riding, and bird watching all affect wildlife activity patterns (George and Crooks 2006, Reed and Merenlender 2008, Reed and Merenlender 2011). None of these is assessed in the review of impacts to biological resources, rendering the DEIR's analysis and determination inadequate.

O-1.5-30

**Increasing fire frequency**

The development density and configuration of the proposed project make the likelihood of increased ignitions and increased fire frequency likely (Syphard *et al.* 2007). This increase in fire frequency can result in vegetation-type conversion (Keeley *et al.* 2005) that may affect wildlife habitat quality and availability as well as movement for some species (Jennings 2013, Jennings *et al.* 2016). These areas can lack adequate cover and food resources for some species when they transition from a shrub-dominated ecosystem to non-native annual grasses, which are a flashy fuel that can further increase the probability of ignitions and wildfires. The FMZs that will be implemented for the proposed project are likely to artificially create similar effects to wildlife habitat and connectivity if they are to be maintained regularly.

O-1.5-31

**ISSUE 5**

**Exclusion of reasonably foreseeable future project from cumulative effects analysis**

The list of projects and actions considered for the cumulative impacts analysis in the Newland Sierra DEIR (Table 1-10, pp. 1-43 – 1-57) omits the San Marcos Highlands development project in the City of San Marcos that was approved by the San Marcos City Council in November 2016. This omission is particularly relevant to the evaluation of cumulative effects to wildlife habitat and movement because the San Marcos Highlands will reduce the size and connectivity of yet another patch of habitat west of the I-15 that likely supports north-south movement from the large habitat patch along the San Dieguito River, Lake Hodges, Elfin Forest, and Harmony Grove. If both the San Marcos Highlands and the Newland Sierra projects are constructed, the

O-1.5-32



effective distance separating the nearest blocks of Core Habitat Areas (as defined by the SDMMMP Management Strategic Plan) would be greatly increased with the addition of impermeable features to the landscape such as houses and roads. In addition, the traffic impacts from the San Marcos Highlands may also contribute to increased traffic volume on Buena Creek Road, leading to Twin Oaks Valley Road. Because this project was omitted from the cumulative effects analysis, these important impacts were not evaluated or mitigated.

↑  
O-1.5-32  
Cont.

## **ISSUE 6**

### **Unsupported determination that effects of project to wildlife movement will be mitigated below a level of significance**

The Biological Resources Report for the Newland Sierra DEIR states that mitigation measures M-BIO-8A through M-BIO-8E would mitigate project impacts on wildlife movement and corridors (Impacts WM-3 and WM-4) below a level of significance. This determination is not adequately supported for several reasons:

- 1) As described in the discussion of ISSUES 2 and 3 above, the full scope of likely direct impacts from fragmentation, edge effects, human activities, off-site road improvements, and traffic were not evaluated, and as such, are not adequately evaluated or mitigated.
- 2) As described in the discussion of ISSUE 4 above, the full scope of likely indirect impacts from edge effects, human activity, and increasing fire frequency were not evaluated, and as such, they are not adequately evaluated or mitigated.
- 3) The assessment of movement and corridors in the project area does not account for likely movement from the east through the large culvert under I-15 south of Deer Springs Road and discounts movement across other roads.
- 4) The statement that the habitat management and conservation of open space areas would allow for unimpeded wildlife movement and use are not supported either by analysis nor best available science given the degree of impacts likely from the long-term direct and indirect impacts of the proposed project on wildlife movement under that design. The impacts of roads, recreation, development, pollution and toxicants, human-wildlife conflict, etc. on wildlife habitat and connectivity are well documented in the scientific literature yet not reviewed, cited, or mitigated in this analysis.
- 5) The off-site mitigation lands proposed for purchase in Ramona are mischaracterized as connecting County and US Forest Service lands, which are actually miles away and does not account for the impacts of a major roadway (SR-78) adjacent to the proposed mitigation site. Furthermore, the purchase of this property would do nothing to mitigate the impacts of the proposed project to wildlife connectivity on site where connectivity is at greater risk and faces many more impediments.

↑  
O-1.5-33



Figure 1. Box culvert location under Interstate 15.



Figure 2. Photographs of I-15 drainage culvert. Left: Creek on east side flowing into culvert; Upper right: east entrance to culvert; Lower right: View to west end of culvert from inside east end.



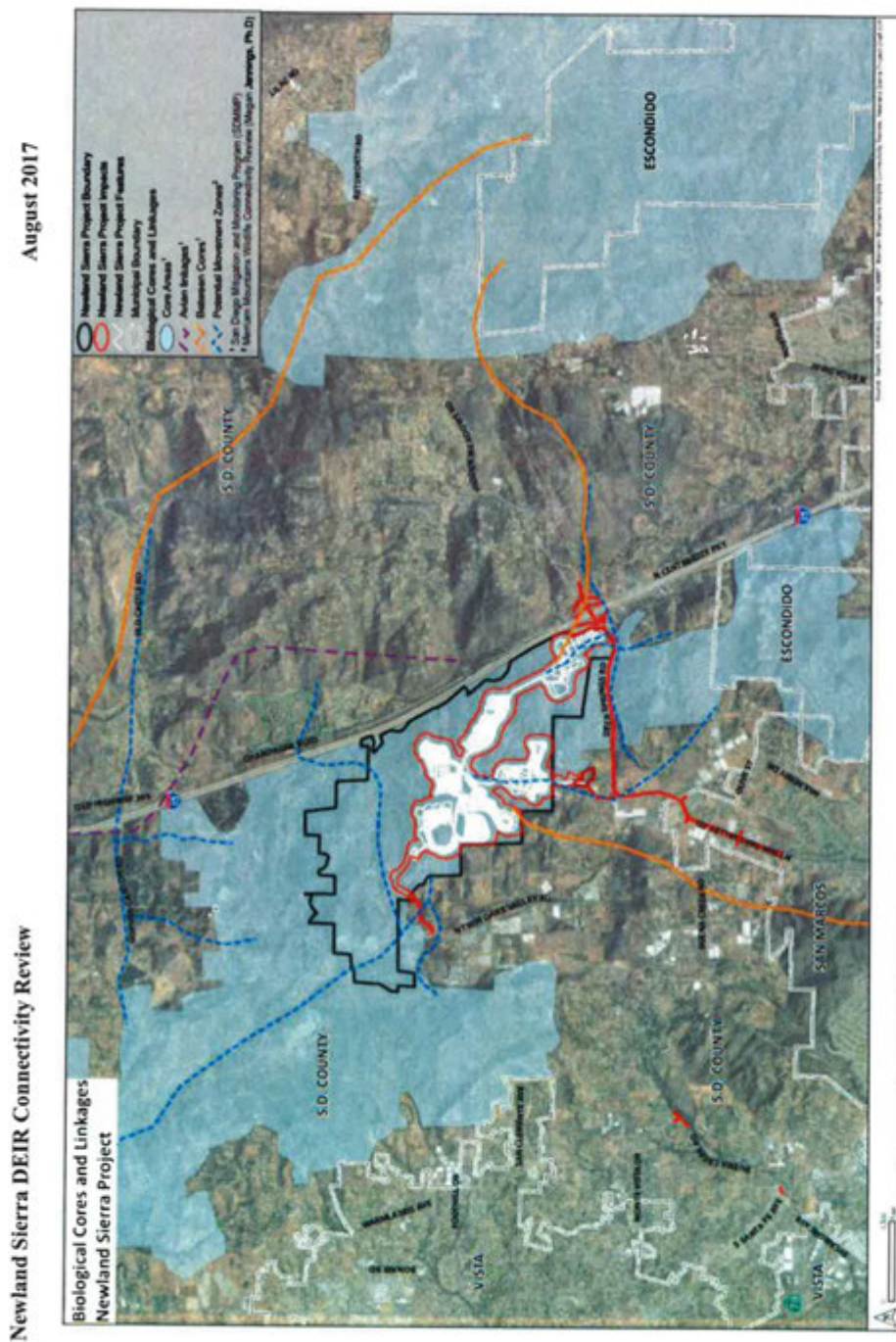


Figure 3. Map of Management Strategic Plan core areas and linkages as well as putative local movement corridors in and adjacent to the project area

August 2017

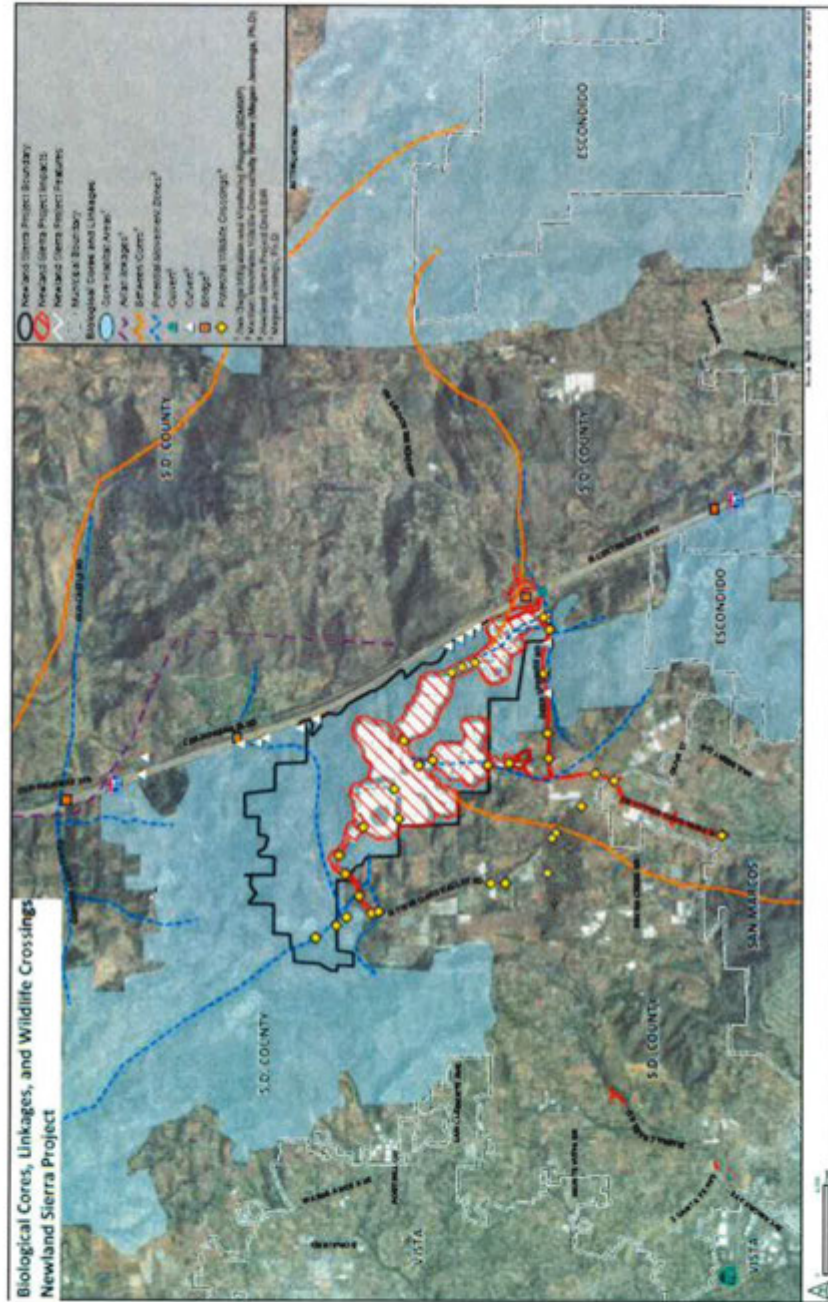


Figure 4. Map of important areas where wildlife movement pathways cross roadways in and around the project area

## REFERENCES

- Barrows, C.W., K.D. Fleming, and M.F. Allen. 2011. Identifying habitat linkages to maintain connectivity for corridor dwellers in a fragmented landscape. *The Journal of Wildlife Management* 75(3): 682-691.
- Beier, P., and S. Loe. 1992. A Checklist for Evaluating Impacts to Wildlife Movement Corridors. *Wildlife Society Bulletin* 20:434-440.
- Beier, P. 1995. Dispersal of juvenile cougars in fragmented habitat. *Journal of Wildlife Management* 59: 228-237.
- Beier, P., K. Penrod, C. Luke, W. Spencer, and C. Cabañero. 2006. South Coast missing linkages: restoring connectivity to wildlands in the largest metropolitan area in the United States. Pages 555-586 in K. R. Crooks and M. A. Sanjayan, editors. *Connectivity conservation*. Cambridge University Press, Cambridge, United Kingdom.
- Bennett, A. F. 1991. Roads, roadsides and wildlife conservation: A review. In *Nature conservation 2: The role of corridors*, eds. D. A. Saunders and R. J. Hobbs, pages 99-118. Chipping Norton, New South Wales, Australia: Surrey Beatty & Sons.
- Bennett, A. F., K. Henein, and G. Merriam. 1994. Corridor use and the elements of corridor quality: Chipmunks and fencerows in a farmland mosaic. *Biological Conservation* 68:155-165.
- Bissonette, J. 2002. Scaling roads and wildlife: the Cinderella principle. *Zeitschrift für Jagdwissenschaft* 48: 208-214.
- Boitani, L., A. Faluccci, L. Maiorano, and C. Rondinini. 2007. Ecological networks as conceptual frameworks or operational tools in conservation. *Conservation Biology* 21(6): 1414-1422.
- Brehme, C.S., J.A. Tracey, L.R. McClenaghan, and R.N. Fisher. 2013. Permeability of roads to movement of scrubland lizards and small mammals. *Conservation Biology* 27(4):710-720.
- Brooker, L., M. Brooker, and P. Cale. 2001. Animal dispersal in fragmented habitat: Measuring habitat connectivity, corridor use, and dispersal mortality. *Conservation Ecology* 3:4.
- Brown, J.H., and A. Kodric-Brown. 1977. Turnover rates in insular biogeography: effect of immigration on extinction. *Ecology* 58: 445-449.
- Charry, B., and J. Jones. 2009. Traffic Volume as a Primary Road Characteristic Impacting Wildlife: A Tool for Land Use and Transportation Planning. In *Proceedings of the 2009 International Conference on Ecology and Transportation*, edited by P.J. Wagner, D. Nelson, and E. Murray. Raleigh, NC: Center for Transportation and the Environment, North Carolina State University, 2010.
- Clevenger, A.P. and M.P. Huijser. 2011. *Wildlife crossing structure handbook: Design and evaluation in North America* (No. FHWA-CFL/TD-11-003).
- County of San Diego. 1997. Multiple Species Conservation Program County of San Diego Subarea Plan. Prepared in association with the U.S. Fish and Wildlife Service and California Department of Fish and Game. Adopted October 22, 1997.
- County of San Diego. 1998. Final Multiple Species Conservation Program MSCP Plan. <http://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf>



- County of San Diego. 2016. SanBIOS GIS Data.  
<http://rdw.sandag.org/Account/GetFSFile.aspx?dir=Ecology&Name=SanBIOS.zip> .  
 Accessed 21 October 2016.
- Crooks, K.R. and M.A. Sanjayan. 2006. Connectivity Conservation. Cambridge University Press, Cambridge, UK.
- Crooks, K.R. 2002. Relative sensitivities of mammalian carnivores to habitat fragmentation. *Conservation Biology* 16: 488-502.
- Delaney, K.S., S.P.D. Riley, R.N. Fisher. 2010. A rapid, strong, and convergent genetic response to urban habitat fragmentation in four divergent and widespread vertebrates. *PLoS One* 5(9):e12767.
- Dickson, B. G., and P. Beier. 2007. Quantifying the influence of topographic position on cougar movement in southern California USA. *Journal of Zoology (London)* 271:270-277.
- Environmental Law Institute. 2003. Conservation thresholds for land use planners. Environmental Law Institute, Washington, D.C. Available from [www.elistore.org](http://www.elistore.org) (accessed December 2013).
- Fahrig, L., J.H. Pedlar, S.E. Pope, P.D. Taylor and J.F. Wegner. 1995. Effect of road traffic on the amphibian density. *Biological Conservation* 73: 177-182.
- Fahrig, L. and T. Rytwinski. 2009. Effects of roads on animal abundance: an empirical review and synthesis. *Ecology and Society* 14: 21.
- Forman, R. T. T. 1995. Land mosaics: The ecology of landscapes and regions. Cambridge: University of Cambridge.
- Franklin J., K.E. Wejnert, S.A. Hathaway, C.J. Rochester, and R.N. Fisher. 2009. Effects of species rarity on the accuracy of species distribution models for reptiles and amphibians in southern California. *Diversity and Distributions* 15: 167-177.
- George, S.L. and K.R. Crooks. 2006. Recreation and large mammal activity in an urban nature reserve. *Biological Conservation* 133: 107-117.
- Hannah, L., G. F. Midgley, D. Millar. 2002. Climate change-induced conservation strategies. *Global Ecology and Biogeography* 11:485-495.
- Heller, N. E., E. S. Zavaleta. 2009. Biodiversity management in the face of climate change: a review of 22 years of recommendations. *Biological Conservation* 142:14-32.
- Hilty, J.A., W.Z. Lidicker Jr., and A. Merenlender. 2006. Corridor ecology: the science and practice of linking landscapes for biodiversity conservation. Island Press, Washington, D.C.
- Huijser, M.P., Fairbank, E.R., Camel-Means, W., Graham, J., Watson, V., Basting, P. and Becker, D., 2016. Effectiveness of short sections of wildlife fencing and crossing structures along highways in reducing wildlife-vehicle collisions and providing safe crossing opportunities for large mammals. *Biological Conservation* 197: 61-68.
- Jacger, J. A. G., J. Bowman, J. Brennan, L. Fahrig, D. Bert, J. Bouchard, N. Charbonneau, K. Frank, B. Gruber, K. T. Von Toschanowitz. 2005. Predicting when animal populations are at risk from roads: An interactive model of road avoidance behavior. *Ecological Modeling* 185:329-348.
- Jennings, M.K. and K.A. Zeller. 2017. Comprehensive multi-species connectivity assessment and planning for the Highway 67 region of San Diego County, California. Final Report prepared for SANDAG Agreement 5004388, Task Order 3. 135 p. [Technical Report]
- Jennings, M.K., R. L. Lewison, T. W. Vickers, W. M. Boyce. 2016. Puma response to the effects of fire and urbanization. *Journal of Wildlife Management* 80(2):221-234.

- Jennings, M.K. and R.L. Lewison. 2015. Highway 67 wildlife connectivity assessment and monitoring project. Final Report Prepared for Caltrans District 11. December 2015. 55 p. [Technical Report]
- Jennings, M.K. and R.L. Lewison. 2013. Planning for connectivity under climate change: Using bobcat movement to assess landscape connectivity across San Diego County's open spaces. Final Report to the San Diego Foundation. 50 p. [Technical Report]
- Jennings, M.K. 2013. Landscape dynamics in southern California: Understanding mammalian carnivore response to fire and human development. Doctoral Dissertation
- Johnson C.J., D.R. Seip, M.S. Boyce. 2004. A quantitative approach to conservation planning: using resource selection functions to map the distribution of mountain caribou at multiple spatial scales. *Journal of Applied Ecology* 4: 238–251.
- Keeley, J. E., C. J. Fotheringham, M. Baer-Keeley. 2005. Determinants of postfire recovery and succession in Mediterranean-climate shrublands of California. *Ecological Applications* 15:1515-1534.
- Larson C.L., S.E. Reed, A.M. Merenlender, and K.R. Crooks. *In review*. Accessibility drives species exposure to recreation in a fragmented urban reserve network.
- Laurance, W.F. and A. Balmford. 2013. Land use: a global map for road building. *Nature* 495: 308–309.
- Lee, J.S., E.W. Ruell, E.E. Boydston, L.M. Lyren, R.S. Alonso, J.L. Troyer, K.R. Crooks, S. VandeWoude. 2012. Gene flow and pathogen transmission among bobcats (*Lynx rufus*) in a fragmented urban landscape. *Molecular Ecology* 21(7):1617-1631.
- Lyren, L. M., R. S. Alonso, K. R. Crooks, and E. E. Boydston. 2009. Evaluation of functional connectivity for bobcats and coyotes across the former El Toro Marine Base, Orange County, California: Administrative report delivered to cooperators Jan. 20, 2009, 179 p. [Administrative Report]
- Lyren, L. M., R. S. Alonso, K.R. Crooks, and E. E. Boydston. 2008. GPS telemetry, camera trap, and mortality surveys of bobcats in the San Joaquin Hills, Orange County, California. U.S. Geological Survey Report, 134 p. [Administrative Report]
- Lyren, L. M., G. M. Turschak, E. S. Ambat, C. D. Haas, J. A. Tracey, E. E. Boydston, S. A. Hathaway, R. N. Fisher, and K. R. Crooks. 2006. Carnivore activity and movement in a Southern California protected area, the North/Central Irvine Ranch. U.S. Geological Survey Technical Report, 115 p. [Technical Report]
- McGarigal K., H.Y. Wan, K.A. Zeller, B.C. Timm, and S.A. Cushman. 2016. Multi-scale habitat modeling: a review and outlook. *Landscape Ecology* 31: 1161–1175.
- Noss, R. F. 1987. Corridors in real landscapes: A reply to Simberloff and Cox. *Conservation Biology* 1(2):159-164.
- Reed, S.E. and A.M. Merenlender. 2008. Quiet, nonconsumptive recreation reduces protected area effectiveness. *Conservation Letters* 1(3): 1-9.
- Reed, S.E. and A.M. Merenlender. 2011. Effects of management of domestic dogs and recreation on carnivores in protected areas in northern California. *Conservation Biology* 25(3): 504-513.
- Riley, S.P.D., Pollinger, J.P., Sauvajot, R.M., York, E.C., Bromley, C., Fuller, T.K., and Wayne, R.K. 2006. A southern California freeway is a physical and social barrier to gene flow in carnivores. *Molecular Ecology* 15:1733-1741.
- Riverside County. 2003. Western Riverside Multiple Species Habitat Conservation Plan Documents. <http://wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/>

- Rytwinski, T., K. Soanes, J.A. Jaeger, L. Fahrig, C.S. Findlay, J. Houlahan, R. van der Ree, and E.A. van der Grift. 2016. How effective is road mitigation at reducing road-kill? A meta-analysis. *PLoS one* 11(11): p.e0166941.
- San Diego Management and Monitoring Program and The Nature Conservancy. 2017. Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County: A Strategic Habitat Conservation Roadmap. 3 Volumes. Prepared for the San Diego Association of Governments. San Diego.
- San Diego Tracking Team 2008. Mammal Track Counts – San Diego County [ds442] dataset. BIOS Dataset. Accessed 19 July 2017. <https://map.dfg.ca.gov/metadata/ds0442.html>
- Sauvajot, R. M., M. Buechner, D. A. Kamradt, C. M. Schonewald. 1998. Patterns of human disturbance and response by small mammals and birds in chaparral near urban development. *Urban Ecosystems* 2(4):279-297.
- Soulé, M.E. and M.E. Gilpin. 1991. The theory of wildlife corridor capability. *Nature Conservation* 2:3-8.
- STC Traffic, Inc. 2017. Review of Traffic Impacts of the Proposed Newland Sierra Project. [Technical Report]
- Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, R. B. Hammer. 2007. Human influence on California fire regimes. *Ecological Applications* 17:1388-1402.
- Taylor P.D., L. Fahrig, K. Henein, G. Merriam. 1993. Connectivity is a vital element in landscape structure. *Oikos* 68: 571–73
- Tilman, D., C. L. Lehman, and P. Kareiva. 1997. Population dynamics in spatial habitats. *In* Spatial ecology: The role of space in population dynamics and interspecific interactions, eds. D. Tilman and P. Kareiva, pages 3–20. Princeton, NJ: Princeton University Press.
- Tischendorf L., and L. Fahrig. 2000a. How should we measure landscape connectivity? *Landscape Ecology* 15: 633–41.
- Tischendorf L., and L. Fahrig. 2000b. On the usage and measurement of landscape connectivity. *Oikos* 90: 7–19.
- Vickers, T. W., J. N. Sanchez, C. K. Johnson, S. A. Morrison, R. Botta, T. Smith, B. S. Cohen, P. R. Huber, H. B. Ernest, W. M. Boyce. 2015. Survival and mortality of pumas (*Puma concolor*) in a fragmented, urbanizing landscape. *PloS One*, 10(7):e0131490.
- Wheatley M., and C. Johnson. 2009. Factors limiting our understanding of ecological scale. *Ecological Complexity* 6: 150–159.
- Zeller, K.A., T.W. Vickers, H.B. Ernest, and W.M. Boyce. 2017. Multi-level, multi-scale resource selection functions and resistance surfaces for conservation planning: Pumas as a case study. *PloS One* 12(6), p.e0179570.

### Curriculum Vitae

#### Megan K. Jennings

5444 Fontaine Street, San Diego, CA 92120  
Tel: 760-214-2145; Email: [mjennings@mail.sdsu.edu](mailto:mjennings@mail.sdsu.edu)  
<http://www.conservativeecologylab.com/megan-jennings.html>

---

#### Professional Preparation

Dartmouth College	Environmental and Evolutionary Biology	B.A., 2000
University of California, Davis San Diego State University	Ecology	Ph.D., 2013
San Diego State University	Institute for Ecological Monitoring and Management (IEMM)	Postdoctoral Fellow, 2014-2016

---

#### Appointments

2016–present	Research Ecologist, Institute for Ecological Monitoring and Management, San Diego State University
2016–present	Assistant Adjunct Professor, San Diego State University
2016–present	Science Program Manager, Climate Science Alliance – South Coast
2014–2016	Postdoctoral Research Fellow, Institute for Ecological Management and Monitoring, San Diego State University
2013–2014	District Wildlife Biologist, Descanso Ranger District, Cleveland National Forest
2007–2013	Wildlife Biologist, Student Career Experience Program, Cleveland National Forest
2008–2010	Graduate Student Lecturer, San Diego State University, Experimental Ecology
2003–2007	Assistant Biologist, Cleveland National Forest, Palomar Ranger District

---

#### Selected Publications and Presentations

- Jennings, M.K. and K.A. Zeller. 2017. Comprehensive multi-species connectivity assessment and planning for the Highway 67 region of San Diego County, California. Final Report prepared for SANDAG Agreement 5004388, Task Order 3. 135 p. [Technical Report]
- Kalansky, J., M. Jennings, D. Cayan, R. Clemesha, A. Gershunov, K. Guirguis, D. Lawson, A. Parris, D. Pierce, J. Randall, E. Stein, A. Syphard, and S. Vanderplank. 2017. San Diego County: The ecological impacts of climate change on a biodiversity hotspot. California Climate Summit (Poster)
- Jennings, M.K. and R.L. Lewison. *In Review*. Why do animals cross the road?: Characterizing wildlife crossing structures. Biological Conservation.
- Jennings, M.K. *In Press*. Bobcat. In: S. Tremor, W. Spencer, and J. Diffendorfer (eds), The San Diego County Mammal Atlas.

### Curriculum Vitae

- Jennings, M.K. *In Press*. Gray fox. In: S. Tremor, W. Spencer, and J. Diffendorfer (eds), The San Diego County Mammal Atlas.
- Jennings, M.K. *In Press*. Faunal diversity in chaparral ecosystems. In: E.C. Underwood, H.D. Safford, N. Molinari, J.E. Keeley, and J. Hooper (eds), The Ecological Value of Chaparral Landscapes: Ecosystem Services and Resource Management.
- Foley, J., L.E.K. Serieys, N. Stephenson, S. Riley, C. Foley, **M. Jennings**, G. Wengert, W. Vickers, E. Boydston, L. Lyren, J. Moriarty, and D. Clifford. 2016. A synthetic review of notoedres species mites and mange. *Parasitology* 143(14):1847. DOI: 10.1017/S0031182016001505
- Jennings, M.**, R. Lewison, W. Vickers, and W. Boyce. 2016. Puma response to the effects of fire and urbanization. *Journal of Wildlife Management* 80(2):221-234.
- Jennings, M.** Planning for wildlife movement in a changing climate. 2016 Annual Meeting of the Western Section of The Wildlife Society. February 22-26, 2016. Pomona, CA.
- Carver, S., S. Bevins, M. Lappin, E. Boydston, L. Lyren, M. Alldredge, K. Logan, L. Sweanor, S. Riley, L. Serieys, R. Fisher, W. Vickers, W. Boyce, R. McBride, M. Cunningham, **M. Jennings**, J. Lewis, K. Crooks, S. VandeWoude. 2016. Pathogen exposure varies widely among sympatric populations of wild and domestic felids across the United States. *Ecological Applications* 26(2):367-381.
- Jennings, M.** and R. McCreary. 2016. An Overview of San Diego County's Ongoing Feral Pig Eradication Project. Proceedings of the 27<sup>th</sup> Vertebrate Pest Conference, Newport Beach, CA.
- Jennings, M.** and R. Lewison. 2013. Planning for connectivity under climate change: Using bobcat movement to assess landscape connectivity across San Diego County's open spaces. Technical Report.
- Jennings, M.** 2013. Landscape dynamics in southern California: Understanding mammalian carnivore response to fire and human development. Doctoral Dissertation
- Jennings, M.** R. Lewison, L. Lyren, E. Boydston. Assessing Connectivity in Ecological Networks: Effects of Land Use and Climate Change. 2014 Annual Meeting of the Western Section of The Wildlife Society. January 27-31, 2014. Reno, NV.

### Synergistic Activities

---

1. International Urban Wildlife Conference 2017, Host Committee Member
2. Symposium Organizer – International Urban Wildlife Conference 2017: Connectivity in the Urban Environment; Natural Areas Conference 2016: Climate Change Impacts on Ecosystem Services and Climate Change Adaptation in Southern California
3. Climate Science Alliance – South Coast: Vision Team and Advisory Team Member, 2015 – present
4. California Landscape Conservation Cooperative: Stakeholder Committee Member (Representing Climate Science Alliance – South Coast), 2016 – present
5. San Diego State of the Science Assessment Team for California's 4<sup>th</sup> Climate Assessment: Co-organizer with Dan Cayan and Julie Kalansky (SIO), 2016 – present

### Curriculum Vitae

6. Southern California Climate Adaptation Project: Stakeholder Advisory Committee Member, 2014 – 2016
7. San Diego Monitoring and Management Program: Regular meeting attendee and workshop participant (Connectivity Strategic Plan Science Session, July 2014; Genetics for Monitoring and Management Workshop, December 2013; Fire and Wildlife Strategic Plan Workshop, March 2013)
8. Climate Kids: Featured scientist and developed Carnivores module for Climate Kids program in San Diego County, 2016 – present
9. National Center for Ecological Analysis and Synthesis: Open Science for Synthesis Training Participant, July – August 2014
10. San Diego Intergovernmental Feral Pig Working Group: Project Lead, 2013–2014
11. Invited lectures: Riparian Restoration Workshop – November 2016; Caltrans Connectivity Planning Workshop – January 2016; Buena Vista Audubon Society – January 2015; The 2<sup>nd</sup> Southern California Chaparral Symposium – June 2015; Fund for Animals Wildlife Center - November 2014; The Escondido Creek Conservancy – June 2014; San Diego Zoo Institute for Conservation Research - November 2013, May 2014; Friends of Hellhole Canyon – January 2014; Environmental Mitigation Program Working Group Meeting – November 2013, July 2015, November 2016; San Diego Tracking Team – September 2013; Torrey Pines Docent Association – June 2013; Friends of Los Peñasquitos Canyon – April 2013; San Diego Monitoring and Management Program – May 2012

### Grants and Awards

---

- 2017-2018 San Diego Association of Governments – Feral Pig Monitoring Program Support (\$50,000)
- 2016-2019 California Department of Fish and Wildlife State Wildlife Grant – Climate Resilient Connectivity for the South Coast Ecoregion (\$180,000)
- 2016-2019 Wildlife Conservation Board – Climate Resilient Connectivity for the South Coast Ecoregion (\$250,000)
- 2016-2017 San Diego Association of Governments – SR-67 Connectivity Assessment (\$188,405)
- 2014-2017 California Department of Fish and Wildlife – Feral Pig Monitoring Grant (\$77,401)
- 2014-2015 Caltrans – Contract for Wildlife Monitoring of SR-67 (\$96,000)
- 2011-2012 Blasker-Miah-Rose Fund for Climate Change Research (\$68,000)
- 2010-2012 Achievement Rewards for College Scientists (ARCS) Scholar (\$14,000)
- 2009-2010 UC Davis School of Veterinary Medicine Wildlife Health Center Fellow (\$5,000)
- 2009-2010 San Diego State University – University Grants Program (\$9,970)
- 2008-2009 Collaborator funding, NSF – Emerging Infectious Disease Grant under co-PIs Dr. Kevin Crooks and Dr. Sue VandeWoude at Colorado State University (\$10,000)



INTENTIONALLY LEFT BLANK

## O-1.6 L&W Attachment 6

Comment Letter O-1.6



**schaefer ecological solutions**  
regenerating nature

815 Madison Avenue  
San Diego, CA 92116  
619.991.8968  
[schaefer@ecology.com](mailto:schaefer@ecology.com)  
[www.schaeferecology.com](http://www.schaeferecology.com)

August 10, 2017

Ashley Smith  
County of San Diego  
Department of Planning and Development Services  
5510 Overland Avenue, Third Floor  
San Diego, CA 92123

Subject: Review Comments of Biological Resource Sections and Reports of the Draft Environmental Impact Report (EIR) for the Newland Sierra Project, County Of San Diego County, California ((LOG NO. PDS2015-ER-15-08-001; SCH NO. 2015021036. PROJECT NUMBERS: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM- 5597, PDSXXX-HLP-XXX).

Dear Ms. Smith,

On behalf of the Golden Door, LLC, Christina Schaefer, President of Schaefer Ecological Solutions (SES), has reviewed the Biological Resources Technical Report and Appendices (June 2017) and the Resource Protection Plan (April 2017) for the Newland Sierra Project Environmental Impact Report (EIR) in San Diego County, California, prepared by Dudek for the County of San Diego Planning and Development Services Department. The review was conducted to verify the adequacy of the Newland Sierra Project EIR and to assess compliance with the California Environmental Quality Act (CEQA), relevant state and federal laws and policies and guidelines issued by the lead agency, the County of San Diego. As part of my analysis and comments, I have also reviewed relevant information such as letter from the community, Wildlife Agencies, the California Natural Diversity Data Base (CNDDB), the San Diego County Bird Atlas (Unitt 2004), Merriam Mountain Wildlife Connectivity review (Jennings 2017), as cited in the following review.

SES is a California S-Corporation specializing in biological resources data collection and analysis, regulatory compliance, mitigation policy, habitat restoration, and habitat management and monitoring. Christina Schaefer has 35 years of experience as a biologist and landscape ecologist, with 25 years spent in San Diego County as a biological consultant. Ms. Schaefer is listed on the County of San Diego CEQA Preparer List and approved as a Biologist and Revegetation Practitioner. She has provided biological assessments for environmental compliance under CEQA and NEPA, managed biology groups and departments, and has directed teams of biologist, contractors and environmental professionals in regulatory permitting, endangered species consultation, mitigation and natural resources planning, and habitat and stream restoration planning and design. Ms. Schaefer has a keen understanding of regulatory permitting, habitat conservation and mitigation strategies, and has established an excellent

O-1.6-1

pg. 2  
Ashley Smith  
8/10/2017

rapport with the wildlife and regulatory agencies. She is locally recognized as a scientific and technical expert and has provided expert testimony in the California court of law.

The proposed Project is a planned community of residential, commercial, educational, park, and open space on 1,985 acres located in the unincorporated County between the cities of San Marcos and Escondido in the Merriam Mountains immediately west of Interstate 15. According to the EIR, the project proposes construction of 2,135 residential dwelling units on 407 acres plus an additional 370 acres of fuel management zones. Offsite road and sewer improvements would also be required, but are insufficiently analyzed. The EIR states that approximately 1,209 acres, or 61 percent of the project, would be dedicated as onsite open space. As proposed mitigation for project impacts to sensitive biological resources, 212 acres in the Ramona areas would be dedicated as offsite open space. The EIR concludes that this would amount to a total of approximately 1,421 acres of dedicated, permanent, and managed open space preserve (equivalent to 72 percent of the project acreage).

As a result of my review, I identified the following issues and inconsistencies with the analysis and conclusions contained in the above referenced biological reports in support of the Newland Sierra Project EIR:

### 1. Issue: Biological Field Surveys and Species Detectability

- The majority of biological field surveys were conducted in the year 2013 which was one of the most severe drought years in San Diego County. Precipitation recorded at Lindbergh Field averaged 6.55" of rain versus the annual normal average of 10.34". As stated in the survey limitations section of the biological technical report, rainfall averages in the project area were slightly higher, but the differential of normal versus 2013 average remains to indicate one of the lowest rainfall years in the study area. Because drought affects the productivity of most biological resources, the survey findings should not be used as conclusive evidence of the absence of biological resources. While biological surveys can conclusively document presence of species, they are not designed to conclusively prove absence. In order to use best available information to draw conclusions on the presence/absence of biological resources considered sensitive under CEQA, surveys should have been repeated in the spring 2017 to update the 2013 survey data with information collected during more optimal climate conditions. Since the EIR was published in 2017, spring surveys would have been feasible as a confirmation of the conclusions drawn in the EIR. In absence of properly sourced best available information and adequately conducted biological surveys, the conclusions in the EIR are invalid.
- Given the drought conditions during the year 2013, rare plant surveys were conducted relatively late in the season. Rare plant surveys did not start until May 2013 when March would have been more appropriate to capture early bloomers, specifically during a dry year. Rare plant surveys were conducted during the summer dormancy when most plants would have been dry and no longer easily identifiable (i.e. in July and August). Furthermore, no surveys in the fall were conducted when fall bloomers, such as potential occurrence of the state-endangered Encinitas

O-1.6-1  
Cont.

O-1.6-2

O-1.6-3

O-1.6-4

O-1.6-5

pg. 3  
Ashley Smith  
8/10/2017

*baccharis* (*Baccharis vanessae*), would be identifiable. The fact that this and other sensitive species are not referenced in the CNDDDB does not mean they would be absent from the site if suitable habitat was present (CNDDDB references rely on the input of observational data, and if surveys were not conducted or the species was not entered into the CNDDDB database, the species would not appear as a CNDDDB query result). It is, therefore, likely that many of the County-listed sensitive plant species would have been missed during the rare plant surveys due to drought and inappropriate survey seasons, which leads to the potential under-representation of permanent impacts to County-listed plant species.

- The presence of suitable habitat and anecdotal evidence indicate that coastal sage scrub habitat in the project area could potentially be occupied by California gnatcatchers (*Poliopitila californica californica*) beyond the areas where the species was detected during 2013 field surveys. Comments relative to anecdotal observations of gnatcatchers were made by David Walker and Elsa Morris (letter of August 7, 2017 submitted to County of San Diego) and by community members that regularly hike the property who I met with on August 7, 2017. While anecdotal evidence may not aid in conclusive determinations of presence/absence of California gnatcatchers, it supports the claim that focused California gnatcatcher surveys should be repeated in all suitable habitat on the project site during adequate survey conditions (i.e. not during drought conditions) to avoid underrepresenting survey results. Without this information, the conclusions reached in the Project EIR are invalid.
- The technical validity of field survey results expires after two years and the Wildlife Agencies (i.e. U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW)) typically require that surveys be repeated every two years, specifically when surveys were conducted during less optimal survey seasons or during drought. Focused surveys, including surveys for the California gnatcatcher, least Bell's vireo, and burrowing owl were conducted four years prior to the issuance of the EIR and should be repeated during the appropriate season and using the appropriate survey protocols to confirm the validity of the study results. CEQA requires that best available information be used to develop conclusions. Expired surveys, surveys conducted during the least opportune season for species detection, and surveys using inappropriate survey protocols are not considered best available information and cannot be used to conclusively quantify project impacts on biological resources.
- Pallid bat (*Antrozous pallidus*) is a county-sensitive species (Group II). The Biological Technical Report identifies a moderate potential for this species to occur in the study area, but it appears that with the riparian habitat present onsite, a high potential exists. Furthermore, there is a high potential for this species to exist along Deer Springs Road, the widening of which to a 6-lane connector was not sufficiently evaluated in the EIR (see *Biological Constraints Report, Deer Springs Road Widening Project*, Schaefer 2016). Bat surveys should therefore be conducted to evaluate the impact to this sensitive species under the *Guidelines for Determining Significance and Report Format and Content Requirements – Biological Resources* (County of San Diego, September 15, 2010).

O-1.6-5  
Cont.

O-1.6-6

O-1.6-7

O-1.6-8

O-1.6-9

O-1.6-10

## Comment Letters

pg. 4  
Ashley Smith  
8/10/2017

- On page 1-11, the Biological Resources Technical Report states that eight least Bell's vireo (*Vireo bellii pusillus*) surveys were conducted, but only seven are listed in Table 1-1. The USFWS (January 19, 2001) protocol requires a minimum of eight surveys to the conclusive determination of presence or absence of the species.
- Although the report states that no host plants for the Hermes copper butterfly (*Lycaena hermes*) were recorded, there is anecdotal evidence (through photographs provided by community members which would need to be verified by a botanist) that the host plant, spiny redberry (*Rhamnus crocea*), occurs in the study area (Attachment A). It is likely that the biologists conducting rare plant surveys missed this species because it flowers in February and March, months that were missed by the rare plant surveys. Although the plant carries red fruit in the summer months, it could have been misidentified. Spiny redberry has been recorded from the Escondido and San Marcos areas as indicated by the Calflora Observation Hotline. In addition, the Hermes copper butterfly gather nectar almost exclusively from California buckwheat (*Eriogonum fasciculatum*) (Marschalek 2017), which occurs in the study area in possible association with spiny redberry. Hermes copper butterfly is an extremely rare species in San Diego County that was nearly eradicated by the 2003 Cedar and 2007 Witch Creek fires and is proposed for listing by the USFWS. This species is sensitive under CEQA and would require mitigation with spiny redberry/California buckwheat-occupied habitat. The conclusions that the species does not occur in the study area are not based on best scientific information. A focused habitat assessment for the Hermes copper butterfly, including a survey for the host and nectaring plant species, should be conducted by a qualified biologist within the proposed project footprint and all mitigation areas. If appropriate habitat is present, a focused survey for the Hermes copper butterfly should be conducted by and in consultation with a recognized expert on Hermes copper butterfly.
- The memo prepared by Dudek to Newland Sierra on December 27, 2016, describing the offsite mitigation area near Ramona, California, evaluates the mitigation sites based on vegetation communities surveys conducted by Dudek in December 2016. Dudek summarizes biological resources occurring on the offsite mitigation parcel citing surveys conducted by PSBS in 2013, and by Merkel and Assoc. in 1990 and 1999. None of these surveys are current and, due to their age, would not reflect extant biological conditions on the property. The vegetation surveys conducted by Dudek in December 2016 were not suitable to provide information about any County-sensitive plant and animals species occurring on the site, because they were performed 1) during the non-breeding season of most animal species; 2) during the least optimal season to detect rare plant species; 3) not using accepted protocols for focused surveys to aid in the detection of any federally or state-listed species. The memo, therefore, does not support the claim in the EIR that any of the County-sensitive biological resources impacted by the proposed project would be adequately mitigated at the offsite mitigation parcel.
- The report states that wildlife crossings and culverts were surveyed. However, the report fails to describe the survey methodology that was used to determine whether any mapped culverts or

O-1.6-11

O-1.6-12

O-1.6-13

O-1.6-14

O-1.6-15

pg. 5  
Ashley Smith  
8/10/2017

crossings would facilitate wildlife movement. Despite the fact that the report acknowledges that wildlife movement occurs in the project area, the study fails to adequately and professionally analyze wildlife movement. The study cites outdated information not available for review (e.g., PSBS 2003) when more current studies are available (see *San Diego Management and Monitoring Program (SDMMP) and The Nature Conservancy, Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County, 2017*). With the lack of field-collected data on wildlife movement in the study area and proper citations of current wildlife movement studies conducted by experts in the field, and an analysis that relies on subjective opinions of wildlife biologists that are clearly not experienced in the analysis of wildlife movement patterns, the EIR erroneously concludes that wildlife movement would not be significantly impacted by the project because of the conservation of open space surrounding the proposed development. In order to base the conclusions on best available data, a wildlife movement study using remotely sensed infra-red cameras, tracking plates, and tracking transects monitored over time to capture target species during various seasons of their movement should have been conducted by an experienced wildlife tracker with documented training using accepted protocols. Please see wildlife expert Dr. Megan Jennings' comments for more information on the issue of wildlife movement in the study area (*Merriam Mountains Wildlife Connectivity Review, April 18, 2017 and Landscape Connectivity Issue Review, Newland Sierra DIR, August 1, 2017*).

- Vernal pools were initially not studied, and surveyed as an after-thought prompted by a letter received by a concerned citizen (email by Abigail Henry on Jan 18, 2017). Wet-season brachiopod surveys were conducted during the rainy season of 2017. However, the full USFWS protocol (May 31, 2015) was not implemented, and therefore, the survey results are not valid. The 2015 USFWS survey protocol requires that one complete wet season and one dry season survey shall be conducted to provide conclusive evidence of the occurrence of federally listed brachiopods, such as the San Diego fairy shrimp (*Branchinecta sandiegonensis*) or Riverside fairy shrimp (*Streptocephalus woottoni*). Wet season surveys were started on January 26, 2017, omitting suitable survey opportunities created by earlier season rainfall that provided enough precipitation to warrant surveys, thereby rendering the survey cycle incomplete; furthermore, sufficient rainfall was experienced after February, and the survey protocol requires that, in the absence of detected brachiopods, sampling would need to be reinitiated within 10 days of an individual habitat drying and inundating during the same wet season. The dry season surveys were omitted. A single wet season survey is considered unreliable by the Service (*Survey Guidelines for Listed Branchiopods*, USFWS May 31 2015); a second wet season may be required (in combination with a dry season survey) to render the survey complete. Completeness of a focused biological survey conducted pursuant to USFWS protocol is made by the USFWS. Should the USFWS find that the wet season was incomplete because it was not conducted throughout the entire wet season, then a new wet season survey will be required starting with the "initial inundation of habitat and sampling at 14-day intervals throughout the wet season until the habitat dries out. Sampling must be reinitiated within 14 days of an individual habitat drying and

O-1.6-15  
Cont.

O-1.6-16

O-1.6-17

O-1.6-18

O-1.6-19



pg. 6  
Ashley Smith  
8/10/2017

Inundating during the same wet season.... Surveyors should visit sites after Initial storm events to determine when known or potentially listed large branchiopod habitat has become inundated" (USFWS 2015). Once the wet season component of the survey has been completed, and only following the wet season, a dry season shall be conducted within three years of the wet season survey to constitute a complete branchiopod survey. Pursuant to the USFWS branchiopod survey guidelines as referenced herein, the dry season survey shall consist of the collection of soil during the dry season (in San Diego County, this is typically the months of August/September, but may vary with seasonal rainfall), and the analysis following the exact methods described in the survey guidelines (USFWS 2015). Both wet and dry season surveys must be authorized in writing by the USFWS before they can be conducted.

O-1.6-19  
Cont.

- There is evidence submitted by Ms. Abigail Henry that "road pools" on the project site contain fairy shrimp (see email and photos, Attachment B, and video provided to the County). Road pools are depressions that may contain suitable habitat for federally endangered branchiopod species such as the above referenced San Diego and Riverside fairy shrimp; road pools resemble vernal pools in that they occur in similar physical conditions (i.e. impermeable or semi-permeable soil layers) without the presence of vernal pool indicator plant species. They pond during the rainy season to provide habitat for fairy shrimp and are dry during the remainder of the year. Road pools are referred to in the biological report as "puddles".
- The report correctly admits to the lack of focused surveys for special-status plant and wildlife species at offsite road and sewer improvement areas. The preparer of the Biological Resources Technical Report do not give any reason why focused surveys for offsite road and sewer improvement areas were not conducted. However, the report attempts to draw conclusion as to the significance of impacts to biological resources from the offsite improvements. Without survey information, impacts cannot be quantified and no conclusive significance determination can be made. Pursuant to CEQA, these areas should have been addressed at the same level as the project's development footprint. It is my experience that projects that require the improvement of offsite infrastructure must analyze impacts at the same level as the project's development footprint (see, for example, the *Final EIR for the Metropolitan Airpark Project* (ESA 2013) that analyzed offsite road improvements in Otay Mesa and quantified the impacts on biological resources based on focused field surveys). Without surveys, no quantification of impacts can be made and, therefore, a significance determination is not possible.

O-1.6-20

O-1.6-21

## 2. Issue: Impact Avoidance and Minimization

- Under CEQA, impact avoidance and minimization have to be considered before mitigation should be contemplated. The project retained a similar development footprint as the rejected Merriam Mountain Project. This is significantly problematic because the project's development footprint severs one of more important local open space and wildlife movement corridors. This core area was modeled using accepted state-of-the-art preserve design methods, and was classified as Pre-Approved Mitigation Area (PAMA) in the Draft North County MSCP (NCMSCP),

O-1.6-22

pg. 7  
Ashley Smith  
8/10/2017

see attached Figure 1 (Attachment C). The designation of the PAMA was peer-reviewed by a panel of scientific experts in 2001 as required under the Natural Community Conservation Planning (NCCP) Act (2002 and amended). The PAMA is a preserve designation that in this area has a 75% conservation goal under the Draft NCMSCP. The location of the project's development footprint within the PAMA of the NCMSCP violates not only the impact avoidance and minimization principle under CEQA because it fails to avoid or minimize impacts to a recognized wildlife core and preserve area, but also the *5-Point Policy for Habitat Conservation Plans*, and Addendum to the HCP Handbook (HCPs, 65 Fed. Reg. 35242, June 1, 2000).

O-1.6-22  
Cont.

### 3. Issue: Preserve Design and Core Area Conservation

- The Biological Resource Technical Report assumes that 1. The Draft NCMSCP, as drafted by the County without concurrence from the Wildlife Agencies, would be implemented; and 2. That an agreement to add the Newland Sierra Project to the Draft NSMSCP as a Private Hardline Project would be approved by the Wildlife Agencies. Neither of these two assumptions is based on facts. As discussed in the previous issues section, the proposed project violates several preserve design criteria, as reviewed by the NCMSCP panel of experts, including habitat contiguity, edge effect, minimum patch size and functioning stepping stone design.
- It appears that the authors apply a double standard to reach favorable conclusions, namely violating the NCMSCP's Planning Agreement by developing inside the PAMA but using the County's version of the Draft NSMSCP to justify mitigation that would be insufficient without the implementation of the County's version of the Draft NCMSCP. As noted by the County Planning Director earlier this year, there is no hardline agreement for the Newland project that has been approved by the Wildlife Agencies. Therefore, the project site continues to be characterized as primarily PAMA. Potential designation of the proposed project as a hardline project would require re-running the preserve design model, review by the scientific panel of experts, and approval by the Wildlife Agencies. None of this has occurred, and therefore, it is pure speculation that the project would be designated as a hardline project in the Draft NSMSCP.
- Preserve design studies have concluded that the Merriam Mountains area is a valuable biological core area (see Figure 2, Attachment C). Whether or not defined as PAMA, the value as a core habitat has been documented and, therefore, is best available science informing the biological resources value of the project site.
- The NCMSCP is still draft and, per the County's own statement at the NCMSCP meeting on June 29, 2017, cannot be implemented. Therefore, any statements by the authors that biological resources impacts would be mitigated through the implementation of the NCMSCP are pure speculation. It is not known whether and when the NCMSCP would be implemented. Any conclusions that the NCMSCP would offset permanent direct, indirect or cumulative effects from the proposed project would, at a minimum, lead to an unmitigable temporal impact on biological resources, which would be considered deferred mitigation, which is not allowable under CEQA.

O-1.6-23

O-1.6-24

O-1.6-25

O-1.6-26

pg. 8  
Ashley Smith  
8/10/2017

- The application of the Habitat Loss Permit erroneously assumes that the preserve design principles would be met by conserving open space surrounding the proposed development footprint. In order to make a conclusive statement to the adequacy of the preserve design, the County would need to re-run the preserve design model in the context of the entire NCMSCP study area, taking into consideration the large amount of fuel modification area proposed for the proposed project conserved open space, minimum patch size, edge effects and wildlife movement corridors (see comments made by Dr. Jennings).
- The Newland Sierra project's development footprint was evaluated as having very high and high value in the habitat evaluation model developed for the NCMSCP; surrounding areas, including those that are proposed as Open Space, exclusively have lower value (see Figure 3, Attachment C). Positioning the development outside the high habitat value area would avoid and minimize impacts to biological resources, wildlife movement and open space. The blanket statement made on page 25 of the Habitat Loss Permit Application (June 15, 2017) that states that the "Newland Sierra Project, with mitigation, would provide for the protection and conservation of Covered Species Habitat and natural communities consistent with the conservation strategy of the draft North County Plan" is contrary to the assumptions on which the NCMSCP preserve design was based. In order to "subtract" the project's development footprint of the proposed project from the NCMSCP preserve design, the project proponent would need to identify and conserve open space with equal or higher biological value than the biological resource impacted by the project, is contiguous to the PAMA identified by the NCMSCP for the Merriam Mountain Area, and is contiguous (i.e. not fragmented) within itself. Simply trading off the loss of the PAMA with an offsite mitigation parcel that is located in a different subarea of the Draft NCMSCP does not provide adequate mitigation for a significant impact to a core preserve.
- Since the NCCP Act was based on the conservation of the California gnatcatcher, the above referenced preserve design elements are particularly important to the conservation of the California gnatcatcher in the study area, because the study area presents one of the more eastern expanses of the species. It has been documented that gnatcatchers territory size is highly variable correlated with distance from the coast, ranging from less than 2 acres to over 20 acres (Braden et al. 1997, Preston et al. 1998, Atwood et al. 1998). Smaller patch size might not be sustainable over time (Atwood 1998), and larger patch size is required in the inland portion of the range to sustain a population (Mock and Bolger 1992), Famolaro and Newman 1998, Preston et al. 1998). This is particular applicable to gnatcatcher territory size in eastern San Diego County. Hence, it is of utmost importance to conserve sufficient open space for the continued survival of the species east of the coastal area based on the gnatcatcher's larger territory size requirements, which was taken into consideration during the NCMSCP preserve design. Impacts to the PAMA in the study area, therefore, affect a significant portion of the available gnatcatcher territories in the species' unique inland range which requires the conservation of larger patch sizes than in the coastal areas to conform to the "stepping stones concept" that was developed for the Multiple Habitat Conservation Program (MHCP) (Mock 2004).

O-1.6-27

O-1.6-28

O-1.6-29

pg. 9  
Ashley Smith  
8/10/2017

#### 4. Impacts and Mitigation

- The proposed project impacts habitat for the golden eagle (*Aquila chrysaetos*), however, fails to identify adequate mitigation for the impacts to this species. The species has been historically documented on the site. The U.S. Geological Survey (USGS) is currently conducting a regional golden eagle study that should be cited in the Biological Resources Technical Report to support the conclusion that no golden eagles would be significantly impacted by the project (see Section 7.2.12).
- Impacts to biological resources from offsite road and sewer improvements have not been quantified and, therefore, adequate mitigation has not been offered to mitigate these impacts to be level below significance. Therefore, these impacts would be considered unmitigated.
- It is not clear how the federal no-net-loss policy is met for permanent impacts to jurisdictional waters of the U.S., including wetlands. The report states that wetlands creation at a 1:1 ratio and wetlands enhancement at a 2:1 would be provided to mitigate for impacts to jurisdictional wetlands and waters. However, no mitigation location has been offered other than the requirement of revegetation of temporary impacts (M-BIO-6). While mitigation measure M-BIO-12 requires the application for permits from the U.S. Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish and Wildlife, mitigation for impacts to these resources has not been identified. The offsite mitigation area does not contain jurisdictional wetlands and waters (see Offsite Conceptual Resource Management Plan, Appendix M to the Biological Resources Technical Report). This constitutes mitigation deferral which is unallowable under CEQA.
- While indirect impacts to biological resources from the operational footprint are acknowledged in the Biological Resources Technical Report, the report concludes that the impacts to special-status wildlife species have been reduced to less than significant (page 3-9). The report does not assess or mitigate for long-term impacts on wildlife from edge effects and increased noise and light pollution from the operational footprint (occupied development).
- The offsite mitigation area, located near Ramona, is proposed as mitigation for impacts to biological resources, including wildlife movement, open space, sensitive plants and vegetation communities, coastal sage scrub and California gnatcatcher. However, the authors do not present sufficient information to conclude that impacted plant and animal species would be adequately mitigated at this offsite parcel. The authors cite biological surveys of the offsite mitigation area conducted by PSBS in 1993, and by Merkel & Associates in 1990 and 1999. Only vegetation communities were updated by Dudek in December 2006. It is, therefore, unclear how the offsite mitigation area would mitigate for the biological resources identified as impacted by the project leading to the conclusion that biological resources are not adequately mitigated below a level of significance as is claimed by the authors. A full survey of the offsite mitigation area should be conducted during the most opportune season for the detection of sensitive plant and animal species and using accepted and USFWS survey protocols where applicable.

O-1.6-30

O-1.6-31

O-1.6-32

O-1.6-33

O-1.6-34

pg. 10  
Ashley Smith  
8/10/2017

- Furthermore, the offsite mitigation area is located more than 20 miles to the east of the proposed development (see Figure 4, Attachment C), in a different NCMSCP Planning Area that is influenced by different micro-climatic conditions (including precipitation levels and lower winter and higher summer temperatures). It is also located outside the breeding range of the California gnatcatcher (*San Diego County Bird Atlas* (Unitt 2004)). Therefore, the site is inappropriate for the mitigation of impacts to the California gnatcatcher resulting in unmitigated impacts to the California gnatcatcher. A significant impact to this species would remain.
- The project is inconsistent with the County's Resource Protection Ordinance (RPO) due to the permanent impacts to County-sensitive biological resources and jurisdictional waters and wetlands. The project proponent justifies these impacts by applying for an exemption from the RPO for the Newland Sierra Project and assuming the exemption will be approved. The RPO was developed for the protection of the County's unique biological resources. Because of the unapproved exemption request, the EIR does not attempt to avoid, minimize, or mitigate impacts for violating the RPO. Requesting an exemption from the RPO for the convenience of having a project approved that permanently and significantly impacts biological and wetlands resources without adequately avoiding, minimizing or mitigating these impacts is contrary to the intent of the RPO. The County cannot approve an exemption from the RPO for a project that significantly impacts to County-sensitive biological resources, core habitats and wetlands.
- It is not apparent to the reader how the project proponent intends to mitigate for permanent impacts to core habitat identified as PAMA. The Biological Resources Technical Report identifies mitigation through construction monitoring, but does not offer mitigation for edge effects, brush management zone impacts, other any other indirect impacts to the core habitat. The EIR infers that these impacts would be mitigated through the conservation of open space within the project study area. However, the fragmentation of the proposed open space in itself creates additional impacts to biological resources from edge effects and brush management zones. The amorphous design of the project footprint and its location within a contiguous open space creates a significant urban-wildlands edge that would impact biological resources through light and noise pollution, trespassing, trash and vandalism, impacts from domestic and feral cats and dogs, import and distribution of invasive species and pests (including ornamental vegetation), disruption of native pollinator dispersal, etc. In addition, as pointed out by Dr. Megan Jennings, it does not contribute to functional wildlife movement and connectivity in the region.

O-1.6-35

O-1.6-36

O-1.6-37

### 5. Issue: Cumulative Impacts

- Cumulative impacts are not addressed in the Biological Resources Technical Report. While cumulative impacts are addressed in the EIR, no quantitative cumulative impact analysis was conducted for biological resources.
- The cumulative impact analysis fails to evaluate impacts to wildlife movement and habitat fragmentation due severing the PAMA identified in the NCMSCP. The project has a

O-1.6-38

O-1.6-39

pg. 11  
Ashley Smith  
8/10/2017

significant cumulative effect on the continued functions of ecosystem integrity and wildlife movement and violates preserve design for NCMSCP.

- The cumulative impacts analysis does not take the San Marcos Highlands project into consideration. If the Lilac Hills, San Marcos Highlands, and Newland Sierra projects were implemented, the cumulative impacts on biological resources, wetlands, and open space preserves would be significant.

↑ O-1.6-39  
Cont.

↑ O-1.6-40

If you have any questions regarding the above comments, please feel free to contact me at 619-991-8968 or [schaeferecology@cox.net](mailto:schaeferecology@cox.net).

↑ O-1.6-41

Sincerely,



President, Schaefer Ecological Solutions

Cc: Kathy Van Ness, Golden Door, LLC  
Andrew Yancey, Latham and Watkins, LLP

### Bibliography

Atwood, J.L., S.H. Tsai, C.H. Reynolds, and M.R. Fugagli. 1998. Distribution and Population Size of California Gnatcatchers on the Palos Verdes Peninsula, 1993–1997. *Western Birds* 29:340–350.

Braden, G. T., R. L. McKernan, and S. M. Powell. 1997a. Association of within-territory vegetation characteristics and fitness components of California Gnatcatchers. *The Auk* 114:601-609.

County of San Diego. 2017. Working Draft of the Multiple Species Conservation Plan (MSCP) — North County Plan. Draft plan, subject to change, dated May 23, 2017.

County of San Diego. 2010. Guidelines for Determining Significance and Report Format and Content Requirements – Biological Resources (September 15, 2010).

Dudek. 2017. Biological Resources Technical Report for the Newland Sierra Project, San Diego County, California. Report dated June 2017, prepared for the County of San Diego; Appendix H to the DEIR.

Dudek. 2017. Resource Protection Plan for the Newland Sierra Project, San Diego County, California. Report dated April 2017, prepared for the County of San Diego; Appendix H-2 to the DEIR.



## Comment Letters

---

pg. 12  
Ashley Smith  
8/10/2017

Dudek. 2016. Newland Sierra Off-Site Mitigation Memo. Memorandum dated December 27, 2016, from Brock Ortega of Dudek to Rita Brandin of Newland Sierra LLC.

Environmental Science Associates (ESA). 2013. Metropolitan Airpark and Master Plan Development Project. Final EIR. City of San Diego. 2013.

Famolaro, P. and J. Newman. 1998. Occurrence and management considerations of California Gnatcatchers along San Diego County highways. *Western Birds* 29: 447-452.

Jennings, M. 2017a. Merriam Mountains Wildlife Connectivity Review. Report dated April 18, 2017.

Jennings, M. 2017b. Landscape Connectivity Issue Review, Newland Sierra June 2017 DEIR. Report dated August 1, 2017 prepared for Latham & Watkins LLP.

Marschalek D. and D. Deutschmann. 2017. San Diego County Hermes Copper (*Lycaena hermes*) Habitat Conservation and Management Plan. San Diego State University, 24 April, 2017.

Mock, P.J. 2004. California Gnatcatcher. Pages 430-433 In P. Unitt. San Diego County Bird Atlas. San Diego Natural History Museum No. 39. Ibis Publishing Co. Vista, CA.

Preston K.L., P.J. Mock, M.A. Grishaver, E.A. Bailey, and D.F. King. 1998. California territorial behavior. *Western Birds* 29: 242-257.

Schaefer C. 2016. Biological Constraints Report. Deer Springs Road Widening. Prepared for Baranek Consulting Group, April 2016.

San Diego Management and Monitoring Program and The Nature Conservancy. 2017. Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County: A Strategic Habitat Conservation Roadmap. 3 Volumes. Prepared for the San Diego Association of Governments. San Diego.

Unitt P. 2004. San Diego County Bird Atlas. San Diego Natural History Museum No. 39. October 31, 2004.

USFWS (U.S. Fish and Wildlife Service). 1997. Coastal California Gnatcatcher (*Poliophtila californica californica*) Presence/Absence Survey Protocol. July 28, 1997.

USFWS. 2000. 5-Point Policy for Habitat Conservation Plans, and Addendum to the HCP Handbook (HCPs, 65 Fed. Reg. 35242, June 1, 2000).

USFWS. 2015. Survey Guidelines for the Listed Large Branchiopods. Sacramento, California: USFWS Pacific Southwest Region. May 31. U.S. Fish and Wildlife Service.

## Comment Letters

---

pg. 13  
Ashley Smith  
8/10/2017

### Attachment A

Photo of potential spiny redberry (*Rhamnus crocea*) detected in the study area by a resident  
(verification required)



## Comment Letters

---

pg. 14  
Ashley Smith  
8/10/2017

### Attachment B

**Annotated Gmail from Abigail Henry to Susan Wynn (USFWS) documenting branchiopod species (most likely fairy shrimp) at one of the road pools within the Newland Sierra study area**

## Comment Letters

---



abigail henry <abigailhenry33@gmail.com>

---

### vernal pools Merriam Mountains

14 messages

abigail henry <abigailhenry33@gmail.com>  
To: susan\_wynn@fws.gov

Wed, Jan 18, 2017 at 11:01 AM



abigail henry <abigailhenry33@gmail.com>  
To: susan\_wynn@fws.gov

Wed, Jan 18, 2017 at 11:12 AM



## Comment Letters

---

Susan Wynn  
Fish and Wildlife Biologist  
2177 Salk Avenue, Suite 250  
Carlsbad, CA 92008  
(760) 431-9440 ext 216

[Quoted text hidden]

---

abigail henry <abigailhenry33@gmail.com>  
To: "Wynn, Susan" <susan\_wynn@fws.gov>

Thu, Jan 19, 2017 at 9:45 AM

Ok sounds good, I was curious I was reading in the report that the canyon on the south east side stated it had a reptile habitat as well. If these pools in the canyon are a salamander, or other sensitive reptile habitat, how would they be able to build at the top of them? Wouldn't the run off from blasting and construction and living filter down the canyon into these rock pools? They are found up the canyon and to the west of the canyon with the also very rare and very old live oaks located there. I think someone from fish and game we called the first day we found these woke us up this morning with a call. They said they had already been in contact with you though I believe, her name was Ashley Smith I think. We are just concerned they will be overlooked again, it seems like the last report they did they put no on the indications of basically any animal activity there. Also I noted that the pools discovered in San Marcos by the Palomar student, and professor that found them were recognized for it. Not that its all that important but it would be kind of cool if our discoveries are valid, we get the same. Were not to worried about the company getting mad at us, we care more about our city then they seem to.

[Quoted text hidden]

---

abigail henry <abigailhenry33@gmail.com>  
To: "Wynn, Susan" <susan\_wynn@fws.gov>

Sun, Feb 12, 2017 at 11:49 AM

Hi Mrs. Wynn,

I contacted you about a month ago regarding vernal pools on the Newland Sierra project site in San Marcos...I was wondering if you can tell me any more information about what happened with that?! I am still very concerned that the project consultants may try to hid or cover up what was found up there. The Union Tribune reported today that the company plans to release the E.I.R at the end of the month...Can you at least confirm if the organism we found up there is indeed a fairy shrimp? Also, I contacted The Endangered Habitats League after I spoke to you and the Lawyer said they have been following the Newland Sierra Project and that he would contact you to get all the information and make sure that the find was handled appropriately. Did you ever hear from them? I would appreciate any information you could give me on this matter. Thank you again for all your help.

Abigail Henry

[Quoted text hidden]



pg. 15  
Ashley Smith  
8/10/2017

### **Attachment C**

#### **Figures**

Figure 1. NCMSCP PAMA Map

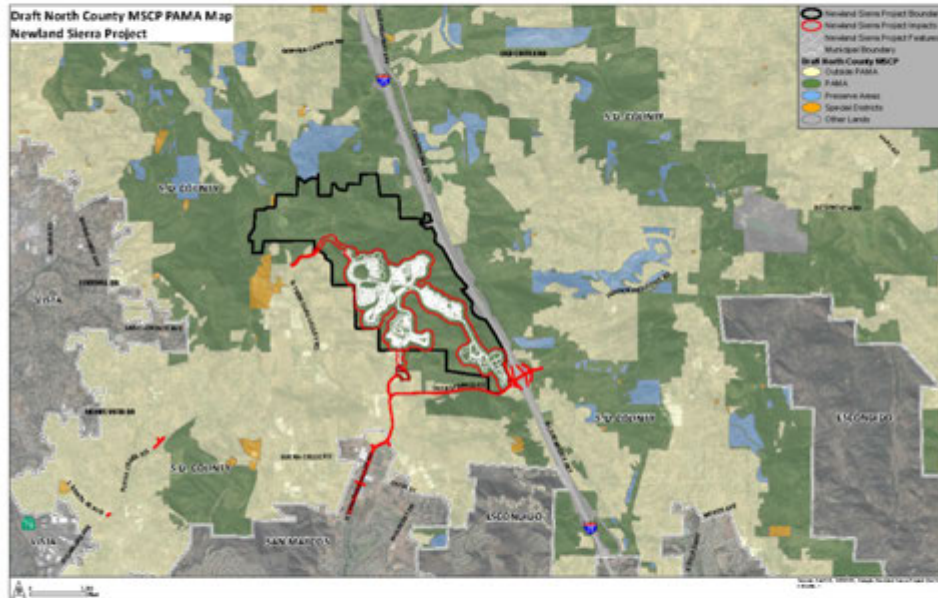
Figure 2. Biological Core and Linkages Map

Figure 3. NCMSCP Habitat Evaluation Model – Habitat Value

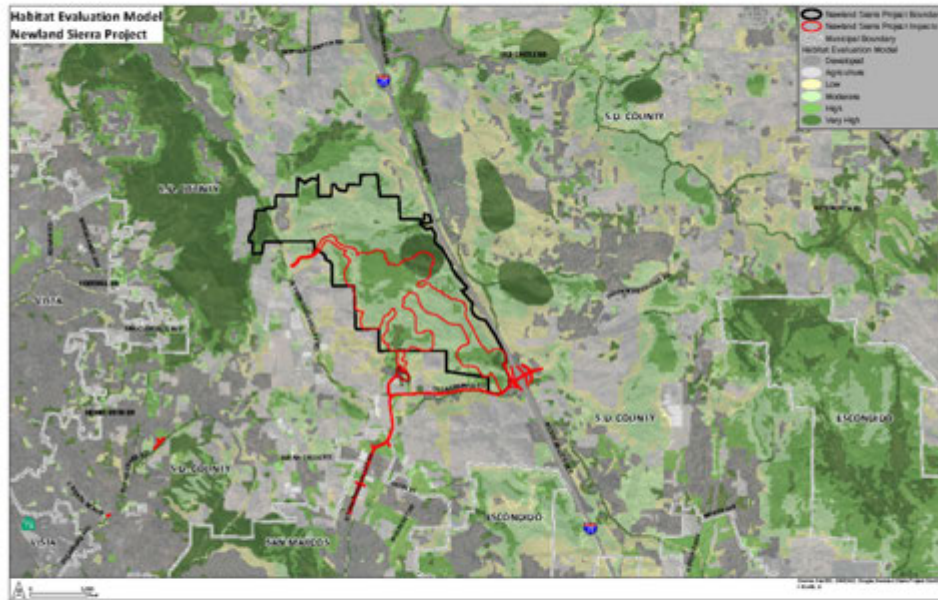
Figure 4. Newland Mitigation Site Location: Offsite Mitigation Area Distance from Project Site

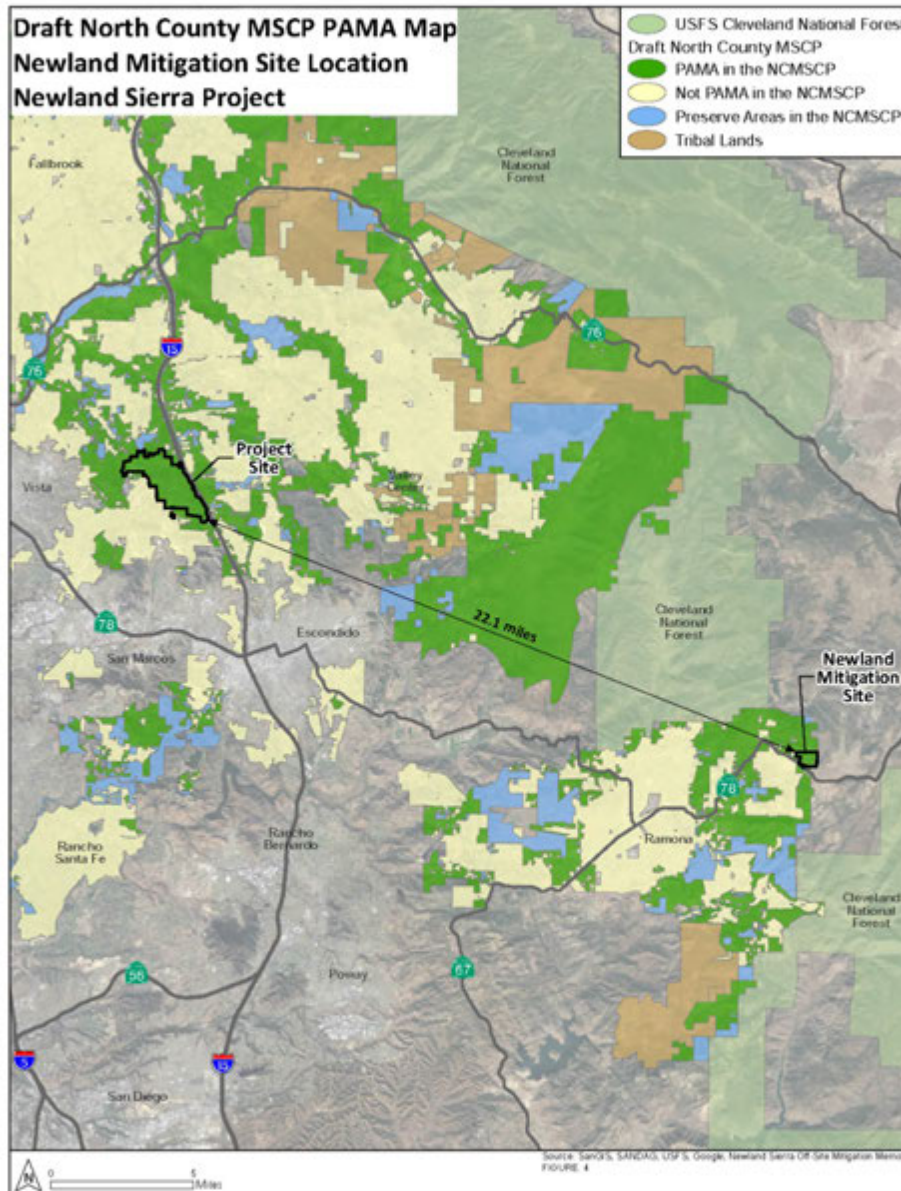
## Comment Letters

---











## O-1.7 L&W Attachment 7

Comment Letter O-1.7



10023 Wildlife Road  
San Diego, CA 92131  
[kim@baranekconsulting.com](mailto:kim@baranekconsulting.com)

August 11, 2017

Ashley Smith, Planning Manager  
County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

**SUBJECT:** COMMENTS ON THE NEWLAND SIERRA PROJECT EIR (LOG NO. PDS2015-ER-15-08-001; SCH NO. 2015021036. PROJECT NUMBERS: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM- 5597, PDSXXXX-HLP-XXX)

Dear Ms. Smith:

This letter is written on behalf of the Golden Door, LLC who retained Baranek Consulting Group, Inc. to review the Newland Sierra Project EIR with regard to its adequacy under the California Environmental Quality Act (CEQA). As a 30+-year CEQA practitioner and certified EIR Preparer by the County of San Diego, I have prepared, reviewed and processed hundreds of similar documents throughout almost every jurisdiction in San Diego County. As such, the focus of this letter is on the Draft EIR's consistency with the intent of the State CEQA Guidelines, as well as County guidance on the preparation of CEQA documents and their related technical studies.

O-1.7-1

### Project Description

The following comments/observations are offered to the County and reflect the fact that the project's details are either missing entirely or hidden deeply in the appendices, both of which deny the EIR reader their ability to fully understand the project and its environmental impacts:

O-1.7-2

- 1) Project site acreage is inconsistent – On pages 1-2 and 1-32 of the EIR, the site size is stated as 1,985 acres while on pages 1-29 and 1-30 the site acreage is 1,888 acres.

O-1.7-3



**Comment letter to Ms. Smith**  
**August 11, 2017**

This inconsistency means that every location in the document where site preservation and other factors are presented using percentages, the figures are not likely correct.

- 2) Project purpose is not feasible – The underlying purpose of the project is to implement a mixed use community near existing and planned infrastructure, services and jobs. The project site currently lacks all infrastructure to develop the site, except a water storage tank that serves other properties in the area. Therefore, the project site is not near any infrastructure. To be viable, a number of significant utility improvements are needed, including the construction of two new water storage tanks; the extension of sewer service via a 0.25-mile long sewer main up Sarver Lane and annexation to a sewer district; extension of electric and gas service similar distances from the Mesa Rock/Deer Springs intersection and the construction of storm drain facilities. The only “planned” infrastructure is the Vallecitos Water District (VWD) reservoir identified in their Master Plan to serve 2030 demands within their service area, which is not planned until Phases 3 and 5 of their Master Plan. <http://www.vwd.org/home/showdocument?id=909>. It also appears as though there exists very limited commercial or industrial land to provide jobs to future residents, although some of them may be retirees given the product type (55 years and over) on a portion of the project site. The EIR purports that the site is 3 miles from San Marcos/Escondido etc. but that is the distance to the incorporated limits not the employment centers.
- 3) Project objectives related to transit availability are overstated - With regard to objective 2, there are no planned regional transportation projects in SANDAG’s RTP for this section of the I-15 corridor ([http://www.sdforward.com/pdfs/RP\\_final/The%20Plan%20-%20combined.pdf](http://www.sdforward.com/pdfs/RP_final/The%20Plan%20-%20combined.pdf)). Therefore, it is a false statement to say the project could connect to regional mobility improvements, as none are planned. Although this may be the applicant’s intent, the reality is that the only mobility improvements offered by the applicant are Project Design Features such as on-site trails, on-site electric bike-share program for internal trips, car-share program (i.e., 3 cars for over 2,135 homes), transit subsidies, promotion of a potential ride-share or shuttle system that connects to “external transit facilities,” and a potential connection to the future bike path along a widened Deer Springs Road. The EIR mentions in the TDM measures (page 1-13) that they would “promote” a new park and ride to encourage carpool and there is mention that there are three Sprinter stations within 6 miles of the site which residents would have to drive to in order to access. None of these features would result in substantive mobility connections to the regional transportation system that would significantly cut down on single occupancy vehicles and it appears as though the applicant cannot achieve the basic project objective of facilitating a multi-modal network.
- 4) Significant development details are missing from Chapter 1.0, Project Description – After the discussion of Open Space and Trails and under the Land Use Plan, there is short description of proposed land uses, but there is no description of the architectural theme, colors, and bulk/scale/stories of proposed structures. Therefore, it is difficult for the reader to understand the character of the proposed development in terms of the

↑ O-1.7-3  
Cont.

O-1.7-4

O-1.7-5

O-1.7-6

O-1.7-7  
↓

**Comment letter to Ms. Smith**  
**August 11, 2017**

features of the built environment. This is contrary to the County's EIR guidance which states that the EIR Project Description should include the technical aspects of the project including "considerations of land use, density and intensity, engineering requirements, and visual or aesthetic features." The required details of the project design are materially absent from the Project Description. It has been my professional experience that County EIRs provide very detailed lists of lots, their sizes, development densities, landscaping details, architecture styles, color palette, etc., which is completely missing from this section of the EIR. The lack of detail makes it very difficult for the reader to understand how the project is consistent with the Village Core Mixed Use Category, which the applicant is proposing without understanding the visual character, bulk/scale, and intensity of development. Usually the mixed use zoning requires a form-based code (similar to Ramona and Alpine) and there is nothing in this chapter that provides that level of detail. It appears that the bulk of the detail is contained in the Specific Plan itself, but the information is essential to understanding the project and its details should at a minimum be summarized in Chapter 1.0 for the readers' understanding and information, rather than in an appendix.

O-1.7-7  
Cont.

- 5) Landscape description is missing from Chapter 1.0 – Similarly, under the Landscape discussion, there is no listing of the plant palette or specific species proposed by the applicant when the County usually requires such details (including plant box size) on other EIRs. There is a Conceptual Landscape Plan that is schematic and it contains a brief description of the five landscape zones: parkways and streetscapes, basins and swales, vineyards, enhanced landscape areas, and fuel modification zones. However, the descriptions are more descriptive of how the landscape features would function than what they are or will look like. For example, the enhanced landscape area is described as "these high visibility areas would combine the native character with more visually dynamic low-water-use Mediterranean plants." This description sounds like a sales pamphlet and not something that can be analyzed with regard to impacts. Community gardens are mentioned, but the reader cannot know what these would actually entail, their size or location based on Section 1.2.1.3. Also, the typical plant pictures provided in Figs 1-19 through 1-23 all refer the reader to the "full plant list." However, there is no reference to where that information can be found in the EIR. This is not highly technical information that should be relegated to a technical report. Plants are commonly understood by members of the public, and the amount of project screening, indeed the "tone" set by plantings at project boundaries and where view lines enter the project, are important features that should be described for the reader. In addition, planting vineyards on high visible slopes would be counter to any visual mitigation which would require highly visible areas to be planted with native species to blend in with surrounding hillsides not non-natives (more to follow under the *Visual Analysis* comments below). And yet, the EIR can tell us the details on the irrigation systems (i.e., evapotranspiration adjustment factors) and type of irrigation method, but no specifics on the plants which provides the reader with a visual image of the project. Oftentimes, County staff require the EIR to specify container and box sizes of plants at installation on the plant palette and this is not provided at all.

O-1.7-8

O-1.7-9

**Comment letter to Ms. Smith**  
**August 11, 2017**

- 6) Mischaracterization of Commercial Uses – Throughout the EIR, the Office/Professional uses designated on site in the existing General Plan are continually characterized as simply “commercial” and lumped in with the more traditional commercial uses (C36 zone) because Office/Professional uses are allowed under a commercial zone (i.e., C30 zone). However, functionally and characteristically, Office/Professional uses are wholeheartedly different than traditional commercial uses. This approach prevents the reader and decision-makers from being able to discern the differences between these two land uses for comparison with the proposed project.
- 7) Off-site improvements are undefined – Contrary to my professional experiences on other County EIRs, the Newland Sierra Project EIR is greatly lacking in its description/definition of the necessary off-site improvements required to serve and mitigate for project impacts. The EIR, for example, states that the “precise alignment and sizing of the project’s water facilities would be determined by VWD during final design.” A similar statement is used to describe the wastewater and natural gas and electricity improvements required by VWD and SDG&E, respectively. The aerial extent of the traffic improvements, specifically I-15/Deer Spring Road interchange improvements, Deer Spring Road widening, and realignment/widening of Sarver Lane, identified as mitigation is not defined on the basis that CEQA does not require the impacts be discussed in same level of detail as the project. Although permitted in the CEQA Guidelines (per Section 15126.4), this is not how the County typically addresses off-site road improvements in other County EIRs nor does it fulfill the disclosure requirements of CEQA. Grading-level impact footprints must be developed by the applicant for these improvements and the EIR must assess them for their physical impacts to all the resources in the study area, such as biological and cultural/tribal resources, aesthetics, air quality, noise, and other disciplines. According to the County EIR Guidance, “if the project involves the construction of public service facilities (e.g., on-/off-site water/wastewater treatment facilities, water reservoir, sewer extensions), such facilities must be described including their location, capacity, and agency responsible for implementation (§15124(c)).” This deferral of impacts and piecemeal of the analysis is not consistent with CEQA and County EIR Guidance and prevents the reader from fully understanding the impacts of the whole of the project. In addition, the level of analysis and disclosure of project impacts in the EIR is so inadequate that the County, VWD, SDG&E, City of San Marcos and/or Caltrans cannot issue grading approvals to construct the required public improvements or traffic mitigation without full environmental clearance under CEQA. In addition, the EIR analysis indicates that the off-site facilities would have impacts to jurisdictional areas; the EIR as written will not provide the Wildlife Agencies (i.e., USACOE, CDFW and RWQCB) the proper CEQA clearance to issue necessary permits for the project’s required off-site improvements.
- 8) General Plan Amendment not fully described – The EIR does not explain why the Deer Springs Road Option B (the 4-lane buildout) is not required to process a GPA but a GPA to downgrade the road classification is a feature of Deer Springs Road Option A. Since both proposals would effectively reduce the need to widen the road to its ultimate six-lane configuration (as currently contemplated in the County General Plan), there is no

O-1.7-10

O-1.7-11

O-1.7-12

O-1.7-13

O-1.7-14

O-1.7-15

O-1.7-16

O-1.7-17

**Comment letter to Ms. Smith**  
**August 11, 2017**

reason presented as to why downgrading the road classification is not required under both options. The GPA for both options should be identified now and impacts of the downgraded classification should be addressed in the EIR in order for the County to approve a Mobility Element amendment.

↑ O-1.7-17  
Cont.

- 9) Construction Activities lack definition - The construction information in Section 1.2.1.12 is very minimal. The EIR indicates that construction will occur over a 10-year timespan which purportedly ends in 2022, which is less than 10 years from the publication of the Draft EIR. To complete the grading by 2022, the construction period would have to be compressed into a five year period starting in 2018. Also, buried in Section 1.2.1.9 under Project Design Features is the concept of an on-site rock crushing facility(s) which could affect existing and future residents as the project construction is phased. Details appear to be placed in the Air Quality section, rather than up front where the readers understanding of the project begins. This portion of Chapter 1.0 of the EIR needs more development/definition so the reader can understand the construction period effects of this large project.

↑ O-1.7-18

↑ O-1.7-19

- 10) Technological, Economic and Environmental Characteristics not fully developed - Under biological resources, the text states that 72% of the site acreage is preserved, which is misleading because 212 of those acres occur off-site and nowhere near the project site. This statement implies that 72% of the actual site is preserved and is simply untrue. This misrepresentation appears to present the project in a more favorable light to the reader by implying that over a 2/3 of the project would remain undeveloped.

↑ O-1.7-20

- 11) Growth Inducement analysis is missing - According to the County EIR Guidelines, "If the project is determined to be growth inducing, the potential environmental effects of growth must be addressed in the appropriate subchapters within the subject area analyses in Chapter 2.0." I do not see that the EIR has addressed growth inducement at all, despite determining that the impacts would be cumulatively significant and unmitigated under Population and Housing and stating that there is the potential for growth inducing impacts to visual resources, air quality, biological resources, transportation and traffic, noise and cultural resources (page 1-38). Chapter 2.0 of the EIR should be revised to address growth inducing impacts throughout these respective sections.

↑ O-1.7-21

**Aesthetics/Visual Resources**

The following comments pertain to the aesthetics/visual impact analysis contained in Section 2.1 of the EIR and the Visual Resources Technical Report (VRTR):

↑ O-1.7-22

- 1) Project Description - The project description of the VRTR states: "the town center would be... visually appealing, and compatible with surrounding development" (page 7). These are conclusionary statements and potential decisions to be reached *following* analysis - not statements of fact upon which to base analysis. A broad impression is given that the

↑ O-1.7-23  
↓



**Comment letter to Ms. Smith**  
**August 11, 2017**

report provides analysis based on poorly based or incorrect pre-conceived notions, as further elaborated on below.

↑ O-1.7-23  
Cont.

The descriptions of proposed development are extremely limited in detail. The analysis, in general, seems to be based upon hopes and assumptions that are not spelled out in the Chapter 1.0 of the EIR, but relied upon as fact in the visual analysis. For example, "descriptions" of neighborhoods include the following types of information – elevations and numbers of residences for the Terraces Neighborhood; lot sizes and number of overall residences and park acreage for the Valley Neighborhood. No descriptions of structure color, water tank color, architectural detailing that might shield structure windows from producing glare, and no specs on grading technique, etc. Also as previously noted, there is no functional landscape plan, or even a list of anticipated plants. What is presented consists only of pretty pictures of trees and planting arrangements from other sources, each of which is carefully caveated to refer to a specific plant list that is not available. Why is there any belief that the visual simulations are accurate and defensible? The reviewer is presented with no information that really supports the specific home sizing, colors, etc. in the simulations. Instead, the reader is simply informed in the text that "grade-adaptive architecture" would reduce visual impacts. Since that is not committed to in the project description as a Project Design Feature, there is no certainty that this will occur. Neither is there any certainty that the homes will be tan and brown as shown in the simulations, that the water tank will look as represented, that trees will be installed as indicated, etc.

↑ O-1.7-24

Furthermore, the discussion of the visual simulations in the VRTR is also peculiarly silent as to the timeframe represented by the depictions. Excluding the specific simulation showing landscaping at installation vs. "mature" for the simulations from Deer Springs Road at I-15 NB On Ramps, the reader has to guess if they are looking at a situation reflecting installation, or some period in the future. Also, the term "mature" is not defined – 5, 10, 15, 20 years? Again, a real description of the future project requires detail, and that is lacking here. Without the detail, there is no faith in the credibility of the simulations, which appear to simply be a possible vision of the project but with no guarantee. Absent criteria to rely upon – committed to project design features, a landscape plan specifying plant types and container sizes at installation – the ultimate project could ultimately look quite different.

↑ O-1.7-25

- 2) Public Views are excluded from consideration - On page 5 of the VRTR, there is a statement: "Because CEQA does not provide for the protection of public views, viewpoints such as those located on private residences or private roads in the Hidden Meadows and Lawrence Welk Village area have been excluded from consideration as principal viewpoints." Although this belief that private views are not protected under CEQA was certainly prevalent 10 or 15 years ago, there is a growing volume of analysis that does not follow this approach. Yes, some of the criteria stress public viewpoints, scenic highways, etc. but the word *public* is missing from other thresholds in Appendix

↑ O-1.7-26  
↓

**Comment letter to Ms. Smith  
August 11, 2017**

G, and there is no reason to believe that it is not intentional when the requirement for consideration of public concerns is specifically called out in other instances.

The issue of view rights was being actively litigated and the position that is most defensible was stated in *Ocean View Estates Homeowners Assoc. Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396. This case states that there is no limiting factor per se regarding private views, but that the numbers of viewers impacted may play into whether or not the impact is significant under CEQA. The County Report Format and Content Requirements for VRTRs specifically notes on page 9 that private views need to be considered when things will be substantially different as a result of a land use action such as a GPA/SPA or zoning. The proposed project features both a GPA/SP and a zoning change. The text then goes on to say that the private views are therefore treated qualitatively, but the treatment is pretty minimal in the VRTR.

Specifically, there is a statement that the private views are not used as key views, and no simulations are prepared. The VRTR then generally falls silent, with several paragraphs around page 88 being the only additional focused discussion of "non-public" views and the conclusion that the impacts experienced by those viewers would be more "severe" than those to public road viewers (due to stationary viewpoints and longer duration) not really revisited in significance conclusions. There are three viewsheds (non-public viewpoints 1 through 3) presented in the VRTR that clearly show that these are the viewsheds that have the greatest visibility to the heart of the project, i.e., that portion of the project that is not really visible from the immediately abutting public roadways because of intervening topography. In fact, the elimination of the private views (apparently based on their private nature alone) seems to short-circuit the discussion one would expect to find relative to numbers of viewers, and, for simulations, whether or not those views (especially from non-public view 3) would constitute a worst-case locale from which a simulation should be prepared. Additionally, elimination of those locales from the key views and "quantitative" assessment completed for those key views, then carries over to fairly dismissive treatment in the EIR. The non-public locales are not given equal treatment even in the assessment process – the non-public views do not show on the viewpoint map (Figure 2.1-3) and the reader is left to themselves to identify the extensive residential uses on the aerial and try to relate them to the viewshed extent depicted on Figure 2.1-2. This may result in the lay reader assuming that they are not important as point of departure for discussion, when in reality this should be a conclusion reached (if appropriate) after reasoned discussion. Additionally, no real context for the textual discussion of the private view is available because the three viewsheds (shown for non-public viewpoints 1 through 3) presented in the VRTR are missing from the EIR.

These appear to be the viewsheds that have the greatest visibility to the heart of the project. Their elimination from the EIR, removes much of the context from the discussion of items such as "roadways" from which views could be obtained, and does not truly disclose the nature of those private views. This results in the reader of the EIR

O-1.7-26  
Cont.

O-1.7-27



**Comment letter to Ms. Smith**  
**August 11, 2017**

being subtly misled as to the nature of the information available upon which to determine adequacy of the EIR assessment, and potentially supports inaccurate significance assessment. Numbers of viewers, the extent of their views, and appropriate analysis as to the potential effect of project implementation based on changes to existing conditions needs to be more expressly presented for these "non-public" views, similar to those of performed for the selected public key views, before the analysis will be adequate.

O-1.7-27  
Cont.

- 3) Grading Impacts to Steep Slopes - Also missing from the EIR is grading specifics. This has a very large impact on visual assessment, but the criteria needed to help the reader are missing. A clear understanding of existing conditions is critical to an adequate assessment of potential project impacts associated with project implementation. Two very large overview elements are specified for the reader – the project will balance on site, and 55 percent of the site contains RPO-protected steep slopes. The VRTR states that "portions" of the site contain RPO-defined steep slopes in excess of 25 percent slope" (VRTR page 23) but after that, there is a total of three additional references to steep slopes and it is unclear if the term is being used relative to the ordinance or in lay-person terms. Three of the four references describe existing conditions, and one refers to "an adjacent steep slope." In addition, the reference to "portions" of the site seems somewhat misleading. As stated elsewhere (but not in the VRTR), over 50 percent (54.7 percent) of the site contains RPO steep slopes. Those slopes are distributed throughout the project. The lack of disclosure is remedied in the EIR on page 2.1-3, but the discussion of potential visual effect of the 148 acres of impacted steep slopes (13.6 percent of the on-site steep slopes per Figure 7 of the RPS analysis) is nowhere to be found. We also are never given information to know what the steepest slope is (e.g., over 25 percent slope but less than 30?? up to 50??) so it is difficult to assess context relative to how truly steep any specific slopes might be. This, combined with the absence of even a figure depicting where the steep slopes are (e.g., Figure 7 from Appendix H) in the EIR (land use, visual), and the fact that the only close-in views to slopes in the VRTR are along a specific portion of Deer Springs Road, hamstrings the reader from easily envisioning the existing conditions.

O-1.7-28

- 4) Resource Protection Ordinance (RPO) Analysis of Steep Slopes Impacts - The absence of an RPO steep slopes analysis in the EIR is not consistent with the County EIR Guidance. The RPO does not just address steep slopes relative to how they are dealt with in geotechnical terms. Impacts to steep slopes are addressed as visual issues in the RPO, and require analysis relative to the ordinance. This is demonstrated by the fact that the waiver for "insignificant" steep slopes is not based on engineering criteria, but by discussion of those slopes being isolated, visually indistinguishable from other non-steep slopes protected by the ordinance, demonstrating "in-fill" conditions, etc. The EIR is absolutely silent as to the significance of the slope encroachments as described in the County regulations, and requires revision in order to be adequate.

O-1.7-29

**Comment letter to Ms. Smith**  
**August 11, 2017**

- 5) I-15 Design Guidelines Consistency - Policy 8 of the Guidelines states that "Any grading above 25% slope will blend with the surrounding area, and be landscaped appropriately to look natural." This does not appear to be the case in the simulated conditions along I-15 north of Deer Springs Road, where the modified slopes appear to remain visible, and could be planted with grapes, as opposed to native habitat that blends with the existing slopes in the project area. Also note that EIR Section 2.1.3.4, discussing plan consistency, states that the project would be compliant with the I-15 Corridor Scenic Preservation Guidelines. It is not understood how this can be the case given this issue regarding steep slopes.
- 6) Scenic Corridor Impacts - Treatment of scenic corridor listings seems to be missing important discussion in the analyses and are therefore potentially inadequate. On EIR page 2.1-36, there is a discussion of scenic vistas. The summary paragraph discusses lack of designated scenic highways and says that the I-15 and Twin Oaks Valley Roads are both County scenic corridors and discussion was provided as part of the Public Roads analysis. Neither of those discussions references the County status, however, and the I-15 discussion also does not mention the I-15 Scenic Guidelines requirements. It seems that those identifications would indicate a higher level of sensitivity relative to changes along those corridors. Discussion of that possibility, and conclusions as to any heightened concern, are missing from EIR pages 2.1-28-29, and 32-33, despite appropriate language that: "local values and goals may confer visual significance on landscape components and areas that would otherwise appear unexceptional in a visual resource analysis" (EIR page 2.1-13).
- 7) Light and Glare Impacts - The EIR introduces a threshold for light and glare "which would adversely affect day or nighttime views in the area" that not receive full discussion. All of the nighttime lighting discussion seems to pertain only to ordinance compliance. While totally appropriate for the guidelines referencing the Light Pollution Code, ordinance compliance in and of itself may not fully address the issue of nighttime views and ambient lighting. This requires direct analysis to be complete and disclose to the public the potential changes.
- 8) Cumulative Aesthetics Impacts - The cumulative impacts discussion clearly identifies that the project, in conjunction with the 11 cumulative projects, results in a cumulative considerable impact. The discussion does not, however, conclude whether or not the project's contribution is cumulatively considerable. Assuming that it is, based on the visibility from public roads, extensive grading and percentage of structures/homes added relative to those of the other cumulative projects, then the required discussion of mitigation measures is completely missing. This is inadequate under CEQA and must be rectified. All elements of the discussion must be provided in the EIR and VRTR.
- 9) Growth Inducing Impacts, a County mandatory element of Chapter 2.0 analyses (sections 2.X.4) based on the EIR Content/Format requirements when GI impacts are

O-1.7-30

O-1.7-31

O-1.7-32

O-1.7-33

↓ O-1.7-34

**Comment letter to Ms. Smith**  
**August 11, 2017**

identified in EIR Subchapter 1.8, is wholly missing from the visual subchapter given that they specifically conclude that the project is growth inducing per Chapter 1.0).

↑ O-1.7-34  
Cont.

10) EIR Section Format - The County EIR content/format requirements require that Sections 2.X.5 focus on significant impacts. The EIR discussion simply summarizes preceding text, both significant and less than significant, which detracts from the focus on significant impacts. Regardless, the discussion omits a summary of the significant impacts associated with the growth-inducing and cumulative impacts identified in Chapter 1.0 and this Subchapter 2.1, respectively. The result is a complete omission of appropriate mitigation measures (and, potentially, alternatives) discussion that must be added to the EIR.

↓ O-1.7-35

11) Mitigation Measures - In EIR Section 2.1.10, Mitigation Measures does not consist of mitigation measures. Rather, it is again primarily a narrative restatement of prior conclusions. The EIR content/format requirements (page 29) mandates an "infeasible measures" discussion and why they are infeasible. Part of the discussion includes the text "additional landscaping...may also conflict with applicable fire requirements." The statement that something "may" be problematic does not constitute adequate review prior to dismissal, especially in areas with substantial hardscape and irrigation, such as the commercial areas along I-15.

↓ O-1.7-36

**Agricultural Resources**

The following comments pertain to the agricultural resources impact analysis contained in the Agricultural Report and affect the adequacy of Section 2.2 of the EIR, which is based on the report:

↓ O-1.7-37

1) Existing Agricultural Resources not properly identified - The assessment and conclusions regarding the occurrence of on-site agricultural resources in Section 2.1 of the subject Agricultural Report are not consistent with the related criteria in the County *Guidelines for Determining Significance and Report Format and Content Requirements, Agricultural Resources* (Agricultural Guidelines). Specifically, the subject Agricultural Report notes on Page 24 and in Table 2 that 35.1 acres within the site consist of soils designated as FMMP Unique Farmland (3.4 acres) and Farmland of Local Importance (31.7 acres), both of which are included as FMMP Important Farmland categories. The subject Agricultural Report concludes (on page 47), however, that:

↓ O-1.7-38

...there is no evidence of historic agricultural production per the County's Guidelines for Determining Significance – Agricultural Resources and would not designate the Site as an agricultural resource. Although the Site contains Farmland of Local Importance, per the County's Guidelines, it is not considered an agricultural resource as there is no evidence to demonstrate that portions of the Site have been used for agriculture. Therefore, it would not be required to evaluate the project Site using the LARA Model analysis.

**Comment letter to Ms. Smith**  
**August 11, 2017**

This conclusion is inconsistent with the referenced County Agricultural Guidelines, however, as the subject Agricultural Report states on Page 24 that on-site areas associated with the FMMP Unique Farmland designation are "associated with existing off-site agricultural operations that encroach into the project Site boundary" (emphasis added). No agricultural operations currently exist on the project Site and the primary agricultural operation areas for these lands are located outside of the project Site boundary." These statements are confusing and seemingly contradictory, as the report states that the agricultural operations "...encroach into the project Site boundary" but are "...located outside of the project Site boundary." If, as seems to be the case, existing agricultural uses are present on-site, these areas (and associated FMMP Important Farmlands) should be identified as agricultural resources and evaluated in a LARA Model per the County Agricultural Guidelines.

O-1.7-38  
Cont.

With respect to historic agricultural use in Section 2.3.1 of the Agricultural Report (pages 48 and 49) directly conflict with the text in Section 6 (Page 79) of the subject Agricultural Report, which states: "...previous agricultural uses on the project Site ceased operation...in the mid to late 1960s." That is, if agricultural uses were occurring on the project site until the 1960s as indicated, there is clearly evidence of historic agricultural production. Additionally, there are no data provided in the report to substantiate the cited conclusions. Section 2.0 of the Agricultural Guidelines *Report Format and Content Requirements* states (among other criteria) that: "All conclusions must be based on substantial evidence or reasonable assumptions as documented in the report." (emphasis added). Without the inclusion of historic aerial photos and/or other documentation in the report to clearly demonstrate the presence or absence of such activities, the conclusion that "...there is no evidence of historic agricultural production..." at the site is unsubstantiated, and the related conclusion that "...it would not be required to evaluate the project site using the LARA Model analysis..." is incorrect.

O-1.7-39

Accordingly, the subject Agricultural Report should be revised to: (a) provide adequate information to allow identification and assessment of current and historic on-site agricultural uses; (b) identify on-site agricultural resources related to FMMP Important Farmlands and current and/or historic agricultural operations; and (c) if, as anticipated, agricultural resources are determined to be present on-site, provide a LARA Model analysis to determine if the site is an important agricultural resource per the County Agricultural Guidelines and assess potential on-site direct impacts and (if appropriate) related mitigation.

O-1.7-40

- 2) Agricultural Resources Impacts based on inaccurate baseline - There is some confusion regarding the impacts and related mitigation identified for off-site roadway improvements as described in Sections 2.3.2, 2.4 and 2.5 of the subject Agricultural Report. Specifically, the text on Page 49 (Section 2.3.2) identifies two options (A and B) for the widening of Deer Springs Road, although the corresponding graphics depicting the four off-site roadway improvements (Figure Nos. 15a through 15d) are all labeled *Option B Off-Site Important Farmland Categories*. While it is assumed that the remaining three off-site roadway improvement areas would be the same under either option for Deer Springs Road, the current text and graphics are confusing, and should

O-1.7-41



**Comment letter to Ms. Smith**  
**August 11, 2017**

be modified to more clearly describe the individual off-site roadway improvements (including a description of exactly what is included in options A and B, and changing the individual figure titles to identify the associated proposed roadway segment modifications). Figure Nos. 15a through 15d are also difficult to interpret as no roadway names are provided, and should be modified to label all applicable roads.

↑  
O-1.7-41  
Cont.

The discussion in Section 2.3.2 identifies a combined impact area of 5.82 acres for the associated off-site roadway improvement areas. While a summary of these impacts is provided in Table 4, it is unclear which impacts are associated with which roadway area, as the impact acreages are only associated with parcel numbers in the table (and individual parcel numbers are not provided on Figure Nos. 15a through 15d). As a result, the subject Agricultural Report should be modified to identify the appropriate off-site roadway improvement areas in Table 4, and/or include the appropriate parcel numbers on the corresponding graphics.

↓  
O-1.7-42

The text on Page 59 (Section 2.5) of the Agricultural Report identifies a combined area of 3.05 acres for the off-site roadway improvements (rather than 5.82 acres as described above), and the Agricultural Report should be modified to reflect the correct acreage.

↓  
O-1.7-43

The discussion on Page 60 (Section 2.5) states that: "...the purchase of 5.82 acres of conservation easements through the PACE program is a feasible mitigation measure...", based on the identification of 168,505 acres of Prime Farmland and Farmland of Statewide Importance soils in the County. This is a misleading statement, as it implies that all of the noted 168,505 acres are available as agricultural mitigation land. Accordingly, the described text should be modified to describe the availability of agricultural mitigation credits in the context of the PACE Program, rather than the County as a whole.

↓  
O-1.7-44

The discussion on page 62 of the Agricultural Report (Section 3.2.1) states that: "As shown in Figure 10, no Williamson Act Contract lands or County Agricultural Preserves exist within the proposed project's ZOI." While this is assumed to be accurate, it is difficult to discern as the ZOI boundary is not provided on Figure 10. Accordingly, while the text does include a reference to Figure 5 (which depicts the ZOI), Figure 10 should be modified to also include the ZOI boundary.

↓  
O-1.7-45

The discussion on page 64 of the Agricultural Report (Section 3.2.2) provides a description of potential interface conflicts between the proposed school/denser housing development and nearby agricultural operations. The analysis concludes that: "proposed development would be buffered from the existing off-site active agricultural land uses within the ZOI and indirect impacts from the conversion of agricultural land would be less than significant." This conclusion is not supported by quantified descriptions of intervening distances provided by the noted open space (and other) buffers, however, as was done for the preceding analysis of potential interface conflicts associated with the Sierra Knoll planning area (i.e., a minimum separation of 150 feet is

↓  
O-1.7-46  
↓

**Comment letter to Ms. Smith**  
**August 11, 2017**

provided for the Sierra Knoll discussion). Accordingly, the described text should be modified to identify the actual buffer distances provided for the project school and denser housing development by the proposed open space.

In addition, the discussion in Table 5 (Page 68) regarding project consistency with LU-5.3, Rural Land Preservation, states that: "

Currently, there are approximately 35 acres of land identified as Farmland of Local Importance and Unique Farmland within the project Site, with approximately 189 acres zoned as agricultural. Even though the project would only retain approximately 6 acres of this agricultural land, *the on-site terrain of steep slopes and rock outcroppings are generally not conducive to agricultural use.* (emphasis added).

The referenced statement regarding agricultural suitability for the approximately 218 acres (98 percent) of the on-site Important Farmland designations/agricultural zoning that would be lost through project development is inconsistent with the County Agricultural Guidelines. Specifically, Section 1.2.3 of the County Agricultural Guidelines state: "Avocado groves that thrive on steep, rock slopes benefit from the effect that topography has on facilitating water drainage. The fractured rocks on steep slopes, considered unsuitable for agriculture according to traditional soil quality measures, provide rapid water and air drainage preventing frost damage and avocado rot..." Based on this information, the described areas of Important Farmland designations/agricultural zoning are potentially suitable for crops such as avocados, and the referenced statement regarding the agricultural suitability of on-site terrain with steep slopes and rock outcroppings, along with the related conclusion of consistency with LU-5.3, are considered inaccurate.

The discussion in Table 5 (page 68 of the Agricultural Report) regarding project consistency with GOAL COS-6 (which should be COS-6.0), Sustainable Agricultural Industry, states that: "Although the project would change the zoning for a portion of the Site from A70 to Residential, this land has never been in active agricultural production, nor is it designated by the FMMP as Prime Farmland, Farmland of Statewide or Local Importance." Based on review of Figure Nos. 9, 13 and 14, portions of the area along the southeastern project site boundary proposed to change from A70 to residential zoning appear to include areas designated as FMMP Farmland of Local Importance and, as outlined above, may potentially include areas of current and/or historic agricultural use. As a result, the related conclusion regarding consistency with GOAL COS-6 is considered unsubstantiated and should be reevaluated after completion of the LARA Model analysis.

- 3) Cumulative Agricultural Resources Impacts - The cumulative study area identified in Section 5.2 (page 71) of the subject Agricultural Report "...generally includes the North County Metropolitan Subregional Plan area..." It is unclear, however, if the "cumulative project boundary" depicted on the associated Cumulative Projects Map (Figure 16)

↑ O-1.7-46  
Cont.

O-1.7-47

O-1.7-48

↓ O-1.7-49



**Comment letter to Ms. Smith**  
**August 11, 2017**

reflects the North County Metropolitan Subregional Plan area or some other boundary, as the majority of the cumulative projects shown on the map appear to be located outside of the cumulative boundary. The text on page 71 also states that: "Table 6, Cumulative Projects, lists the cumulative projects nearby the project Site...", and the projects outlined in Table 6 are apparently the only projects included in the associated cumulative impact analysis. This format is not consistent with the County Agricultural Guidelines, which makes no allowance to evaluate only those cumulative projects that are "nearby the project site." Accordingly, Section 5 of the subject Agricultural Report should be modified to clearly identify an appropriate cumulative study area and include all associated cumulative projects in the related cumulative impact analysis.

O-1.7-49  
Cont.

The discussion of cumulative impacts in Section 5 concludes that: "...the project would not result in a cumulatively considerable contribution to a potential cumulative impact on agricultural resources...", and "No cumulative projects have been identified that would impact agriculturally important land; therefore, no significant cumulative effects to agriculture would occur." The first conclusion regarding the proposed project is based in part on the assumption that the project was determined not to be an important agricultural resource. As outlined above, the Agricultural Report does not include adequate information or analysis to reach a substantiated conclusion regarding the presence of on-site agricultural resources or the status of the project site as an important agricultural resource under County Agricultural Guidelines. Accordingly, the Agricultural Report should be modified to include a LARA Model analysis to determine if the site is an important agricultural resource per the County Agricultural Guidelines, and assess potential on-site direct impacts and (if appropriate) related mitigation. The cumulative analysis should then be reviewed and, if appropriate, updated to reflect the results of the LARA Model analysis.

O-1.7-50

As indicated above in this comment, the second conclusion is apparently based on the 16 cumulative projects located "...nearby the project Site..." that are described in Table 6. As previously noted, the cumulative analysis should be based on all identified cumulative projects, not just the 16 projects listed in Table 6. In addition, the data provided in Table 6 are not adequate to support the noted conclusion in any case, based on the following considerations: (a) over two-thirds of the listed projects (11 out of 16) do not provide any data on estimated direct or indirect impacts from the associated projects (with two additional projects providing only direct or indirect impact estimates, but not both); and (b) no assessment of the direct/indirect impact estimates identified for the 5 remaining projects is provided, although the text on page 77 of the Agricultural Report acknowledges that the cumulative projects "...could result in a potential cumulative impact from the conversion of agricultural land and of compatibility with agricultural uses." While it is understood that impact data for cumulative projects are often difficult to identify conclusively, the County Agricultural Guidelines require that such impacts be estimated and evaluated. Thus, while the County Agricultural Guidelines allow some latitude in the identification of cumulative project agricultural data (i.e., impact estimates as described), such data and related analysis are required. Accordingly, the Agricultural Report must be modified to: (a) provide direct and indirect

O-1.7-51

O-1.7-52

**Comment letter to Ms. Smith  
August 11, 2017**

impact estimates for all applicable cumulative projects (including those shown in Table 6 and on Figure 16); and (b) provide a quantified and qualified analysis of potential cumulative impacts based on the data to be provided for all applicable cumulative projects.

**Project Alternatives**

Although the EIR contains an evaluation of nine alternatives to the project or its features, which on surface value could be considered a reasonable range of alternatives based on sheer numbers, six of the nine alternatives studied in detail should have been lumped together as two single alternatives that would be accomplished by different variations. For instance, there are three alternatives for the alignment of Newland Sierra Parkway (i.e., Alternatives A, B and C) all of which are intended to reduce the physical impacts of building the road and three alternatives are dedicated to alternative land planning concepts requested by the CDFW (i.e., Alternatives A, B and C) as a means to avoid direct impacts to biology. In addition, one of the alternatives, the Multi-Family Town Center Alternative, was suggested by the Golden Door property owner as a means to avoid or reduce significant traffic impacts on its Deer Springs Road, which fronts and provides primary access to their facility. In reality, this EIR only addresses five alternatives rather than the nine purported in the EIR Summary and Chapter 4.0 and only two of the alternatives were not suggested by others.

The fact that three of the five alternatives presented in the EIR were formulated by others and included as a means to appear responsive to their requests indicates that minimal thought was put into developing a reasonable range of alternatives, as required by the State CEQA Guidelines. None of the alternatives were developed as a good faith effort to specifically avoid or substantially lessen any of the significant effects of the project as required by Section 12126.6 of the State CEQA Guidelines. The following comments are offered to augment the Project Alternatives discussion in the Newland Sierra Project EIR, as the current content of Chapter 4.0 is inadequate and not reflective of the minimum requirements under the CEQA Guidelines.

- 1) Reduced Project Alternative – The project would result in significant and unmitigable direct and cumulative impacts to aesthetics/visual quality/community character (AES-1 and AEC-CUM-1). As noted in Chapter 2.0 of the EIR, there are no feasible mitigation measures identified to reduce these impacts to below a level of significance. A Reduced Project Alternative that would relocate or redesign the portions of the project that would impact Key Views 1, 2 and 3 must be presented so that the decision-makers understand how this impact could be avoided or substantially lessened, rather than just accepting the impacts as unmitigable and providing no alternatives.
- 2) Reduced Grading Alternative – The project would result in cumulatively significant construction-related air quality impacts (AQ-4 and AQ-5). Naturally, the EIR should address a reduced grading alternative as a means to disclose to the decision-makers

↑ O-1.7-52  
Cont.

↑ O-1.7-53

↑ O-1.7-54

↑ O-1.7-55

↑ O-1.7-56  
↓

**Comment letter to Ms. Smith**  
**August 11, 2017**

how the project could avoid or substantially lessen this impact, which would occur over a 10-year period according to the project description in Chapter 1.0 of the EIR.

- 3) Project Phasing Alternative – To address the project's significant and unmitigable impacts associated with the loss of available mineral resource (MR-1), an alternative should be presented that allows for the removal of resources prior to the closure and reclamation for planned residential/commercial uses. In addition, although portions of the site would be processed with rock crushers, the resources would not be fully removed because the processing would only be for the project development and not for regional needs. So, in reality, the impact to mineral resources would be to the entire 650 acres identified as MRZ-2, rather than the 156 acres that would remain untouched after the site is developed. A Project Phasing Alternative is reasonable and feasible given that the site contains documented resources and features a former quarry. There are many examples of quarries in the County (i.e., located in Mira Mesa, Mission Valley, and Carlsbad/Oceanside) which are currently undergoing reclamation into urban uses after the resource removal is complete. This alternative would also avoid the project's significant and unmitigated air quality impacts associated with the combination of construction and operational emissions (AQ-1). Again, an alternative phasing should be presented to the decision-makers to fully disclose the alternatives they have available to them to avoid or substantially lessen this impact.
- 4) Reduced Population and Housing Alternative – The project would result in substantial population growth (PH-1 and CUM-PH-2) because it would exceed planned residential and population growth in the area and result in land use and roads which would result in growth beyond levels anticipated in the County General Plan. The EIR concludes that the impact would be significant and unmitigable. Although the Existing General Plan Alternative would address this impact, it would not achieve the applicant's basic project objectives as described in Chapter 4.0 and according to its analysis in the EIR would result in similar or considerably worse impacts, as noted below. A more reasonable Reduce Population and Housing Alternative should be presented in the EIR.
- 5) Reduced Residential Density Alternative – The project would result in significant and unmitigable direct traffic impacts (i.e., TR-1A through TR-45) to freeway ramps, local intersections and street segments throughout the local community and yet there is no alternative that suggests less development density such that the project impacts would be substantially lessened. The need for an alternative that reduces site intensity is particularly important given that the project would cause unmitigated impacts at nearly every study area location analyzed in the EIR due to the level of traffic that would be produced by the project. Given the project's proposal to modify the County General Plan and allow for a 20-fold increase in residential development intensity, a Reduced Residential Density Alternative must be presented to the decision-makers to fully disclose the alternatives they have available to them to avoid or substantially lessen this impact.

↑ O-1.7-56  
Cont.

O-1.7-57

O-1.7-58

O-1.7-59

Comment letter to Ms. Smith  
August 11, 2017

- 6) Greenhouse Gas (GHG) Reduction Alternative – Despite the project applicant's objectives of building a sustainable, mixed-use village that provides connections to the regional mobility infrastructure and is located *near* existing and planned infrastructure, the EIR (i.e., GHG-1 through GHG-3) demonstrates that the project would result in direct and significant impacts to global climate change due to the project-level GHG emissions it would produce. The only mitigation being presented in the EIR is the purchase of emissions offsets. Not only is this approach precedence setting within the County, but the offsets may not even occur within the County because the commitment in M-GHG-2 states the applicant shall pursue offsets within the unincorporated area "to the extent such offset projects and programs are financially competitive in the global offset market." Despite this qualification, the EIR concludes that the mitigation would reduce project impacts to global climate change within the County jurisdiction to less than significant. Furthermore, EIR Chapter 1.0 states as a project feature that the applicant is committed to carbon neutrality due to these offsets. It appears as though this EIR and the project applicant are selectively relying on sustainability as a means to "green wash" the project's impacts to global climate change and other resources. In addition, because the feasibility of acquiring offsets within the County might be in question (due to economics), the EIR must include an alternative which identifies other methods of avoiding or substantially reducing the project's significant impacts to GHG's within its jurisdiction. Additionally, the EIR indicates in the traffic section (TR-46, TR-47 and TR-48) that the project would exceed the region-wide vehicle miles travelled thresholds for single-family residential, multi-family residential and age-qualified residences, leading to significant and unavoidable impacts. Therefore, a GHG Reduction Alternative must be presented to the decision-makers to fully disclose the alternatives that are available to avoid or substantially lessen this impact.
- 7) Wildlife Movement Alternative –The project site is currently classified as Pre-approved Mitigation Area (PAMA) with a goal of 75% conservation under the Draft North County MSCP. The EIR states that the County has been changed the site's classification to a hard-lined project in the most recent draft (and not adopted) plan, without concurrence from the Wildlife Agencies. Reliance on the Draft North County MSCP for take authorization, therefore, would be improper until the plan is adopted. An assessment of the project impacts to wildlife movement would naturally conclude that impacts would not be less than significant. In fact, a wildlife connectivity expert has determined that the project site would result in significant and possibly unmitigated impacts to core linkages in the Merriam Mountain area (M. Jennings 2017). Therefore, an alternative project design that accommodates wildlife movement must be presented in the EIR so that decision-makers understand there are other options to avoid or substantially lessen the project's impacts to wildlife movement.
- 8) Existing General Plan Alternative- In addition to not presenting a range of alternatives directed at avoiding or lessening the most significant project impacts, the Existing General Plan Alternative analysis in Chapter 4.0 of the EIR appears to be biased and skewed to leave the impression with the reader that under the County General Plan the project would have similar or worse impacts as compared to the proposed project. It is

O-1.7-60

O-1.7-61

O-1.7-62



## Comment Letters

---

Comment letter to Ms. Smith  
August 11, 2017

concerning that the EIR determined that the County General Plan, which allows for 99 rural homes, 4.6 acres of traditional commercial uses, and 53.6 acres of office-professional uses, would result in more impacts than 2,135 single family and multi-family units, 81,000 square feet of traditional commercial uses, and a school site. Based on my review of an independent study provided by an engineering expert (Delane Engineering 2017), when accounting for steep slopes and various other County requirements such as parking, drainage, and access, the Existing General Plan Alternative would only allow for up to 750,000 square feet of office-professional uses and about 100,000 square feet of traditional retail commercial uses. In addition, a market analysis completed by a real estate expert, determined there is not a significant demand for office-professional space in the planned location (Cushman Wakefield 2017). Therefore, the alternatives analysis in the EIR overstates the impacts of the Existing General Plan Alternative and its comparison with the project's impacts is misleading because it does not provide a realistic portrayal of a project under the Existing General Plan.

It is the intent of CEQA to ensure that all projects impacts are adequately considered. Based on my professional judgement and expertise, the Newland Sierra Project EIR is inadequate under the State CEQA Guidelines, the County EIR Guidelines, and applicable County guidelines for determining significance and preparing technical studies and must be revised and recirculated, as illustrated in the comments contained in this letter.

If you have any questions regarding the above comments, feel free to contact me at 858-922-8604 or [kim@baranekconsulting.com](mailto:kim@baranekconsulting.com).

Sincerely,



**Kim Baranek**  
Principal/Senior Project Manager

Cc: Kathy Van Ness, Golden Door, LLC

*References:*

Cushman Wakefield, 2017. Demand Study, Proposed Newland Sierra Town Center, Deer Springs Road @ I-15, August 8.

O-1.7-62  
Cont.

O-1.7-63

## Comment Letters

---

**Comment letter to Ms. Smith  
August 11, 2017**

Delane Engineering, 2017. Independent Analysis of Zoning Regulations, Constraints, and Development Potential of Newland Owned Commercial Parcels, August 4.

Jennings, Megan K., 2017. Connectivity Issue Review, Newland Sierra June 2017 DEIR, July.



INTENTIONALLY LEFT BLANK

## O-1.8 L&W Attachment 8

Comment Letter O-1.8



### DEMAND STUDY

Proposed Newland Sierra Town Center  
Deer Springs Road & I-15  
Unincorporated Area of North San Diego County,  
San Diego County, CA 92069

### IN A CONSULTING ASSIGNMENT

As of July 31, 2017

### Prepared For:

Golden Door Properties, LLC  
777 Deer Springs Road  
Unincorporated Area of North San Diego County, CA  
92069

### Prepared By:

Cushman & Wakefield Western, Inc.  
Valuation & Advisory  
4747 Executive Drive, 9th Floor  
San Diego, CA 92121  
Cushman & Wakefield File ID: 17-38503-900283

CUSHMAN & WAKEFIELD WESTERN, INC.  
4747 EXECUTIVE DRIVE, 9TH FLOOR  
SAN DIEGO, CA 92121

---



Town Center  
Deer Springs Road & I-15  
Unincorporated Area of North San Diego County,  
San Diego County, CA 92069

---

CUSHMAN & WAKEFIELD

## Comment Letters

---

TOWN CENTER

CLIENT SATISFACTION SURVEY

August 08, 2017

Ms. Kathy Van Ness  
**Golden Door Properties, LLC**  
777 Deer Springs Road  
Unincorporated Area of North San Diego County, CA 92069

Re: A Demand Study for the Newland Sierra Town Center,  
located at the northwest corner of Deer Springs Road & I-15  
Unincorporated Area of North San Diego County, San Diego County, CA 92069

Cushman & Wakefield File ID: 17-38503-900283

Dear Ms. Van Ness:

In fulfillment of our agreement as outlined in the Letter of Engagement dated July 25, 2017, we are pleased to transmit our findings in the form of a demand study of the above referenced property.

The subject property consists of 2,535,192 square feet of land located in San Diego County, CA 92069. The subject property is located on the northwest corner of Deer Springs Road and Freeway I-15, in the City of Unincorporated Area of North San Diego County, County of San Diego. The site is unimproved hillside with steep terrain, sloping downward from West to East toward Freeway I-15.

This letter is invalid as an opinion of demand if detached from the report, which contains the text, exhibits, and Addenda.

Respectfully submitted,

**CUSHMAN & WAKEFIELD WESTERN, INC.**



---

Peter Savage, MAI, SRA  
Director  
CA Certified General Appraiser  
License No. AG004946  
peter.savage@cushwake.com  
858.334.4013 Office Direct

O-1.8-1

---

CUSHMAN & WAKEFIELD 3

### Summary of Salient Facts and Conclusions

Client:	Golden Door Properties, LLC.
Intended Use:	This report is intended to provide an opinion of the existing market demand for office and commercial development of the subject property (Town Center) at the site of the Newland Sierra project.
Intended User:	This report was prepared for inclusion into a comment package to the County of San Diego regarding the proposed Newland Sierra development project and is not intended for any other users.
Identification of Real Estate:	Town Center site at the site of the proposed Newland Sierra project. Located at the northwest corner of Deer Springs Road & I-15. Unincorporated Area of North San Diego County, San Diego County, CA 92069.
Highest & Best Use (As if Vacant):	A commercial and residential use built to a density supportable by market demand.
Highest & Best Use (As Improved)	The site is unimproved hillside with steep terrain, sloping downward from West to East toward Freeway I-15
Current Ownership:	Newland Sierra LLC
Date of Inspection:	July 31, 2017
Date of Report:	August 08, 2017

O-1.8-2

### Summary of Critical Observations

#### SUMMARY OF CRITICAL OBSERVATIONS

The strengths and weaknesses analysis applies both specifically (attributes internal or specific to the subject) and generally (external or economic considerations that influence the subject).

##### Strengths

- The subject is located adjoining Freeway I-15 which is the singular access from San Diego County to Riverside County.

##### Weaknesses

- The subject's site is steep and will be difficult to develop. At present, there is insufficient homes to support any significant commercial development on the site.

##### Conclusions

Based on the preceding strengths and weaknesses, the subject property's specific zoned use does not appear to be a feasible development at this time.

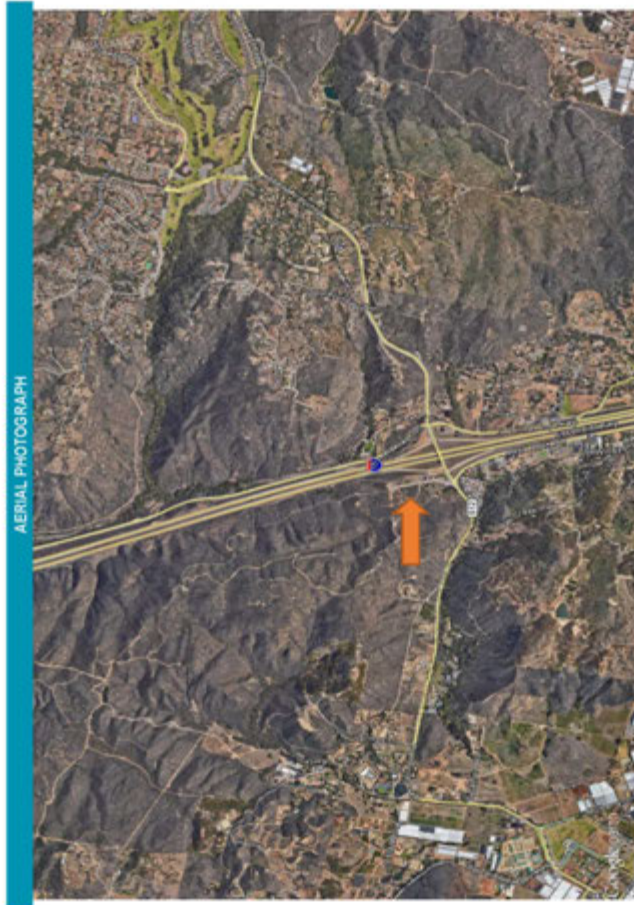
O-1.8-2  
Cont.



PROPERTY PHOTOGRAPHS

TOWN CENTER

### Property Photographs



CUSHMAN & WINTERFELD



O-1.8-2  
Cont.

TOWN CENTER

PHOTOS OF THE SUBJECT

NORTHEAST CORNER OF DEER SPRINGS RD. & I-15



SUBJECT – LOOKING WEST FROM MESA ROCK ROAD



O-1.8-2  
Cont.

CUSHMAN & WAKEFIELD

7

## Comment Letters

---

TOWN CENTER

PHOTOS OF THE SUBJECT

SUBJECT – LOOKING NORTH FROM MESA ROCK RD.



O-1.8-2  
Cont.

CUSHMAN & WAKEFIELD

8

## Table of Contents

Summary of Salient Facts and Conclusions .....	4
Property Photographs .....	6
Scope of Work .....	10
Overview .....	10
Regional Analysis .....	11
Demographic Trends .....	14
Economic Trends .....	17
Conclusion .....	22
Local Area Analysis .....	23
Neighborhood Analysis .....	24
Location .....	24
Access / Transportation .....	24
Demographics .....	24
Employment .....	24
Amenities / Services .....	24
Land use .....	24
Conclusions .....	24
Property Analysis .....	26
Site Description .....	26
Zoning .....	30
Market Demand Analysis - .....	31
Residential .....	31
Office Market Analysis .....	32
Retail Market Analysis .....	34
CONCLUSIONS DEMAND (CURRENT) .....	35
Residential .....	35
Office .....	35
Retail .....	36
Assumptions and Limiting Conditions .....	37
Addenda Contents .....	39

O-1.8-3

### Scope of Work

#### Overview

Scope of work is the type and extent of research and analyses involved in an assignment. To determine the appropriate scope of work for the assignment, we considered the intended use of the appraisal, the needs of the user, the relevant characteristics of the subject property, and other pertinent factors. Our concluded scope of work is summarized below, and in some instances, additional scope details are included in the appropriate sections of the report:

#### Research

- We inspected the property and its environs. Physical information on the subject was obtained from the property owner's representative, public records, and/or third-party sources.
- Regional economic and demographic trends, as well as the specifics of the subject's local area were investigated. Data on the local and regional property market (supply and demand trends, rent levels, etc.) was also obtained. This process was based on interviews with regional and/or local market participants, primary research, available published data, and other various resources.
- Other relevant data was collected, verified, and analyzed. Property data was obtained from various sources (public records, third-party data-reporting services, etc.) It is, however, sometimes necessary to rely on other sources deemed reliable, such as data reporting services.

#### Analysis

- Based upon the subject property characteristics, prevailing market dynamics, and other information, we developed an opinion of the market's demand for commercial use on the subject property.
- We analyzed the data gathered using generally accepted methodology to arrive at a probable demand.

This report is intended to comply with the reporting requirements outlined under USPAP for consulting assignment. Cushman & Wakefield Western, Inc. has an internal Quality Control Oversight Program. This Program mandates a "second read" of all appraisals. Assignments prepared and signed solely by designated members (MAIs) are read by another MAI who is not participating in the assignment. Assignments prepared, in whole or in part, by non-designated appraisers require MAI participation, Quality Control Oversight, and signature.

For this assignment, Quality Control Oversight was provided by Trevor Chapman, MAI.

O-1.8-3  
Cont.

**REGIONAL MAP**

This regional map illustrates the proposed high-speed rail network in Southern California. The main route is highlighted in purple, starting from the Los Angeles area and extending north towards the San Francisco Bay Area. Key locations marked include Los Angeles, San Bernardino, San Gabriel, and San Jose. The map also shows major highways (Interstates 5, 10, 15, 205, 210, 205, 205, 205) and geographical features like the San Gabriel Mountains and the Los Angeles River. A legend in the bottom right corner identifies the route and other features.



## Regional Analysis

### Market Definition

San Diego County is the second largest county by population in the state of California, with approximately 3.3 million residents, according to Experian Marketing Solutions' 2016 estimates. To the north, the county is bordered by Orange and Riverside County, and Imperial County to the east. San Diego is located north of Mexico, sharing a border with Tijuana. As a coastal community, the region is home to miles of beaches and mild-semi-arid climate, making it a desirable residential and commercial location. One of the strongest technology hubs in Southern California, the region also home to one of the largest concentrations of military defense services in the world, with military facilities hosting the United States Navy, Coast Guard and Marine Corps. Over the past three years as recovery has taken its course, construction and consumer spending has picked alongside substantial employment and income growth.

Further considerations are as follows:

- According to Experian Market Solutions' 2016 estimates, San Diego County is the fifth most populous county in the United States. Roughly half of the region's total population resides in the City of San Diego.
- The City of San Diego is the region's economic hub and home to well over half of the jobs and nearly three-quarters of the region's largest employers including Qualcomm, Sony Electronics, Inc., and Sempra Energy.

The San Diego-Carlsbad Metropolitan Statistical Area (MSA) is encapsulated within San Diego County, and is located at the southwestern-most corner of the continental United States. Below is a map of the region:

#### SAN DIEGO-CARLSBAD, CA METROPOLITAN STATISTICAL AREA (MSA)



Source: Cushman & Wakefield Valuation & Advisory

O-1.8-3  
Cont.

## Current Trends

San Diego County's expanding economy is driven by the region's diverse industry base and above-average employment opportunities. According to the State of California Employment Development Department, nonfarm employment in the region gained 18,200 jobs over the twelve month period ending in April 2017. San Diego County reported an unemployment rate of 3.8 percent as of April 2017, 1.0 percent below the state rate of 4.8 percent and 60 basis points below the national rate of 4.4 percent reported during the same month. The region's economy continues to expand with the professional & business services, high-tech, biotech and government sectors propelling regional employment growth. Unemployed workers continue to be absorbed as mid-wage jobs are increasing, however at a slower rate than exhibited over previous year. Recent layoffs by some of the region's major employers, including Qualcomm, have hindered growth in recent years, however displaced workers have made their way into the professional & business services sector, which is expected to be the primary driving force behind improving labor markets and income growth in the near term. Despite high business and real estate costs in the region, San Diego County is expected to exhibit positive economic trends in the near-term.

Further points for consideration include:

- After experiencing a slowdown in recent years, San Diego's biotechnology and nanotechnology clusters have again began to flourish. Biotech firms in the region are successfully raising early as well as growth stage capital, while others are either planning significant IPOs or are being acquired by larger-scale biotech and pharmaceutical companies. The San Diego-based pharmaceutical firm Tocagen filed the largest IPO the region has seen in the past three years of \$98.0 million in April 2017, while Forge Therapeutics has raised \$15.0 million in Series A financing, among a number of other regional firms. Growth in these leading industries will contribute to the expanding professional service payrolls through the near term.
- San Diego's specialization in military intelligence has enabled further expansion of the region's defense sector. Over first quarter 2017, numerous defense firms including General Atomics, Northrop Grumman, General Dynamics, QED Systems, Boeing and BAE Systems have received contracts amounting to over \$1.0 billion for items ranging from military IT to electromagnetic aircraft launch systems, support systems and unmanned aerial vehicles. Additionally in March 2017, the region was awarded \$1.6 million in federal grants from the Department of Defense's Office of Economic Adjustment to support the region's leading defense contractors. Despite some expected volatility and upside risks, San Diego's defense sector is positioned to grow through the near term.
- Demolition work began on Manchester Financial Group's \$1.3 billion redevelopment of the Navy Broadway Complex in downtown San Diego, home the U.S. Navy's southwest regional headquarters. Plans for the mixed-use Manchester Pacific Gateway call for eventually replacing the entire campus with a new 17-story Navy office building, a 1,100-room convention center hotel, a 260-room boutique hotel, nearly 300,000 square feet of retail space. The development is expected to be completed over the next three years, creating more than 2,400 construction jobs and nearly 3,000 permanent jobs in the region.
- San Diego International Airport (SAN) officials have approved moving forward with plans to build a new \$229.5 million federal inspection services facility in Terminal 2 of the airport. Slated for completion in June 2018, an accelerated construction schedule was implemented to support anticipated growth at the airport, which currently handles more than 300,000 international passengers annually. According to airport officials, international air travel in 2018 is anticipated to contribute \$432.0 million in annual economic impact to the region.

O-1.8-3  
Cont.

- The U.S. Navy presented six construction firms with contracts collectively amounting to \$500.0 million over the next five years during first quarter 2017. The construction deals call on the firms for the design and development of the Naval Special Warfare Command Coastal Campus at Naval Base Coronado, one of the region's major employers. Three of the construction companies are local San Diego firms, including Harper Construction Co., RQ Construction LLC and Soltek Pacific Construction Co. The development, among many others in San Diego County, will contribute to employment growth in the region's construction sector in the near term, projected at 1.6 percent growth through 2021.
- According to the California Association of Realtors, home prices in San Diego County have exceeded values reported during the region's peak in 2007. As of March 2017, median closing prices for existing, single-family homes rose 3.8 percent year-over-year, to \$571,000. Additionally, single-family home sales increased 42.3 percent over the previous month and 8.2 percent over the previous year. Experts have suggested that the lack of inventory, low mortgage rates, and an imbalance between home construction and demand have helped increase housing prices.

### Demographic Trends

#### Demographic Profile

San Diego's median age of 35.0 years is 3.0 years lower than the national median age of 38.0 years. The region outperforms the nation in terms of affluence and educational attainment with an average annual income of \$93,540 and 34.7 percent of its population holding Bachelor's degrees or higher. In comparison, only 29.0 percent of the nation's population holds a Bachelor's or advanced degree. San Diego's relative economic strengths can be attributed to the region's strong high-tech, biotech and professional services sectors, which provide high-wage positions and often require advanced degrees. Age and educational attainment contribute to the raised income levels in San Diego and relatively strong professional & business services sector, attracting high net worth individuals that should further elevate the region's demographics.

Further considerations regarding San Diego County's demographic trends are as follows:

- According to Experian Marketing Solutions, San Diego's median annual household income is currently \$64,907, 19.1 percent higher than the national average of \$54,505.
- San Diego County outperforms the U.S. in terms of households earning annual incomes of greater than \$100,000, with 30.3 percent of the region's households versus 23.0 percent of the nation.
- San Diego's demographics have fueled growth in industries that require advanced education. These sectors include biotechnology, business and professional service sectors. The chart below provides a demographic comparison between San Diego and the United States:

O-1.8-3  
Cont.

Demographic Characteristics San Diego MSA vs. United States 2016 Estimates		
Characteristic	San Diego MSA	United States
Median Age (years)	35.0	38.0
Average Annual Household Income	\$93,540	\$78,425
Median Annual Household Income	\$64,907	\$54,505
<i>Households by Annual Income Level:</i>		
<\$25,000	18.6%	23.0%
\$25,000 to \$49,999	20.9%	23.4%
\$50,000 to \$74,999	16.7%	18.3%
\$75,000 to \$99,999	13.4%	12.4%
\$100,000 plus	30.3%	23.0%
<i>Education Breakdown:</i>		
< High School	14.4%	13.9%
High School Graduate	19.1%	26.1%
College < Bachelor Degree	31.8%	29.0%
Bachelor Degree	21.6%	18.2%
Advanced Degree	13.1%	10.9%

Source: © 2016 Experian Marketing Solutions, Inc. All rights reserved.  
Cushman & Wakefield Valuation & Advisory

## Population

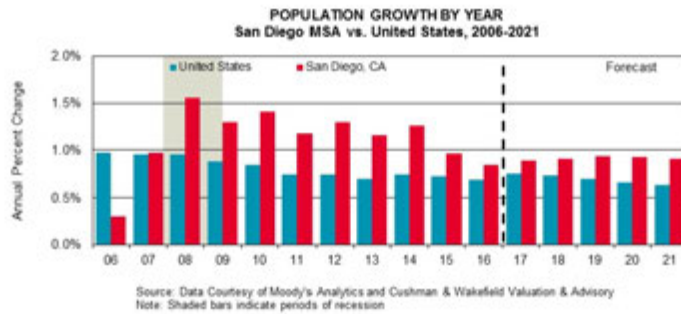
According to Experian Marketing Solutions' 2016 estimates, the San Diego-Carlsbad MSA is home to a population of 3.3 million individuals. Over the past decade, San Diego's annual population growth of 1.2 percent followed national population growth trends closely. Since 2006, the region's population expansion has fluctuated between 1.0 and 1.5 percent, with further growth hindered by the high cost of living, business costs, and rising home values. Population growth in the San Diego area has historically outpaced that of the national average, as the favorable climate conditions and diverse economy make Southern California a primary location for individuals, families, and businesses. Despite the high cost of living (26.0 percent higher than the national average according to Moody's Analytics), the region has a young, well-educated employment base. San Diego's population is primarily concentrated along the 20-mile Pacific Coast. The greatest population densities, not surprisingly, are located in proximity to the region's few major freeways—Interstate 5 (I-5), Interstate 805 (I-805), Interstate 8 (I-8), and Interstate 15 (I-15).

The following highlights the key statistics for population growth for San Diego County:

- With a current population of 3.3 million individuals, San Diego grew at an average annual rate of 1.2 percent between 2006 and 2016. Over the corresponding period, the national population fell short of the region's growth by 40 basis points, reporting growth of 0.8 percent.
- Through 2021, San Diego's population is forecast to grow at an average rate of 0.9 percent. In comparison the population of the United States' is expected to grow at an average annual rate of 0.7 percent. Population growth may however be hindered as the San Diego housing market continues to appreciate. As housing prices and the overall cost of living continue to increase, lower-income residents will likely seek opportunities in more affordable markets.

O-1.8-3  
Cont.

The following graph compares historical and projected population growth between San Diego and the United States:



The following table compares historical and forecasted population growth trends for the San Diego-Carlsbad MSA and the United States between 2006 and 2021:

Annualized Population Growth San Diego-Carlsbad Metropolitan Statistical Area 2006-2021						
Population (000's)	2006	2016	Forecast 2017	Forecast 2021	Compound Annual Growth Rate 06-16	Compound Annual Growth Rate 17-21
United States	298,379.9	323,127.5	325,555.7	334,625.1	0.8%	0.7%
San Diego-Carlsbad, CA	2,947.3	3,317.7	3,347.1	3,471.2	1.2%	0.9%

Source: Data Courtesy of Moody's Analytics, Cushman & Wakefield Valuation & Advisory

## Households

Between 2006 and 2016, household formation trends in San Diego outpaced the national growth by 30 basis points annually. Household formation trends in San Diego appear to mirror overall population gains, which is also similar to the performance for the nation. Over the past decade, household formation and population growth both averaged 1.2 percent annually, as the housing market recovered, income levels increased steadily, and the millennial generation entered the first-time home buyers' market. In March 2017, the California Association of Realtors reported an increase single-family home sales of nearly 8.2 percent over the previous year. Additionally single family permits in the region have increased in 2016 over the previous year, and are projected to continue increasing into the near term. The rise in home sales has been supported by the rise in income levels, which have kept pace with national rates, and the reaccelerating of high-tech and biotech, and professional services performance in the region. Through 2021, San Diego's household formation is projected to increase to an average annual rate of 1.4 percent, outperforming the nation's projected average.

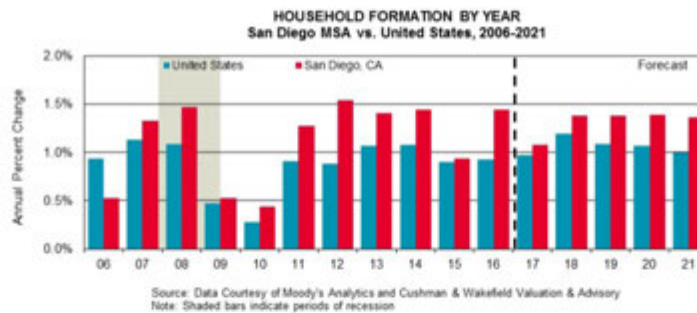
Further considerations regarding San Diego County's household formation are:

- Annual household growth between 2006 and 2016 averaged 1.2 percent in San Diego County, 30 basis points higher than the nation's ten-year average growth rate of 0.9 percent.



- The projected five-year average household growth rate for San Diego County is forecasted at 1.4 percent, 30 basis points higher than the expected national average household growth rate of 1.1 percent.
- Household formation growth is limited by the available land for development and fluctuating single-family permits in the region. The tightness of the market has caused higher housing prices, and the high cost of living is likely to impede future population growth, ultimately pushing low to middle class residents out of the area.

The following graph compares historical and projected household formation between San Diego County and the United States:



## Economic Trends

### Gross Metro Product

Between 2006 and 2016, San Diego's Gross Metro Product (GMP) grew by 1.4 percent annually, exceeding the nation's Gross Domestic Product (GDP) annual growth rate of 1.3 percent over the same period. A large share of the region's GMP output is produced by high-value industries including the high-tech, biotechnology and defense sectors. Historically, San Diego's Gross Metro Product growth trends have closely followed that of the nation. The most recent economic recession left a significant impact on the region and caused San Diego's GMP growth to decrease to lows of negative 4.2 percent in 2009, 1.4 percentage points lower than the national average during this period. Recovering from the last recession, San Diego has since surpassed the GMP growth trend of the nation over 2016. As the region continues to expand, San Diego's GMP growth is forecasted to exceed that of the nation through 2021, and reach peak growth of 2.7 percent in 2018.

Some notable considerations include:

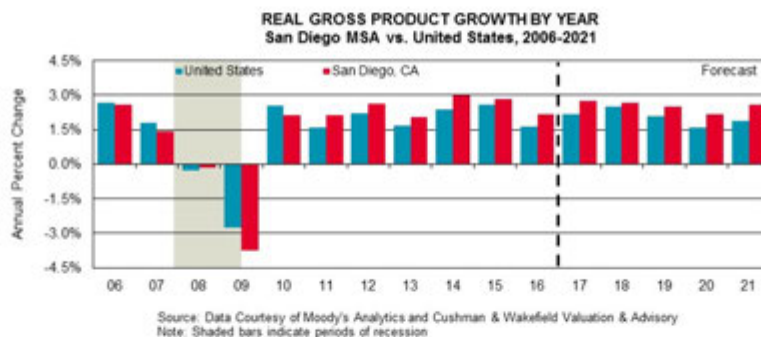
- Between 2006 and 2016, the region averaged a 1.4 percent annual growth in GMP, 10 basis points higher than the average annual growth of 1.3 percent exhibited by the U.S. over the same time period.
- Over the next five years, San Diego's average annual GMP growth rate is projected to further accelerate to 2.5 percent annually, 50 basis points above the 2.0 percent projected rate of the nation over the same period. As indicated by its relative growth in GMP, the San Diego area is poised for a sustainable, long-term rate of growth.

O-1.8-3  
Cont.



- Growth in the San Diego region will be driven by expanding its professional and business services and technology sectors, as well as the strengthening of the construction sector. Increased consumer confidence coupled with income growth in the market have contributed to the expansion of the San Diego MSA's economy over the past decade, a trend that is expected to continue in the near term.

The following graph compares historical and projected real gross product growth between San Diego County and the United States:



## Employment Distribution

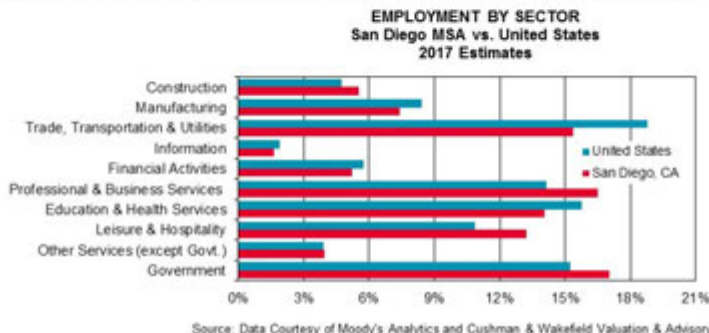
San Diego's industry sector composition includes economic diversity comparable to that of the nation. The region's industry mix is heavily weighted in the government, professional & business services, and trade, transportation & utilities sectors. Industries of the professional & business services sector, including biotech, defense, information technology and software engineering, have contributed significantly in terms of employment in the region over the past decade. Continued defense contracts will support employment and income stability in the region, while technology production and the bioscience sector in the area promote growth and fare well in the global economy. According to forecasts by Moody's Analytics, San Diego's main employment sectors are expected to remain healthy and contribute to employment growth in the near term.

Additional considerations regarding employment distribution in San Diego County are as follows:

- San Diego is most heavily weighted in the government and profession & business services sectors, holding employment shares of 17.0 percent and 16.5 percent, respectively. These leading sectors are more heavily weighted in the region's employment distribution than the nation, holding shares 1.7 percent and 2.4 percent greater than the nation, respectively.
- San Diego is relatively underweighted in the trade, transportation & utilities and education & health services sectors, compared to the nation, despite these sectors holding significant employment shares in the region (15.4 percent and 14.1 percent, respectively). However, the education & health services sector is expected to see some of the most significant growth in the region of 1.8 percent through the near term.

O-1.8-3  
Cont.

The chart below compares employment by industry sector between San Diego County and the United States:



### Major Employers

San Diego's list of major employers reflects the region's relative strengths in its leading sectors including government, education and healthcare and high-tech sectors. The government sector accounts for the largest share of total nonfarm employment, as half of the region's major employers are military units. Despite being underweighted in comparison to the nation, nearly half of the largest employers in San Diego fall in the education and health services sector. The San Diego MSA is home to two Fortune 500 corporations, Qualcomm Inc. and Sempra Energy, ranked 110<sup>th</sup> and 279<sup>th</sup> respectively on the national list as of year-end 2016. Over the previous year, Qualcomm has moved up in the ranks from 123<sup>rd</sup> place, while Sempra Energy fell nine spots from the previous year's list. Despite layoffs in recent years, Qualcomm employs approximately 13,500 professionals, while Sempra Energy has approximately 5,000 employees in the San Diego region. Two other San Diego based companies, CareFusion Corp. and PriceSmart made Fortune's larger compilation of top 1,000 companies.

Additional considerations regarding San Diego County's major employers include:

- The government sector, specifically the military, has a great influence on the employment climate in San Diego. San Diego County's largest employer, the Marine Corps Base Camp Pendleton, continues to take on more employees and anchors to the local economy. Currently, there are more than 100,000 individuals employed by the United States Navy in the region.
- Despite the education & health services sector being underweighted in San Diego compared to the nation, the region's second largest employer, the University of California, San Diego, falls in the sector. The university currently employs 29,287 individuals. Although the top ten employers in the region, a number of educational institutes additionally contribute to employment numbers in the sector, including San Diego State University with 5,064 employees and the San Diego Community College District with 4,733 employees.
- As for the private sector employers in San Diego, Sharp Health is the region's largest private employer with 16,896 employees while Scripps Health is a close second with 14,644 employees.

O-1.8-3  
Cont.

The table below lists the top employers in terms of total employees in the San Diego County MSA:

Largest Employers San Diego-Carlsbad, CA		
Company	No. of Employees	Business Type
Marine Corps Base Camp Pendleton	43,331	Military
University of California, San Diego	29,267	Education
Naval Base Coronado (incl. North Island NAS)	23,985	Military
Naval Base San Diego	22,092	Military
Sharp Health	16,896	Healthcare
Scripps Health	14,644	Healthcare
Qualcomm Inc.	13,500	Technology
Naval Base Point Loma	12,464	Military
Marine Corps Air Station Miramar	10,152	Military
Kaiser Permanente	7,535	Healthcare

Source: San Diego Business Journal Book of Lists 2016, Guide to Military Installations and Cushman & Wakefield Valuation & Advisory

## Employment Growth

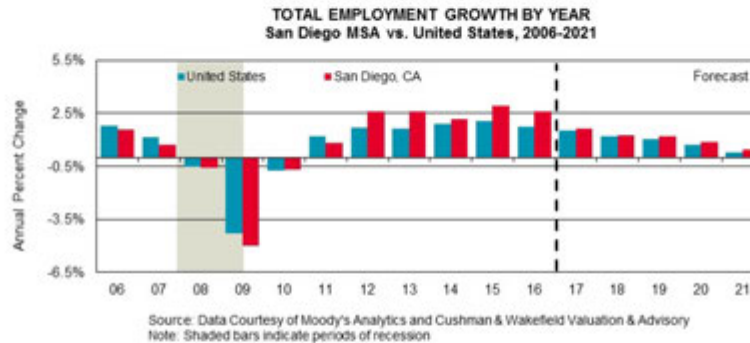
Between 2006 and 2016, San Diego's total nonfarm employment averaged 0.8 percent growth annually, as significant losses were reported during the period of the last recession. The San Diego MSA has historically outperformed the nation with consistent year-over-year employment growth, however the impact of the last recession caused the region to trail national employment growth averages. Leading into and through the recession, San Diego's employment growth consistently fell short, reporting a record low growth rate of negative 5.0 percent in 2009. Coming out of the recent recession, San Diego has recorded a positive employment growth trend, with the region outperform the nation once again as of 2012. This performance trend alongside above-average income growth is expected to continue through 2021, as the region's high-tech sector fuels job growth and acts as a catalyst for the professional services job sector.

Employment sector trends are as follows:

- From 2006 to 2016, San Diego's annual employment growth average of 0.8 percent exceeded the nation's annual growth rate of 0.6 percent by 20 basis points during the same period.
- Extending the forecasted period through 2021, San Diego is expected to report average employment growth of 0.9 percent annually, 10 basis points higher than the national projected average annual growth rate of 0.8 percent over the same period. Growth will be supported by gains in the education & health services (1.8 percent), professional & business services (1.4 percent) and leisure & hospitality (1.4 percent) sectors.
- Professional & business services payroll expansion is projected to outpace overall employment growth in the region through 2021, with average annual growth of 1.4 percent. Highly-skilled professional sectors will be the driving force behind the region's improving labor market and above-average income growth.
- Biotechnology will propel the economy, although the outlook is more uncertain than in previously years. San Diego's biotechnology firms will continue to be an area of strength in the region, raising capital with ease for further growth. While the outlook is positive, risks are weighted to the downside.

O-1.8-3  
Cont.

The following graph compares historical and projected total employment growth between San Diego County and the United States:



### Unemployment

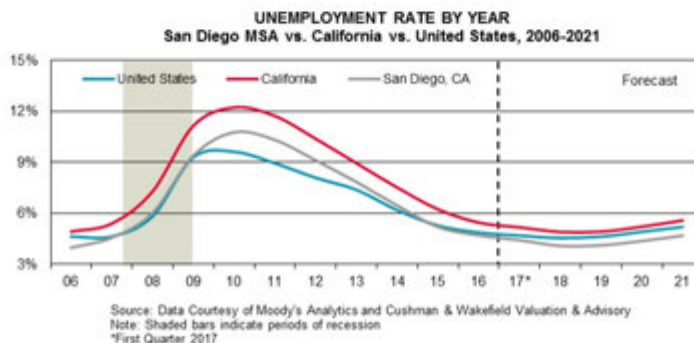
According to the Bureau of Labor Statistics' April 2017 data, the San Diego-Carlsbad MSA's unemployment rate is currently at 3.8 percent, 80 basis points below the rate reported during the same month of the previous year. The region's unemployment rate trended well below the state of California's average, reported at 4.8 percent, as well as the national rate of 4.4 percent as of April 2017. Through the near term, San Diego's unemployment rate is expected to maintain a similar rate, while remaining below state and national rates. San Diego's economy is projected to strengthen in the coming quarters, generating additional jobs that will continue to reduce the region's unemployment rate.

Notable points concerning the region's unemployment rate are as follows:

- Over the past decade between 2006 and 2016, San Diego County averaged an unemployment rate of 7.1 percent, 30 basis points higher than the national average of 6.8 percent for the same time period. The outlook for the next five years will be more favorable than the national projections.
- Unemployment in the region peaked during 2010 to 10.8 percent and declined steadily in subsequent years as economy recovery following the recession ran its course. Although improvements are expected in the near term, the local unemployment rate will remain slightly above the pre-recessionary record low of 4.0 percent recorded in 2006.
- Looking forward, Moody's Analytics forecasts that increased hiring will have significant positive impact on the unemployment rate in San Diego County. Through 2021, the unemployment rate is expected to remain below the 5.0 percent range, averaging at about 4.3 percent, while the national average is expected to be 4.8 percent during the same period.

O-1.8-3  
Cont.

The following graph compares historical and projected unemployment rate between San Diego County and United States:



## Conclusion

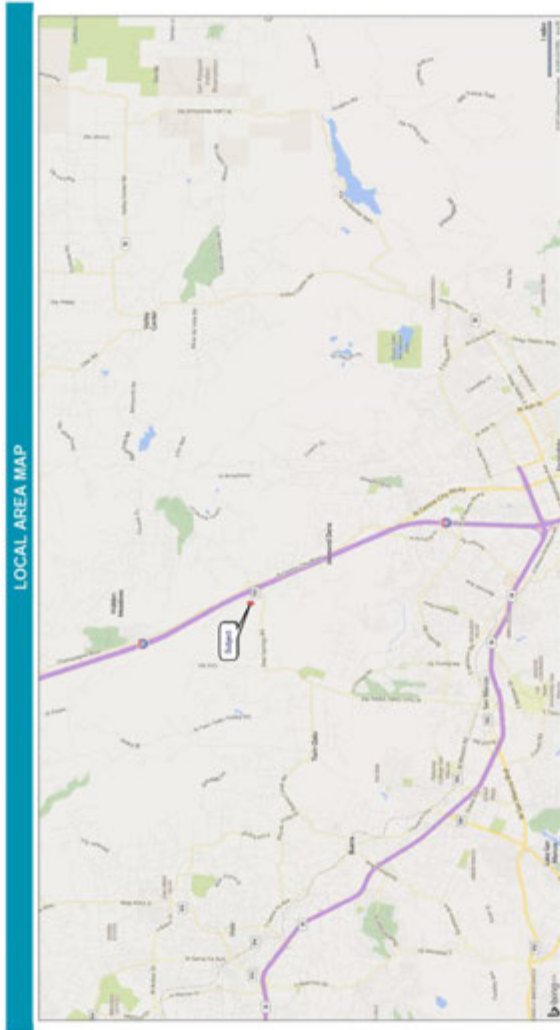
San Diego County's demographics and high-wage employment growth have supported economic expansion following the last recession. Despite slowing pace in recent years, the region continues to outperform the nation, with a similar trend expected in the near term. The region's diversified employment base will continue to compare favorably with the United States, although job growth will slow to the nation as the economy reaches full employment. The majority of employment growth will be driven by the high-skill professional and business services sector, with the high-tech and defense sectors continuing to support the region's economic growth. The high business and housing cost may dampen the region's growth, but forecasts are optimistic that the region's strong demographics and highly educated population will be able to mitigate these high costs. The layoffs at Qualcomm have had an impact on the region's performance, but in the long term, will continue to be a major factor in the area's growth. San Diego County is expected to continue as an above-average performer moving forward, keeping pace with the state and exceeding national growth in the near term.

Further considerations are as follows:

- San Diego's rising professional & business services sector is largely based on high-tech, pharmaceutical, military technology and software industries. Growth of jobs requiring high-skill and education levels will be the driving force behind the region's improving labor market and above-average income growth in the near term.
- The relative strength of the defense sector and specialization in military intelligence will contribute to the region's expansion modestly. After experiencing setbacks in recent year, the industry is positioned to experience growth despite upside risks.
- San Diego's desirable coastal location and high quality of life will continue to attract a younger, well-educated, and relatively affluent population to the area. The county's diversified economy makes the region an attractive choice for businesses as well.

O-1.8-3  
Cont.

## Local Area Analysis





## Neighborhood Analysis

### Location

The community of Twin Oaks is located approximately 2½ miles north of the city of Escondido, west of Interstate 15 (I-15), west of the unincorporated Valley Center area, and south of Old Castle Road. Downtown San Diego is located 35± miles to the south and the closest beaches are located 15± miles to the southwest within the city of Carlsbad. The southern-most city of Riverside County, Temecula, is located 15± miles to the north along I-15. The community encompasses approximately 8 square miles of unincorporated territory in San Diego County characterized by mountainous terrain, rolling hills, some gently sloping valley floors, and rock outcroppings. The community is nestled amongst the rolling terrain of a mountaintop, several hundred feet above the I-15 corridor. No major watercourses cross the area.

### Access / Transportation

The community is primarily accessed via the Mountain Meadow Road/Deer Springs Road exit off I-15. Mountain Meadow Road is a 4-lane secondary road which travels up the mountain to a network of 2-lane minor roads that provide access to the homes of the community. I-15 travels north and south, just east of the community, providing northern access to areas of San Diego and Riverside Counties. To the south, I-15 provides access to the cities of Escondido, San Marcos, and San Diego. State Highway 78 (SH-78) is located in the city of Escondido and provides access to the cities of San Marcos, Vista, Carlsbad, and Oceanside to the west. McClellan Palomar Airport, located 13± miles to the southwest in the city of Carlsbad, provides the nearest certified public carrier service.

### Demographics

According to Experian Marketing Solutions Inc., the community (3-mile radius) consisted of 18,473 residents in 2016. The median household income increased from \$73,539 in 2000 to \$105,073 in 2016. Empty nesters and retirees have primarily resided in the community from the 1970s and 1980s, when most of the development occurred. However, some developments have attracted families as well.

### Employment

According to www.city-data.com, industries providing employment to the area include education, health, and social services, professional, scientific, management, administrative, waste management, and retail. Employees commute to the nearby cities of Escondido, San Marcos, Vista, or throughout San Diego County as I-15 and SH-78 provide good access to major employment centers. A number of locally owned businesses support some of the community's needs.

### Amenities / Services

The Lawrence Welk Resort is located just north of the community along I-15 and also includes a golf course. The nearest medical center is located in Escondido. Fallbrook Community Airpark is located 12± miles to the northwest. Palomar College and University of California State University-San Marcos are located within 7± miles to the south in the city of San Marcos.

### Land use

The majority of homes were custom built during the 1970s and 1980s on larger lots. More recently, home prices have been in the \$600,000 to \$800,000 range, with some homes above \$1,000,000.

### Conclusions

The community of Twin Oaks is located in northern San Diego County just north of the city of Escondido. Downtown San Diego is located 35± miles to the south and the closest beaches are located 15± miles to the southwest within the

O-1.8-3  
Cont.

city of Oceanside. The community encompasses approximately 8 square miles of unincorporated territory in San Diego County characterized by mountainous terrain, rolling hills, some gently sloping valley floors, and rock outcroppings. The community has good access to I-15 but is more distant from community services and employment. However, as Twin Oaks has attracted many retirees and empty nesters, employment is not as critical as amenities and lifestyle.

DEMOGRAPHIC SUMMARY							
	1.6-mile Radius	3.0-mile Radius	5.9-mile Radius	San Diego-Carls CBSA	County of San Diego	State of California	
<b>POPULATION STATISTICS</b>							
2000	420	14,565	92,955	2,811,573	2,811,573	33,859,695	
2016	555	18,473	117,598	3,324,463	3,324,463	39,320,109	
2021	594	19,475	123,657	3,453,445	3,453,445	40,894,935	
<b>Compound Annual Change</b>							
2000 - 2016	1.76%	1.50%	1.48%	1.05%	1.05%	0.94%	
2016 - 2021	1.37%	1.06%	1.01%	0.76%	0.76%	0.79%	
<b>HOUSEHOLD STATISTICS</b>							
2000	178	5,788	31,503	994,042	994,042	11,496,173	
2016	215	6,891	38,538	1,162,742	1,162,742	13,319,273	
2021	231	7,262	40,678	1,211,692	1,211,692	13,886,580	
<b>Compound Annual Change</b>							
2000 - 2016	1.19%	1.10%	1.27%	0.98%	0.98%	0.92%	
2016 - 2021	1.45%	1.05%	1.09%	0.83%	0.83%	0.84%	
<b>AVERAGE HOUSEHOLD INCOME</b>							
2000	\$81,071	\$73,539	\$60,512	\$63,255	\$63,255	\$65,671	
2016	\$117,205	\$105,073	\$85,232	\$83,540	\$83,540	\$82,715	
2021	\$135,520	\$121,940	\$99,301	\$109,040	\$109,040	\$108,428	
<b>Compound Annual Change</b>							
2000 - 2016	2.33%	2.26%	2.16%	2.48%	2.48%	2.18%	
2016 - 2021	2.95%	3.02%	3.10%	3.11%	3.11%	3.18%	
<b>OCCUPANCY</b>							
Owner Occupied	86.51%	82.56%	60.58%	52.73%	52.73%	54.15%	
Renter Occupied	13.49%	17.44%	39.42%	47.27%	47.27%	45.85%	

SOURCE: © 2016 Experian Marketing Solutions, Inc. All rights reserved.

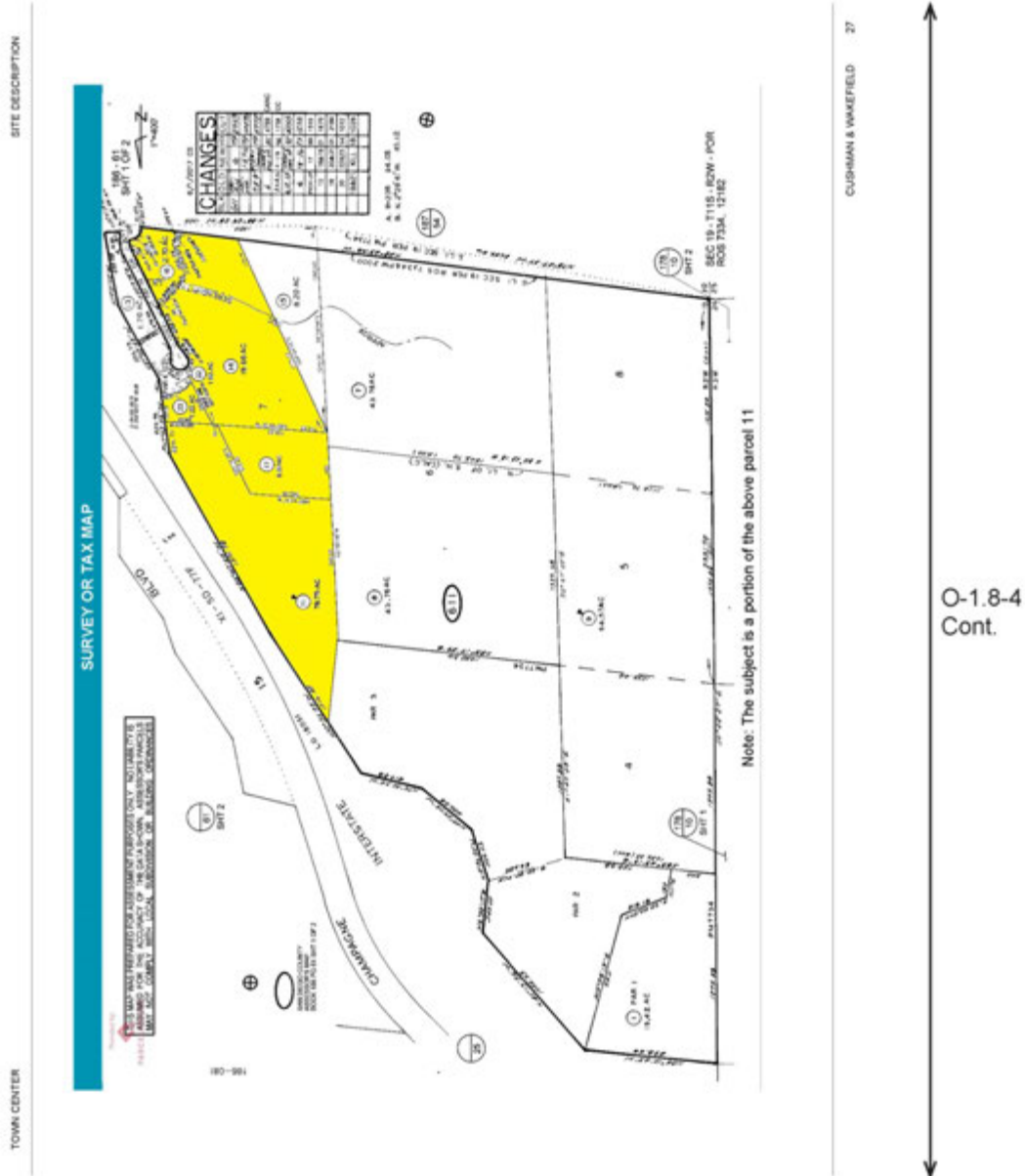
O-1.8-3  
Cont.

## Property Analysis

### Site Description

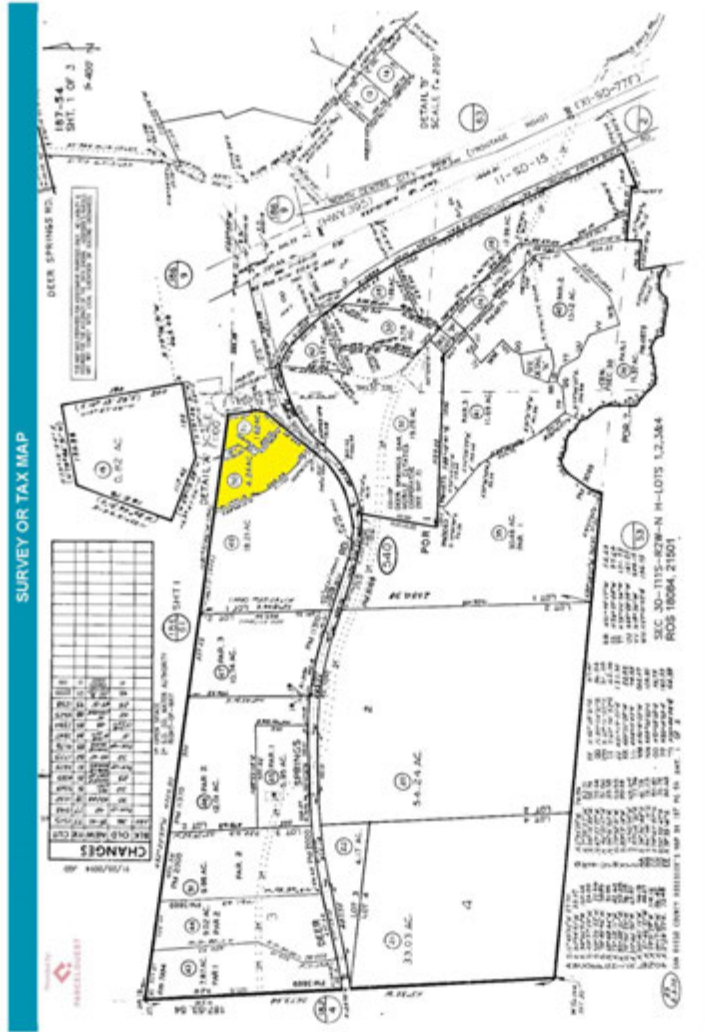
Shape:	Irregularly shaped
Topography:	Hilly
Primary Land Area:	58,200 acres / 2,535,192 square feet (A portion of the total 1,985 acre master-planned community)
Frontage/Access/Visibility:	The subject property has frontage on the following streets: Mesa Rock Road and Deer Springs Road. Access is considered good for the subject's current condition. Visibility is good.
Site Improvements:	The site is unimproved hillside with steep terrain, sloping downward from West to East toward Freeway I-15
Land Use Restrictions:	We were not given a title report to review. We do not know of any easements, encroachments, or restrictions that would adversely affect the site's use. However, we recommend a title search to determine whether any adverse conditions exist.
Flood Zone Description:	The subject property is located in flood zone X (Areas determined to be outside the 500 year flood plain) as indicated by FEMA Map 06073C0752H, dated May 16, 2012. The flood zone determination and other related data are provided by a third party vendor deemed to be reliable. If further details are required, additional research is required that is beyond the scope of this analysis.
Seismic Hazard:	Though Southern California generally has earthquake faults and associated hazard areas, the subject is not known to be within a designated earthquake fault hazard zone.
Overall Site Utility:	The subject site irregular in shape, but is functional for its current use.
Location Rating:	Good

O-1.8-4



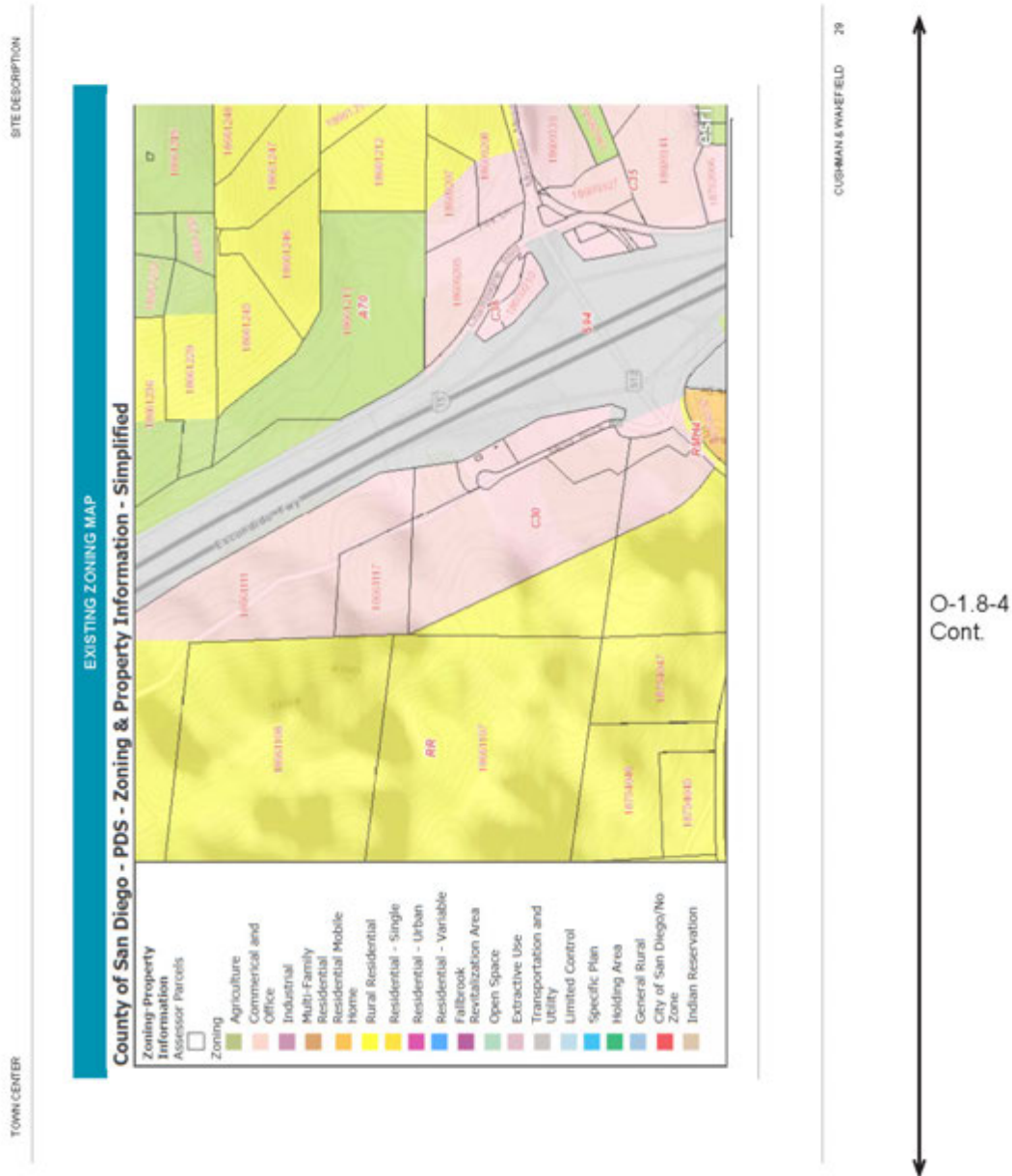
SITE DESCRIPTION

TOWN CENTER



CUSHMAN & WAKEFIELD 28

O-1.8-4  
Cont.





### Zoning

#### LAND USE DESIGNATIONS

Zoning:	Existing: C30 (Office-Professional) and C35 (General Commercial / Limited Residential)
	Proposed: C34 (General Commercial / Residential Use)
Discussion:	<p>Nonresidential building intensity is expressed as a maximum floor-area ratio (FAR). A floor- area ratio (FAR) is the ratio of the gross building square footage on a lot to the <b>net square footage</b> of the lot or parcel.</p> <p>Under the current zoning of C30, the maximum FAR (Floor Area Ratio) is .80 of the site area for Village areas and .45 for semi-rural areas. Based on the estimated site area at 53.6 acres, at a maximum, this translates to a total building area from 1,050,667 to 2,008,116 square feet. However, this does not mean that all of the allowed building area could be physically or economically constructed, as the net square footage of the site is unknown.</p> <p>Under the current zoning of C34, the maximum FAR is .70 of the site area for Village areas and .45 FAR for semi-rural areas. The estimated site area is 4.6 acres. At a maximum, this translates to a total building area from 90,169 to 140,263 square feet. Again, as the net site area is unknown, this does not mean that all of the allowed building area could be physically or economically constructed.</p> <p>According to the County of San Diego's General Plan, the maximum FAR is provided based on regional categories to guide intensity of development. This denotes the upper range for each component, but there is no expectation that this would be achieved when each component is applied in the same area.</p> <p>As well, the maximum density for lands designated as Semi-Rural is also based on the slope of the site.</p>

O-1.8-4  
Cont.

## Market Demand Analysis –



O-1.8-5

### Residential

As can be seen in the chart above, home sales and pricing have increased over the past two years, with attached product indicating a 31 percent increase. During the same time period, average home size decreased slightly from 1,789 to 1,768 square feet, resulting in an increase in price points from \$328 to \$384 per square foot, a 17 percent increase. As well, foreclosure activity has also been declining over the same time period.

Numerous articles in the San Diego Union and elsewhere describe the lack of affordable housing in the San Diego County. Many subdivisions and master-planned communities have been proposed to address this concern, but have some difficulty in obtaining approvals. The subject's previous efforts to obtain entitlements under the master-planned community known as Merriam Mountains was rejected by the County Board of Supervisors back in 2010. A recent proposal under new ownership, envisions less density (2,135 homes instead of 2,600 homes) and is currently in the entitlement process with the County of San Diego.

## Office Market Analysis

The following is a summary of the office market in the outlying North San Diego County area (which includes the subject's area), as of the 2<sup>nd</sup> quarter 2017, according to CoStar Analytics.

### Overview

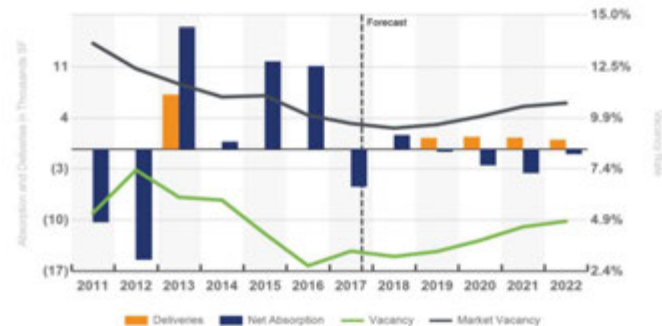
Outlying SD County N Office			
12 Mo. Deliveries in SF (000)	12 Mo. Net Absorption (000)	Vacancy Rate	12 Mo. Rent Growth
<b>0</b>	<b>-7</b>	<b>3.8%</b>	<b>4.1%</b>

#### KEY INDICATORS

Current Quarter	RBA (000)	Vacancy Rate	Gross Asking Rent	Availability Rate	Net Absorption (000)	Net Deliveries (000)	Under Constr. (000)
4 & 5 Star	--	N/A	N/A	N/A	--	--	0
3 Star	120	1.7%	\$26.44	5.2%	(2)	--	0
1 & 2 Star	614	4.2%	\$18.34	5.9%	0	--	0
<b>SUBMARKET</b>	<b>735</b>	<b>3.8%</b>	<b>\$19.64</b>	<b>5.8%</b>	<b>(2)</b>	<b>--</b>	<b>0</b>

Annual Trends	12 Month Change	Hist. Avg.	Post. Avg.	Peak	When	Trough	When
Vacancy	0.9%	3.5%	3.8%	7.8%	2013 Q2	0.6%	2006 Q4
Net Absorption (000)	(7)	2	(1)	35	2010 Q1	(45)	2008 Q3
Net Deliveries (000)	0	3	1	25	2003 Q2	0	2012 Q4
Rent Growth	4.1%	2.4%	2.7%	15.1%	2001 Q1	-10.4%	2009 Q3
Sales (\$ millions)	\$5	\$3	N/A	\$16	2017 Q2	\$0	2012 Q3

#### NET ABSORPTION, NET DELIVERIES AND VACANCY RATE



O-1.8-6

## Comment Letters

TOWN CENTER

DEMAND ANALYSIS

### Overview

Outlying SD County N Office

#### SUBMARKET SUPPLY AND DEMAND HISTORY AND FORECAST

Year	Inventory			Net Absorption		
	SF (000)	Growth (000)	% Growth	SF (000)	% Growth	Construction Ratio
2022	741	1	0.2%	(1)	-0.1%	—
2021	740	2	0.2%	(3)	-0.5%	—
2020	738	2	0.2%	(2)	-0.3%	—
2019	736	2	0.2%	0	0.0%	—
2018	735	0	0.0%	2	0.3%	0.0
2017	735	0	0.0%	(5)	-0.7%	—
2016	735	0	0.0%	12	1.6%	0.0
2015	735	0	0.0%	12	1.6%	0.0
2014	735	0	0.0%	1	0.2%	0.0
2013	735	8	1.0%	17	2.5%	0.5
2012	727	0	0.0%	(18)	-2.2%	—
2011	727	0	0.0%	(10)	-1.5%	—
2010	727	0	0.0%	15	2.2%	0.0
2009	727	15	2.2%	23	3.4%	0.7
2008	712	2	0.3%	(43)	-6.1%	—
2007	709	0	0.0%	0	0.0%	—
2006	709	0	0.0%	15	2.1%	0.0
2005	709	0	0.0%	(3)	-0.5%	—

As can be seen from the charts, vacancies have been increasing with nothing under construction and a negative in net absorption. The expected trend through 2022 is for little to no growth in the office market. The conclusion is that there is little to no demand for office space in the subject's location.

Existing office and other employment centers are located along the Highway 78 corridor and in the City of Escondido. It appears that the existing development adequately serves the region.

O-1.8-6  
Cont.

## Comment Letters

TOWN CENTER

DEMAND ANALYSIS

### Retail Market Analysis

The following is a summary of the retail market in the outlying North San Diego County area (which includes the subject's area), as of the 2<sup>nd</sup> quarter 2017, according to CoStar Analytics.

#### Overview

##### Outlying SD County N Retail

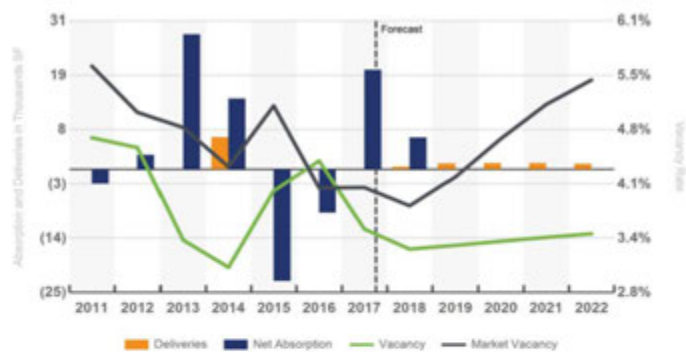
12 Mo. Deliveries in SF (000)	12 Mo. Net Absorption (000)	Vacancy Rate	12 Mo. Rent Growth
<b>0</b>	<b>-4</b>	<b>4.0%</b>	<b>2.1%</b>

#### KEY INDICATORS

Current Quarter	RBA (000)	Vacancy Rate	Asking Rent	Availability Rate	Net Absorption (000)	Net Deliveries (000)	Under Const. (000)
Mall	146	7.5%	\$21.70	7.5%	0	--	0
Power Center	--	N/A	N/A	N/A	--	--	0
Neighborhood Center	550	4.7%	\$19.95	11.8%	(2)	--	0
<b>SUBMARKET</b>	<b>2,445</b>	<b>4.6%</b>	<b>\$19.47</b>	<b>5.8%</b>	<b>(9)</b>	<b>--</b>	<b>0</b>

Annual Trends	12 Month Change	Hist. Avg.	Post. Avg.	Peak	When	Trough	When
Vacancy	0.2%	2.2%	3.4%	5.4%	2011 Q2	0.0%	2000 Q3
Net Absorption (000)	(4)	(5)	2	32	2013 Q3	(81)	2009 Q4
Net Deliveries (000)	0	1	1	7	2014 Q4	0	2009 Q1
Rent Growth	2.1%	0.9%	0.3%	5.4%	2007 Q1	-5.8%	2010 Q1
Sales (\$ millions)	\$3	\$11	N/A	\$36	2007 Q1	\$1	2009 Q2

#### NET ABSORPTION, NET DELIVERIES AND VACANCY RATE



O-1.8-7

CUSHMAN & WAKEFIELD

34

## Overview

### Outlying SD County N Retail

#### SUBMARKET SUPPLY AND DEMAND HISTORY AND FORECAST

Year	Inventory			Net Absorption		
	SF (000)	Growth (000)	% Growth	SF (000)	% Growth	Construction Ratio
2022	2,445	1	0.0%	0	0.0%	—
2021	2,445	1	0.0%	0	0.0%	—
2020	2,444	1	0.1%	0	0.0%	—
2019	2,442	1	0.0%	0	0.0%	—
2018	2,441	1	0.0%	7	0.3%	0.1
2017	2,441	0	0.0%	21	0.9%	0.0
2016	2,441	0	0.0%	(9)	-0.4%	—
2015	2,441	0	0.0%	(23)	-1.0%	—
2014	2,441	7	0.3%	15	0.6%	0.5
2013	2,434	0	0.0%	28	1.2%	0.0
2012	2,434	0	0.0%	3	0.1%	0.0
2011	2,434	0	0.0%	(3)	-0.1%	—
2010	2,434	0	0.0%	(2)	-0.1%	—
2009	2,434	0	0.0%	(81)	-3.4%	—
2008	2,434	0	0.0%	23	1.0%	0.0
2007	2,434	0	0.0%	(4)	-0.2%	—
2006	2,434	0	0.0%	(48)	-1.9%	—
2005	2,434	4	0.1%	4	0.1%	1.0

Though slightly better than the office market with a lower (and stabilizing) vacancy, there is no retail construction and a slight negative absorption expected through 2022.

Existing retail as well as community and regional centers are located along the Highway 78 corridor and in the City of Escondido. It appears that the existing development adequately serves the region.

#### CONCLUSIONS DEMAND (CURRENT)

##### Residential

Those factors typically gauged to determine demand for housing would indicate that demand in this submarket should improve in the future. As discussed, growth rates are expected to continue in San Diego County and the North County Inland MSA area in the long-term. It is anticipated that as remaining residential land inventory decreases in San Diego County, those projects available closer to employment centers should capture a larger market share of effective demand for housing. Though product continues to be absorbed and builders incentives have declined, pricing increases may plateau as interest rates are expected to increase.

In summary, overall long-term demand factors for San Diego County and the subject's submarket are positive. In the near-term, the upward pricing trends appear to be slowing and future interest rate increases may have an effect on absorption.

##### Office

Currently, office use is mostly located in the Escondido, San Marcos and Vista areas along the Route 78 corridor. Office workers in these areas generally commute from areas outside the trade area. There is no current construction of office and a net negative (2,000 sf) absorption as of the 2<sup>nd</sup> quarter 2017. Thus, there does not appear to be significant demand for office space in the subject's designated site area.

O-1.8-7  
Cont.

O-1.8-8



## Comment Letters

---

TOWN CENTER

DEMAND ANALYSIS

### Retail

As stated in the Retail Market discussion, there is little to no current demand for retail development at the subject's site.

↑ O-1.8-8  
Cont.

---

CUSHMAN & WAKEFIELD

36

## Assumptions and Limiting Conditions

"Report" means the appraisal or consulting report and conclusions stated therein, to which these Assumptions and Limiting Conditions are annexed.

"Property" means the subject of the Report.

"Cushman & Wakefield" means Cushman & Wakefield, Inc. or its subsidiary that issued the Report.

"Appraiser(s)" means the employee(s) of Cushman & Wakefield who prepared and signed the Report.

The Report has been made subject to the following assumptions and limiting conditions:

- No opinion is intended to be expressed and no responsibility is assumed for the legal description or for any matters that are legal in nature or require legal expertise or specialized knowledge beyond that of a real estate appraiser. Title to the Property is assumed to be good and marketable and the Property is assumed to be free and clear of all liens unless otherwise stated. No survey of the Property was undertaken.
- The information contained in the Report or upon which the Report is based has been gathered from sources the Appraiser assumes to be reliable and accurate. The owner of the Property may have provided some of such information. Neither the Appraiser nor Cushman & Wakefield shall be responsible for the accuracy or completeness of such information, including the correctness of estimates, opinions, dimensions, sketches, exhibits and factual matters. Any authorized user of the Report is obligated to bring to the attention of Cushman & Wakefield any inaccuracies or errors that it believes are contained in the Report.
- The opinions are only as of the date stated in the Report. Changes since that date in external and market factors or in the Property itself can significantly affect the conclusions in the Report.
- The Report is to be used in whole and not in part. No part of the Report shall be used in conjunction with any other analyses. Publication of the Report or any portion thereof without the prior written consent of Cushman & Wakefield is prohibited. Reference to the Appraisal Institute or to the MAI designation is prohibited. Except as may be otherwise stated in the letter of engagement, the Report may not be used by any person(s) other than the party(ies) to whom it is addressed or for purposes other than that for which it was prepared. No part of the Report shall be conveyed to the public through advertising, or used in any sales, promotion, offering or SEC material without Cushman & Wakefield's prior written consent. Any authorized user(s) of this Report who provides a copy to, or permits reliance thereon by, any person or entity not authorized by Cushman & Wakefield in writing to use or rely thereon, hereby agrees to indemnify and hold Cushman & Wakefield, its affiliates and their respective shareholders, directors, officers and employees, harmless from and against all damages, expenses, claims and costs, including attorneys' fees, incurred in investigating and defending any claim arising from or in any way connected to the use of, or reliance upon, the Report by any such unauthorized person(s) or entity(ies).
- Except as may be otherwise stated in the letter of engagement, the Appraiser shall not be required to give testimony in any court or administrative proceeding relating to the Property or the Appraisal.
- The Report assumes (a) responsible ownership and competent management of the Property; (b) there are no hidden or unapparent conditions of the Property, subsoil or structures that render the Property more or less valuable (no responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them); (c) full compliance with all applicable federal, state and local zoning and environmental regulations and laws, unless noncompliance is stated, defined and considered in the Report; and (d) all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the value opinion contained in the Report is based.
- The physical condition of the improvements considered by the Report is based on visual inspection by the Appraiser or other person identified in the Report. Cushman & Wakefield assumes no responsibility for the soundness of structural components or for the condition of mechanical equipment, plumbing or electrical components.
- Unless otherwise stated in the Report, the existence of potentially hazardous or toxic materials that may have been used in the construction or maintenance of the improvements or may be located at or about the Property was not considered in arriving at the opinion of value. These materials (such as formaldehyde foam insulation, asbestos insulation and other potentially hazardous materials) may adversely affect the value of the Property. The Appraisers are not qualified to detect such substances. Cushman & Wakefield recommends that an environmental expert be employed to determine the impact of these matters on the opinion of value.
- 

O-1.8-9

## Comment Letters

---

TOWN CENTER

ASSUMPTIONS AND LIMITING CONDITIONS

- In the event of a claim against Cushman & Wakefield or its affiliates or their respective officers or employees or the Appraisers in connection with or in any way relating to this Report or this engagement, the maximum damages recoverable shall be the amount of the monies actually collected by Cushman & Wakefield or its affiliates for this Report and under no circumstances shall any claim for consequential damages be made.
- If the Report is referred to or included in any offering material or prospectus, the Report shall be deemed referred to or included for informational purposes only and Cushman & Wakefield, its employees and the Appraiser have no liability to such recipients. Cushman & Wakefield disclaims any and all liability to any party other than the party that retained Cushman & Wakefield to prepare the Report.
- Any estimate of actual cash value, if included within the agreed upon scope of work and presented within this Report, is based upon an agreed upon procedure with the client as identified by the client within their definition. C&W makes no warranties regarding the accuracy or relevance of this estimate.
- Unless otherwise noted, we were not given a soil report to review. However, we assume that the soil's load-bearing capacity is sufficient to support existing and/or proposed structure(s). We did not observe any evidence to the contrary during our physical inspection of the property. Drainage appears to be adequate.
- Unless otherwise noted, we were not given a title report to review. We do not know of any easements, encroachments, or restrictions that would adversely affect the site's use. However, we recommend a title search to determine whether any adverse conditions exist.
- Unless otherwise noted, we were not given a wetlands survey to review. If subsequent engineering data reveal the presence of regulated wetlands, it could materially affect property value. We recommend a wetlands survey by a professional engineer with expertise in this field.
- Unless otherwise noted, we observed no evidence of toxic or hazardous substances during our inspection of the site. However, we are not trained to perform technical environmental inspections and recommend the hiring of a professional engineer with expertise in this field.
- By use of this Report each party that uses this Report agrees to be bound by all of the Assumptions and Limiting Conditions, Hypothetical Conditions and Extraordinary Assumptions stated herein.

O-1.8-9  
Cont.

CUSHMAN & WAKEFIELD 38

TOWN CENTER

ADDENDA CONTENTS

Addendum A:  
Qualifications of the Appraiser

↕  
O-1.8-10  
Cont.

CUSHMAN & WAKEFIELD


TOWN CENTER

ADDENDA CONTENTS

### Addenda Contents

Addendum A: Qualifications of the Appraiser

O-1.8-10





**Peter M. Savage, MAI, SRA**

Director  
Valuation & Advisory  
Practice Group Member | Residential Development  
Cushman & Wakefield Western, Inc.

### Professional Expertise

Mr. Savage joined Cushman & Wakefield Western, Inc. Valuation & Advisory in 2006 and has specialized in residential development including appraising subdivisions, mixed-use properties and master planned communities. Mr. Savage began his career in real estate lending with California Federal Savings in 1974. After reaching management level in 1979, he joined Cuffaro Appraisal Services as a residential appraiser. Mr. Savage obtained the SRA and SRPA designations, becoming partner under the name of Cuffaro, Savage & Associates. In 1990 Mr. Savage opened Savage & Associates which became Certified Appraisals. He obtained the MAI designation in 1997 while operating Certified Appraisal.

Mr. Savage specializes in residential development properties including subdivisions and master planned communities. In addition, appraisal and consulting assignments include vacant land, office buildings, industrial buildings, business/industrial parks, shopping centers, industrial complexes, commercial properties, apartment buildings and mixed-use properties.

Appraisal assignments have been performed in San Diego County, San Luis Obispo County, Ventura County, Los Angeles, Riverside County and Imperial County, as well as in the states of Arizona and Idaho.

### Memberships, Licenses, Professional Affiliations and Education

- Designated Member, Appraisal Institute (MAI #11293). As of the current date, Peter M. Savage, MAI has completed the requirements of the continuing education program of the Appraisal Institute.
- Certified General Real Estate Appraiser in the following state:
  - California – AG004946
- Senior Real Property Appraiser, Appraisal Institute (SRPA)
- Designated Senior Residential Appraiser of the Appraisal Institute (SRA)
- Bachelor of Science degree in Real Estate, San Diego State University, 1976
- Mr. Savage has served on the board of directors for the San Diego chapter of the Appraisal Institute as well as chairing the education committee.

O-1.8-10  
Cont.



## Comment Letters

---

CALIFORNIA



O-1.8-10  
Cont.

## O-1.9 L&W Attachment 9

Comment Letter O-1.9



### TECHNICAL MEMORANDUM

DATE	August 4, 2017
TO	Andrew Yancey – Latham and Watkins, LLP
FOR	Kathy Van Ness – COO/GM Golden Door Resort
FROM	John Prince, PE, PMP – DELANE Engineering, Inc.
SUBJECT	<b>Independent Analysis of Zoning Regulations, Constraints, and Development Potential of Newland Owned Commercial Parcels</b>

According to the June 2017 Draft Environmental Impact Report (DEIR) prepared for the Newland Sierra Development, the entire project area is currently zoned for 99 dwelling units and 58.2 acres of commercial office space (53.6 acres of C30, Office Professional, and 4.6 acres of C36, General Commercial). The Newland project proposes amending the General Plan and zoning to allow for the project's proposed 2,135 dwelling units and 81,000 square feet (SF) of commercial retail (C-5). See Figure 1 for a land use breakdown from the Project Description section of the Newland DEIR.

The Newland DEIR claims that the 58.2 acres of currently zoned commercial property yields 2,008,116 SF of potential development under the Existing General Plan and that the proposed zoning changes result in similar or fewer overall land use and traffic impacts. The Newland DEIR also concludes that 2,008,116 SF of commercial development is feasible on the project site, and marketing material distributed by Newland at public meetings suggests the commercial parcels could include "big box" retail stores.

The Newland DEIR does not provide any detail on how the parcels would support over 2 million SF of development. Per the County Zoning ordinance, development on the parcels is limited to two-stories and 35-ft in total height, with setbacks up to 60-ft. In addition, much of the property lies on "steep slopes". Per the County Resource Protection Ordinance (RPO), steep slopes are defined as those natural slopes exceeding 25% in slope gradient and are a protected resource. Over 30% of the area of the commercial parcels qualifies as steep slopes per the RPO. As shown in Figure 2, the percent of steep slope area in several of the parcels exceeds 10% of the parcel area and requires an open space easement on the area of steep slopes (the yellow and red colored areas of Figure 2). Proposed development is not allowed to encroach more than 10% into an open space easement. In addition to steep slopes as a protected resource, the entire site consists of significant sloping that increases development costs and reduces development potential.

As shown in Figure 3, deducting for area of steep slopes and parking (at County ordinance rate of 4 stalls per thousand SF) yields a total developable building area available of 317,500 SF for C30 Office Professional and 51,500 SF for C36 General Commercial for a total of 369,000 SF. At 2 story height restriction, the total building square footage feasible is 635,000 SF for C30 Office Professional and

O-1.9-1

O-1.9-2

O-1.9-3

A. Yancey  
August 4, 2017  
Page 2 of 5

103,000 SF of C36 General Commercial, for a total building square footage of 738,000 SF<sup>1</sup>. Note that there are additional potential constraints not taken into account that may further reduce feasible building square footage, including slope grading and earthwork, views, cost, economic viability, and other environmental factors.

↑  
O-1.9-3  
Cont.

The C30 zone does not allow "big box" retail stores. Section 2300 of the County Zoning Ordinance states that the intent of the C30 zone is as follows: "The C30 Use Regulations are intended to create and enhance areas where administrative, office and professional services are the principal and dominant use. It is also intended that uses involving high volumes of vehicular traffic be excluded from the C30 Use Regulations. Typically, the C30 Use Regulations would be applied near residential areas, have a scale and appearance compatible with and complementary to the adjacent residential use, and have pedestrian as well as vehicular access."

↑  
O-1.9-4

The C36 General Commercial Zone does allow General Retail Sales which would include "big box" retail. However, as noted approximately 100,000 SF of retail would be allowed, which is smaller than the typical Costco (144,500 SF), Home Depot (105,000 SF), or Wal-Mart supercenter store (182,000 SF).<sup>2</sup> The 4.6 acres zoned C36 is bisected by Mesa Rock Road, further diminishing the ability for the property to develop in a single block, as would be required for any type of large format retail. Small convenience store retail, akin to the existing AM/PM minimart is more likely.

↑  
O-1.9-5

The Newland DEIR claims that the trip generation and distribution of the proposed residential development would be similar to and offset by the current commercial property. However, while the commercial parcels are limited to the far southeast corner of the entire project site, the Newland Sierra project as proposed sprawls out far across the hillsides northwest of the commercial parcels. Proposed project trip distribution is then spread out through three project access roads, Mesa Rock Road, Sarver Lane, and Twin Oaks Valley Road causing further travel to and from the freeway and more traffic on Deer Springs Road. However, when current land use is compared to proposed land use, it is apparent that trip distribution for the commercial parcels (if fully developed to current general plan) would result in differing trip distribution, with all traffic required to access the parcels from Mesa Rock Road. This is not addressed in the Newland project documents.

↑  
O-1.9-6

Finally, any development of only the commercial properties would not result in the environmental impacts and earth moving, blasting, noise, and other construction related impacts of the proposed Newland development across it's nearly 2,000 acre site.

↑  
O-1.9-7

<sup>1</sup> The high level conceptual footprint designs provided in this memorandum are for the purpose of approximating the buildable area on the Newland Sierra project site under the existing General Plan and are not to be construed as a development proposal or design-level engineering.

<sup>2</sup> [http://investor.costco.com/choenix.rhtml?c=83830&p=iroi-homeprofile\\_rf](http://investor.costco.com/choenix.rhtml?c=83830&p=iroi-homeprofile_rf); <https://corporate.homedepot.com/about>; <http://stock.walmart.com/investors/investor-resources/facts/default.aspx>



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

A. Yancey  
August 4, 2017  
Page 3 of 5

**Figure 1 – Existing Land Use (per Newland DEIR)**

**Commercial and Residential Yield Analysis (Existing Land Use Regulations)**

Land Use	Acres	Allowable Density per General Plan	Number of Units/Square Feet
SR-10 (0%-25% slope)	19.6	1 dwelling unit/10 acres	5*
SR-10 (25%+)	0.0	1 dwelling unit/20 acres	0
RL-20	1,907.8	1 dwelling unit/20 acres	94
C-1	4.6	0.70 floor area ratio	140,263 square feet
C-2	53.6	0.80 floor area ratio	1,867,853 square feet
<b>Total</b>	<b>1,985 acres</b>	<b>-</b>	<b>99 dwelling units and 2,008,116 square feet</b>

Source: Appendix C

\* One dwelling unit per parcel per existing legal lot

SR-10 = Semi-Rural 10; RL-20 = Rural Land; C-1 = General Commercial; C-2 = Office Professional



www.DelaneEngineering.com | Info@DelaneGroup.com

2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

FIGURE 2 - STEEP SLOPES

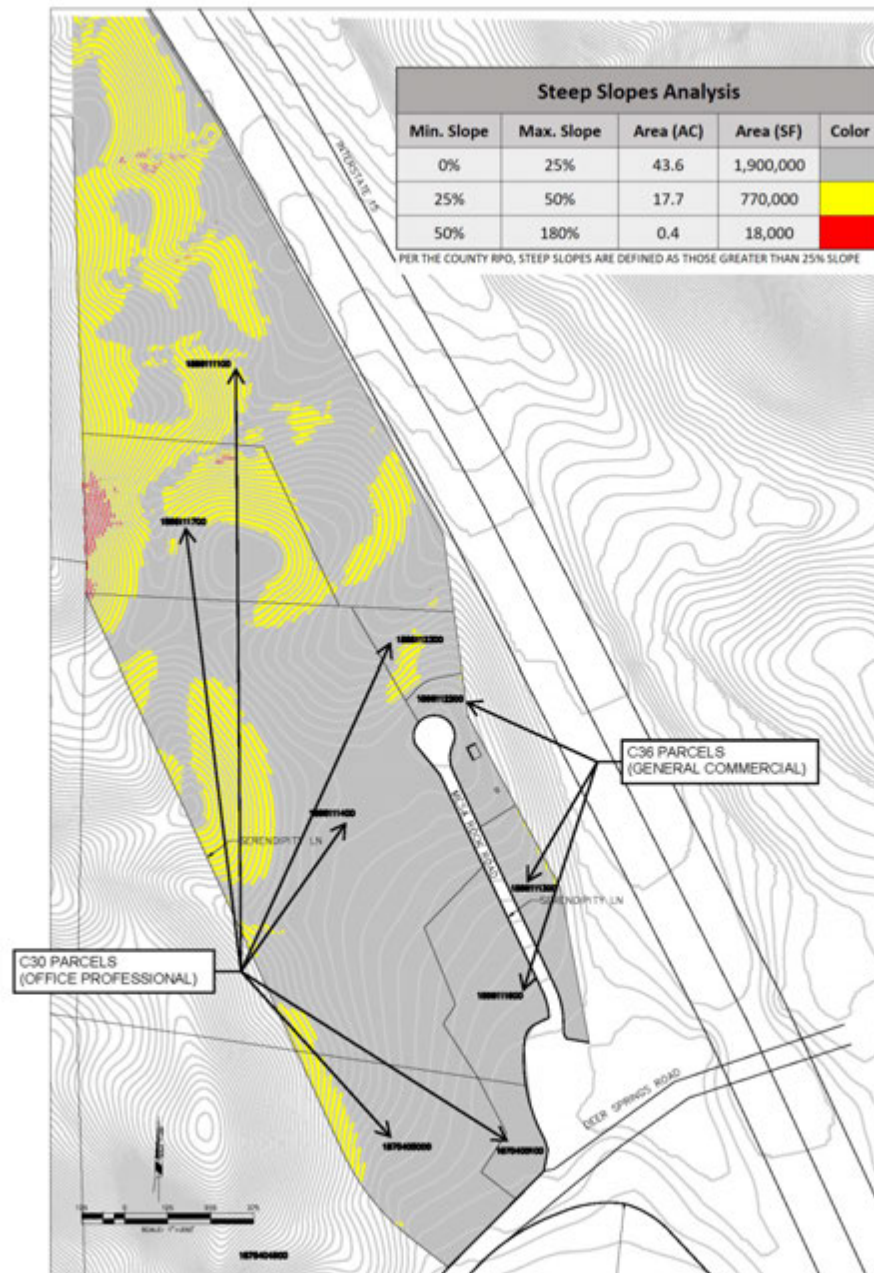
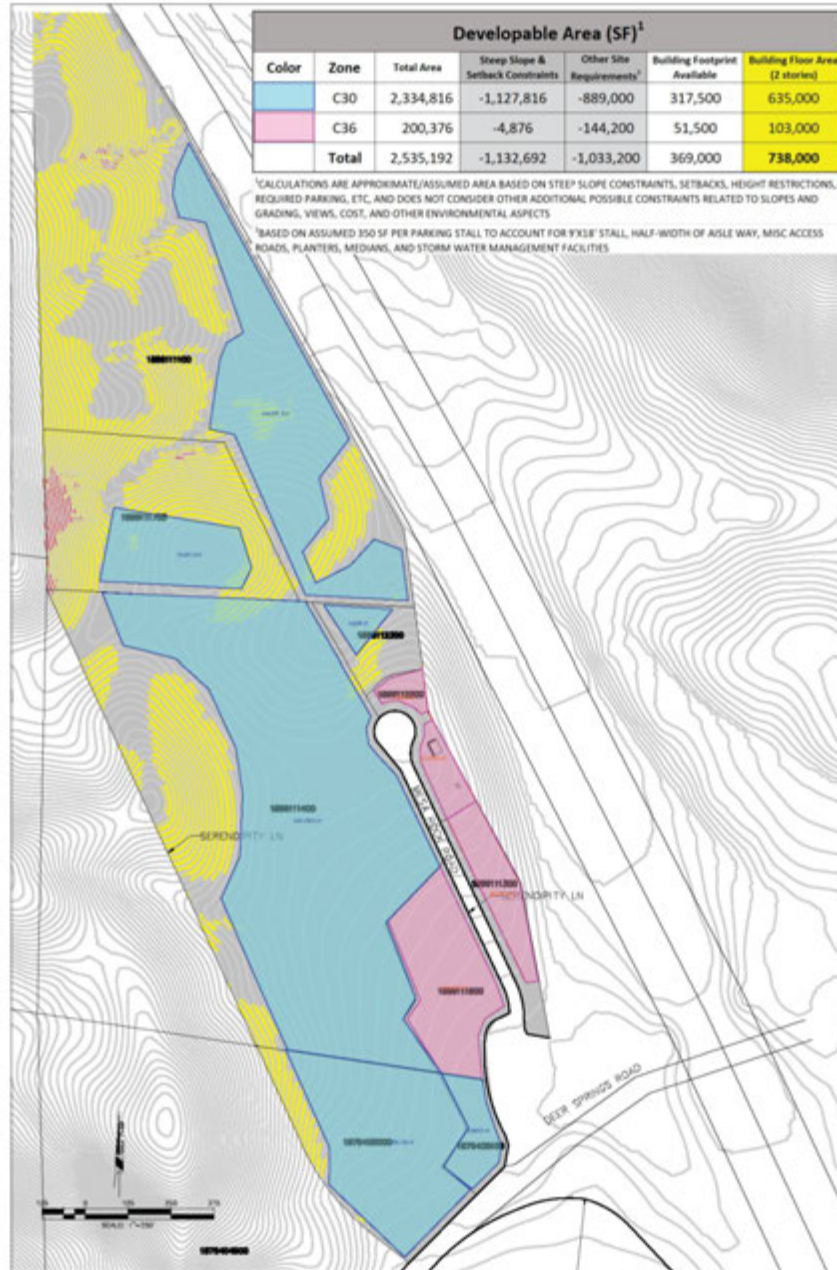




FIGURE 3 - DEVELOPABLE AREA





INTENTIONALLY LEFT BLANK

O-1.10 L&W Attachment 10

Comment Letter O-1.10



TECHNICAL MEMORANDUM

DATE	August 9, 2017
TO	Andrew Yancey – Latham and Watkins, LLP
CC	Kathy Van Ness – COO/GM Golden Door Resort
FROM	John Prince, PE, PMP – DELANE Engineering, Inc.
SUBJECT	Planning Level ROM Fair Share Freeway Contribution Assessment for Newland Sierra Development

The Newland “Sierra” project would generate thousands of additional trips on I-15 and SR-78. The June 2017 Draft Environmental Impact Report (DEIR) for the project does not provide for any fair share contribution to mainline freeway impacts, citing many of them as “significant and unavoidable”. The DEIR does offer that it could help with fair share costs for improvements to SR-78 but does not specify the amount.

O-1.10-1

DELANE Engineering was retained to help provide analysis of mainline freeway projects planned for the region and potential fair share cost responsibilities that the Newland Sierra project should help with to mitigate additional impacts on the region’s transportation infrastructure.

The fair share cost analysis is detailed in Figure 1. This cost was developed by looking at four segments of freeway, three on Interstate 15 and one of State Route 78, as these are segments of freeway where the DEIR identifies direct and cumulative impacts. Three of the four segments lie within segments of projects identified in the SANDAG Regional Transportation Plan and project cost information is available. All RTP projects are included in the DEIR Traffic Impact Analysis future scenarios as assumed completed improvements. While no SANDAG project is currently planned between SR-78 and Pomerado Road, costs were determined based on lane mile costs for recent improvements on that segment of I-15.

O-1.10-2

The share of Newland Sierra project traffic was calculated using the Existing volumes, Newland Project volumes, and Long-Term General Plan Buildout (Deer Springs Road as 6.2 Arterial) volumes estimated for these freeway segments (year 2030), where provided in the DEIR. In some cases of Newland impacted freeway segments, the DEIR fails to provide future freeway volumes. This is an incomplete part of the DEIR. Because the DEIR failed to disclose future volumes these segments, volumes obtained from the SANDAG Series 13 2035 model were used for this fair share analysis. While the SANDAG model volumes do not represent the same scenario as that presented with the Long-Term General Plan Buildout volumes in the DEIR, the SANDAG Series 13 2035 model volumes are the best publicly available data for future volumes without running additional models. The combination of the proportional share of Newland project volumes to future volumes and impacted segment lengths to SANDAG project segment lengths were used to develop an overall proportional fair share and cost.

O-1.10-3

## Comment Letters

---

A. Yancey  
August 9, 2017  
Page 2 of 2

As shown in Figure 1, this fair share cost is estimated at just over \$153M. Based on a 20-yr historical average of two percent per year inflation, this cost would be \$214M in 2027 dollars (the Project's proposed completion date). These figures are intended to be used for initial discussion purposes and are not meant to state final or expected project contributions. Further discussion should be had between the County, SANDAG and Caltrans to identify and determine appropriate contributions in detail.

*End of memorandum*

O-1.10-4



[www.DelaneEngineering.com](http://www.DelaneEngineering.com) | [Info@DelaneGroup.com](mailto:Info@DelaneGroup.com)  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

# Comment Letters

FIGURE 1 - NEWLAND/SIERRA SHARE MAINLINE PROJECT COST VALUES  
(Not official for initial discussion purposes only)

PROJECT SEGMENT			CONCRETE LENGTH (miles)	AUT NEWLAND PROJECT	EXISTING	LONG TERM 20+ YEAR PROJECT (NEW AND EXISTING)	CHANGES FROM EXISTING TO 20+ YEAR PROJECT	NEWLAND PROJECT SHARE OF ADDITIONAL VOLUME	AVERAGE NEWLAND PROJECT SHARE	CHANGES PROJECT	CHANGES PROJECT LENGTH (miles)	CHANGES PROJECT COST* (\$100,000,000)	PROJECT IMPACT SUMMARY: INCREASE OR DECREASE OF FUNDING PROJECT	CHANGES PROJECT COST FOR NEWLAND IMPACT (INCREASE)	NEWLAND PROJECT FUND SHARE (EST)
1-10	Summitone Project Area	Chico Hwy 101 to Capitol Canyon	6.7	1,140	111,000	110,000	40,000	4%	2%	2010-2011 Project	11	1,100,000,000	20%	1,100,000,000	6,900,000
		Capitol Canyon to Deer Springs		1,100	111,000	100,000	110,000	2%							
	Deer Springs to Capitol City Plaza	Deer Springs to Capitol City Plaza	3.4	900	110,000	100,000	110,000	4%	1.0%	2010-2011 Project	11	1,100,000,000	20%	1,100,000,000	6,900,000
		Capitol City Plaza to El Norte Plaza		900	110,000	100,000	110,000	4%							
	Summitone Project Area	El Norte Plaza to US-95	3.4	900	110,000	100,000	110,000	4%	1.0%	2010-2011 Project	11	1,100,000,000	20%	1,100,000,000	6,900,000
		US-95 to US-95		900	110,000	100,000	110,000	4%							
	Deer Springs Project Area	US-95 to US-95	3.4	900	110,000	100,000	110,000	4%	1.0%	2010-2011 Project	11	1,100,000,000	20%	1,100,000,000	6,900,000
		US-95 to US-95		900	110,000	100,000	110,000	4%							
	Summitone Project Area	El Norte Plaza to El Norte Plaza	3.4	900	110,000	100,000	110,000	4%	1.0%	2010-2011 Project	11	1,100,000,000	20%	1,100,000,000	6,900,000
		El Norte Plaza to El Norte Plaza		900	110,000	100,000	110,000	4%							

\*Project volume for 1-10 (Capitol Canyon Road to El Norte Plaza and US-95) and 11-10 (El Norte Plaza to US-95) are 2010-2011 using 2010-2011 traffic volume data. (Deer Springs Road to US-95) is 2010-2011 traffic volume. Volume for other segments were not provided in 2010 and were taken from 2010-2011 traffic volume data. (US-95 to US-95) is 2010-2011 traffic volume data.

\*For 2010-2011 traffic volume data, except where noted, all TSP projects are included in 2010 traffic volume data. For future estimates, average inflation rate of 2% over last 10 years (Source: <http://www.bls.gov/charts/inflation/>).

TOTAL FUND SHARE: \$ 1,100,000,000  
2010-2011 \$ 1,100,000,000

INTENTIONALLY LEFT BLANK

O-1.11 L&W Attachment 11

Comment Letter O-1.11



TECHNICAL MEMORANDUM

DATE	August 10, 2017
TO	Andrew Yancey – Latham and Watkins, LLP
CC	Kathy Van Ness – COO/GM Golden Door Resort
FROM	John Prince, PE, PMP – DELANE Engineering, Inc.
SUBJECT	Independent Assessment of Newland Sierra Development Impact to Camino Mayor and N. Twin Oaks Valley Road

DELANE Engineering, a licensed engineering firm, has analyzed limited publicly available information and relied on its professional expertise to evaluate the potential impacts to Camino Mayor with respect to improvements proposed by the Newland Sierra development as identified in the Draft Environmental Impact Report (DEIR) for the project released July 2017. This memorandum analyzes the various existing and proposed conditions around Camino Mayor, a private road off N. Twin Oaks Valley Road (TOVR) at the northwest corner of the project site.

O-1.11-1

Camino Mayor is currently a narrow unpaved private road that sits within a 40-ft access and utility easement. The road services eight privately owned parcels, only three of which have been improved. At the west end, Camino Mayor connects with TOVR, a 2-lane public road with paved width of 24-ft. TOVR is classified as a 2.2C Light Collector in the County General Plan. Public road standards for this classification consist of 40-54' paved surface, 64-78' Right-of-Way (ROW), and 500-ft minimum horizontal curve radius. TOVR does not currently meet public road standards, with only a 24-ft paved width and horizontal curve radius as small as 75-ft.

Images of Camino Mayor at Intersection with TOVR looking east (left) and Aerial (right)



O-1.11-2

CIVIL ENGINEERING | STORMWATER | DESIGN BUILD  
[www.DelaneEngineering.com](http://www.DelaneEngineering.com) | [Info@DelaneGroup.com](mailto:Info@DelaneGroup.com)

Page 1 of 3

4909 Murphy Canyon Road, STE 330, San Diego, CA 92123 | P: 619.787.5566 | F: 866.579.6415



A. Yancey  
August 10, 2017  
Page 2 of 3

Per the Newland Preliminary Grading Plans, TOVR lies within an existing 60-ft ROW (see Figure 1 below). However, County maps and Road Survey 00521 indicate that the 60-ft ROW ends just north of Twin Oaks Crest Drive. From there, the road lies within a 40-ft easement through private property for public road use per document 75-0043933 record 2-26-75. In addition, there is an 84-ft Irrevocable Offer to Dedicate (IOD) to the west of the existing TOVR alignment (See Figure 1 below). This suggests that the County plans to straighten and improve TOVR to County standards as some point. Considering the major Newland development is utilizing Camino Mayor as its third main access point, it may be appropriate to consider the impacts of further improvements now with the Newland project.

O-1.11-3

Figure 1 – Existing TOVR ROW and IOD Alignment



The Newland project proposes to utilize Camino Mayor as a third access point to the development (with trip generation of 222 vehicles per day) and as an emergency evacuation egress (with demand of 470 vehicles). These vehicles then utilize TOVR to travel south. However, the DEIR does not analyze traffic impacts or road conditions on TOVR north of Solar Lane, which is nearly 2-miles to the south of Camino Mayor. Although the additional volumes are low, when considered with respect to the existing traffic volumes, road configuration, and substandard conditions, the impacts of the project deserve attention to these road segments. In addition to typical traffic, it is understood that a nearby quarry utilizes this stretch of TOVR for many large trucks every day. As the existing road is tight and narrow, the trucks have a

O-1.11-4



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

A. Yancey  
August 10, 2017  
Page 3 of 3

major impact on the road conditions and traffic management is needed to coordinate trucks passing by in opposite directions. With no improvements to TOVR, there is a concern for unsafe conditions if more traffic is added, during every day traffic and emergency evacuations.

In addition to the conditions and possible impacts on TOVR, there are concerns regarding the improvements and use of Camino Mayor. The DEIR presents Camino Mayor in three different ways, first on the Preliminary Grading Plans, and then with two alternatives presented in Appendix D, Camino Mayor Alternative Alignment Analysis. Section 2.13.9.6 states that Camino Mayor will be improved to public road standards (although the road is proposed to remain private). The concerns and inconsistencies found with respect to the improvements are as follows:

- All alignments
  - There is no reference to the Camino Mayor easement documentation.
  - The private road proposes to go through multiple properties not owned by the Developer. How can this assumption be made for private improvements?
  - The proposed road sections appear to indicate that all road alignments are within an existing 40-ft easement. There is no indication of property impacts, purchase/take, or additional easements required beyond the existing easement (for construction, sloping, drainage, BMP's, etc). What condemnation will be required?
  - Some portions of each road are designed at 20% max grade which exceed standard and are not indicated in Design Exceptions.
  - There may be other issues related to the fact that Camino Mayor remains a private road although it serves as one of three main access points for the development and connectivity of the public road network for the region.
  - Improperly indicates that TOVR lies within a 60-ft ROW, while it actually lies in a 40-ft public road easement through this area
- Alternative 1 in Appendix D
  - Does not show drainage and water quality requirements and impacts
  - Alignment does not utilize existing easement and requires an additional easement altogether through private properties not owned by the developer
- Alternative 2 in Appendix D
  - Does not show drainage and water quality requirements and impacts
  - Conflicts with and does not accommodate or provide access to existing private well (800-ft from TOVR)

*End of memorandum*

*Attachments:*  
*none*



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

↑ O-1.11-4  
Cont.

O-1.11-5

O-1.11-6

O-1.11-7

O-1.11-8

INTENTIONALLY LEFT BLANK

O-1.12 L&W Attachment 12

Comment Letter O-1.12



TECHNICAL MEMORANDUM

DATE	August 12, 2017
TO	Andrew Yancey – Latham and Watkins, LLP
CC	Kathy Van Ness – COO/GM Golden Door Resort
FROM	John Prince, PE, PMP – DELANE Engineering, Inc.
SUBJECT	Review of Newland Sierra Proposed Offsite Road Improvements as Presented in the June 2017 Draft Environmental Impact Report

DELANE Engineering, a licensed engineering firm, has analyzed limited publicly available information and relied on its professional expertise to evaluate the potential road design and impacts from the Newland Sierra Project (Newland) in the latest Draft Environmental Impact Report (DEIR) released for public review in June 2017. This memo builds upon previous study by DELANE based on review of previous Newland plans and studies. Our previous reports analyzed the proposed grading, drainage, and property impacts to properties along Deer Springs Road (DSR), as a result of the eventual buildout of Deer Springs Road to six-lanes per the County General Plan (Buildout) in the location selected by Newland as well as Newland's proposed Phase 1 widening of DSR from two to four-lanes (DEIR Option B). No environmental review has ever been performed by the County or developer for the Buildout scenario's indirect impacts, including property rights, grading, air quality, biological, cultural, and geological impacts.<sup>1</sup> Since the DEIR still has yet to address the six-lane buildout of DSR, we are unable to complete our analysis and properly comment on a complete EIR. Our previous work also addressed additional options that should be considered, consisting of a new road through the project site in lieu of impacting DSR (referred to as Option C or Newland Sierra Parkway). Our previous studies, included as Attachments to this report, include:

- *Concept Alternative Alignment Study for Deer Springs Road (NSP, Option C) dated April 5, 2016*
- *Impact Analysis for Newland's Proposed Deer Springs Road Widening dated August 29, 2016*

O-1.12-1

O-1.12-2

<sup>1</sup> In addition, the Project's Buildout will include improvements to the Deer Springs Road/1-15 interchange. Caltrans is currently analyzing these improvements, which we understand will be evaluated in a stand alone EIR, separate from the Newland Sierra project.

A. Yancey  
August 12, 2017  
Page 2 of 6

In addition to this memo reflecting an updated review of Newland proposed road improvements, DELANE has prepared the following additional comment letters during this public comment period, as follows:

- *Independent Analysis of Zoning Regulations, Constraints, and Development Potential of Newland Owned Commercial Parcels dated August 4, 2017*
- *Planning Level ROM Fair Share Freeway Contribution Assessment for Newland Sierra Development dated August 9, 2017*
- *Independent Assessment of Newland Sierra Development Impact to Camino Mayor and N. Twin Oaks Valley Road dated August 10, 2017*

O-1.12-2  
Cont.

A review of the new Preliminary Grading Plans and other items included in the June 2017 DEIR, the following major additions from previously available material and changes were noted (those related to offsite road design, grading, drainage, and property impacts):

- New Right-of-Way (ROW) exhibits for DSR and Twin Oaks Valley Road (TOVR) (No appendix/exhibit reference) (no property impact exhibits are provided for Sarver Lane or Camino Mayor)
- Revised Preliminary Grading Plans (No appendix/exhibit reference)
  - DSR lane widths reduced by 2-ft, trail width increased 2-ft
  - DSR section H3/16 now varies ROW 88'-100', curb to curb width 64'-76', and median 2'-14'
  - DSR Storm Water Management BMP's, easements, and ditches are now accounted for/shown
  - Several walls added along DSR (Stations 10+00, 30+00, and 35+00)
  - At STA 95+00 (opposite Sycamore Drive), a large drainage channel is added through private property (Westland Nursery, APN 182-260-08)
- A new Rock Fall Hazard Report (App J-3, May 2016)
- A new study entitled Newland Sierra Parkway (NSP) Feasibility Study (App III, June 2017) provided to address evaluation of alternatives to any widening of Deer Springs Road (in reference to DELANE Option C, Newland Sierra Parkway 2016 report referenced herein)
- A new Storm Water Quality Management Plan (SWQMP) (App Y, February 2017)

O-1.12-3

Based on the new and revised items presented in the June 2017 DEIR, the following paragraphs provide an overview of new issues found as well as previously identified but unresolved issues.

O-1.12-4

Neither the Geotechnical Investigation (App J-1, Nov 2015) nor Rock Fall Hazard Report (App J-3, May 2016) address conditions and proposed improvements along Deer Springs Road. This omission is important as DSR proposes large slopes and walls to understand grading impacts, property impacts, and potential hazards along DSR. Additional rock fall hazard analysis will be required for Deer Springs Road's eventual six-lane buildout due to the likely need for deep cuts into the slopes north of the roadway.

O-1.12-5



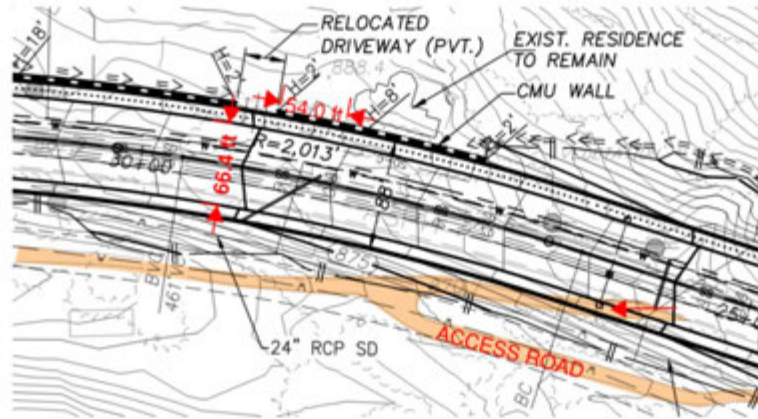
www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

A. Yancey  
August 12, 2017  
Page 3 of 6

DSR Section H3/16 now varies for reduced road width sections. The narrow section occurs approximately between Stations 20+00 to 35+00, where walls are proposed in places on the north and south sides of the road and the median is as narrow as two feet, eliminating possibility of an intermittent center left turn lane or auxiliary curb lane. This contradicts page 1-11 of the EIR which says that a continuous center turn lane would be provided for both Option A and B. Additional walls are needed to the east to protect the access roads, and provisions for access from DSR to the access roads are needed (see existing access road highlighted in Figure 1 below). On the north side of the road, a new wall is proposed and provisions for driveway connection are now made to protect the existing residence at STA 29+00 (see Figure 1). However, the property sits up against the hillsides and approximately 14-ft above the proposed road grade at the driveway opening which will result in a driveway directly off the high speed and narrow DSR, tight turning radius, and driveway slope with nearly 30% grade. All told, the proposed section of DSR from STA 20+00 to 35+00 is curving and narrower than the standard road section, contains the aforementioned issues with the driveway and residence on the north side, and lack of walls and access to County Water Authority (CWA) access road on the south side, raising multiple concerns over the Preliminary Grading Plans and DEIR thoroughly and properly addressing this area.

Figure 1

Road Widening Impacts to Access Road on South Side and Residence and Driveway on North Side



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415



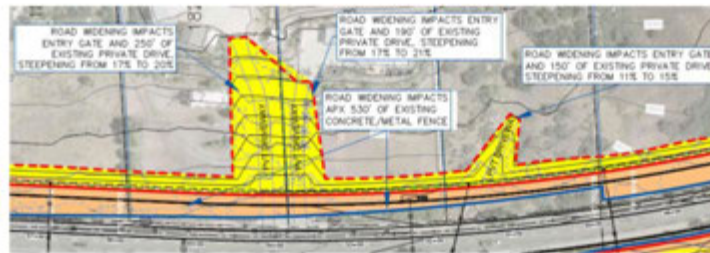
A. Yancey  
August 12, 2017  
Page 4 of 6

The Preliminary Grading Plans still do not address impact to private drives and improvements throughout the corridor. Although some private drives are now indicated on the ROW exhibits, the grading limits and impacts are not identified (see Figure 2 and 3 below). Several of the private drives are currently fairly steep, so as the proposed DSR pushes out into the private properties, the drives become even steeper and require significant grading in some cases. In addition to steep drives, it is not apparent in the EIR if impacts to private parking, trees, gates, and walls are addressed. Some other notable items identified in previous study and still outstanding include:

- STA 14+00 – Drainage discharge, slope, and safety impacts to Deer Springs Oak mobile home community are not clear
- STA 25+00 - Provisions for access to the CWA pipeline access roads are lacking, as mentioned in more detail above
- STA 85+00 - The new large drainage channel, proposed storm water treatment basin, and intersection with Sarver Lane do not adequately address truck access to the agricultural property at APN 182-260-09 and is not adequately reflected on the ROW exhibits. Will adequate access be provided here and how will that affect the intersection of DSR with Sarver?
- STA 95+00 - There are several private drives that are impacted by the new large drainage channel on the east side of DSR that are not addressed.
- See previous study attached for complete breakdown of impacts

O-1.12-8

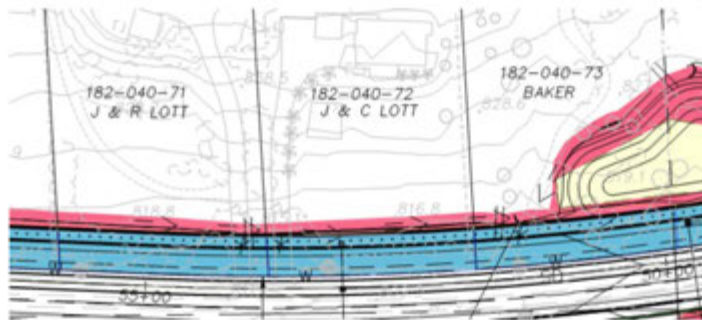
**Figure 2**  
Example of Steep Private Drive and Improvements Impacted (per previous DELANE study)



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

A. Yancey  
August 12, 2017  
Page 5 of 6

**Figure 3**  
**ROW Exhibits Provided in DEIR Fail to Address Private Drives and Other Impacts**



**Analysis of a proposed 6-lane DSR is still not addressed.** The Newland Preliminary Grading Plans only show 2-lane (Option A) and 4-lane (Option B) improvements for DSR. However, as mentioned in our previous study, the current County General Plan Mobility Element shows DSR at 6-lanes for ultimate buildout. The DEIR is inadequate with this omission. The latest Preliminary Grading Plans for 4-lane Option B further restrict future improvements with added walls, storm water BMP's, ditches, and channels, and with the proposed centerline alignment using 4-lane curve radius and not minimum curve radius for 6-lane. The Design Exceptions provided don't provide for future improvement to 6-lane based on 4-lane alignments. Due to the difficulty and significant impact in widening DSR (whether interim 4-lane or ultimate 6-lane), the Newland project should have first designed around a new road through their own site before resorting to utilizing DSR for it's main access. In the June 2017 DEIR, Newland now provided a study of feasibility for a new road through their site (App HHI, Newland Sierra Parkway (NSP) Feasibility Study), but only as a response to the potential options we had raised with previous comment. Our previous analysis (Concept Alternative Alignment Study for Deer Springs Road, April 2016) was never intended to be conclusive as we are not the developers engineer and we don't have access to the site and to as extensive of data. A review of the new NSP study provided yields the following findings:

- The Newland alternatives should have studied the options independently to identify the best and possible alternatives, resolving the issues that the NSP Feasibility Study (App HHI) raised in favor of providing a functional road that avoided environmental impacts.
- The additional studies provide further inconsistencies between the analyses (reference STC Traffic, Inc. letter dated August 14<sup>th</sup>, 2017 providing Traffic and Transportation comments to the DEIR that are related to the issues raised with DSR and NSP.)



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

O-1.12-8  
Cont.

O-1.12-9

O-1.12-10

O-1.12-11

O-1.12-12

## Comment Letters

A. Yancey  
August 12, 2017  
Page 6 of 6

- The study makes no effort to suggest traffic calming measures or other improvements to DSR in order to help encourage traffic to utilize NSP, minimize impact to DSR, and improve safety on DSR.
- Page 5, First Paragraph - Incorrectly states that Newland is GRADING to forecasted future volumes; instead they are only proposing improvements up to 4-lanes, with no accommodations for future. On page 32, last paragraph, they incorrectly state that DSR at 4-lanes would accommodate future volumes as there is no analysis of the 4-lane condition in the TIA to base that finding. Also, they suggest even with NSP at 4-lanes and DSR at 2-lanes, NSP may be required to be widened to 6-lanes in the future, so the NSP alternative design should include 6-lanes or at least be graded for 6-lanes. This same logic applies to DSR, where, Newland should be showing DSR as graded for 6-lanes and addressing associated impacts.
- Page 17, last paragraph – states that the NSP alternative would require acquisition of additional properties but that the project applicant doesn't currently own or control these offsite properties. While this is true, the same is true for the applicants proposed improvements to DSR, Sarver, and Camino Mayor, many of which are not addressed in the DEIR and raise additional issues with the project.
- Page 18, First Paragraph - Truck trips are based on volumes generated from 1.5:1 cut slopes, where they should be based on 1:1 cut slopes to be consistent with the Preliminary Grading Plans, resulting in fewer truck trips. They are assuming all dirt from road construction will have to be hauled offsite, making no effort to suggest that cuts will be utilized on site and project designed to balance, resulting in fewer or no truck trips off site. Even if there were offsite truck trips associated with an internal road, the trips would only impact DSR east of Mesa Rock Road and would avoid interim and permanent impacts to DSR altogether.
- Page 24, Last Paragraph – Conclusions of the preferred route drivers would tend to take doesn't take into account how the freeway interchange design may affect decisions and travel times. Although the interchange redesign is a developer driven improvement, there is no information available on the proposed designs to review. The interchange design can have major impacts on the analysis for DSR and the Newland project, without this information it is not possible to fully evaluate the scenarios and impacts.

O-1.12-13

O-1.12-14

O-1.12-15

O-1.12-16

O-1.12-17

*End of memorandum*

*Attachments:*

- *Concept Alternative Alignment Study for Deer Springs Road (NSP, Option C) dated April 5, 2016*
- *Impact Analysis for Newland's Proposed Deer Springs Road Widening dated August 29, 2016*



www.DelaneEngineering.com | Info@DelaneGroup.com  
2812 Santa Monica Blvd, Ste. 206, Santa Monica, CA 90404 | P. 310.546.5711 | F. 866.579.6415

**O-1.13 L&W Attachment 13**

Comment Letter O-1.13

COVA Consulting  
1906 Westminster Ave.  
Salt Lake City, UT 84108

Prepared by Thomas J. Cova

Dated: August 14, 2017

**Subject: Wildland Fire Evacuation Plan for the Newland Sierra Community**

Please accept these comments in regarding the Newland Sierra Community draft evacuation plan as prepared by DUDEK in May 2017. I was retained by Golden Door Properties, LLC to evaluate this evacuation plan.

I have been a professor at the University of Utah for 18 years with a research focus on wildfire evacuation analysis and modeling (See Attachment 1). My original inspiration for pursuing this topic was the 1991 Oakland Fire, and I have published a number of articles on the topics of community egress, traffic simulation, and public safety as it pertains to wildfire evacuation analysis and planning. In 2005, I proposed a suite of community egress codes in the *Natural Hazards Review* for improving public safety in fire-prone communities that was adopted by the National Fire Protection Agency in their document *NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural and Suburban Areas*.

**Background**

The Newland Sierra Community (NSC) will be situated in the Merriam Mountains, a fire-prone area of high relief, adjacent to Interstate-15 (I-15) just north of San Marcos, California. The proposed development will consist of 2135 housing units bounded by Deer Springs Road (DSR) to the south and Gopher Canyon Road (GCR) to the north.

DUDEK prepared a draft wildland fire evacuation plan for the Deer Springs Fire Protection District in San Diego, California dated May 2017 (DUDEK 2017). The plan includes sections on the emergency management agencies and departments responsible for carrying out an evacuation, background on evacuation objectives and coordination, associated protective actions such as shelter-in-place, the NSC evacuation road context, and evacuation policies (e.g. "Ready, Set, Go!"), procedures, and public outreach. The focus of the comments herein will be the NSC evacuation roadway context.

O-1.13-1

O-1.13-2

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

DUDEK's section on the NSC evacuation road context highlights likely wildfire scenarios (e.g. a large fire approaching from the north, northeast, or east), and notes that the time available to carry out evacuation procedures (lead time) is a key determinant in the best protective actions. In cases where there is not enough time to evacuate the entire community, these actions might include sending some residents from the NSC periphery to the Town Center (i.e. refuge area just north of the intersection of Mesa Rock Road and Deer Springs Road), as well as cases where residents are instructed to stay in their homes (shelter-in-place), although the community will not be designed as a shelter-in-place community (i.e. one where SIP is preferable to evacuation).

The DUDEK report briefly describes both planned internal and external NSC road improvements to be made prior to building the community and describes approaches to making the best use of these roads in a wildfire evacuation that include: 1) evacuating the community in steps (phased/staged evacuation), and 2) managing critical traffic intersections to maximize movement away from a threat. The report lists three primary access roads to NSC: Deer Springs Road, Sarver Lane, and North Twin Oaks Valley Road. The means of egress for evacuation purposes are listed as: 1) south on Mesa Rock Road to Deer Springs Road and then east to I-15, 2) Sarver Lane south to Deer Springs Road and then SR-78, 3) and Camino Mayor to North Twin Oaks Valley Road and then south to south to Deer Springs Road and then SR-78. North Twin Oaks Road to Gopher Canyon Road is not included due to a series of private gates that would inhibit egress, although it may be possible to gain access to the exit in an extreme emergency. The different egress routes are used to conduct a maximum evacuation time estimate which is supported by a table listing the capacities of the access roads following improvements.

O-1.13-2  
Cont.

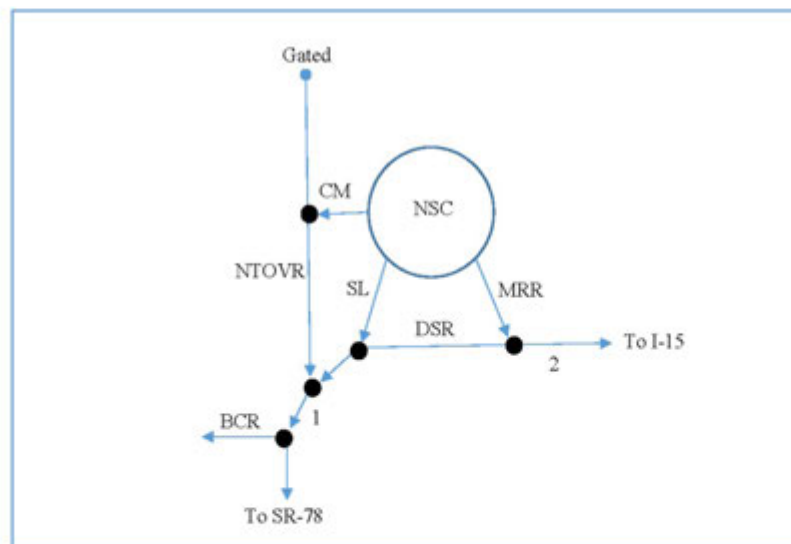
### Number of exits

One issue that arises in reviewing the evacuation routes and associated road capacities in the DUDEK plan is the definition of safely clearing the NSC and the potential for downstream bottlenecks. In regards to downstream bottlenecks, there is a key one that is not mentioned in the report (See "1" in Figure 1). While Sarver Lane (SL) to Deer Springs Road (DSR) and Camino Mayor (CM) to North Twin Oaks Valley Road (NTOVR) are listed as independent means of egress, this is only the case if reaching NTOVR is considered "safely clearing NSC." However, from a broader perspective (i.e. a large approaching wildfire), evacuating vehicles that rely on Camino Mayor and head south on NTOVR (assuming Camino Mayor is available to the public in an emergency) will inevitably merge with vehicles heading south on Sarver Lane, as both roads connect to DSR. The critical bottleneck is therefore the point where NTOVR and DSR merge heading south ("1" in Figure 1). For this reason, there appear to only be two independent means of egress from NSC: DSR east to I-15; and NTOVR south to SR-78.

O-1.13-3

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

A second issue with the roadway exits centers on Camino Mayor, which is a gated private road and may not be available for fire-fighter ingress or evacuee egress during a wildfire (Walker and Morris 2017; Prince 2017). While the owners have offered to make this road available during emergencies, there is uncertainty as to whether this would be possible in a timely manner if they are not at home. If Camino Mayor was not available, then this would limit the number of ways to reach Twin Oaks Valley Road from the Newland Sierra Community solely to Sarver Lane.



**Figure 1.**

A schematic diagram of the egress context for the New Sierra Community.

### Housing unit to exit ratio

One measure for comparing evacuation egress across fire-prone communities is the ratio of households to the number of exits, which is expressed in the unit households-per-exit (HPE) (Cova 2005). For example, a community of 500 households with 1 exit would have a ratio of 500 HPE ( $500 / 1 = 500$ ), and a community with 600 households and 2 exits would have a ratio of 300 HPE. In 2013, we published a study looking throughout the western U.S. for the communities with the greatest ratio of households-to-exits (Cova et al. 2013). Across eleven western states, the single-exit community with the greatest ratio (i.e. poorest evacuation



Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

egress) that we could find had a ratio of 806 HPE, and the 2-exit community with the greatest ratio that we could find had 932 HPE. Given the proposed 2135 housing units for the Newland Sierra Community and its two primary exits (DSR east and NTOVR south), this development would have 1067 HPE (i.e.  $2135/2 = 1067$ ) making it one of the most difficult communities to evacuate in a wildfire in the West (by this measure).

O-1.13-5  
Cont.

### Exit capacity

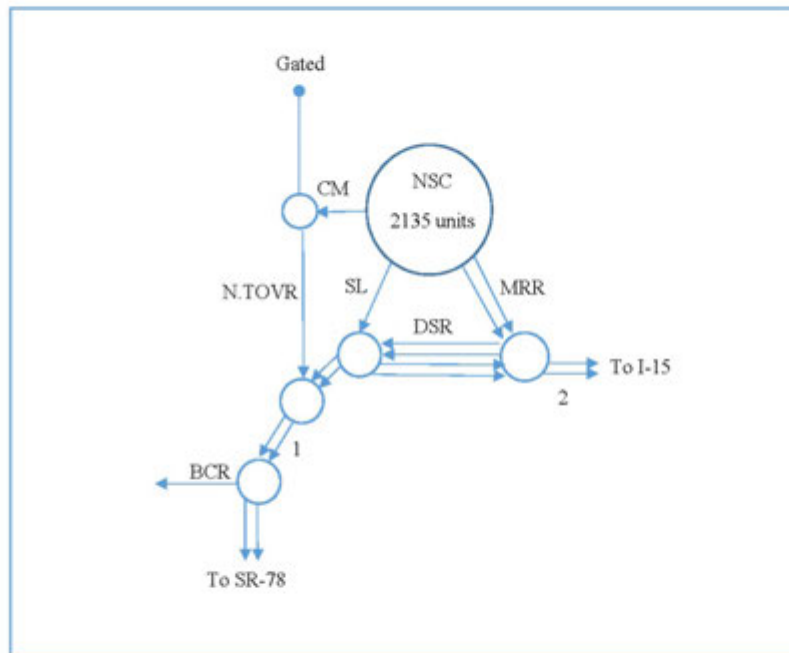
Another issue that arises in reviewing the DUDEK report is the estimated roadway capacities for the primary egress routes in vehicles per hour shown in the table entitled "Newland Sierra Post Mitigation Estimate Roadway Capacities." These estimates seem surprisingly high even assuming the proposed roadway improvements, and they have a significant impact on the estimated evacuation times for NSC. For example, Mesa Rock Road (MRR) leading from NSC Town Center to Deer Springs Road (DSR) is listed as a 4-lane major arterial with a capacity of 4800 vehicles per hour. This implies that MRR would have 2-lanes available in each direction, leaving two lanes for evacuation egress ("MRR" in Figure 2). However, this table lists the number of lanes available for evacuating on MRR as four. While this is possible through lane-reversal, this would lead to a greater problem downstream at the intersection of MRR and DSR, as there is no way to manage four lanes turning left in tandem.

O-1.13-6

As evacuating vehicles travel south on MRR, they would likely make a left turn on DSR to reach either the I-15 south or north onramp (See "2" in Figure 2). While it is challenging to estimate the capacity in vehicles per hour for a left hand turn in an evacuation from MRR onto DSR (i.e. traffic may be heading east on DSR that would affect the intersection control), it would likely be under 900 vehicles per hour per lane (i.e. 15 vehicles per minute). Similarly, the capacity estimate for the second bottleneck on DSR to Buena Creek Road (BCR) is listed as 5600 vehicles per hour. It's difficult to imagine how this stretch of DSR could serve 5600 vehicles per hour because this is equivalent to 93 vehicles per minute. These roadway capacity estimates can have a significant impact on estimated evacuation times. Using a more conservative estimate for the capacity of a left hand turn from MRR to DSR in an evacuation in conjunction with the same vehicle demand in the report of 2820 vehicles (i.e. 60% of 4697 vehicles), the *minimum* time to get these vehicles out in the best case would be 3 hours (i.e.  $2820 \div 900$  vehicles per hour) but could be much longer. In summary, the evacuation time estimates in the report appear very optimistic and a more conservative analysis should be performed for the purpose of public disclosure in order to allow the public to assess the potential fire hazard and evacuation risk of this project.

O-1.13-7

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017



**Figure 2.**

A schematic diagram of the exit lane context for the New Sierra Community.

## Demand scenarios

There are a range of demand scenarios worth considering given the initial number of evacuating vehicles from NSC's 2135 units. There are many factors can lead to fluctuations in the population within NSC including time-of-day, day-of-week, and special events (i.e. holidays, festivals, community gatherings). Given a range of 1.5 to 2.5 vehicles per units to represent a low-demand and high-demand scenario, the initial number could range from 3202 to 5337 evacuating vehicles. While it is possible to route vehicles to different exits when more than one exit is available, it is likely that more residents would prefer MRR to DSR than CM or SL to NTOVR because of its easy access to I-15, so this exit is the focus of the analysis. In considering this exit, the travel demand would likely be weighted more toward the MRR exit with the range being from 60% (slightly more than half) to 100% (i.e. the CM to NTOVR exit was not available). For example, given 2135 units, if the assumption is 1.5 vehicles per unit and 60% of the evacuating drivers choose Mesa Rock Road to I-15, then the number of vehicles using this exit would be about 1922. On the high end, if the average number of vehicles per household was

O-1.13-7  
Cont.

O-1.13-8

2.5 and 100% of the drivers chose MRR, then the total number of vehicles would be about 5337. All other scenarios lie between these two end points.

Estimated vehicles per hour		Travel demand (percent)			
		60	75	90	100
Vehicles	1.5	1922	2402	2882	3202
per unit	2.5	3203	4003	4804	5337

**Table 1.** Varying the number of vehicles per unit (1.5, 2.5) and the percent of drivers that choose Mesa Rock Road (60, 75, 90, 100) to estimate the total number of vehicles that might traverse MRR in an evacuation.

The DUDEK report describes one vehicle demand scenario for Mesa Rock Road to Deer Springs Road (i.e. 2820 vehicles or 60% of the 4697 vehicles, assuming 2.2 vehicles per household). However, Mesa Rock Road would be a very attractive choice for residents because of its easy access to I-15, and emergency managers will not necessarily be able to control the percentage of drivers that use Mesa Rock Road. Table 1 shows that the number of vehicles evacuating on Mesa Rock Road could range from a low of 1922 (i.e. 1.5 vehicles per household with 60% of them choosing MRR) to as high as 5337 (i.e. 2.5 vehicles per household with 100% of them choosing MRR). This later scenario might occur if the wildfire is approaching from the west and Camino Mayor and Sarver Lane are not viable exits. Given the potential threat to public health and safety, additional analysis regarding different demand scenarios should be evaluated.

## Demand and capacity scenarios

There are also a range of road capacity scenarios based primarily on the number of lanes available to turn left from Mesa Rock Road (MSR) to Deer Springs Road (DSR). Table 2 varies the number of lanes available on MRR to turn left onto DRR (e.g. 1 or 2), as well as the vehicle-use-per-unit and percent-of-vehicles-using-DRR (i.e. 1.5(60%) to 2.5(100%)). Assuming a lane capacity of 1000 vehicles per hour, the resulting estimated evacuation times are shown in the table cells. For example if 2 lanes are available to turn from MRR onto DRR using the 1.5(60%) scenario in Table 1, then the estimated evacuation time would be 1.0 hour (i.e.  $1922 / (2 * 1000)$  rounded to the nearest 10<sup>th</sup> of an hour). The resulting evacuation times range from 1.0 hours in the best case (i.e. 2 lanes available, 1.5 vehicles per unit and 60% of drivers using MRR) to 5.3 hours (i.e. 1 lane available, 2.5 vehicles per unit, 100% of drivers using MRR).

O-1.13-8  
Cont.

O-1.13-9

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

Estimated evacuation time (hours)		Vehicles per unit (% using MRR)			
		1.5 (60)	1.5 (100)	2.5 (60)	2.5 (100)
Number of left-hand turn lanes	1	1.9	3.2	3.2	5.3
	2	1.0	1.6	1.6	2.7

**Table 2.** Varying the number of lanes available for turning left from Mesa Rock Road (MRR) onto Deer Springs Road (1 or 2) along with a sample of vehicle demand scenarios from Table 1 to show the estimated evacuation times in hours for each combination.

The DUDEK report concludes that the NSC could be evacuated in 1.5 to 2.5 hours, but this assumes that Mesa Rock Road can serve 4800 vehicles per hour (i.e. 4 lanes out). While it might be possible to reverse the 2 incoming lanes on MRR, there would not be a way to have 4 lanes turn left onto DSR without interruption. The focus of Table 2 is the bottleneck in evacuating vehicles created by the left-hand turn from MRR to DSR, an intersection that could be configured/managed for 1 or 2 left-hand turn lanes each serving 1000 vehicles per hour. Given a range of vehicle demand from 1.5 vehicles per housing unit and 60% using MRR up to 2.5 vehicles per household and 100% using MRR, evacuation times for NSC may range from 1.0 hour to as high as 5.3 hours based solely on the demand for Mesa Rock Road. The evacuation plan should assess whether evacuation in the event of a large-scale or regional wildfire could safely and feasibly occur within these time frames, including what emergency notification requirements may be required to ensure that an evacuation can be successful.

O-1.13-9  
Cont.

## Exit separation and vulnerability

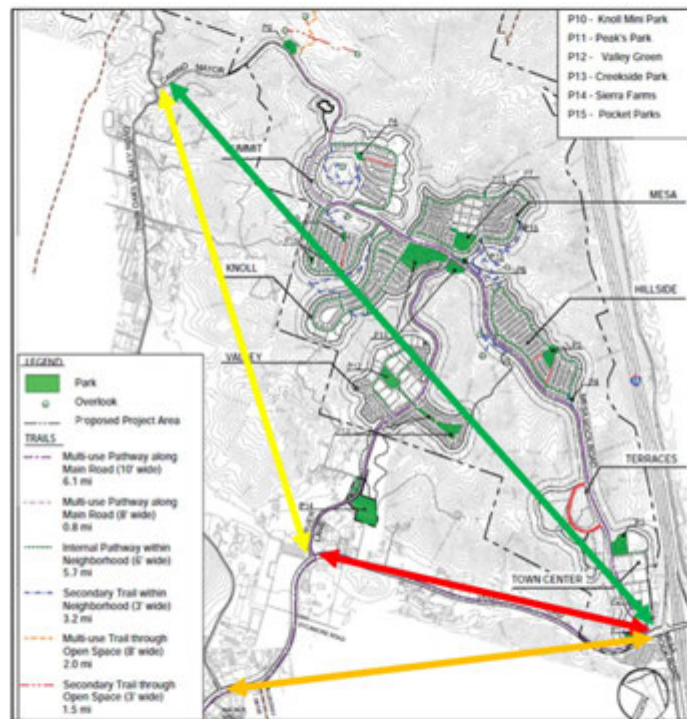
Although it is obvious that a community with 2 exits is better than a community with only 1 exit, it can be difficult to compare two communities with the same number of exits. In the case of 2-exit communities, it is worth examining the separation between exits, as two exits that are very close (i.e. provide egress in the same direction) do not provide the same level of safety as a community with 2 exits that are well-spaced and provide egress in independent directions. The additional safety provided by the second exit arises because a wildfire is less likely to block both exits if they provide egress in independent directions.

Figure 3 shows the distance between four key intersections in the NSC roadway system: 1) the intersection of MRR and DSR, 2) the intersection of CM and NTOVR, 3) the intersection of SL and DSR, and 4) the intersection of NTOVR and DSR. The colored lines between these intersections represent the straight-line distance between these crucial points ranging from green to red. The distance between the MRR/DSR intersection and the CM/NTOVR intersection is the greatest, and for this reason a (local) fire is less likely to block both of these exits at once.

O-1.13-10

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

However, a wildfire in the vicinity of the MRR/DSR and the SL/DSR intersections, which are not very far apart (red line), could lead to a very difficult and lengthy NSC evacuation, as evacuees would be left with only one exit: CM to NTOVR south. Thus, while the DUDEK evacuation plan assumes that all exits are available, Figure 3 highlights that there are likely scenarios where 1 or more exits could be gated or blocked by a wildfire, leading to substantial increases in the estimated evacuation time using the remaining exits. Additional analysis regarding different exit availability scenarios should be evaluated.



**Figure 3.**  
Examining the separation distance between exits at the most local level.

Aside from exit separation, another key element of a roadway exit system is the potential for exits to be blocked by a wildfire. This can occur when an exit is lined with fuel that becomes ignited, preventing any evacuees from traversing the roadway. Figure 4 shows that some of NSC's primary exits fall into this category, and this example is a segment of the southern exit (currently called Gist Road feeding into Sarver Lane).

O-1.13-10  
Cont.

O-1.13-11

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017



Figure 4.

Key evacuation routes (e.g. Gist to Sarver Lane shown) are lined with fuels and may not be traversable in a wildfire.

### Additional Complicating Potential Factors

Real-world evacuations are almost always more complicated than simple analyses predict. Emergency managers may delay the decision to warn the public (or not warn them at all) leading to much greater evacuation times. Households may delay the decision to leave, either in hopes they can defend property or that they will personally not be impacted, which can also increase evacuation times. Furthermore, route choice can also be problematic, as evacuees rarely choose exits in the balanced way that analysts apportion their trips.

In the DUDEK analysis and the one herein, it is assumed that all evacuees that use Camino Mayor or Sarver Lane will head west when reaching Deer Springs Road, and all evacuees that rely on Mesa Ranch Road will head east at Deer Springs Road. However, there is the potential for confusion or simply driver choice, and these additional traffic flows can prevent traffic managers from keeping intersections in a state of uninterrupted flow. There may also be significant ambient through traffic on the surrounding roads, particularly Deer Springs Road, that might additionally impede the ability of NSC residents to leave. Depending on the fire threat, non-NSC residents may attempt to cut through the Project site. Also, given the largely

O-1.13-11  
Cont.

O-1.13-12

O-1.13-13

O-1.13-14

O-1.13-15



Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

agricultural nature of existing conditions, as well as proposed uses for the NSC site that includes equestrian facilities, the traffic flow in this area may be further affected by the presence of horse trailers or other oversize vehicles. These factors can reduce the estimated roadway exit vehicle capacities, or lead to gridlock in the worst case, and it is not clear that the Project's draft evacuation plan takes into accounts these factors. Assessing these impacts requires a more in-depth traffic simulation study beyond manual capacity analysis of the best case.

### Summary

The proposed Newland Sierra Community will be in a very fire-prone area and for this reason, evacuation egress is a critical public safety factor. While NSC has 3 exits at the most local level (i.e. a fire internal to the NSC), for larger regional wildfires it effectively has 2 exits, as 2 of the 3 exits merge into one on Twin Oaks Valley Road. The ratio of households-to-exits for this proposed community would be very high (over 1000 HPE), leading it to be one of the most difficult wildfire evacuations in the western US according to this measure. The number of lanes available on the primary evacuation route is two lanes (Mesa Rock Road to I-15). While it is very difficult to estimate roadway capacity for this type of rural roadway, the real bottleneck is the intersection of Mesa Rock Road and Deer Springs Road, and specifically the left-hand turn onto Deer Springs Road. Although this intersection would be improved under the NSC transportation plan, the large volume of traffic exiting NSC via Mesa Rock Road in an urgent wildfire evacuation would have to merge with traffic heading east on Deer Springs Road, leading to traffic backup on MRR or gridlock. However, this would depend on many factors, most notably the vehicle departure rate from NSC and the volume of eastbound traffic on DSR. In the best case, NSC could be evacuated in about 1 hour but with one or more adverse changes in the number of exits (i.e. loss to wildfire) or the traffic volume on surrounding roads, the estimate evacuation time could climb to 4 or 5 hours. This is critical because it means that a wildfire traveling at an average speed of 6 mph west towards NSC from the northeast could ignite as far as 20-30 miles away and still reach NSC before everyone had safely evacuated (e.g. 2007 Witch Creek Fire). The margin of safety would be further reduced in a faster moving fire (e.g., 2003 Cedar Fire, which in a matter of a few hours moved over 30 miles and burned over 100,000 acres at rates of up to 6,000 acres (24 km<sup>2</sup>) per hour). Finally, in terms of exit separation and vulnerability, the best case would be a wildfire approaching from the northeast of NSC because this would allow residents to evacuate to the south on I-15 or North Twin Oaks Valley Road, and the worst case would be a fire that interfered with Deer Springs Road, either at its intersection with Mesa Rock Road or Sarver Lane.

↑ O-1.13-15  
Cont.  
↓ O-1.13-16

↑ O-1.13-17  
↓ O-1.13-18  
↓ O-1.13-19  
↓ O-1.13-20  
↓ O-1.13-21

Wildland Fire Evacuation Plan for the Newland Sierra Community, Aug. 2017

### References

DUDEK (2017) DRAFT: Wildland fire evacuation plan for Newland Sierra, San Diego County.  
Prepared for Deer Springs Fire Protection District, San Diego, California. May.

Cova, T.J., Theobald, D.M, Norman, J., and Siebeneck, L.K. (2013) Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure. *Geojournal*, 78(2): 273-285.  
[Attachment 2]

Cova, T.J. (2005) Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy? *Natural Hazards Review*, 6(3): 99-108.  
[Attachment 3]

Prince, J. (2017) Independent Assessment of Newland Sierra Development Impact to Camino Mayor and N. Twin Oaks Valley Road. Technical Memorandum. August 10.

Walker, D.C. and Morris, E.L. (2017) Letter to San Diego County regarding Camino Mayor access and ownership. August 7.

# ATTACHMENT 1

↓  
O-1.13-22

### **Thomas J. Cova**

Department of Geography  
University of Utah  
207 Building 73 (The Old Law School)  
Salt Lake City, Utah 84112-9155  
cova@geog.utah.edu, 801-581-7930, FAX: 801-581-8219,

#### **Education**

- 1999      Ph.D., Geography, University of California Santa Barbara.  
Dissertation: *A general framework for optimal site search.*
- 1995      M.A., Geography, University of California Santa Barbara.  
Thesis: *A spatial search for neighborhoods that may be  
difficult to evacuate.*
- 1986      B.S., Computer and Information Science, University of  
Oregon. Minor in math; emphasis in software engineering.

#### **Research and Teaching Interests**

Environmental Hazards, Emergency Management, Geographic Information  
Science, Transportation, Sustainability, Coupled Natural-Human Systems.

#### **Professional Experience**

- 2012 –      Professor, Department of Geography, University of Utah.
- 2005 – 2012    Associate Professor, Department of Geography, U. of Utah.
- 1999 – 2005    Assistant Professor, Department of Geography, U. of Utah.
- 1993 – 1996    Research Assistant, National Center for Geographic  
Information and Analysis (NCGIA), UC Santa Barbara.
- 1992 – 1997    Teaching Assistant, Department of Geography, UCSB.
- 1987 – 1992    Systems Analyst, Matthew Bender & Co., Oakland, California.

#### **Other Professional Activities**

- 2014 –      Director, Certificate in Environmental Hazards & Emergency  
Management, Department of Geography, University of Utah.
- 2003 –      Director, Center for Natural & Technological Hazards,  
Department of Geography, University of Utah.

O-1.13-22  
Cont.

- 2001 – 2016 Director, Certificate in Geographic Information Science, Department of Geography, University of Utah.
- 2011 – 2013 Chair, Hazards, Disasters & Risk Specialty Group, Association of American Geographers, Washington, D.C.
- 2007 – 2008 Program Chair, 5<sup>th</sup> International Conference in Geographic Information Science (GIScience 2008), Park City, Utah.
- 2005 – 2008 Chair (Vice Chair, Past Chair), GIS Specialty Group, Association of American Geographers, Washington, D.C.
- 2005 – 2008 Chair, Research Projects Committee, University Consortium for Geographic Information Science (UCGIS).
- 2004 – 2006 Secretary/Treasurer, GIS Specialty Group, Association of American Geographers, Washington, D.C.
- 2001 – 2003 Academic Councilor, GIS Specialty Group, Association of American Geographers, Washington, D.C.
- 1999 – 2003 Associate Director for Research, Center for Natural & Technological Hazards, Department of Geography, U of Utah.

### **Editorial Board Memberships**

- 2011 – *Journal of Geography & Natural Disasters.*
- 2011 – 2014 *Journal of Spatial Science*
- 2009 – 2011 *Professional Geographer*, Sharmistha Bagchi-Sen (ed).
- 2001 – 2004 *Computers, Environment & Urban Systems*, P. Longley (ed).

### **Professional Honors and Awards**

- 2016 Excellence in Mentoring Award, College of Social & Behavioral Science (CSBS), University of Utah.
- 2014 – 2016 Advisor, *Enabling the Next Generation of Hazards Researchers*, D. Thomas, S. Brody, & B. Gerber (PIs), National Science Foundation, CMMI-IMEE.
- 2008 – 2010 Mentor, *Enabling the Next Generation of Hazards Researchers*, Tom Birkland (PI), National Science Foundation, CMMI-IMEE.

Q-1.13-22  
Cont.

- 2005 John I. Davidson Award for Practical Papers, American Society for Photogrammetry & Remote Sensing – with P. Sutton and D. Theobald.
- 2005 Leica Geosystems Award for Best Scientific Paper in Remote Sensing, American Society for Photogrammetry & Remote Sensing (ASPRS) – with P. Sutton and D. Theobald.
- 2003 – 2005 Fellow, *Enabling the Next Generation of Hazards Researchers*, Raymond Burby (PI), National Science Foundation, CMMI-IMEE.
- 2003 University Consortium for Geographic Information Science (UCGIS) Young Scholar's Award.
- 1996 – 1999 Dwight D. Eisenhower Doctoral Fellowship, National Highway Institute, Federal Highway Admin., Dept. of Transportation.
- 1995 International Geographic Information Foundation (IGIF) Award for Best Student Paper, GIS/LIS '95, Nashville, TN.
- 1995 Outstanding Student in Transportation, UC Santa Barbara, Western Coal Transportation Association.

### RESEARCH AND SCHOLARSHIP

#### Edited volumes and special issues

- 2017 Cova, T.J. and Tsou, M., *Comprehensive Geographic Information Systems*. Vol. 1, Elsevier, in press.
- 2011 Cova, T.J. and Miles, S.B. (Eds). *Disaster Risk Reduction and Sustainable Development*, Sustainability (ISSN 2071-1050).
- 2008 Cova, T.J., Miller, H., Beard, K., Frank, A., Goodchild, M. (Eds.), *Geographic Information Science: 5th International Conference (GIScience 2008)*, Park City, Utah. Lecture Notes in Computer Science 5266, Springer-Verlag, Berlin.

#### Journal articles


(Student advisees underlined)


- In press Cova, T.J., Dennison, P.E., Li, D., Drews, F.A., Siebeneck, L.K., Lindell, M.K., Warning triggers in environmental hazards: who should be warned to do what and when? *Risk Analysis*, DOI: 10.1111/risa.12651

O-1.13-22  
Cont.



2016	Nicoll, K.A., Cova, T.J., Siebeneck, L.K., <u>Martineau, E.</u> Assessing "preparedness elevated": seismic risk perception and household adjustment in Salt Lake City, Utah. <i>Journal of Geography &amp; Natural Disasters</i> , 6(2): doi:10.4172/2167-0587.1000168	O-1.13-22 Cont.
2015	<u>Li, D.</u> , Cova, T.J., Dennison, P.E., A household-level approach to staging wildfire evacuation warnings using trigger modeling. <i>Computers, Environment, &amp; Urban Systems</i> , 54:56-67.	
2015	Drews, F.A., Siebeneck, L.K., Cova, T.J., Information search and decision making in computer based wildfire simulations. <i>Journal of Cognitive Engineering and Decision Making</i> . 9(3): 229-240.	
2015	<u>Hile, R.</u> and Cova, T.J. (2015) Exploratory testing of an artificial neural network classification for enhancement of the social vulnerability index. <i>ISPRS International Journal of Geo-Information</i> , 4(4): 1774-1790.	
2014	Drews, F.A., Musters, A., Siebeneck, L.K., and Cova, T.J. Environmental factors that affect wildfire protective-action recommendations. <i>International Journal of Emergency Management</i> , 10(2): 153-168.	
2014	Siebeneck, L.K., and Cova, T.J. Risk communication after disaster: re-entry following the 2008 Cedar River Flood. <i>Natural Hazards Review</i> , 15: 158-166.	
2014	Dennison, P.E., Fryer, G.K., and Cova, T.J., Identification of fire fighter safety zones using lidar, <i>Environmental Modelling and Software</i> , 59: 91-97.	
2013	Fryer, G., Dennison, P.E. and Cova, T.J. Wildland firefighter entrapment avoidance: modeling evacuation triggers. <i>International Journal of Wildland Fire</i> , 22(7): 883-893.	
2013	Cova, T.J., Theobald, D.M, Norman, J., and <u>Siebeneck, L.K.</u> , Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure. <i>Geojournal</i> , 78(2): 273-285.	
2012	<u>Siebeneck, L.K.</u> and Cova, T.J., Spatial and temporal variation in evacuee risk perception throughout the evacuation and return-entry process. <i>Risk Analysis</i> , 32(9), 1468-1480.	

2011	Cova, T.J., Dennison, P.E., Drews, F.A., Modeling evacuate versus shelter-in-place decisions in wildfires. <i>Sustainability</i> , 3(10): 1662-1687.	 O-1.13-22 Cont.
2011	<u>Cao, L.</u> , Cova, T.J., Dennison, P.E., and Dearing, M.D., Using MODIS imagery to predict hantavirus risk. <i>Global Ecology and Biogeography</i> , 20: 620-629.	
2011	Kobayashi, T., Medina, R., and Cova, T.J., Visualizing diurnal population change in urban areas for emergency management. <i>Professional Geographer</i> , 63: 113-130.	
2011	Larsen, J.C., Dennison, P.E., Cova, T.J., Jones, C. Evaluating dynamic wildfire evacuation trigger buffers using the 2003 Cedar Fire. <i>Applied Geography</i> , 3: 12-19.	
2010	<u>Pultar, E.</u> , Cova, T.J., Yuan, M., and Goodchild, M.F., EDGIS: a dynamic GIS based on space-time points. <i>International Journal of Geographical Information Science</i> , 24: 329-346.	
2010	<u>Moffatt, S.F.</u> and Cova, T.J., Parcel-scale earthquake loss estimation with HAZUS: a case-study in Salt Lake County, Utah. <i>Cartography and Geographic Information Science</i> , 37: 17-29.	
2010	Angelova, Z., Stow, D.A., Kaiser, J., Dennison, P.E., Cova, T.J., Integrating fire behavior and pedestrian mobility models to assess potential risk to humans from wildfires within the US-Mexico border zone. <i>Professional Geographer</i> , 62: 230-247.	
2009	Cova, T.J., Drews, F.A., <u>Siebeneck, L.K.</u> and Musters, A., Protective actions in wildfires: evacuate or shelter-in-place? <i>Natural Hazards Review</i> , 10(4): 151-162.	
2009	<u>Pultar, E.</u> , Raubal, M., Cova, T.J., Goodchild, M.F. Dynamic GIS case studies: wildfire evacuation and volunteered geographic information. <i>Transactions in GIS</i> , 13: 84-104.	
2008	<u>Siebeneck, L.K.</u> , and Cova, T.J., An assessment of the return-entry process for Hurricane Rita 2005. <i>International Journal of Mass Emergencies and Disasters</i> , 26(2): 91-111.	
2007	Goodchild, M.F., Yuan, M., and Cova, T.J., Towards a theory of geographic representation. <i>International Journal of Geographical Information Science</i> , 21(3): 239-260.	

2007	<u>Kim, T.H.</u> , and Cova, T.J., Tweening grammars: deformation rules for representing change between discrete geographic entities. <i>Computers, Environment &amp; Urban Systems</i> , 31(3): 317-336.	 O-1.13-22 Cont.
2007	Dennison, P.E., Cova, T.J., and Moritz, M.A., WUIVAC: A wildfire evacuation trigger model applied in strategic scenarios. <i>Natural Hazards</i> , 40, 181-199.	
2007	VanLooy, J. and Cova, T.J., A GIS-based index for comparing airline flight path vulnerability to volcanoes. <i>Professional Geographer</i> , 59(1): 74-86.	
2006	Sutton, P.C., Cova, T.J., Elvidge, C., Mapping "Exurbia" in the conterminous U.S. using nighttime satellite imagery. <i>Geocarto International</i> , 21(2): 39-45.	
2006	<u>Kim, T.H.</u> , Cova, T.J., and Brunelle, A., Exploratory map animation for post-event analysis of wildfire protective action recommendations. <i>Natural Hazards Review</i> , 7(1): 1-11.	
2005	Cova, T.J., Dennison, P.E., <u>Kim, T.H.</u> , and Moritz, M.A., Setting wildfire evacuation trigger-points using fire spread modeling and GIS. <i>Transactions in GIS</i> , 9(4): 603-617.	
2005	Cova, T.J., Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy? <i>Natural Hazards Review</i> , 6(3): 99-108.	
2004	Cova, T.J., Sutton, P.A, Theobald, D.M., Exurban change detection in fire-prone areas with nighttime satellite imagery. <i>Photogrammetric Engineering &amp; Remote Sensing</i> , 70: 1249-1257.	
2003	Cova, T.J., and <u>Johnson, J.P.</u> , A network flow model for lane-based evacuation routing. <i>Transportation Research Part A: Policy and Practice</i> , 37: 579-604.	
2002	Cova, T.J. and <u>Johnson, J.P.</u> , Microsimulation of neighborhood evacuations in the urban-wildland interface. <i>Environment and Planning A</i> , 34: 2211-2229.	
2002	Cova, T.J. and Goodchild, M.F., Extending geographic representation to include fields of spatial objects. <i>International Journal of Geographic Information Science</i> , 16: 509-532.	

- 2000 Cova, T.J., and Church, R.L., Contiguity constraints for single-region site search problems. *Geographical Analysis*, 32: 306-329.
- 2000 Church, R.L., and Cova, T.J., Mapping evacuation risk on transportation networks with a spatial optimization model. *Transportation Research Part C: Emerging Technologies*, 8: 321-336.
- 2000 Cova, T.J., and Church, R.L., Exploratory spatial optimization in site search: a neighborhood operator approach. *Computers, Environment, & Urban Systems*, 24: 401-419.
- 2000 Radke, J., Cova, T.J., Sheridan, M.F., Troy, A., Lan, M., and Johnson, R., Application challenges for GIScience: implications for research, education, and policy for risk assessment, emergency preparedness and response, *Urban and Regional Information Systems Association (URISA) Journal*, 12: 15-30.
- 1997 Cova, T.J., and Church, R.L., Modeling community evacuation vulnerability using GIS. *International Journal of Geographical Information Science*, 8: 763-784.


### Book Chapters and Sections

- 2016 Cova, T.J., Evacuation Planning, in *Encyclopedia of Transportation*, SAGE Publications, M. Garrett (ed.), pp.
- 2004 Cova, T.J., and Conger, S., Transportation hazards, in *Handbook of Transportation Engineering*, M. Kutz (ed.), pp. 17.1-17.24.
- 1999 Cova, T.J., GIS in emergency management. In *Geographic Information Systems: Principles, Techniques, Applications, and Management*, Longley, P., Goodchild, M.F., Maguire D., Rhind D. (eds), pp. 845-858.

### Conference Papers and Posters

- 2015 Li, D., Cova, T.J., Dennison, P.E., An open-source software system for setting wildfire evacuation triggers. ACM SIGSPATIAL EM-GIS'15, November 3, 2015, Seattle, WA.
- 2013 Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers: Modeling and Analysis. *Natural Hazards Workshop*, University of Colorado, Boulder, July (poster).

O-1.13-22  
Cont.

2012	Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers. <i>Natural Hazards Workshop</i> , University of Colorado, Boulder, July (poster).	 O-1.13-22 Cont.
2012	Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers. National Science Foundation-CMMI Innovation Conference, Boston, July (poster).	
2009	<u>Siebeneck, L.K.</u> and Cova, T.J. Current Research at the Center for Natural and Technological Hazards. <i>Natural Hazards Workshop</i> , U. of Colorado, Boulder, July (poster).	
2008	Cova, T.J. et al., Protective actions in wildfire: the incident commander perspective. <i>Pacific Coast Fire Conference</i> , San Diego, November (poster).	
2005	Yuan, M., Goodchild, M.F., Cova, T.J., Towards a general theory of geographic representation in GIS (poster). <i>Conference on Spatial Information Theory (COSIT) 2005</i> , Ellicottville, New York, September (poster).	
2005	<u>Kim, T.H.</u> , and Cova, T.J., Tweening Grammars: Deformation Rules for Representing Change between Discrete Geographic Entities. <i>Geocomputation 2005</i> , Ann Arbor, MI, August.	
2001	Cova, T.J. and <u>Johnson, J.P.</u> , Evacuation analysis and planning tools inspired by the East Bay Hills Fire, <i>California's 2001 Wildfire Conference: 10 years after the 1991 East Bay Hills Fire</i> , Oakland, October.	
2001	Hepner, G.F., Cova, T.J., Forster, R.R., and Miller, H.J., Use of remote sensing and geospatial analysis for transportation hazard assessment: an integrated university, government and private sector consortium, <i>IEEE/ISPRS Joint Workshop on Remote Sensing and Data Fusion over Urban Areas Proceedings</i> , IEEE-01EX482, Rome, Italy, pp.241-244.	
2000	Atwood, G., and Cova, T.J., Using GIS and linear referencing to analyze the 1980s shorelines of Great Salt Lake, Utah, USA. <i>4th International Conference on Integrating GIS and Environmental Modeling (GIS/EM4): Problems, Prospects and Research Needs</i> . Banff, Alberta, Canada, September 2-8.	
1997	Cova, T.J., and Church, R.L., An algorithm for identifying nodal clusters in a transportation network. <i>University Consortium for Geographic Information Science (UCGIS) Summer Retreat</i> , Bar Harbor, Maine, June 15-21.	

- 1995 Cova, T.J., and Church, R.L., A spatial search for neighborhoods that may be difficult to evacuate, *Proceedings GIS/LIS '95, ACSM/ASPRS, Nashville, TN, vol. 1, 203-212.*
- 1995 Goodchild, M.F., Cova, T.J. and Ehlschlaeger, C., Mean geographic objects: extending the concept of central tendency to complex spatial objects in GIS, *Proceedings GIS/LIS '95, ACSM/ASPRS, Nashville, TN, vol. 1, 354-364.*
- 1994 Cova, T.J. and Goodchild, M.F., Spatially distributed navigable databases for intelligent vehicle highway systems, *Proceedings GIS/LIS '94, ACSM, Phoenix, AZ, 191-200.*

### Other Publications

- 2008 Siebeneck, L.K. and Cova, T.J. *Risk perception associated with the evacuation and return-entry process of the Cedar Rapids, Iowa flood.* Quick Response Research Report, Natural Hazards Center, University of Colorado, Boulder.
- 2006 Cova, T.J., *Concerning Stonegate and Public Safety.* North County Times, San Diego, California, Nov. 3.
- 2002 Cova, T.J., Like a bat out of hell: simulating wildfire evacuations in the urban interface, *Wildland Firefighter Magazine*, November, 24-29.
- 2000 Cova, T.J., When all hell breaks loose: firestorm evacuation analysis and planning with GIS, *GIS Visions Newsletter*, August, The GIS Cafe.
- 2000 Cova, T.J. (2000) Wildfire evacuation. *New York Times letter to the Editor*, June 6.
- 1996 Church, R., Cova, T., Gerges, R., Goodchild, M., Conference on object orientation and navigable databases: report of the meeting. *NCGIA Technical Report 96-9.*
- 1994 Church, R., Coughlan, D., Cova, T., Goodchild, M., Gottsegen, J., Lemberg, D., Gerges, R., Caltrans Agreement 65T155, Final Report, *NCGIA Technical Report 94-6.*

### Papers in progress

- In revision* Li, D., Cova, T.J., Denison, P.E. Setting wildfire evacuation triggers using reverse geocoding.

O-1.13-22  
Cont.



### Invited Lectures, Presentations and Participation

2014	"Modeling adaptive warnings with geographic trigger points." Department of Geography, SDSU, San Diego, CA, April 18.
2013	"Wildfires and geo-targeted warnings." Geo-targeted Alerts and Warnings Workshop. <i>National Academy of Sciences</i> , Washington DC, February 21-22.
2012	"Evacuation planning in the wildland-urban interface." California Joint Fire Science Program, Webinar Speakers Series, September.
2010	"Evacuating threatened populations in disasters: space, time & information." University of Minnesota, Spatial Speakers Series (Geography/CS/CE), April.
2009	"The art and science of evacuation modeling." Utah Governor's Conf. in Emergency Management, Provo, May.
2008	"GIScience and public safety." Brigham Young University, November.
2007	"Fire, climate and insurance." Panel Discussion. Leonardo Museum, Salt Lake City, November.
2007	"GIScience and public safety." University of Northern Iowa, April.
2006	"Evacuation and/or Shelter in Place." Panel Discussion, Firewise Conference: Backyards & Beyond, Denver, CO, Nov.
2006	"Evacuation modeling and planning." Colorado Springs Fire Department, Colorado Springs, CO, October.
2006	"Evacuation modeling and planning." Sante Fe Complexity Institute, Sante Fe, NM, August.
2006	"Evacuation modeling and planning." Colorado Wildfire Conference. Vail, CO, April, \$1000.
2006	"Dynamic GIS: in search of the killer app." Center for Geocomputation, National U. of Ireland, Maynooth, April.
2006	"Setting wildfire evacuation trigger points with GIS." University Consortium for Geographic Information Science, Winter meeting, Washington, DC.

O-1.13-22  
Cont.

2005	"Setting wildfire evacuation trigger points with GIS." Pennsylvania State University, State College, PA, November.	 O-1.13-22 Cont.
2004	"The role of scale in ecological modeling," NSF PI meeting for Ecology of Infectious Diseases, Washington D.C., September.	
2004	"The 2003 Southern California wildfires: Evacuate and/or or shelter-in-place," Natural Hazards Workshop, Boulder, CO.	
2004	"When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Department of Geography, University of Denver, February.	
2004	"When all hell breaks loose: new methods for wildfire evacuation planning," Colorado Governor's Conference and Colorado Emergency Management Association (CEMA) Conference, Boulder, CO, February.	
2004	"When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Department of Geography, University of California Los Angeles, February.	
2003	"When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Natural Resources Ecology Lab (NREL), Colorado State University, April.	
2003	"When all hell breaks loose: new methods for wildfire evacuation planning," Departmental colloquium, Department of Geography, University of Arizona, January.	
2002	"When all hell breaks loose: new methods for wildfire evacuation planning," Departmental colloquium, Department of Geography, Western Michigan University, November.	
2001	"Regional evacuation analysis in fire-prone areas with limited egress," Departmental colloquium, Department of Geography, University of Denver, May.	
2000	"Integrating Site Search Models and GIS," Colloquium, Department of Geography, Arizona State University, Feb.	
1999	"Site Search Problems and GIS," Colloquium, Department of Geography, University of Utah.	
1996	"A spatial search for neighborhoods that may be difficult to evacuate," Colloquium, Department of Geography, UC Santa Barbara.	

- 1995 "A spatial search for neighborhoods that may be difficult to evacuate," Regional Research Lab, Bhopal, India.
- 1995 "A spatial search for neighborhoods that may be difficult to evacuate," Indian Institute of Technology, Bombay, India.

### Papers Presented at Professional Conferences

- 2015 Cova, T.J. and Jankowski, P., Spatial uncertainty in object-fields: the case of site suitability. Association of American Geographers Annual Meeting, Chicago, IL, April.
- 2014 Cova, T.J. and Jankowski, P., Spatial uncertainty in object-fields: the case of site suitability. International Conference on Geographic Information Science (GIScience '14), Vienna, Austria, September.
- 2013 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers: modeling and analysis. *Association of American Geographers Annual Meeting*, Los Angeles, CA, April.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers. Poster presented at the Natural Hazards Workshop, University of Colorado, Boulder, July.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers. Poster presented at the NSF CMMI Innovation Conference, Boston, July.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers, *Association of American Geographers Annual Meeting*, New York, NY, February.
- 2011 Cova, T.J., Modeling stay-or-go decisions in wildfires, *Association of American Geographers Annual Meeting*, Seattle, WA, April.
- 2010 Cova, T.J., Theobald, D.M. and Norman, III, J., Mapping wildfire evacuation vulnerability in the West, *Association of American Geographers Annual Meeting*, Wash. D.C., April.
- 2010 Cova, T.J., and Van Drimmelen, M.N., Family gathering in evacuations: the 2007 Angora Wildfire as a case study. *National Evacuation Conference*, New Orleans, February.
- 2010 Siebeneck, L.K., Cova, T.J., Drews, F.A., and Musters, A. Evacuation and shelter-in-place in wildfires: The incident

O-1.13-22  
Cont.

	commander perspective. <i>Great Basin Incident Command Team Meetings</i> , Reno, April.	
2009	Cova, T.J. et al., Protective action decision making in wildfires: the incident commander perspective. <i>Association of American Geographers Annual Meeting</i> , Las Vegas, March.	
2009	Siebeneck, L.K. and Cova, T.J. Using GIS to explore evacuee behavior before, during and after the 2008 Cedar Rapids Flood. <i>Association of American Geographers Annual Meeting</i> , Las Vegas, March.	
2009	Lindell, M.K., Prater, C.S., Siebeneck, L.K. and Cova, T.J. Hurricane Ike Reentry. <i>National Hurricane Conference</i> , Austin, March.	
2008	Cova, T.J., Simulating evacuation shadows, <i>Association of American Geographers Annual Meeting</i> , Boston, April.	
2007	Cova, T.J., An agent-based approach to modeling warning diffusion in emergencies, <i>Association of American Geographers Annual Meeting</i> , San Francisco, March.	
2006	Cova, T.J., New GIS-based measures of wildfire evacuation vulnerability and associated algorithms. <i>Association of American Geographers Annual Meeting</i> , Denver, March.	O-1.13-22 Cont.
2005	Cova, T.J., Dennison, P.E., Kim, T.H., and Moritz, M.A., Setting wildfire evacuation trigger-points using fire spread modeling and GIS. <i>Association of American Geographers Annual Meeting</i> , Denver, March.	
2004	Cova, T.J., Sutton, P.C., and Theobald, D.M. Light my fire proneness: residential change detection in the urban-wildland interface with nighttime satellite imagery, <i>Association of American Geographers Annual Meeting</i> , Philadelphia, March.	
2004	Cova, T.J. and Johnson, J.P., A network flow model for lane-based evacuation routing. <i>Transportation Research Board (TRB) Annual Conference</i> , Washington, D.C., January.	
2003	Cova, T.J. Lane-based evacuation routing, <i>Association of American Geographers Annual Meeting</i> , New Orleans, March.	
2002	Cova, T.J., Extending geographic representation to include fields of spatial objects, <i>GIScience 2002</i> , Boulder, September.	

2002	Husdal, J. and Cova, T.J., A spatial framework for modeling hazards to transportation systems, <i>Association of American Geographers Annual Meeting</i> , Los Angeles, March.
2001	Cova, T.J. and Johnson, J.P., Evacuation analysis and planning tools inspired by the East Bay Hills Fire, <i>California's 2001 Wildfire Conference: 10 years after the 1991 East Bay Hills Fire</i> , Oakland, October.
2001	Cova, T.J., Husdal, J., Miller, H.J., A spatial framework for modeling hazards to transportation networks, <i>Geographic Information Systems for Transportation Conference (GIS-T 2001)</i> , Washington DC, April.
2001	Cova, T.J., Miller, H.J., Husdal, J., A spatial framework for modeling hazards to transportation systems, <i>Association of American Geographers Annual Meeting</i> , New York, New York, February.
2000	Cova, T.J., Church, R.L., Goodchild, M.F., Extending geographic representation to include fields of spatial objects, <i>GIScience 2000</i> , Savannah, Georgia, November.
2000	Cova, T.J. Microscopic simulation in regional evacuation: an experimental perspective, <i>Association of American Geographers Annual Meeting</i> , Pittsburgh, Pennsylvania, March.
1999	Cova, T.J., and Church, R.L., "Exploratory spatial optimization and site search: a neighborhood operator approach," <i>Geocomputation '99</i> , Mary Washington College, Fredricksburg, Virginia.
1999	Cova, T.J., and Church, R.L., "Integrating models for optimal site selection with GIS: problems and prospects," <i>Association of American Geographer Annual Meeting</i> , Honolulu, Hawaii, March 29.
1998	Cova, T.J., and Church, R.L., "A spatial analytic approach to modeling neighborhood evacuation egress," <i>Association of American Geographers Annual Meeting</i> , Boston, Massachusetts.
1997	Church, R.L., and Cova, T.J., "Location search strategies and GIS: a case example applied to identifying difficult to evacuate neighborhoods," <i>Regional Science Association Annual Meeting</i> , November, Buffalo.

O-1.13-22  
Cont.

- 1997 Cova, T.J. and Church, R.L., "An algorithm for identifying nodal clusters in a transportation network," *University Consortium for Geographic Information Science (UCGIS) Summer Retreat*, Bar Harbor, June.
- 1996 Cova, T.J., Church, R.L., "A spatial search for difficult neighborhoods to evacuate using GIS," *GIS and Hazards Session, Association of American Geographers Annual Meeting*, Charlotte, April.
- 1995 Cova, T.J., Church, R.L., "A spatial search for neighborhoods that may be difficult to evacuate," *GIS/LIS '95*, Nashville, November.
- 1995 Goodchild, M.F., Cova, T.J. and Ehlschlaeger, C., "Mean geographic objects: extending the concept of central tendency to complex spatial objects in GIS," *GIS/LIS '95*, Nashville, November.
- 1994 Cova, T.J. and Goodchild, M.F., "Spatially distributed navigable databases for intelligent vehicle highway systems," *GIS/LIS '94*, Phoenix, November.

### Grants

#### Externally funded

- 2011 – 2015 Cova, T.J. (PI), Dennison, P.E. and Drews, F.A., *Protective action triggers*. National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, \$419,784.
- 2012 – 2014 Cova, T.J. (PI), *State Hazard Mitigation Mapping II*. Utah Division of Emergency Management, \$51,608.
- 2011 – 2012 Cova, T.J. (PI), *State Hazard Mitigation Mapping*. Utah Division of Emergency Management, \$51,608.
- 2007 – 2010 Cova, T.J. (PI) and Drews, F.A. *Protective-action decision making in wildfires*. National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, \$288,438.
- 2004– 2006 Yuan, M. (PI), Goodchild, M.F., and Cova, T.J. *Integration of geographic complexity and dynamics into geographic information systems*, National Science Foundation, Social and Behavioral Science—Geography and Spatial Sci., \$250,000.

O-1.13-22  
Cont.



- 2003– 2004 Cova, T.J. (PI) *Mapping the 2003 Southern California Wildfire Evacuations*, National Science Foundation, Small Grants for Exploratory Research (SGER), CMMI-IMEE, \$14,950.
- 2003 –2008 Dearing, M.D. (PI), Adler, F.R., Cova, T.J., and St. Joer, S. *The effect of anthropogenic disturbance on the dynamics of Sin Nombre*, National Science Foundation and NIH, Ecology of Infectious Diseases, \$1,933,943.
- 2000–2004 Hepner, G.F. (PI), Miller, H.J., Forster, R.R., and Cova, T.J. *National Consortium for Remote Sensing in Transportation: Hazards (NCRST-H)*, U.S. Department of Transportation, \$437,659.
- 2000–2001 Cova, T.J. (PI) *Modeling human vulnerability to environmental hazards*, Salt Lake City and Federal Emergency Management Agency (FEMA), \$20,000.

### Internally funded

- 2004 Cova, T.J. (PI) and Sobek, A. *DIGIT Lab GPS Support*, U. of Utah Technology Instrumentation Grant, \$15,000.
- 2003 Cova, T.J. (PI) *New methods for wildfire evacuation analysis*, Proposal Initiative Grant, College of Social and Behavioral Science, University of Utah, \$4000.
- 1999 Cova, T.J. (PI) *Microscopic traffic simulation of regional evacuations: computational experiments in a controlled environment*, Faculty Research Grant (FRG), University Research Committee, University of Utah, \$5980.
- 1999 Cova, T.J. (PI) *Regional evacuation analysis in fire prone areas with limited egress*, Proposal Initiative Grant, College of Social and Behavioral Science, University of Utah, \$4000.

### **Media Outreach**

- 2013 Ryman, A. and Hotstege, S. "Yarnell evacuation flawed and chaotic, experts say." *Arizona Republic and USA Today*, Nov.
- 2013 Bryson, D., and Campoy, A. "Quick fire response pays off: Colorado credits early alerts with limiting deaths from state's worst-ever blaze." *The Wall Street Journal*, June 17.
- 2013 Beri, A. "Due to the sequester: people are going to be unsafe, homes are going to burn." *Tampa Bay Times*, Feb.
- 2012 Zaffos, J. "What the High Park Fire can teach us about protecting homes." *High Country News*, July.

O-1.13-22  
Cont.

- 2012 Meyer, J.P. and Olinger, D., "Tapes show Waldo Canyon fire evacuations delayed two hours." *The Denver Post*. July.
- 2011 Siegel L, and Rogers, N. "Monitoring killer mice from space." *USA Today*, *SLTribune*, *Fox 13 News*, *KCPW*, Feb. 15.
- 2010 Cowan, J., "Esplin defends stay or go policy." *Australian Broadcast Corporation (ABC)*, April 30.
- 2010 Bachelard, M., "Should the fire-threatened stay or go? That is still the question." *The Age*, Australia, May 2.
- 2008 Boxall, B., "A Santa Barbara area canyon's residents are among many Californian's living in harm's way in fire-prone areas." *Los Angeles Times*, July 31.
- 2007 Welch, W.M. et al., "Staggering numbers flee among fear and uncertainty." *USA Today*, Oct. 24.
- 2007 Krasny, M., "Angora Wildfire Panel Discussion." *KQED Radio*, San Francisco, June 27.
- 2004 Wimmer, N., "Growing number of communities pose fire hazard." *KSL Channel 5*, Salt Lake City, July 22.
- 2004 Disaster News Network, "The face of evacuation procedures might be changing as a result of lessons learned from last year's fierce wildfires in California."
- 2004 Perkins, S., "Night space images show development." *Science News*, Week of April 3rd, 165 (14): 222.
- 2003 Keahey, J., "Canyon fire trap feared." *SL Tribune*, June.

## TEACHING AND MENTORING

### Undergraduate Courses

Introduction to Geographic Information Systems (~60 students).  
Human Geography (~40 students).  
Geography of Disasters and Emergency Management (~20 students).  
Methods in GIS (~40 students).

### Graduate Courses

GIS & Python (~15 students)  
Spatial Databases (~30 students)  
Seminars: Hazards Geography, Transportation, Vulnerability, GIScience.

### Graduate Student Advising

#### Chaired Ph.D. Committees

2015- Hile, R. Geocomputational approaches to hazards, and human vulnerability

O-1.13-22  
Cont.

2016	Li, D.	Modeling wildfire evacuation triggers as a coupled natural-human system (Asst. Professor South Dakota State University)
2010	Siebeneck, L.	Examining the geographic dimensions of risk perception, communication and response during the evacuation and return-entry process. (Assoc. Professor, U. of North Texas)
2010	Cao, L.	Anthropogenic habitat disturbance and the dynamics of hantavirus using remote sensing, GIS, and a spatially explicit agent-based model. (Postdoc, Kelly Lab, UC Berkeley)

### Chaired M.S. committees

2017	Yi, Y.	A web-GIS application for house loss notification in wildfires
2017	Latham, P.	Evaluating the effects of snowstorm frequency and depth on skier behavior in Big Cottonwood Canyon, Utah
2016	Bishop, S.	Spatial access and local demand for emergency medical services in Utah
2015	Hile, R.	Exploratory testing of an artificial network classification for enhancement of a social vulnerability index
2015	Unger, C.	Creating spatial data infrastructure to facilitate the collection and dissemination of geospatial data to aid in disaster management
2014	Klein, K.	Tracking a wildfire in areas of high relief using volunteered geographic information: a viewshed application
2012	Amussen, F.	Greek island social networks and the maritime shipping dominance they created (technical report)
2012	Martineau, E.	Earthquake risk perception in Salt Lake City, Utah
2010	Smith, K.	Developing emergency preparedness indices for local government
2010	VanDrimmelen, M.	Family gathering in emergencies: the 2007 Angora Wildfire as a case study
2007	Pultar, E.	GISSED: a dynamic GIS based on space-time points
2007	Siebeneck, L.	An assessment of the return-entry process for Hurricane Rita, 2005
2007	Johnson, J.	Microsimulation of neighborhood-scale evacuations
2004	Chang, W.	An activity-based approach to modeling wildfire evacuations

O-1.13-22  
Cont.

### Membership on Ph.D Committees

2017	Campbell, M.	Wildland firefighter travel times
2016	Zhang, L.	Economic geography of China
2015	Huang, H.	Spatial analysis and economic geography
2014	Lao, H.	Spatial analysis, GIS, and economic geography
2013	Burgess, A.	Hydrologic implications of dust in snow in the Upper Colorado River Basin
2012	Davis, J.	
2012	Li, Y.	
2011	Hadley, H.	Transit sources of salinity loading in the San Rafael River, Upper Colorado River Basin, Utah
2009	Medina, R.	Use of complexity theory to understand the geographical dynamics of terrorist networks
2008	McNeally, P.	Holistic geographical visualization of spatial data with applications in avalanche forecasting
2008	Sobek, A.	Generating synthetic space-time paths using a cloning algorithm on activity behavior data
2007	Clay, C.	Biology
2006	Backus, V.	Assessing connectivity among grizzly bear populations near the U.S.-Canada border
2006	Atwood, G.	Shoreline superelevation: evidence of coastal processes of Great Salt Lake, Utah
2006	White, D.	Chronic technological hazard: the case of agricultural pesticides in the Imperial Valley, California
2005	Ahmed, N.	Time-space transformations of geographic space to explore, analyze and communicate transportation systems
2004	Shoukrey, N.	Using remote sensing and GIS for monitoring settlement growth expansion in the eastern part of the Nile Delta Governorates in Egypt (1975-1998)
2004	Hernandez, M.	A Procedural Model for Developing a GIS-Based Multiple Natural Hazard Assessment: Case Study-Southern Davis County, Utah
2003	Wu, Y-H.	Dynamic models of space-time accessibility
2003	Hung, M.	Using the V-I-S model to analyze urban environments from TM imagery
2002	Baumgrass, L.	Initiation of snowmelt on the North Slope of Alaska as observed with spaceborne passive microwave data

### Membership on M.S. Committees

2015	Farnham, D.	Food security and drought in Ghana
------	-------------	------------------------------------

O-1.13-22  
Cont.

2015	Fu, L.	Analyzing route choice of bicyclists in Salt Lake City
2014	Li, X.	Spatial representation in the social interaction potential metric: an analysis of scale and parameter sensitivity
2013	Johnson, D.	Parks, Recreation & Tourism
2012	Fryer, G.	Wildland firefighter entrapment avoidance: developing evacuation trigger points utilizing the WUIVAC fire spread model.
2011	Groeneveld, J.	An agent-based model of bicyclists accessing light-rail in Salt Lake City
2011	Matheson, D.S.	Evaluating the effects of spatial resolution on hyperspectral fire detection and temperature retrieval
2010	Larsen, J.	Analysis of wildfire evacuation trigger-buffer modeling from the 2003 Cedar Fire, California.
2010	Smith, G.	Development of a flash flood potential index using physiographic data sets within a geographic information system
2010	Song, Y.	Visual exploration of a large traffic database using traffic cubes
2010	Evans, J.	Parks, Recreation & Tourism
2008	Naisbitt, W.	Avalanche frequency and magnitude: using power-law exponents to investigate snow-avalanche size proportions through time and space.
2008	Kim, H.C.	Civil Engineering
2007	Gilman, T.	Evaluating transportation alternatives using a time geographic accessibility measure
2004	Baurah, A.	An integration of active microwave remote sensing and a snowmelt runoff model for stream flow prediction in the Kuparak Watershed, Arctic Alaska
2004	Bosler, J.	A Development Response to Santaquin City's Natural Disasters.
2004	Bridwell, S.	Space-time masking techniques for privacy protection in location-based services
2004	Deeb, E.	Monitoring Snowpack Evolution Using Interferometric Synthetic Aperture Radar (InSAR) on the North Slope of Alaska, USA
2004	Sobek, A.	Access-U: a web-based navigation tool for disabled students at the University of Utah
2003	Barney, C.	Locating hierarchical urban service centers along the Wasatch Front using GIS location-allocation algorithms
2002	Koenig, L.	Evaluation of passive microwave snow water equivalent algorithms in the depth hoar

O-1.13-22  
Cont.

		dominated snowpack of the Kuparuk River Watershed, Alaska, USA
2002	Larsen, C.	Family & Consumer Studies
2002	Krokoski, J.	Geology & Geophysics
2000	Granberg, B.	Automated routing and permitting system for Utah Department of Transportation
2000	Bohn, A.	An integrated analysis of the Tijuana River Watershed: application of the BASINS model to an under-monitored binational watershed

### Graduate student awards

2015	R. Hile., M.A. Geography: Jeanne X. Kasperson Award, Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2015	D. Li, Ph.D. Geography: Jeanne X. Kasperson Award, Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2012	K. Klein, M.A. Geography: <i>Jeanne X. Kasperson Award</i> , Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2010	L. Cao, Ph.D. Geography: <i>Student Paper Award</i> , Spatial Analysis and Modeling (SAM) Specialty Group, Association of American Geographers.
2008	L. Siebeneck, M.A. Geography: <i>Jeanne X. Kasperson Award</i> , Hazards Specialty Group, Association of American Geographers.
2007	E. Pultar, M.A. Geography: <i>Best Paper</i> , GIS Specialty Group, Association of American Geographers.
2006	J. VanLooy (not primary advisor): <i>Best Paper</i> , Rocky Mountain Regional Meeting, Association of American Geographers.

### Undergraduate Mentoring and Advising

2015	Mentor, Marli Stevens, Undergraduate Research Opportunity Program: "Margin of Licensed Dog and Cat Populations and Adoptions from Animal Shelters in Utah in 2013-2014."
2015—	Advisor, Undergraduate Hazards & Emergency Management Certificate students (~10 students so far).
2006—2010	Advisor, Stewart Moffat, Honor's B.S. in Undergraduate Studies: Disaster Management (published journal article).
2005—2007	Advisor, Brian Williams, B.S. in Undergraduate Studies: Comprehensive Emergency Management.

O-1.13-22  
Cont.



2001— Advisor, Undergraduate GIS Certificate Students (> 100 students).

### Junior Faculty Mentoring

2014— Ran Wei, Department of Geography, University of Utah  
2011—2014 Steven Farber, Department of Geography, University of Utah  
2009—2011 Scott Miles, Dept. of Geography, Western Washington U.  
2009—2011 Timothy W. Collins, Department of Sociology, UT El Paso

### **SERVICE**

#### **Referee Duties**

##### Journals

Applied Geography  
Annals of the Association of American Geographers  
Cartographica  
Computers Environment & Urban Systems  
Disasters  
Environmental Hazards: Policy and Practice  
Geographical Analysis  
Geoinformatica  
International Journal of Geographical Information Science  
Journal of Geographical Systems  
Journal of Transport Geography  
Natural Hazards  
Natural Hazards Review  
Networks and Spatial Economics  
Photogrammetric Engineering and Remote Sensing  
Professional Geographer  
Society & Natural Resources  
Transportation Research A: Policy & Practice  
Transportation Research B: Methodological  
Transportation Research C: Emerging Technologies  
Transactions in GIS

##### National Science Foundation Panels

Decision Risk and Uncertainty (1)  
Geography and Spatial Science, Doctoral Dissertation Improvement Grant (4)  
Civil & Mech. Systems – Infrastructure Management and Extreme Events (2)  
Civil & Mech. Systems - Rural Resiliency (1)  
NSF and NIH: Big Data (1)  
Hazards SEES: Type 2 (1)

##### Proposals

Center for Disaster Management & Humanitarian Assistance  
Faculty Research Grants, University of Utah (3)

O-1.13-22  
Cont.

### External Promotional Reviews

Full Professor (5), Associate Professor (12)

### **Activities at Professional Conferences**

- 2000 – 2017 **Paper session co-organizer, chair,** "Hazards, GIS and Remote Sensing" session, Annual Meeting of the Association of American Geographers.
- 2002 – 2003 **Paper session organizer, chair, and judge,** "GIS Specialty Group Student Paper Competition," Association of American Geographers Annual Meeting.
- 1999 **Paper session organizer,** "Location Modeling and GIS," Annual Meeting of the Association of American Geographers, Honolulu, Hawaii, March.

### **University Service**

- 2014 – 2017 Member, Academic Senate
- 2014 – 2017 Member, University Promotion & Tenure Advisory Committee (UPTAC)
- 2011 – Member, Social Science General Education Committee
- 1999 – 2009 Delegate, University Consortium for GIScience
- 2013 Member, Graduate Research Fellowship (GRF) Committee
- 2010 – 2012 Member Student Evaluations Committee, Undergrad. Studies
- 2009 – 2012 Member, Graduate Council, College of Soc. and Beh. Science
- 2003 – 2004 Member, Instit. Review Board (IRB) Protocol Committee
- 2001 – 2004 Member, Social Science General Education Committee

### **College Service: Social & Behavioral Science**

- 2014 – Chair, Review, Promotion & Tenure Committee
- 2012 – 2014 Member, College Review, Promotion, & Tenure Committee
- 2015 Member, Superior Teaching Committee
- 2011 – 2012 Chair, Superior Teaching Committee
- 2007 Member, Search Committee, Inst. of Public and Intern Affairs
- 2005, 2006 Member, Superior Research Committee
- 2002, 2004 Member, Superior Teaching Committee

### **Departmental Service: Geography**

- 2015 – Member, Undergraduate Committee
- 2014 – Representative, University Academic Senate
- 2014 – Director, Certificate in Hazards & Emergency Management
- 2014 Author, Proposal for Cert. in Hazards & Emergency Manage.
- 2012 – Chair, Review, Promotion & Tenure Committee
- 2013 Chair, Search Committee for GIScience Position
- 2012 Co-author, Proposal for MS in GIScience

O-1.13-22  
Cont.

## Comment Letters

---

2011 – 2012	Director of Graduate Studies
2010	Search Committee Chair, Human Geography Position
2004 – 2015	Member, Graduate Admissions Committee
2004 – 2008	Member, Colloquium Committee
2000 –	Chair, Geographic Information Science Area Committee

↑  
O-1.13-22  
Cont.  
↓

# ATTACHMENT 2

↓  
O-1.13-23

## Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure

Thomas J. Cova · David M. Theobald ·  
John B. Norman III · Laura K. Siebeneck

© Springer Science+Business Media B.V. 2011

**Abstract** Residential development in fire-prone areas of the western United States is a growing concern. The steady addition of homes to this region places more people and property at risk each year. In many areas housing is increasing without commensurate improvements in the road network, particularly in regards to the number, capacity and arrangement of community exit roads. This results in steadily increasing minimum evacuation times, as each additional household contributes to potential evacuation travel-demand in a wildfire. The goal of this research is to perform a comprehensive geographic search of the western U.S. for communities in wildfire-prone areas that may represent difficult evacuations due to constrained egress. The problem is formulated as a spatial search for fire-prone communities with a high ratio of households-to-exits and solved using methods in spatial optimization and geographic information systems (GIS). The results reveal an initial

inventory and ranking of the most difficult wildfire evacuations in the West. These communities share a unique vulnerability in that all residents may not be able to evacuate in scenarios with short warning time. For this reason they represent prime candidates for emergency planning, and monitoring their development is a growing need.

**Keywords** Evacuation · Wildfire · Transportation

### Introduction

Residential development in fire-prone areas of the western U.S. (hereafter referred to as the West) is a growing concern. The ongoing addition of homes to areas in or near wildlands (commonly referred to as the wildland-urban interface or WUI) places more people and property at risk each year (Cohen 2000; Haight et al. 2004; Radeloff et al. 2005; Spyatos et al. 2007). Theobald and Romme (2007) estimate that residential development in fire-prone areas in the West expanded by 52% from 1970 to 2000, and the WUI now constitutes more than 12.5 million homes on 465,000 km<sup>2</sup>. At the same time, climate change is altering the drought cycle through precipitation and temperature regimes leading to an increase in fire frequency and associated forest consumption (Westerling et al. 2006). Stephens et al. (2009) credit exurban development in fire prone areas combined with extreme, drought-induced wildfire events for a geometric increase in structure loss in recent decades.

T. J. Cova (✉)  
Department of Geography, Center for Natural  
and Technological Hazards, University of Utah,  
Salt Lake City, UT 84112-9155, USA  
e-mail: cova@geog.utah.edu

D. M. Theobald · J. B. Norman III  
Department of Fish, Wildlife, and Conservation Biology,  
Natural Resource Ecology Laboratory, Colorado State  
University, Fort Collins, CO, USA

L. K. Siebeneck  
Department of Public Administration,  
University of North Texas, Denton, TX, USA

Published online: 22 May 2011

 Springer

O-1.13-23  
Cont.

In most cases housing units are added to fire-prone canyons and hillsides without improving the road infrastructure. This means that although new roads may be added to a community to support the development of additional homes, an improvement in the number, direction, and capacity of the primary exits is much less common. This has implications for future evacuations, as exiting roads can place a significant constraint on clearing a community of its residents in an urgent scenario, or one with little warning time (Lindell and Perry 2004; Gill and Stephens 2009). In short, the minimum evacuation time of a community increases incrementally with each new household, as its occupants may contribute to potential evacuation travel demand in a wildfire (Cohn et al. 2006; Dash and Gladwin 2007; Mozumder et al. 2008). At the same time, there is growing concern that the fuel to support an intense wildfire in many communities is accumulating from the addition of wood structures, as well as the suppression of wildfires near populated areas. For this reason, Schoennagel et al. (2009) concluded that strengthening evacuation planning is needed in the WUI, as well as assisting public agencies in coordinating fuel-reduction treatments.

The primary result of the tandem increase in fuel and minimum evacuation times is a steady spiral upward in fire hazard and human vulnerability (Cutter et al. 2000) in many communities. This has been laid bare by enormous losses in recent wildfire events throughout the West, many of which also demonstrate that urgent evacuations can be impeded by limited road infrastructure. Two recent examples include the 2008 Tea Fire and 2009 Jesusita Fire in Santa Barbara County. The Tea Fire, which started just north of the town of Montecito, allowed proximal households less than an hour to evacuate, leading to the extreme case where Westmont College chose to recommend shelter-in-place in a gymnasium for an estimated 800 students, as there was not enough time to ensure that all students could safely leave on the campus roads before the fire arrived. In the 2009 Jesusita Fire, which started just north of the city of Santa Barbara, traffic congestion occurred during an evacuation of Mission Canyon when residents that had been monitoring the fire for days were caught off guard by a sudden increase in the fire's spread-rate and intensity toward their community. This resulted in highly concentrated evacuation travel demand on narrow roads in low visibility due to smoke.

Given this tandem increase in threat (fuel) and exposure (housing and residents) in fire-prone communities throughout the West, emergency planning and mitigation is a growing need (Perry 1985; Tierney et al. 2001; Platt 2006). The level of preparedness among the residents of these areas varies substantially, as evacuation planning is not required in fire-prone communities in the U.S. However, there are many efforts underway, local to national, to address the broader problem of ongoing development in fire-prone areas from many perspectives (Moritz and Stephens 2008). One step toward improving the allocation of planning and response resources in the WUI is a comprehensive geographic assessment of the potential for road infrastructure to impede an evacuation. For example, what fire-prone communities in the West have relatively few exits and a high density of housing units? How are these communities distributed across the eleven states that make up the West? What canyons and hillside communities represent the worst (most constrained) potential evacuations in the West? Answers to these questions would help initially focus emergency planning efforts and resources on communities with the greatest need (Cova and Johnson 2002; Church and Sexton 2002; Wolshon and Marchive 2007; Chen and Zhan 2008).

The goal of this research is to systematically search the western U.S. for fire-prone communities that have the greatest potential to experience evacuation problems due to road infrastructure constraints. Although this geographic variation has been studied at the scale of an individual city (Cova and Church 1997; Church and Cova, 2000), a broad-scale search and comparison of communities across the 11 Western U.S. states represents uncharted territory. The next section provides background on the problem including a discussion of concepts and prior work. The "Methods" Section reviews the data sources, pre-processing and spatial optimization modeling. The "Results" Section presents the findings, and the paper concludes with a discussion of the strengths, weaknesses, implications and potential for further research.

## Background

The problem of performing a search for neighborhoods that may be difficult to evacuate due to constraints imposed by road infrastructure was presented by Cova and Church (1997). The concept of

O-1.13-23  
Cont.



*egress*, or a means of exiting an area, is central to this work. The process of developing measures of egress is similar to developing spatial accessibility measures in general, but with a particular focus on the ease (or lack of ease) with which a threatened population can leave an area in an emergency. The initial measure applied in this work was the ratio of population in an area (demand) to the number of lanes in the set of exit roads (supply). This was extended to the concept of "bulk lane demand" where the numerator was changed to an estimate of the number of vehicles that might be used in a worst-case evacuation (i.e. the case where most of the community is at home) (Church and Cova 2000). While egress is rarely the binding constraint in evacuations as most events allow sufficient lead time to clear an area safely, it can represent a bottleneck in urgent scenarios when travel demand exceeds the capacity of the roads (Cova and Johnson 2002).

One of the initial problems in searching for neighborhoods with a high demand-to-capacity ratio is the definition of an "exit" when the evacuation zone boundary is not pre-defined (Cova 2005). One way to approach this problem is to search for the most constraining bottleneck-set (exit links) for a set of contiguous intersections (nodes). This set of network arcs that connects the nodes to the rest of the network is referred to as the minimum "cut set" in graph theory, as it represents the fewest arcs that, when removed, separate a node set (community) from the rest of the road network. For example, if a community has only one exit, the cut-set is easily identified as this link, but if there are two or more exits, the search for the minimum cut-set in a complex road network is a combinatorial optimization problem. If the minimum cut-set is large (e.g. 5 or more arcs), then the community that depends on these arcs would not generally be considered constrained by road infrastructure in an evacuation, but this depends to a large degree on the housing density, the configuration of the road network, and the urgency of an evacuation scenario (i.e. travel demand in space and time).

To address the combinatorial search for neighborhoods that might be difficult to evacuate from the set of all possible evacuations, Cova and Church (1997) presented an integer programming (IP) model called the Critical Cluster Model (CCM). The focus of this model is maximizing the ratio of population-to-exits for a fixed "root node" and associated scale limit (in

nodes) in a larger network. While the CCM defined the problem, it can only be solved optimally on very small networks, and the search in real (larger) road networks is performed with a heuristic region-growing algorithm. This algorithm treats each node in a road network as a separate local problem by posing the question, "What is the worst-case evacuation (greatest ratio of population-to-exits) that this node might experience within a limited scale?" Scale in this context is defined as a node limit that represents a form of network-based search window. Thus, an example search might entail finding the set of contiguous intersections (nodes) that represents the worst-case evacuation (greatest demand to exiting lanes) within which a household assigned to that intersection (or node) might experience.

The CCM and associated region-growing heuristic were originally applied to a city network on the order of 5,000 nodes. Given that each node represents a separate sub-problem in a road network, the procedure can be applied to a network of any size. In other words, the computational effort to solve the CCM for each node is not an exponential function of the total number of nodes in the network. Rather, it is a linear function of the number of nodes, as a network of  $n$  nodes requires the heuristic to be solved  $n$  times, once at each node. However, the heuristic process is an exponential function of the search window (in nodes). For example, as the search window around a given node is expanded, the solution time to find the node-set that maximizes the ratio of demand (e.g. population, vehicles, housing) to supply (e.g. exiting roads) increases exponentially. Thus, the search can be performed on a network of any size, but the time to solve a given instance of the problem increases rapidly with the scale limit (or search window). Nonetheless, with a reasonably sized search window and modern desktop computing power, a much larger network can be analyzed than addressed in prior studies.

## Methods

### Study area and data

The primary challenge in this project is the extent of the study area. In moving from the city-scale to the eleven western U.S. states, the initial hurdle was acquiring and pre-processing the required data sets.

O-1.13-23  
Cont.

Two layers were needed—one representing the fire hazard at a level of detail sufficient enough to assign a hazard level to each node in a road network, and one representing the road network itself with each housing unit (single or multi-family structure) assigned to its closest intersection (or node). The general approach was to use the fire-hazard layer to screen the road network data, so as to only include roads in fire-prone areas—or a WUI roads layer. This greatly reduced the size of the road network by screening urban areas that have little to no wildfire risk. For example, the downtown centers of major cities (e.g. Denver, Phoenix, and San Francisco) were not included in the WUI road data set because they are not prone to wildfires. Other more remote areas with little to no fire hazard (e.g. agricultural land, deserts) were also removed, but these areas typically have sparse roads, so this reduction had less impact on the size of the resulting WUI roads layer (nodes and arcs) than the removal of urban areas. We used a national roads database (ESRI StreetMap 2006), which was pre-processed and separated into 12 files (10 states and Southern and Northern California).

The fire-hazard map used in this study is the LANDFIRE dataset (Rollins 2009), which is a 30-m resolution map with fire-hazard categories assigned to each cell. We based the fire hazard on the fire regime categories III and IV—or vegetation types that are characterized by low to stand-replacing severity with a 35–200-year fire frequency. The fire-hazard level of each intersection (node) in the road network was calculated as the proportion of fire-prone raster cells within a 2-mile radius of each node. This yields a 0–1 scale from no fire-hazard (0) to extreme fuel loads in a node's surroundings (1).

We estimated the number of housing units that would evacuate from each intersection (node) in the road network using the method presented in Cova and Church (1997). Thiessen polygons were computed for the network node layer and the number of housing units in each polygon was interpolated using equal-area weighting. To represent housing units, we used estimates based on U.S. Census 2000 block-level data and refined by land ownership, land cover, groundwater well density, and travel time to urban areas (Theobald 2005; Theobald and Romme 2007; Bierwagen et al. 2010). The resulting 1-hectare resolution raster of housing units was re-sampled to 30-m to ensure that a

Thiessen polygon formed around each node would not fall below the resolution of the fire hazard map.

#### Critical cluster model and region growing heuristic algorithm

The heuristic algorithm used in this research begins at a root node and incrementally adds nodes on the (contiguous) fringe of the existing cluster (node set). The fringe is comprised of all nodes that are adjacent to the current cluster at any iteration by one arc (or link). The objective function that the heuristic attempts to maximize is the ratio of housing units in a node cluster (potential demand) to the road capacity that connects it to the rest of the network (supply):

$$\max \frac{P_k}{C_k} \quad (1)$$

where  $P_k$  is the total number of housing units in cluster  $k$  and  $C_k$  is the total link capacity connecting the cluster to the rest of the network. Additional constraints in the CCM include: (1) the root node must be included in the cluster, (2) the cluster must be contiguous, and (3) the cluster must be limited in size (nodes). These constraints can be handled with a region-growing algorithm that begins at a given (root) node and terminates at a pre-defined cluster size (in nodes). In general, a network-based region-growing algorithm begins at a node (constraint 1), grows by adding nodes on the fringe of the current cluster (constraint 2), and terminates when a given cluster size is reached (constraint 3).

At each step the algorithm evaluates all nodes on the fringe of the current cluster using the following growth function (or rule):

$$g_i = \frac{C_k(P_k - a_i)}{P_k(C_k + (o_i - c_i))} \quad (2)$$

where:

- $i$  = index of nodes
- $k$  = index of iteration
- $g_i$  = gain in the objective if node  $i$  is selected
- $P_k$  = total population of cluster at iteration  $k$
- $C_k$  = total exit capacity of cluster at iteration  $k$
- $a_i$  = population at node  $i$
- $o_i$  = new exit capacity node  $i$  would open, if selected

O-1.13-23  
Cont.

$c_i$  = existing exit capacity node  $i$  would close, if selected

This function assigns a value  $g_i$  to each node on the fringe of the current cluster (at each iteration) to specify the gain in the objective value if that node is selected. The algorithm can be run in a straight greedy fashion, in which case the node that most increases the objective function (Eq. 1) is selected, but Cova and Church (1997) demonstrated that a semi-greedy approach (Hart and Shogan 1987) consistently yielded the best results. In this approach, a parameter  $\alpha$  is added to the algorithm to allow the selection of the best node to be within  $\alpha$  percent of the node with the greatest gain value, which is also known as a GRASP approach (Feo and Resende 1989). The algorithm is then re-started  $n$  times from each root node, and the best overall run is saved (i.e. the one with the greatest objective value). One other improvement can be made in that any optimal cluster found from a given root-node can be automatically assigned to all the constituent nodes of that cluster. For this reason, an optimal cluster (i.e. constrained evacuation) will be found in a network if any of its constituent (root) nodes discovers it.

## Results

The search for potentially difficult wildfire evacuations across the West due to limited road infrastructure yielded a wide variety of densely populated communities with high fire-hazard and relatively low egress. The search was accomplished by separating the 11 states that comprise the West (AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, WY) into 12 files, one for each state but two for CA because of its size in terms of nodes and arcs (NoCal and SoCal). The scale limit was set to 100 nodes (or intersections) for the search which means the process was capable of finding relatively complex communities up to 100 contiguous intersections. However, this means that if a low-egress community has over 100 intersections, it would be missed in the search. The implications of this threshold are that changing the scale-limit would yield a different ranking of low-egress communities because larger ones could be included that were not seen at a smaller scale limit. However, this limitation would exist at any selected threshold, and for the purposes of this project, 100 nodes was deemed a

sufficient scale limit to locate the low-egress communities that had been discovered visually in prior manual searches.

Table 1 summarizes the input data, which represented a significant geo-computational challenge (Cutler 2003). The data for each state consists of an ESRI Shapefile™ of the road network with node attributes that include the fire-hazard for each node and the respective number of housing units assigned to that node (i.e. closest assignment from Thiessen polygons). This GIS-based data was used to generate a network text-file for input into the heuristic algorithm described in Section "Methods". The heuristic algorithm was set to run in a semi-greedy fashion with 25 re-starts at each node and an alpha parameter of 0.90, and the run times ranged from 15 to 60 min depending on the number of nodes in a given file (i.e. file sizes ranged from Wyoming at 97,980 nodes to SoCal at 481,899). The results of the algorithm runs were then rejoined to the appropriate Shapefile™ for each state to visualize and map the results.

Another challenge in performing this search was defining the minimum fire hazard that must be present in a community for it to qualify as "wildfire prone" and the minimum level of egress for it to be considered a "constrained" evacuation. Initial searches without regard to the fire-hazard level in a community yielded thousands of low-egress communities, many that would not be considered fire-prone. The higher the threshold

**Table 1** A summary of the network input data for the 11 western states

State	Nodes	Arcs	Housing units	Mean fire hazard
AZ	206,381	261,776	418,346	0.64
SoCal	481,899	638,032	6,438,861	0.63
NoCal	171,406	209,408	968,636	0.50
CO	196,720	234,151	413,066	0.73
ID	192,480	238,915	398,382	0.74
MT	162,594	189,335	218,789	0.72
NM	202,263	249,134	334,235	0.64
NV	97,980	123,664	186,303	0.69
OR	310,886	360,412	927,770	0.70
UT	162,206	196,011	493,514	0.70
WA	299,781	368,642	1,522,378	0.67
WY	123,186	161,842	97,401	0.81
Total	2,607,782	3,231,322	12,417,680	



that defines the minimum required fire-hazard for a given node cluster (or community) to be considered wildfire-prone, the fewer communities that will found. Similarly, the higher the threshold that defines the minimum ratio of households-to-exits for a community to be considered a "constrained" evacuation, the fewer communities that will be returned. To develop an initial list of communities, we set the median fire hazard in a community (node set) to a minimum of 0.7 on a scale of 0–1 and the minimum ratio of households-to-exits to 200 (e.g. a community with 200 homes and 1 exit). The median fire-hazard threshold was more effective than the mean fire hazard because many nodes had a fire hazard level of 0, and the mean is very sensitive to outliers. This yielded a host of communities with relatively high fire-hazard and low egress in regards to an urgent evacuation scenario (Fig. 1).

While the dots in Fig. 1 depict the spatial clustering and arrangement of some of the communities that were found, Figs. 2, 3, 4 show a representative selection of communities. Figure 2 depicts the Glen Oaks Canyon subdivision in Glendale, California. This community has an estimated 776 homes and 1 exit ( $776/1 = 776$  households-per-exit). Figure 3 depicts the Dillon Lake Area of Silverthorne, Colorado which has an estimated 743 homes and 2 exits ( $743/2 = 371.5$  homes per exit). Figure 4 shows Bryant Ranch in Yorba Linda, California which has an estimated 1,222 homes and 3 exits ( $1,222/3 = 407.3$  homes per exit). All three of these communities met the minimum wildfire-hazard level to qualify as fire-prone, but the actual fuel loads in and around each community returned by the search varied significantly. However, these three cases provide sufficient evidence that, despite the large extent of the search (11 states) relative to the level of detail (individual intersections and street segments), the approach presented locates communities that would represent challenging wildfire evacuations.

Tables 2, 3 and 4 show the top communities that were found across the West sorted by the objective value of the ratio of households-to-exits. The tables are separated into communities with 1-exit, 2-exits and 3-exits because the infrastructure vulnerability of these three sets of communities is qualitatively different. While a community with 2 or 3 exits might have a higher ratio of households-to-exits than one with 1 exit, the additional exits provide the community with a backup plan if one (or more) exits is lost

to a wildfire or traffic accident. Communities with one exit would be in a shelter-in-place only (e.g. active home-defense) scenario if the sole exit was removed (Handmer and Tibbits 2005; Pavaglio et al. 2008; McCaffrey and Rhodes 2009; Cova et al. 2009; Stephens et al. 2009).

A dominant theme in these tables is the prevalence of Southern Californian (SoCal) communities in the ranking. SoCal has a very unique combination of high fire-hazard, dense population, and topographic constraints that has resulted in scores (if not hundreds) of fire-prone, low-egress developments. Although other western states (including Northern California) may have a similar combination of wildfire hazard and low egress in isolated locales, no region in the West comes close to the widespread coincidence of fire and egress factors present in Southern California.

## Discussion

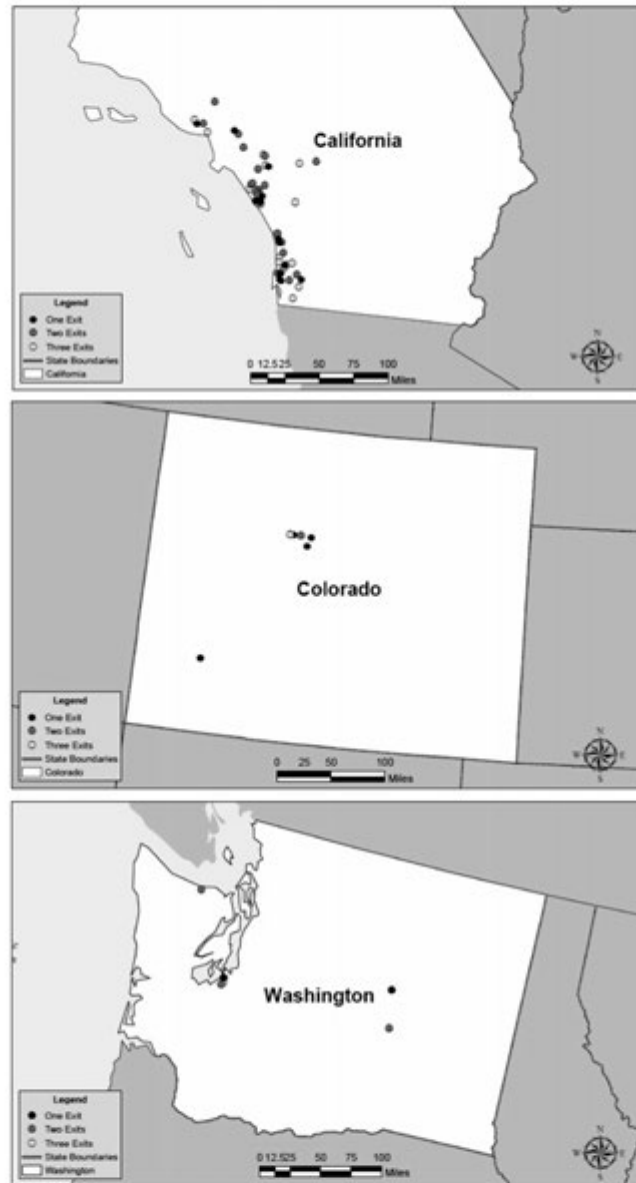
This work provides the first analysis of fire-prone, low-egress communities for a broad geographic extent. The results provide a rigorous comparison of communities in the arid West that may be useful for prioritizing efforts to mitigate or monitor the risk of wildfire events to canyon and hillside communities. Although the findings using this approach were promising, the results of the search can only be considered an initial step toward enumerating and ranking fire-prone, low-egress communities in the U.S. We caution that there are many hurdles in terms of data quality, methods, and validation that stand in the way of strong statements regarding the completeness or quality of the resulting list. This limitation arises primarily from the extent of the study area (11 western states) relative to the level of detail of the analysis (intersections).

From a data quality perspective, there are many issues to be addressed. GIS-based street network data can have missing links and nodes which can lead to results that differ significantly from reality. For example, a missing exit in the network data might lead a 2-exit community to appear as a 1-exit community in the computed ranking, effectively doubling its ratio of households-to-exits. The housing data is also dated and should be updated to the 2010 U.S. Census. From a methodological point of view, there are a number of sources of error and uncertainty that can lead to limitations in the results. This spans many step of the

O-1.13-23  
Cont.

GeoJournal

**Fig. 1** Fire-prone, low-egress communities (1-3 exits) in California, Colorado and Washington



O-1.13-23  
Cont.



**Fig. 2** The Glen Oaks Canyon subdivision in Glendale, CA has an estimated 776 homes and 1 exit (Image source: Google Maps)



**Fig. 3** The Dillon Lake Area in Silverthorne, CO has a community with an estimated 743 homes and 2 exits (Image source: Google Maps)

process from: (1) the creation and assignment of fire-hazard levels to the network nodes (Finney 2005), (2) the assignment of housing units to nodes, and (3) the heuristic nature of the search algorithm.

Another source of uncertainty arises from using housing units as a proxy for travel demand in an emergency without including the time-dependency of the presence of residents. Many of the communities that were found in this search are ski resorts and country clubs, as these facilities can have a very high density of housing units and few exits. This is generally due to either their topographic context or a desire for social exclusivity. For

the ski-resort case, occupancy levels during the peak fire season in the northern hemisphere (May–Oct) may be much lower (e.g. less than 50%) than the winter months, but summer use in these areas is increasing (Riebsame et al. 1996). This makes housing units an imperfect measure of potential wildfire-evacuation travel-demand. In terms of the country-club example, the fire hazard may not be as high as the method in this paper implies because the landscaped vegetation in many of these areas is not very fire prone. These issues among others represent fertile areas for improving the overall search process and comparison of fire-prone, low-egress communities.





**Fig. 4** Bryant Ranch in Yorba Linda, CA has an estimated 1,222 homes and 3 exits (*Image source: Google Maps*)

#### Conclusion

The WUI now comprises a large and growing number of homes, and many of these communities have relatively few exits and a growing housing density. The goal of this research was to perform a comprehensive geographic search for fire-prone, low-egress

communities in the West. The results yielded a wide variety of communities across 11 states with an egress ratio of greater than 200 households-to-exits (and in select cases much higher). These communities represent challenging evacuations in cases when warning time is short. Although we presented an initial ranking of communities that represent the most

**Table 2** The top communities in the West with median fire hazard above 0.7 (0–1) and 1 exit

Rank	Nodes	Fire haz	Homes	Exits	Homes-to-exits	Lat	Long	State
1	57	0.75	806.4	1	806.4	33.167	-117.134	SoCal
2	59	0.70	803.6	1	803.6	33.192	-117.319	SoCal
3	64	0.90	776.7	1	776.7	34.152	-118.211	SoCal
4	79	0.95	755.9	1	755.9	39.627	-106.417	CO
5	51	0.84	748.3	1	748.3	39.619	-106.100	CO
6	75	0.88	630.7	1	630.7	39.593	-106.010	CO
7	47	0.81	597.1	1	597.1	39.474	-106.058	CO
8	66	0.86	571.7	1	571.7	32.941	-117.158	SoCal
9	13	0.74	560.2	1	560.2	34.169	-118.530	SoCal
10	44	0.83	552.7	1	552.7	33.150	-117.291	SoCal
11	9	0.77	535.4	1	535.4	39.501	-106.158	CO
12	23	0.88	527.6	1	527.6	47.201	-122.514	WA

Table 2 continued

Rank	Nodes	Fire huz	Homes	Exits	Homes-to-exits	Lat	Long	State
13	31	0.82	514.9	1	514.9	33.881	-117.661	SoCal
14	85	0.84	501.2	1	501.2	33.000	-117.184	SoCal
15	93	0.84	500.4	1	500.4	37.932	-107.855	CO
16	41	0.89	467.8	1	467.8	34.130	-118.723	SoCal
17	41	0.75	467.0	1	467.0	47.49	-122.693	WA
18	35	0.77	458.4	1	458.4	32.833	-116.898	SoCal
19	8	0.79	457.0	1	457.0	32.778	-117.181	SoCal
20	43	0.85	441.3	1	441.3	33.229	-117.141	SoCal
21	19	0.75	436.5	1	436.5	35.144	-106.546	NM
22	19	0.75	435.3	1	435.3	33.572	-117.653	SoCal
23	20	0.76	434.2	1	434.2	34.115	-117.765	SoCal
24	3	0.71	428.5	1	428.5	34.726	-120.511	SoCal
25	5	0.77	425.2	1	425.2	47.11	-122.582	WA
26	22	0.86	423.7	1	423.7	33.746	-117.924	SoCal
27	9	0.77	423.2	1	423.2	33.508	-117.721	SoCal
28	24	0.80	416.7	1	416.7	32.945	-117.206	SoCal
29	49	0.84	399.2	1	399.2	33.559	-117.695	SoCal
30	5	0.90	394.9	1	394.9	33.819	-118.013	SoCal
31	11	0.76	394.7	1	394.7	32.772	-117.170	SoCal
32	19	0.70	394.0	1	394.0	33.660	-117.644	SoCal
33	11	0.88	389.4	1	389.4	32.922	-117.114	SoCal
34	22	0.82	383.0	1	383.0	32.789	-117.181	SoCal
35	100	0.77	378.9	1	378.9	40.624	-111.488	UT
36	38	0.88	375.4	1	375.4	47.551	-119.452	WA
37	25	0.75	373.3	1	373.3	32.784	-117.159	SoCal
38	38	0.74	372.8	1	372.8	33.517	-117.657	SoCal
39	20	0.89	370.6	1	370.6	32.850	-117.187	SoCal
40	9	0.77	368.2	1	368.2	32.837	-116.903	SoCal

Table 3 The top communities in the West with median fire hazard above 0.7 (0-1) and 2 exits

Rank	Nodes	Fire huz	Homes	Exits	Homes-to-exits	Lat	Long	State
1	64	0.77	1,865.1	2	932.6	34.410	-118.452	SoCal
2	60	0.74	1,862.1	2	931.1	33.617	-117.716	SoCal
3	90	0.73	1,729.5	2	864.8	33.686	-117.652	SoCal
4	5	0.84	1,717.8	2	858.9	47.121	-122.526	WA
5	88	0.83	1,558.7	2	779.4	33.161	-117.265	SoCal
6	64	0.81	1,353.7	2	676.8	32.807	-117.056	SoCal
7	37	0.74	1,322.8	2	661.4	33.598	-117.705	SoCal
8	100	0.97	1,287.2	2	643.6	39.640	-106.405	CO
9	72	0.74	1,145.7	2	572.9	32.872	-116.973	SoCal
10	58	0.70	1,125.1	2	562.5	33.492	-117.671	SoCal
11	32	0.71	1,098.5	2	549.3	33.739	-117.847	SoCal

Geojournal

Table 3 continued

Rank	Nodes	Fire haz	Homes	Exits	Homes-to-exits	Lat	Long	State
12	60	0.81	1,002.4	2	501.2	33.595	-117.735	SoCal
13	78	0.84	939.8	2	469.9	33.230	-117.350	SoCal
14	89	0.82	907.7	2	453.9	32.847	-117.224	SoCal
15	43	0.78	889.5	2	444.7	33.661	-117.831	SoCal
16	100	0.75	866.2	2	433.1	33.824	-117.786	SoCal
17	16	0.83	865.2	2	432.6	32.918	-117.139	SoCal
18	45	0.88	852.4	2	426.2	32.858	-117.192	SoCal
19	68	0.81	835.5	2	417.8	33.535	-117.670	SoCal
20	43	0.87	830.5	2	415.2	34.147	-118.827	SoCal
21	100	0.94	790.9	2	395.5	48.075	-123.375	WA
22	82	0.90	773.1	2	386.5	34.147	-118.638	SoCal
23	69	0.70	772.1	2	386.1	34.198	-118.917	SoCal
24	77	0.93	766.7	2	383.4	32.908	-117.066	SoCal
25	33	0.78	764.9	2	382.5	33.673	-117.815	SoCal
26	54	0.81	756.4	2	378.2	33.571	-117.710	SoCal
27	50	0.72	751.0	2	375.5	34.390	-118.560	SoCal
28	57	0.74	745.8	2	372.9	33.970	-117.739	SoCal
29	68	0.86	734.6	2	367.3	39.630	-106.288	CO
30	60	0.80	733.3	2	366.7	32.961	-117.231	SoCal
31	64	0.76	733.0	2	366.5	33.662	-117.976	SoCal
32	100	0.74	716.7	2	358.4	33.505	-117.636	SoCal
33	44	0.76	710.9	2	355.4	33.496	-117.697	SoCal
34	99	0.71	687.9	2	344.0	47.135	-119.323	WA
35	95	0.91	686.3	2	343.1	33.063	-117.215	SoCal
36	8	0.98	678.6	2	339.3	34.124	-118.148	SoCal
37	61	0.85	676.5	2	338.2	33.550	-117.729	SoCal
38	16	0.87	676.0	2	338.0	32.937	-117.116	SoCal
39	6	0.80	674.4	2	337.2	34.030	-117.056	SoCal
40	40	0.73	661.8	2	330.9	34.007	-118.042	SoCal

Table 4 The top communities in the West with median fire hazard above 0.7 (0–1) and 3 exits

Rank	Nodes	Fire haz	Homes	Exits	Homes-to-exits	Lat	Long	State
1	91	0.79	4,700.3	3	1,566.8	33.767	-118.086	SoCal
2	76	0.75	2,070.9	3	690.3	33.607	-117.715	SoCal
3	39	0.86	1,557.4	3	519.1	47.142	-122.504	WA
4	51	0.80	1,517.2	3	505.7	33.603	-117.737	SoCal
5	80	0.76	1,264.7	3	421.6	33.582	-117.207	SoCal
6	90	0.83	1,241.9	3	414.0	32.947	-117.141	SoCal
7	94	0.87	1,228.5	3	409.5	33.981	-117.765	SoCal
8	77	0.76	1,221.9	3	407.3	33.877	-117.702	SoCal
9	90	0.83	1,152.2	3	384.1	33.612	-117.750	SoCal
10	47	0.79	1,147.9	3	382.6	33.777	-118.387	SoCal

O-1.13-23  
Cont.

Table 4 continued

Rank	Nodes	Fire haz	Homes	Exits	Homes-to-exits	Lat	Long	State
11	91	0.81	1,131.1	3	377.0	33.233	-117.337	SoCal
12	71	0.74	1,119.7	3	373.2	33.220	-117.310	SoCal
13	100	0.92	1,108.4	3	369.5	34.137	-118.660	SoCal
14	98	0.79	1,103.8	3	367.9	33.633	-117.569	SoCal
15	86	0.86	1,102.8	3	367.6	39.62	-106.488	CO
16	64	0.83	1,098.0	3	366.0	33.614	-117.836	SoCal
17	74	0.70	1,083.6	3	361.2	32.634	-116.958	SoCal
18	48	0.82	1,080.4	3	360.1	33.515	-117.689	SoCal
19	88	0.83	1,077.1	3	359.0	32.755	-116.915	SoCal
20	89	0.79	1,075.5	3	358.5	33.497	-117.703	SoCal
21	34	0.85	1,073.3	3	357.8	33.756	-117.910	SoCal
22	99	0.74	1,070.3	3	356.8	34.435	-118.484	SoCal
23	99	0.88	1,059.4	3	353.1	34.009	-117.791	SoCal
24	100	0.78	1,059.3	3	353.1	33.975	-117.265	SoCal
25	87	0.88	1,053.5	3	351.2	33.004	-117.248	SoCal
26	81	0.77	1,052.6	3	350.9	32.916	-117.159	SoCal
27	47	0.74	1,045.1	3	348.4	33.783	-118.128	SoCal
28	100	0.77	1,040.9	3	347.0	39.716	-105.171	CO
29	97	0.70	1,040.0	3	346.7	33.490	-117.647	SoCal
30	59	0.83	1,007.0	3	335.7	33.585	-117.742	SoCal
31	31	0.74	1,003.1	3	334.4	33.508	-117.668	SoCal
32	45	0.74	1,000.1	3	333.4	32.980	-117.070	SoCal
33	59	0.73	994.4	3	331.5	32.957	-117.239	SoCal
34	76	0.74	972.7	3	324.2	34.043	-117.859	SoCal
35	34	0.80	962.7	3	320.9	47.262	-122.521	WA
36	59	0.84	958.8	3	319.6	33.875	-117.630	SoCal
37	85	0.87	951.3	3	317.1	34.074	-118.560	SoCal
38	89	0.79	944.5	3	314.8	34.163	-118.768	SoCal
39	66	0.80	918.3	3	306.1	32.643	-117.045	SoCal
40	90	0.79	909.7	3	303.2	33.681	-117.636	SoCal

O-1.13-23  
Cont.

constrained cases in terms of road infrastructure, a significant amount of work remains in improving the overall search process and associated results. In the longer term, there is a need to identify and rank these communities to target them for emergency planning, as well as to encourage local governments to consider the public safety implications of unchecked development in fire-prone areas.

**Acknowledgments** This work was supported by NSF grant CMMI-IMEE #065372. Any opinion, findings, and conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the National Science Foundation.

## References

- Bierwagen, B.G., Theobald, D.M., Pyke, C.R., Choute, A., Groth, P., Thomas, J.V. Morefield, P. (2010). National housing and impervious surface scenarios for integrated climate impact assessments. *PNAS* doi/10.1073/pnas.1002096107.
- Chen, X., & Zhan, F. B. (2008). Agent based modeling and simulation of urban evacuation: Relative effectiveness of simultaneous versus staged evacuation strategies. *Journal of the Operational Research Society*, 59(1), 25–33.
- Church, R. L., & Cova, T. J. (2000). Mapping evacuation risk on transportation networks using a spatial optimization model. *Transportation Research Part C: Emerging Technologies*, 8(1–6), 321–336.

- Church, R.L., and Sexton, R.M. (2002) Modeling small area evacuation: Can existing transportation infrastructure impede public safety? Online: <<http://www.ncgia.ucsb.edu/vital/research/pubs/200204-Evacuation.pdf>>.
- Cohen, J. D. (2000). Preventing disaster: Home ignitability in the wildland-urban interface. *Journal of Forestry*, 98(3), 15–21.
- Cohn, P. J., Carroll, M. S., & Kumagai, Y. (2006). Evacuation behavior during wildfires: Results of three case studies. *Western Journal of Applied Forestry*, 21(1), 39–48.
- Cova, T. J. (2005). Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy? *Natural Hazards Review*, 6(3), 99–108.
- Cova, T. J., & Church, R. L. (1997). Modelling community evacuation vulnerability using GIS. *International Journal of Geographical Information Science*, 11(8), 763–784.
- Cova, T. J., Drews, F. A., Siebeneck, L. K., & Masters, A. (2009). Protective actions in wildfires: Evacuate or shelter-in-place? *Natural Hazards Review*, 10(4), 151–162.
- Cova, T. J., & Johnson, J. P. (2002). Microsimulation of neighborhood evacuations in the urban-wildland interface. *Environment and Planning A*, 34(12), 2211–2229.
- Cutter, S. L. (2003). GIScience, disasters and emergency management. *Transactions in GIS*, 7(4), 439–446.
- Cutter, S. L., Mitchell, J. T., & Scott, M. S. (2000). Revealing the vulnerability of people and places: A case-study of Georgetown, South Carolina. *Annals of the Association of American Geographers*, 90(4), 713–737.
- Dash, N., & Gladwin, H. (2007). Evacuation decision making and behavioral responses: Individual and household. *Natural Hazards Review*, 8(3), 69–77.
- Fao, T. A., & Resende, M. G. C. (1989). A probabilistic heuristic for a computationally difficult set covering problem. *Operations Research Letters*, 8(2), 67–71.
- Finney, M. A. (2005). The challenge of quantitative risk analysis for wildland fire. *Forest Ecology and Management*, 211(1), 97–108.
- Gill, A. M., & Stephens, S. L. (2009). Scientific and social challenges for the management of fire-prone wildland-urban interfaces. *Environmental Research Letters*, 4(3), 10 p.
- Haight, R. G., Cleland, D. T., Hammer, R. B., et al. (2004). Assessing fire risk in the wildland-urban interface. *Journal of Forestry*, 102(7), 41–48.
- Handmer, J., & Tibbits, A. (2005). Is staying at home the safest option in bushfires? Historical evidence for an Australian approach. *Environment Hazards*, 6(2), 81–91.
- Hart, J. P., & Shogan, A. W. (1987). (1987) Semi-greedy heuristics: An empirical study. *Operations Research Letters*, 6(3), 107–114.
- Lindell, M. K., & Perry, R. W. (2004). *Communicating environmental risk in multiethnic communities*. Sage Publications: Thousand Oaks.
- McCaffrey, S. M., & Rhodes, A. (2009). Public response to wildfire: Is the Australian stay and defend or leave early approach an option for wildfire management in United States? *Journal of Forestry*, 107(1), 9–15.
- Moritz, M. A., & Stephens, S. L. (2008). Fire and sustainability: Considerations for California's altered future climate. *Climatic Change*, 87(1), 265–271.
- Mozumder, P., Raheem, N., Talberth, J., & Berrens, R. P. (2008). Investigating intended evacuation from wildfires in the urban-wildland interface: Application of bivariate probit model. *Forest Policy and Economics*, 10(6), 415–423.
- Paveglio, T., Carroll, M. S., & Jakes, P. J. (2008). Alternatives to evacuation—protecting public safety during wildland fire. *Journal of Forestry*, 106(2), 65–70.
- Perry, R. W. (1985). *Comprehensive emergency management: Evacuating threatened populations*. Greenwich, Conn: JAI Press.
- Platt, R. V. (2006). A model of exurban land-use change and wildfire mitigation. *Environment and Planning B: Planning and Design*, 33(5), 749–765.
- Radeloff, V. C., Hammer, R. B., Stewart, S. I., Fried, J. S., Holcomb, S. S., & McKeefry, J. F. (2005). The wildland-urban interface in the United States. *Ecological Applications*, 15(3), 799–805.
- Riebsame, W. E., Gosnell, H., & Theobald, D. M. (1996). Land use and landscape change in the Colorado mountains I: Theory, scale, and pattern. *Mountain Research and Development*, 16(4), 395–405.
- Rollins, M. (2009). LANDFIRE: A nationally consistent vegetation, wildland fire and fuel assessment. *International Journal of Wildland Fire*, 18(3), 235–249.
- Schoennagel, T., Nelson, C. R., Theobald, D. M., Carruth, G. C., & Chapman, T. B. (2009). Implementation of national fire plan treatments near the wildland-urban interface in the western U.S. *Proceedings of the National Academy of Sciences*, 106(26), 10706–10711.
- Spyratos, V., Bourgeron, P. S., & Gail, M. (2007). Development at the wildland-urban interface and the mitigation of forest-fire risk. *Proceedings of the National Academy of Sciences of the United States of America*, 104(36), 14272–14276.
- Stephens, S. L., Adams, M., Handmer, J., Kearns, F., Leicester, B., Leonard, J., et al. (2009). Urban-wildland fires: How California and other regions of the US can learn from Australia. *Environmental Research Letters*, 4(1), 5 p.
- Theobald, D. M. (2005). Landscape patterns of exurban growth in the USA from 1980 to 2020. *Ecology and Society*, 10(1), 32 p.
- Theobald, D. M., & Romme, W. (2007). Expansion of the U.S. wildland urban interface. *Landscape and Urban Planning*, 83(4), 340–354.
- Tierney, K. J., Lindell, M. K., & Perry, R. W. (2001). *Facing the unexpected: Disaster preparedness and response in the United States*. Washington, DC: Joseph Henry.
- Westerling, A. L., Hidalgo, H. G., Cayan, D. R., & Swetnam, T. W. (2006). Warming and earlier spring increases Western U.S. forest wildfire activity. *Science*, 313(5789), 940–943.
- Wolshon, B., & Marchave, E., I. I. I. (2007). Emergency planning in the urban-wildland interface: Subdivision-level analysis of wildfire evacuations. *Journal of Urban Planning and Development*, 133(1), 73–81.

# ATTACHMENT 3

↕ O-1.13-23  
Cont.



# Public Safety in the Urban–Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?

Thomas J. Cova<sup>1</sup>

**Abstract:** Residential development in fire-prone wildlands is a growing problem for land-use and emergency planners. In many areas housing is increasing without commensurate improvement in the primary road network. This compromises public safety, as minimum evacuation times are climbing in tandem with vegetation and structural fuels. Current evacuation codes for fire-prone communities require a minimum number of exits regardless of the number of households. This is not as sophisticated as building egress codes which link the maximum occupancy in an enclosed space with the required number, capacity, and arrangement of exits. This paper applies concepts from building codes to fire-prone areas to highlight limitations in existing community egress systems. Preliminary recommendations for improved community evacuation codes are also presented.

**DOI:** 10.1061/(ASCE)1527-6988(2005)6:3(99)

**CE Database subject headings:** Fire hazards; Evacuation; Access roads; Traffic capacity; Transportation safety; Codes; Public safety; Transportation engineering.

## Introduction

Residential development in fire-prone wildlands is a growing problem for land-use and emergency planners. Easy access to recreation, panoramic scenery, and lower property costs are enticing people to build homes in areas that would otherwise be considered wildlands. This development steadily increased in the United States from the mid 1940s, although local growth rates varied according to economic, demographic, and amenity factors (Davis 1990). At the same time, decades of fire suppression has resulted in a record abundance of fuel in and around many developments (Pyne 1997). This led the Forest Service to recently identify thousands of communities near federal lands as “at risk” to large conflagrations (U.S. Forest Service 2001).

The area where residential structures and fire-prone wildlands intermix is called the urban–wildland interface or wildland–urban interface (Cortner et al. 1990; Ewert 1993; Fried et al. 1999). In much of this area, homes are being added as the primary road network remains nearly unchanged. This is not surprising, as interface communities are often nestled in a topographic context that prohibits the construction of more than a few exiting roads. It is generally too expensive to build a road into a canyon, or onto a hillside, from every direction. Also, residents prefer less access because it reduces nonresident traffic. A common road-network addition is a cul-de-sac that branches off an existing road to add more homes.

Incremental planning in fire-prone areas has a number of adverse impacts (e.g., wildfire effects, open space decline), but the focus in this paper is evacuation egress. “Egress” is defined as a means of exiting, and it can be viewed as accessibility out of an area in an evacuation. When a wildfire threatens a community, residents generally evacuate in a condensed time either voluntarily or by order. In past urban wildfires with short warning time, limited egress has proven to be a problem (“Charing cross bottleneck was a big killer” 1991; Office of Emergency Services 1992). Sheltering-in-place is a competitive protective action when there is not enough time to escape or a homeowner wishes to remain behind to protect property, but it is much less tested than evacuation in wildfires. However given increasing housing densities in fire-prone areas without commensurate improvements in the primary road network, the case for sheltering-in-place is gaining ground. This leads to an important question: “How many households is too many?” Or alternatively, “What is the maximum occupancy of a fire-prone community?”

Maximum occupancies are well defined and enforced in building safety, and it is common to see the maximum number of people allowed in an assembly hall posted clearly on the wall. This concept has not been applied to community development in fire-prone areas, although the broader terms of “access” and “egress” appear in contemporary codes (National Fire Protection Association 2002; International Fire Codes Institute 2003). Egress standards are currently defined in terms of minimum exit-road widths, or a minimum number of exits, without regard to how many people might rely on the exits. This is less sophisticated than building egress codes which link the maximum expected occupancy of an enclosed space with the required number, capacity, and arrangement of exits (Côté and Harrington 2003). Building egress codes have been hard earned over nearly a century of research, refinement, and loss of life (Richardson 2003).

The purpose of this paper is to apply egress concepts drawn from building fire safety to community egress in fire-prone areas. Although these concepts and codes were originally developed for

<sup>1</sup>Associate Professor, Dept. of Geography, Center for Natural and Technological Hazards, Univ. of Utah, 260 S. Central Campus Dr., Rm. 270, Salt Lake City, UT 84112-9155. E-mail: cova@geog.utah.edu

Note. Discussion open until January 1, 2006. Separate discussions must be submitted for individual papers. To extend the closing date by one month, a written request must be filed with the ASCE Managing Editor. The manuscript for this paper was submitted for review and possible publication on October 7, 2004; approved on February 15, 2005. This paper is part of the *Natural Hazards Review*, Vol. 6, No. 3, August 1, 2005. ©ASCE, ISSN 1527-6988/2005/3-99–108/\$25.00.

O-1.13-23  
Cont.



**Fig. 1.** Looking west at narrow roads surrounding 1991 Oakland-Berkeley fire origin

small-scale, indoor spaces, they have potential utility in fire-prone communities. The first section reviews background on the growing urban-wildland egress problem. The next section reviews basic means-of-egress concepts defined in building codes. A method is presented to compare community egress systems based on concepts and standards from building safety that includes preliminary recommendations for new community egress codes. The paper concludes with a discussion of improvements that can be made to community egress systems.

#### Growing Urban-Wildland Egress Problem

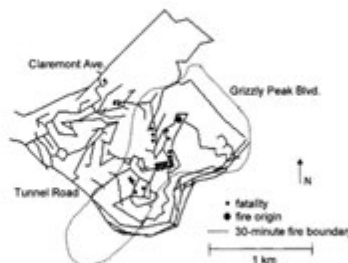
##### Representative Communities

There are literally thousands of fire-prone communities in the West with a static road network and steadily increasing housing stock. This section briefly examines 2 representative examples. To date, the dominant focus of planners and residents in these communities has been structure protection with much less attention focused on egress issues. This may be due to the fact that property loss in wildfires is much more common than loss of life. Poor egress in interface communities is generally the result of narrow roads, irregular intersections, and few exits. In most of these areas the likelihood of an extreme fire is increasing in tandem with the vulnerability created by steadily climbing minimum evacuation times. Without fire to rejuvenate the ecological system, vegetation advances toward its fire recurrence interval as home construction adds additional fuel, residents, and vulnerability (Rodrigue 1993; Radke 1995; Cohen 2000; Cutter 2003).

##### Buckingham, Oakland, Calif.

Fig. 1 shows the neighborhood at the origin of the 1991 Oakland-Berkeley Fire 4 years after the fire. Without vegetation to obscure the view, it is clear that the road network is a maze of narrow streets. The photo was taken during the initial rebuilding process when hazard abatement procedures were being considered. At the time of the fire there were 337 homes in this neighborhood with four exits. The fire blocked the two primary exits in its first 1/2 h (Tunnel Road east and west), leaving the remaining residents two narrow, uphill exits. Most of these residents chose to leave on Charing Cross Road, a 13 ft wide afterthought that was not designed to handle this volume. Many of the fatalities (Fig. 2) were residents caught in or near their cars at the end of a traffic queue when the fire passed.

100 / NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005



**Fig. 2.** Fatalities, fire origin, and approximate 30 min fire boundary in 1991 Oakland-Berkeley fire

##### Mission Canyon, Santa Barbara, Calif.

Mission Canyon is a community just northwest of downtown Santa Barbara, Calif. that is adjacent to a chaparral ecosystem. The basic road network geometry was established in the 1930s and has changed little since (Fig. 3). In 1938 there were four households in the upper canyon using two exits (shown in white), but by 1990 there were more than 400 households relying on the same two exits. All households north the two exits (above) must use one of these two exits to leave, but households south of these exits (below) have more exiting options. The area was originally grasslands, but today it contains a significant amount of flammable, non-native vegetation (e.g., Eucalyptus) intermixed with wood structures. Prior evacuation studies have concluded that



**Fig. 3.** Mission Canyon in 1938 (4 homes, 2 exits in white) and 1990 (400+ homes, same 2 exits in white)

Nat. Hazards Rev. 2005.6:99-108.

O-1.13-23  
Cont.

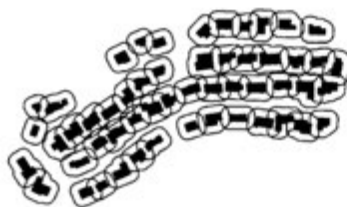


Fig. 4. Overlapping home ignition zones in fire-prone neighborhood (30 ft defensive-space buffer)

clearing upper Mission Canyon in the event of a wildfire would be relatively difficult (Cova and Church 1997; Law 1997; Church and Sexton 2002).

#### Protective Actions in Wildfires

Protective actions in a wildfire differ from a building fire in that sheltering-in-place in a structure, water body or safe zone (e.g., parking lot or golf course) is possible. This distinction is important because it means that evacuating a community may not be the best protective action in some cases (Krusel and Petris 1992). However, these cases can be difficult to assess during an event. Given more than enough time to evacuate, this is generally the best option for protecting life. If there is little to no time to evacuate, sheltering-in-place is likely the best option because evacuees risk being overcome by the fire in transit with much less protection than offered by a shelter. In the middle lies a gray area where evacuating may be the best option. As strongly as many experts feel about this issue (Wilson and Ferguson 1984; Decker 1995; Packman 1995; Oaks 2000), the uncertainty associated with a scenario can be too great to definitively state the best protective action. It depends on the quality of a shelter, road network geometry, fire intensity, wind speed and direction, visibility, travel demand, water availability and many other factors that are difficult to assess and synthesize under pressure.

A key hurdle in advising people to shelter-in-place in their homes is that not all structures are defensible. A defensible structure offers its occupants sufficient protection to withstand a passing wildfire. This is embodied in the concept of a "home ignition zone," or the area immediately surrounding a structure where ignition is feasible (Cohen 2000). Structures are not defensible if their ignition zones contain substantial fuel, adjacent ignition zones overlap, or both. If ignition zones overlap, then creating a defensible space would require homeowners to clear their neighbors' vegetation (Fig. 4). In other words, the wood structures in this figure are not defensible and an ignition chain reaction is possible. In cases where structures are sufficiently spaced, vegetation and other fuel within the home ignition zone can also render a structure indefensible. This is common because residents in these areas generally embrace trees and the amenities they provide. In dense, residential areas with wood structures, overlapping ignition zones and few viable shelters or safe zones, providing residents with sufficient egress is a critical issue.

#### Building Egress Codes

##### Early History

The concept of a maximum occupancy originated in an area of study called "means of egress." A means-of-egress is defined as, "... a continuous and unobstructed way of travel from any point in a building or structure to a public way consisting of three distinct parts: the exit access, exit, and exit discharge (Côté and Harrington 2003, p. 99)." Means-of-egress studies and associated codes incorporate all aspects of evacuating a building from stairway capacities and known crowd behavior under varying density to the proper illumination of exit signs. In setting standards for an enclosed space, an analyst can either examine the number, capacity, and arrangement of exits and calculate a maximum occupancy or, alternatively, examine the expected maximum occupancy and construct the required minimum egress. In either case, state-of-the-art egress standards and methods link occupancy to the number, capacity, and arrangement of exits.

Building egress standards can be traced to an occupancy-density study conducted by Rudolph Miller around 1910 in Manhattan (Nelson 2003). Miller's objective was to tabulate the density of workers per floor in 500 workshops and factories. This resulted in a wide range of densities from 19 to 500 ft<sup>2</sup> per person with the average for all floors at 107 ft<sup>2</sup> per person. In 1913 the National Fire Protection Association established the "Committee on Safety to Life" to study egress and formulate standards with a particular focus on advancing the principle of apportioning means-of-egress to the number of occupants in a building. One of the first egress standards was set by the New York Department of Labor in 1914 which limited the occupancy on each floor to 14 persons for every 22 in. of stair width. In 1935 the National Bureau of Standards published, "Design and construction of building exits," an important work in the history of building egress codes. One finding was that egress codes varied widely in regards to how many exits are needed, where they should be, and their required characteristics. Five different methods were discovered for determining required exits widths, and the report concluded with a new method that required stairwells have sufficient capacity to handle an evacuation of the most populated floor, the current method used in North American codes (Nelson 2003).

##### Modern Building Egress Codes

Contemporary methods for calculating a maximum occupancy for a building, floor, or meeting room are simple, but the number of possible building space uses and exit types is extensive (Côté and Harrington 2003). For example, the 2003 Life Safety Code® includes detailed exit-capacity adjustments (in persons) for stairways based on the presence, size and positioning of handrails, as well as ramp-capacity adjustments that incorporate ascending or descending slope (National Fire Protection Association 2003). In general, occupant load and building geometry determine the required number, location, and capacity of exits. An important aspect of a means-of-egress is that, "it is only as good as its most constricting component." Furthermore, a good design principle for an egress system is balance among exits because one or more might be lost in a fire.

A central concept in determining building egress is that of an occupant load factor. Occupant load factors are upper limits on density that vary with the use of the space. In other words, the nature of the use of a space determines its allowable density. For example, a "residential apartment building use" is allowed a gross

NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005 / 101

Nat. Hazards Rev. 2005.6:99-108.

O-1.13-23  
Cont.



**Table 1.** Occupant Load Factors from Life Safety Code®<sup>a</sup>

Use	m <sup>2</sup> per person	ft <sup>2</sup> per person
Assembly use		
Concentrated, without fixed seating	0.65 net	7 net
Less concentrated, without fixed seating	1.4 net	15 net
Educational use		
Classrooms	1.9 net	20 net
Shops, laboratories, vocational rooms	4.6 net	50 net
Day Care use	3.3 net	35 net
Residential use		
Hotels and dorms	18.6 gross	200 gross
Apartment buildings	18.6 gross	200 gross
Industrial use		
General and high hazard	9.3 gross	100 gross

<sup>a</sup>Reprinted with permission from NFPA 101-2003, *Life Safety Code®*, Copyright © 2003, National Fire Protection Association, Quincy, Mass. This reprinted material is not the complete and official position of the NFPA on the referenced subject, which is represented only by the standard in its entirety. Life Safety Code® and 101® are registered trademarks of the National Fire Protection Association, Quincy, Mass.

density of 200 ft<sup>2</sup> per person while a "concentrated assembly (without fixed seating) use" allows a much higher net density of 7 ft<sup>2</sup> per person (Table 1). "Net" density refers to rooms, and "gross" density refers to floors or an entire building. Defining the maximum density for an indoor space based on its use is valuable because it bypasses the need to conduct an empirical occupancy study for every building. Occupant load factors derived from the table are then used in conjunction with the area of a meeting room or floor to design the means-of-egress system and also to trigger provisions like the need for a sprinkler system.

The required number, capacity, and arrangement of exits are determined using the occupancy load, the use of the space, and simple geometric rules. The required number of exits for each story is determined with a step function based on the use of the space and the occupancy load. Stories with less than 500 occupants require a minimum of two exits, those with between 500 and 1,000 require at least three exits, and more than 1,000 occupants requires at least four. A capacity-factor table specifies the minimum width for stairways and horizontal exits based on the use of the space. Most indoor activities require stairwells to have 0.3 in. of width for each person on the floor with the greatest number of occupants, but areas with hazardous contents require 0.7 in. per person, a much greater capacity (Table 2).

The linear relationship between the maximum number of occupants and exit widths was originally proposed by Pauls (1974) and widely adopted in North America. For example, a stairwell 44 in. wide has a capacity of (44 in./0.3 in. per person)=147 persons for most floor uses (Table 2). If the occupancy of the floor is expected to exceed 147, then the stairwell capacity is insufficient and the maximum occupancy must be lowered or the stairwell egress capacity must be increased. The arrangement of the exits is determined using a simple geometric rule called the "one-half diagonal rule" that states that two exits shall not be located closer than one half the length of the maximum diagonal dimension of the area served (Fig. 5). This requires exits to be sufficiently remote so as to prevent a fire from blocking more than one. For example, if the maximum diagonal distance across a room with two exits is 60 ft., then the exits must be at least 30 ft. apart. Finally, an arbitrary distance cutoff is used to ensure that no building occupant is too far from an exit.

102 / NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005

**Table 2.** Capacity Factors from Life Safety Code®<sup>a</sup>

Area	Stairwells (width per person)		Level components and ramps (width per person)	
	(mm)	(in.)	(mm)	(in.)
Board and care	10	0.4	5	0.2
Board and care, sprinklered	7.6	0.3	5	0.2
Health care, nonsprinklered	15	0.6	13	0.5
High hazard contents	18	0.7	10	0.4
All others	7.6	0.3	5	0.2

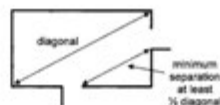
<sup>a</sup>Reprinted with permission from NFPA 101-2003, *Life Safety Code®*, Copyright © 2003, National Fire Protection Association, Quincy, Mass. This reprinted material is not the complete and official position of the NFPA on the referenced subject, which is represented only by the standard in its entirety.

### Community Egress Codes

Despite the tremendous fire hazard in many interface communities, few studies have been done on residential densities in fire-prone areas (Theobald 2001; Schmidt et al. 2002; Cova et al. 2004). There is certainly nothing as complete as Nelson's (2003) longitudinal study of Washington D.C. federal building occupancy densities from 1927 to 1969. Second, there are no road-capacity studies for fire-prone communities on par with Pauls' (1974) extensive research on doorway and stairwell capacities. Roads in interface communities can be very narrow, intersect at odd angles, and vary in width. The capacity of this type of road network in dense smoke is difficult to quantify but would likely be very low. Third, existing egress codes for fire-prone communities are very general and do not provide the elegant methods for comparing and testing egress systems found in the building safety codes. The following codes serve as representative examples of contemporary community egress codes (National Fire Protection Association 2002):

- 5.1.2 Roads shall be designed and constructed to allow evacuation simultaneously with emergency response vehicles.
- 5.1.3 Roads shall be not less than 6.1 m (20 ft) of unobstructed width with a 4.1 m (13.5 ft) vertical clearance.

While the intent of the codes is clear, they do not link the occupant load with the required minimum number, capacity, and arrangement of exits. Current codes also tend to overlook the furthest distance a household is from its closest exit as well as vulnerability owed to dense fuel along the exits. In general, standards for interface community access focus more on maintaining fire-fighter ingress than resident egress (International Fire Code Institute 2003). Given that it is easy to find growing interface communities with miles of tangled narrow roads, many residents, and few exits, improved egress codes are a growing need.



**Fig. 5.** One-half diagonal rule in building egress codes ensures that exits are sufficiently remote from one another

### Differences in Community and Building Means-of-Egress Systems

Although there are many similarities between building and community egress systems, there are also significant differences. First, notification systems vary across communities (Sorensen 2000), whereas warning is generally issued with a siren, flashing lights, and a public address system in a building. For this reason, warning is nearly instantaneous and uniform in modern buildings, where it can take minutes to hours to warn all residents in a community, depending on the area, population density, and notification modes (e.g., reverse 911 or door to door). This has egress implications because the most constraining component in a community's egress system may simply be information, a vital yet scarce resource in most emergencies (Alexander 2002). However, slow notification can have benefits (if it is not too slow), as it can dampen household departure rates which reduces the likelihood of a traffic jam from a sudden burst of travel demand in a wildfire. Sudden bursts of travel demand are rare in evacuations but can lead to extreme stress when egress is constricted (Quarantelli et al. 1980; Chertkoff and Kushigian 1999), as in the case of the 1991 Oakland Fire.

Emergency manager behavior, population mobility, and human response are also important elements of an egress system. Emergency manager behavior is important because an incident commander generally decides who should evacuate and when they should leave (Lindell and Perry 1992). Mobility in a community context refers to the proportion of available drivers and vehicles in a population, whereas building evacuees are generally on foot or in a wheelchair. A glaring example of this constricting factor exists in many developing countries where mobility can be so low as to render regional evacuation infeasible (e.g., cyclones in Bangladesh). However, mobility can also cause problems if a highly mobile population leaves in a condensed amount of time and overloads an egress system.

Human response is also important, and evacuee behavior can be very different in wildfires than buildings. In building fires, occupants generally proceed directly out of the building or facility given sufficient egress, knowledge of the floor plan, and clear directions. In wildfires, there are family members, pets, horses, and livestock to evacuate, property to protect, and sheltering-in-place is always an option. These factors can dampen sudden spikes in egress demand but are more often a drawback in clearing an area quickly. In a building evacuation, the "walk, don't run" rule is used to dampen demand spikes and to reduce the likelihood of panic. Unfortunately, there are very few studies on wildfire evacuation behavior, but analogies can be drawn to evacuation behavior in other hazards that have been studied in greater depth (Perry 1985; Mileti and Sorensen 1990; Zelinsky and Kosinski 1991; Vogt and Sorensen 1992; Drabek 1996; Dow and Cutter 2002).

Perhaps the most obvious difference between building and community egress systems is the engineered components. Buildings have stairways, elevators, escalators, ramps, doors, handrails, and hallways, where communities have driveways, roads, intersections, stop signs, and traffic signals. Although these differences are significant, general concepts drawn from building codes may have value in a community context. One approach is to modify and extend building egress codes to achieve codes of comparable quality for communities.

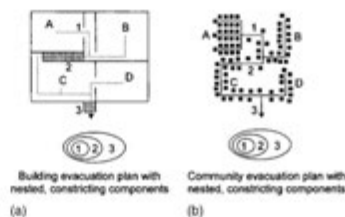


Fig. 6. Comparing nested, constricting components in building egress system with similar ones in community

### What is a Community "Exit"?

An initial geographic problem in designing codes for communities might be deemed "the community exit problem." In a building context, exits have a component referred to as the discharge that leads people to a public way outside the building. In other words, safety is defined as "outside" the room or building. Inside and outside are ambiguous concepts in a community context and difficult to specify. If a predefined emergency planning zone (EPZ) is centered on a known hazard like a nuclear power plant or chemical stockpile site (Sorensen et al. 1992), then safety can be defined as outside the EPZ. In wildfires the zone to evacuate is defined on-the-fly at the time of the event and may expand in any direction as the fire progresses. For this reason, setting egress codes in advance that relate occupancy load to exit capacities requires searching the set of all potential evacuation zones.

An insight drawn from building studies can aid in addressing this problem. As noted, "A means of egress is only as good as its most constricting component." In a road-network context, this is referred to as a "bottleneck." A bottleneck can be used to define the inside and outside of a community, as traversing one is similar to clearing an exit discharge in a building (Cova and Church 1997). In other words, once a vehicle has successfully traversed a bottleneck, it is no longer a constraint on travel. This means that the community exit problem can be viewed as a search for potential roadway bottlenecks. In a sense, this is the approach adopted by interface codes that require at least two exits, as this precipitates a search for communities with only one exit, a potential bottleneck.

One problem with requiring that communities have more than one exit is that a bottleneck can still exist. In short, more than one exit does not ensure that an egress system is sufficient. It depends on the number of occupants, the arrangement and capacity of the exits, and the concentration of travel demand in space and time. Adding to this problem, bottlenecks can be nested in communities as they can in buildings. Fig. 6 compares nested constricting components in a building egress system with similar constricting components in a community context. Neighborhood A is nested within bottlenecks 1, 2, and 3. A building's outer wall is the point at which nested constraining components terminate, but in a community context, components nest from a street segment to a neighborhood, city, region, and so on. This can be addressed by terminating the search for egress bottlenecks when the area constrained is larger than that likely to be evacuated in a wildfire.

NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005 / 103

Nat. Hazards Rev. 2005.6:99-108.

**Table 3.** Proposed Load Factors for Interface Communities

Use	Road length per household (m)	Road length per vehicle (m)
Residential <sup>a</sup>		
Low wildfire hazard	12.5	6.3
Moderate wildfire hazard	16.7	8.3
High+ wildfire hazard	20.0	10.0
Residential and tourism <sup>b</sup>		
Low wildfire hazard	12.5	4.2
Moderate wildfire hazard	16.7	5.6
High+ wildfire hazard	20.0	6.7

<sup>a</sup>2 vehicles per household.

<sup>b</sup>3 vehicles per household.

### Improving Community Egress Codes

#### Methods

The focus in a community context is therefore on identifying constricting components in a means-of-egress system. Furthermore, to achieve a comprehensive code and associated methods, the most constricting component should be defined in terms of the expected maximum occupancy as well as the number, capacity, and arrangement of exits. This is accomplished in a building context with look-up tables and simple geometric rules like the one-half-diagonal rule. In this section, preliminary analogues for interface communities are proposed. Agreed-upon community egress tables and codes will take significant cooperation among planners, and this represents a more formidable hurdle in terms of code development and compliance than the technical concepts discussed here (Burby et al. 1998).

Tables 3–5 represent community look-up tables for residential loading factors and the minimum number and capacity of exits. Table 3 depicts preliminary recommendations for community-based load factors expressed in road length per household, where communities with a greater fire hazard are required to have a lower density. In other words, as fire hazard increases the maximum allowable household density along roads should decline (Fig. 7). This is analogous to building codes which require a lower occupant density for buildings that contain hazardous materials (Table 1). To avoid delimiting a community's boundary, which is very subjective, "density" was defined as the average length of road (e.g., street centerline) per household in kilometers. This can be viewed as the average number of driveways per unit length of road. This calculation requires two easily acquired inputs that can be objectively measured: the number of households and total road length in the community.

Table 4 represents the minimum number of exits required for a community, which is a step function of the number of households. Allowing communities with only one exit to have up to 50 house-

**Table 4.** Proposed Minimum-Exits Table for Interface Communities

Number of households	Minimum number of exiting roads	Maximum households per exit
1–50	1	50
51–300	2	150
301–600	3	200
601+	4	

104 / NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005

**Table 5.** Proposed Capacity Factors for Interface Communities

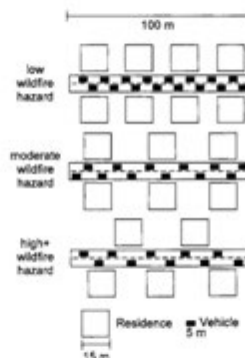
Use	Minimum total exit capacity (vph per household)	Minimum evacuation time (h)
Residential <sup>a</sup>		
Low wildfire hazard	1	2
Medium wildfire hazard	2	1
High+ wildfire hazard	4	0.5
Residential and tourism <sup>b</sup>		
Low wildfire hazard	1.5	2
Medium wildfire hazard	3	1
High+ wildfire hazard	6	0.5

<sup>a</sup>2 vehicles per household.

<sup>b</sup>3 vehicles per household.

holds avoids classifying all culdesacs as noncompliant with a two-exit minimum code. Table 5 represents the required minimum (total) exit capacity expressed in vehicles per hour (vph) per household. This is analogous to the linear relationship between persons and stairwell width in North American building egress codes (Table 2). The basis for the minimum required vph per household is a desired minimum evacuation time. For example, if a community has a high fire hazard (or greater), then the minimum evacuation time should be at most 30 min (0.5 h). Assuming two registered drivers per household, this requires that the exits have a minimum capacity of 4 vph per household. So a community with 100 households would need a total exit capacity of at least 400 vph to allow the estimated 200 vehicles to leave in 1/2 h (200 vehicles/0.5 h=400 vph). This coarse approach to estimating minimum evacuation time can be better tested for a given community with a traffic simulation model (Cova and Johnson 2002).

In most fire-prone communities, the "use" of the space is residential, but in larger communities there may be businesses, schools, churches, community centers, and tourist attractions (e.g., lakes, botanical gardens, hiking trails). Facilities and attractions above and beyond residences are important because community occupancy may vary significantly when tourists and trans-



**Fig. 7.** Visual depiction of loading factor table for "residential use" assuming average of 2 registered drivers per home



sients are drawn (Drabek 1996). Furthermore, transient knowledge of the environment (e.g., evacuation routes) can be very poor. A community with a high degree of transients is analogous to an "assembly use" in building egress codes because occupants are generally unfamiliar with their environment. Table 5 requires a minimum capacity of 6 vph per household for high fire-hazard communities with tourism. So a community with 100 households and tourists would need a total exit capacity of at least 600 vph to allow the estimated 300 vehicles to leave in 1/2 h (300 vehicles/0.5 h=600 vph). The assumed mean number of vehicles per household can be adjusted, but standards should be set using the maximum probable occupancy in an area rather than the residents (and thus vehicles) recorded by the census.

Using Tables 3–5 in conjunction with a diagonal rule, a maximum-distance threshold and an exit-vulnerability rule, it is relatively straightforward to develop preliminary codes and compare community egress systems. For example:

1. Occupant load factor (density). The density of homes along the roads in any fire-prone community or portion thereof should not exceed that specified in Table 3.
2. Number of exits. The number of means-of-egress from any fire-prone community or portion thereof shall meet the minimum specified in Table 4.
3. Exit capacity. The total egress capacity from a fire-prone community or portion thereof shall meet the factors specified in Table 5.
4. Exit arrangement. The closest distance between any two points along any of the  $n$  exits from a fire-prone community must be at least  $1/n$  the maximum diagonal distance across the community. The maximum diagonal of a community is defined as the greatest Euclidean distance between any two households that rely on the same exit set, and the minimum distance between exits is defined as the shortest Euclidean distance between any two points along two exiting roads.
5. Maximum exit distance. No household in a fire-prone community shall be further than 3 km by road from its closest exit. The maximum exit distance for a community is defined as the household with the greatest shortest-path distance on the road network to an exit discharge in the most constraining bottleneck set (i.e., the end of one of the exiting roads from the community).
6. Exit vulnerability (distance to fuel). Exits in a fire-prone community shall have a 30 ft buffer on each side that is clear of fuel.

An important aspect of this approach is that each recommended code is an independent test. This means that a community can meet or fail any subset of the codes. For example, a community might meet the density and minimum-number-of-exits codes but fall short of the exit-capacity code. The advantage of independent tests is that distinct limitations in a community's egress system can be highlighted separately. Fig. 8 depicts the proposed characteristics measured for Mission Canyon.

Table 5 provides the important link between expected maximum occupancy and required minimum exit capacity. An interesting aspect of this table is that it can be applied in reverse to calculate a community's maximum occupancy. For example, if a high-fire-hazard residential community (i.e., minimum evacuation time no greater than 30 min) has a total exit capacity of 1,000 vph in the most constraining bottleneck set, then from Table 5 the maximum occupancy would be  $(1,000 \text{ vph}/4 \text{ vph per household})=250$  households.

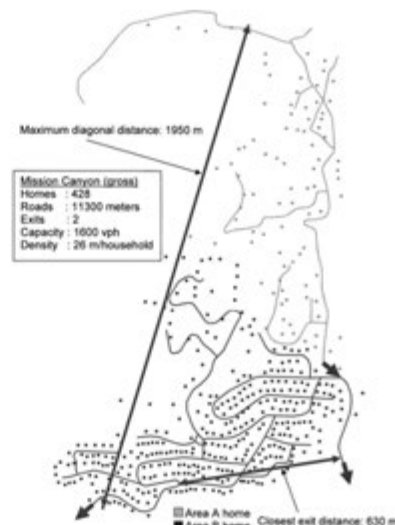


Fig. 8. Example (gross) egress calculations for Mission Canyon

#### Comparing Interface Communities

This section applies the proposed method to sample interface communities with high wildfire hazard, relatively low egress, and residential land use. A community with residential land use simplifies the estimation of occupant load by eliminating commercial, educational, and tourism activities. The inside (and outside) of each community is defined by the most constraining road-network bottleneck set. For example, if a community's most constraining bottleneck set is two exits, the calculations are for the households that would need to traverse one of these exits in an evacuation.

Perhaps the most involved calculation is for road capacity. This was crudely estimated using Eq. 8-3 in the 1997 highway capacity manual (Transportation Research Board 1997):

$$SF_i = 2,800(v/c)f_d f_w f_{HV} \quad (1)$$

This equation states that a road's service flow rate ( $SF_i$ ) in vehicles per hour (vph) is the product of the volume-to-capacity ratio for level-of-service  $i$  ( $v/c$ ), and a set of adjustment factors for directional traffic distribution  $f_d$ , lane and shoulder width  $f_w$ , grade  $f_g$ , and the presence of heavy vehicles  $f_{HV}$ . A narrow, mountainous road operating at level-of-service E (0.78) (maximum capacity) is assumed (for this analysis) with 100% of the traffic in one direction (0.71) on a 9 ft wide lane and 2 ft shoulder (0.70) heading downhill (1) with the possible 3% presence of large recreational vehicles (0.75) for an estimate of capacity per exit in clear visibility conditions with moderate demand rates of 814 vph (rounded to 800). In communities with uphill exits, wider roads or no recreational vehicles, this can be adjusted. Concentrated demand could greatly degrade this flow rate to level of service F where capacity can no longer be reliably estimated. Also, it should be noted that this number is very optimistic be-

**Table 6.** Data for Comparing Interface Community Egress Systems

Community	Homes	Exits	Road length (m)	Density (m per home)	Exit capacity (vph)	Max. diam. (m)	Exit separ. (m)	Max. dist. (m)	Exit fuel buffer
Buckingham <sup>a</sup>	337	4	5,293	16	3,200	1,040	85	430	No
Emigration Oaks	250	2	11,820	47	1,600	3,212	1,589	2,550	No
Summit Park	446	2	18,960	43	1,600	2,230	395	4,700	No
Mission Canyon	428	2	11,300	26	1,600	1,950	630	2,300	No
Area A (net)	60	1	4,576	76	800	1,520	NA <sup>b</sup>	1,750	No
Area B (net)	368	3	6,724	18	2,400	1,250	630	1,900	No

<sup>a</sup>1991 data.

<sup>b</sup>Not applicable.

cause it does not consider driveways along a road or other merge points that may create flow turbulence.

Table 6 shows the raw data for the communities in the comparison which all have "high+" wildfire hazard during the fire season. Community fire hazard was grossly assigned based on the predominant vegetation and residential construction type. A community of wood structures intermixed with a combination of highly flammable vegetation (e.g., Gambel Oak or Eucalyptus) was assigned a "high+" wildfire hazard. Table 7 is derived from Table 6 and the recommended codes presented in the prior section by determining which aspects of each community are "compliant" (C) or "noncompliant" (N).

An interesting result of this comparison is that the neighborhood at the origin of the 1991 Oakland-Berkeley fire is compliant for three of the six egress tests. The number and total capacity of the exits, as well as the furthest distance from any home to its nearest exit were reasonable. The problem appears to have been the relatively high residential density, the close proximity of exits 1 and 3 (Fig. 9), and the tremendous amount of fuel along the exits. The neighborhood had been built to urban density with only 16 m of road per household (i.e., street centerline length), the most densely developed neighborhood in the comparison (Table 6). This means that in 1991 the neighborhood had a driveway, on average, every 16 m. This is very dense development for an area with extremely high fire hazard. The arrangement of the exits was also not ideal, as exits 1 and 3 were closer than 1/4 the maximum diagonal distance between the furthest two households relying on the exits. In 1991, exits 1 and 2 were blocked by the fire in its first 1/2 h, and most of the remaining residents chose exit 3 (Charing Cross Road). However, from the point of view of a wildfire, exits

1 and 3 are too close to one another to be considered genuinely separate means-of-egress, so a fire that blocks exit 1 is almost certain to block exit 3 which is just uphill, and this is what happened in 1991. Finally, there was a substantial amount of fuel along the exits, and this is what led exits 1 and 2 to be blocked by the fire so early in the event. However, all told, if this neighborhood had less than four exits the number of fatalities would likely have been much higher.

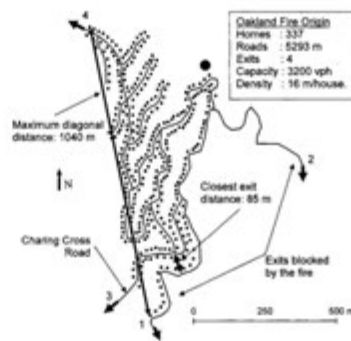
In regards to the other neighborhoods in comparison, it is easy to identify canyon and hillside neighborhoods in the West with relatively poor egress systems to varying degrees. Emigration Oaks is a neighborhood just East of Salt Lake City, Utah that has a reasonably good egress system, but it is an elongated community and the two exits are less than 1/2 its maximum diagonal distance (Cova and Johnson 2002). This resulted in the community being noncompliant in regards to exit arrangement. The community also has a substantial amount of highly flammable Gambel Oak lining the exit-road shoulders. Summit Park is a community on the Wasatch Mountain ridge between Salt Lake City and Park City. This neighborhood did very poorly, as it currently has 446 homes relying on two proximal exits that are lined with conifers. Mission Canyon in Santa Barbara, Calif. also scored poorly for the same reasons. To provide one example of "net" egress calculations for a community, Mission Canyon is divided into areas A (upper canyon) and B (lower canyon). Area A is not compliant in regards to the number of exits because it has 60 homes and only one exit, where Area B is too dense and does not

**Table 7.** Comparing Interface Communities Against Egress Standards<sup>a</sup>

Community	Density	Number of exits	Exit capacity	Exit arrangement	Maximum exit distance	Exit fuel buffer
Buckingham, Oakland, Calif. <sup>b</sup>	N	C	C	N	C	N
Emigration Oaks, Utah	C	C	C	N	C	N
Summit Park, Utah	C	C	N	N	N	N
Mission Canyon, Calif.	C	N	N	N	N	N
Area A (net)	C	N	N	N	N	N
Area B (net)	N	C	N	C	N	N

<sup>a</sup>C=compliant, N=noncompliant.

<sup>b</sup>1991 data.



**Fig. 9.** Neighborhood at origin of Oakland-Berkeley fire in 1991

O-1.13-23  
Cont.

have sufficient exit capacity to serve its households. The main point with Tables 6 and 7 is simply that it is easy to identify neighborhoods with equal or greater fire hazard than the 1991 Oakland-Berkeley fire case and a more constrained egress system.

#### Urban and Emergency Planning Implications

The primary implication of developing a method comparable to building egress codes is that it is easy to identify fire-prone communities with relatively poor egress. The focus for urban and emergency planners should then turn to implementing new codes and improving egress systems. The proposed codes in the prior section can serve as a starting point and would need to be adjusted (or expanded) to work for a given locality. Also, despite the obvious limitations of the egress systems in the prior section, there are many actions that communities can take to improve their overall system (Plevel 1997). If a community has relatively poor egress, there are both demand-side and supply-side improvements (or adjustments) that can be implemented with varying cost (Burton et al. 1993). The focus in demand-side adjustments is reducing the concentration of vehicles in an evacuation in space and time to alleviate the need for egress capacity (e.g., supply). Example demand-side options include limiting the construction of new homes or businesses, limiting renters, constructing wildfire shelters, and identifying internal safe zones. Another demand-side adjustment is to require that structures be defensible so that residents can shelter-in-place. If a community can demonstrate that enough structures are defensible or there is sufficient public wildfire shelter or safe areas provided within the community, then the loading and capacity calculations could be adjusted to recognize that all not all residents will need to evacuate in a wildfire. This means that the following statement might be appended to each of the prior preliminary recommended codes:

"... unless a sufficient number and capacity of defensible structures, public shelters, or safe areas exist in the community for residents to shelter-in-place during a wildfire."

Supply-side adjustments to improve a community's egress system are also an option. This includes detailed evacuation route planning (i.e., Who will go where?) as well as reversing lanes and restricting turns at intersections to improve exit capacities (Wolsheon 2001; Cova and Johnson 2003). Communities should also maintain their egress system. On-street parking restrictions can prevent low-capacity roads from becoming even lower, and clearing vegetation and other fuel along evacuation routes can minimize the loss of important exits during a wildfire. In cases where the egress system is severely substandard, widening roads or building new roads may be needed if more households are to be added.

#### Conclusion

Residential development in fire-prone areas is continuing without commensurate improvements to community-based transportation egress systems. This is only a small part of a much larger policy problem in fire-prone areas (Busenberg 2004), but it is an important one in protecting life. The codes presented in this paper would need to be integrated into a community's comprehensive hazard mitigation plan (Burby et al. 2000; Prater and Lindell 2000). However, the methods presented in this paper should help an analyst or planner in comparing community egress systems

and possibly formulating codes. This may lead to improved community egress codes comparable to the higher-quality ones already in place for buildings. Limiting residential construction in low-egress, fire-prone areas with a "maximum occupancy" is not currently practiced but may be needed in some communities. If very few homes in a low-egress community are defensible and there is no safe zone or other public shelter, then limiting occupancy is one approach to maintaining public safety.

Economic pressure is strongly toward developing fire-prone communities to a density beyond which the egress system can safely handle in an urgent wildfire evacuation. The beneficiaries of new home development include new residents, developers, construction companies, and property tax collectors among many others. The parties that stand to lose include the residents who may perish in a wildfire, insurance companies, and the emergency managers challenged with the increasingly difficult task of protecting life and property in these rapidly growing areas. Thus, for political and economic reasons the methods presented in this paper may only find application in evacuation planning and comparing community egress systems. In the longer term, it is up to engineers and planners to ensure public safety in the urban-wildland interface by providing sufficient egress (or shelter) and educating residents on protective actions.

#### Acknowledgments

The writer would like to thank Scott Bidwell for help in analyzing the neighborhoods in this study, Joe Perrin from the Utah Traffic Lab for assistance with the network capacity calculations, and Dave Lemberg, Max Moritz, Dave Theobald, and the anonymous reviewers for valuable comments.

#### References

- Alexander, D. (2002). *Principles of emergency planning and management*, Oxford University Press, Oxford, U.K.
- Burby, R. J., Deyle, R. E., Godschalk, D. R., and Obshansky, R. B. (2000). "Creating hazard resilient communities through land use planning." *Nat. Hazards Rev.*, 1(2), 99–106.
- Burby, R. J., May, P. J., and Paterson, R. C. (1998). "Improving compliance with regulations: Choices and outcomes for local government." *J. Am. Plan. Assn.*, 64(3), 324–335.
- Burton, I., Kates, R. W., and White, G. F. (1993). *The environment as hazard*, Guilford, New York.
- Busenberg, G. (2004). "Wildfire management in the United States: The evolution of a policy failure." *Rev. Policy Res.*, 21(2), 145–156.
- "Charing cross bottleneck was big killer." (1991). *San Francisco Chronicle*, November 2, A14.
- Chertkoff, J. M., and Kushigian, R. H. (1999). *Don't panic: The psychology of emergency egress and ingress*, Praeger, Westport, Conn.
- Church, R., and Sexton, R. (2002). "Modeling small area evacuation: Can existing transportation infrastructure impede public safety?" *Final Rep.*, Caltrans Testbed Center for Interoperability Task Order 3021.
- Cohen, J. D. (2000). "Preventing disaster: Home ignitability in the wildland-urban interface." *J. Forestry*, 98, 15–21.
- Cortner, H. J., Gardner, P. D., and Taylor, J. G. (1998). "Fire hazards at the urban-wildland interface: What the public expects." *Environ. Manage. (N.Y.)*, 14, 51–62.
- Cotté, R., and Harrington, G. E. (2003). *Life safety code handbook*, National Fire Protection Association, Mass.
- Cova, T. J., and Church, R. L. (1997). "Modeling community evacuation vulnerability using GIS." *Int. J. Geograph. Inf. Sci.*, 11(8), 763–784.
- Cova, T. J., and Johnson, J. P. (2002). "Microsimulation of neighborhood

NATURAL HAZARDS REVIEW © ASCE / AUGUST 2005 / 107

Nat. Hazards Rev. 2005.6:99–108.

O-1.13-23  
Cont.

- evacuations in the urban-wildland interface." *Environ. Plan. A*, 34(12), 2211-2229.
- Cova, T. J., and Johnson, J. P. (2003). "A network flow model for lane-based evacuation routing." *Transp. Res. Part A: Policy Pract.*, 37(7), 579-604.
- Cova, T. J., Sutton, P. C., and Theobald, D. M. (2004). "Exurban change detection in fire-prone areas with nighttime satellite imagery." *Photogram. Eng. Remote Sens.*, 70(11), 1249-1257.
- Cutter, S. L. (2003). "The vulnerability of science and the science of vulnerability." *Am. Assoc. Geographers. Am.*, 93(1), 1-12.
- Davis, J. B. (1998). "The wildland-urban interface: Paradise or battleground." *J. Forestry*, 88, 26-31.
- Decker, D. (1995). "Last-minute evacuations save lives." *Wildfire*, June, 31.
- Dow, K., and Cutter, S. L. (2002). "Emerging hurricane evacuation issues: Hurricane Floyd and South Carolina." *Nat. Hazards Rev.*, 3(1), 12-18.
- Drabek, T. E. (1996). *Disaster evacuation behavior: Tourists and other transients*, Institute of Behavioral Science, University of Colorado Press, Boulder, Colo.
- Ebert, A. W. (1993). "The wildland-urban interface: Introduction and overview." *J. Leisure Res.*, 25, 1-5.
- Fried, J. S., Winter, G. J., and Gilles, J. K. (1999). "Assessing the benefits of reducing fire risk in the wildland-urban interface: A contingent valuation approach." *Int. J. Wildland Fire*, 9, 9-20.
- International Fire Code Institute (2003). *Urban-wildland interface code*, Whittier, Calif.
- Krusel, N., and Petris, S. (1992). "A study of civilian deaths in the 1983 Ash Wednesday Bushfires Victoria, Australia." CFA Occasional Paper No. 1, Community Safety Directorate, Australia. (<http://www.cfa.vic.gov.au/documents/occ-01-krusel.pdf>)
- Lindell, M. K., and Perry, R. W. (1992). *Behavioral foundations of community emergency planning*, Hemisphere, Washington, D.C.
- Mileti, D. S., and Sorensen, J. H. (1990). "Communication of emergency public warnings: A social science perspective and state-of-the-art assessment." *Rep. No. ORNL-6609 Prepared for the Federal Emergency Management Agency (FEMA)*, Oak Ridge National Laboratory, Oak Ridge, Tenn.
- National Fire Protection Association (NFPA). (2002). "Standard for protection of life and property from wildfire." *NFPA 1144*, National Fire Protection, Quincy, Mass.
- National Fire Protection Association (NFPA). (2003). "Life safety code." *NFPA 1010*, National Fire Protection Association, Quincy, Mass.
- Nelson, H. E. (2003). "Human behavior factors." *History of fire protection engineering*, J. K. Richardson, ed., Society of Fire Protection Engineers, Bethesda, Md.
- Oaks, D. (2000). "Fight or flight?" *Wildfire Magazine*, April.
- Office of Emergency Services. (1992). "The East Bay Hills Fire—A multi-agency review of the October 1991 fire in the Oakland/Berkeley hills." East Bay Hills Fire Operations Review Group, Governor's Office, Sacramento, Calif.
- Packman, D. R. (1995). "Evacuation in wildfires: The Australian experience." *Wildfire*, June, 25-30.
- Pauls, J. L. (1974). "Building evacuation and other safety measures: Some research results and their application to building design, operation, and regulation." *Man-environment interactions: Evaluations and applications—The state of the art in environmental design research (ESRA 5)*, D. H. Carson ed., Part 4, 147-168.
- Perry, R. (1985). *Comprehensive emergency management: Evacuating threatened populations*, Jai, London.
- Pievel, S. R. (1997). "Fire policy at the wildland-urban interface: A local responsibility." *J. Forestry*, 95, 12-17.
- Prater, C. S., and Lindell, M. K. (2000). "Politics of hazard mitigation." *Nat. Hazards Rev.*, 1(2), 73-82.
- Pyne, S. J. (1997). *America's fires: Management on wildlands and forests*, Forest History Society, Durham, N.C.
- Quarantelli, E., Baisden, B., and Bourdless, T. (1990). "Evacuation behavior and problems: Findings and implications from the research literature." *Rep. No. 27*, Disaster Research Center, The Ohio State Univ., Columbus, Ohio.
- Radke, J. (1995). "Modeling urban/wildland interface fire hazards within a geographic information system." *Geographic Inf. Sci.*, 1(1), 7-20.
- Richardson, J. K. (2003). *History of fire protection engineering*, Society of Fire Protection Engineers, Bethesda, Md.
- Rodrigue, C. M. (1993). "Home with a view: Chaparral fire hazard and the social geographies of risk and vulnerability." *California Geographer*, 33, 29-42.
- Schmidt, K. M., Menskis, J. P., Hardy, C. C., Hann, W. J., and Bunnell, D. L. (2002). "Development of coarse-scale spatial data for wildland fire and fuel management." *General Technical Rep. No. RMRS-87*, USDA Forest Service.
- Sorensen, J. (2000). "Hazard warning systems: Review of 20 years of progress." *Nat. Hazards Rev.*, 1(2), 119-125.
- Sorensen, J., Carnes, S., and Rogers, G. (1992). "An approach for deriving emergency planning zones for chemical stockpile emergencies." *J. Hazard. Mater.*, 30, 223-242.
- Theobald, D. M. (2001). "Land-use dynamics beyond the American urban fringes." *Geogr. Rev.*, 91(3), 544-564.
- Transportation Research Board. (1997). *Highway capacity manual: Special report 209*, National Research Council, Washington, D.C.
- U.S. Forest Service. (2001). "Urban-wildland interface communities within the vicinity of federal lands that are at high risk from wildfire." *Federal Register*, 66(No. 160), 43384-43435.
- Vogt, B. M., and Sorensen, J. H. (1992). "Evacuation research: A reassessment." *ORNL/TM-11908*, Oak Ridge National Laboratory, Oak Ridge, Tenn.
- Wilson, A. A. G., and Ferguson, I. S. (1984). "Fight or flee? A case study of the Mount Macedon Bushfire." *Australian Forestry*, 47, 230-236.
- Woldos, B. (2001). "One-way-out: Contraflow freeway operation for hurricane evacuation." *Nat. Hazards Rev.*, 2(3), 105-112.
- Zelensky, W., and Kosinski, L. A. (1991). *The emergency evacuation of cities: A cross-national historical and geographical study*, Rowman & Littlefield, Inc., Md.

O-1.13-23  
Cont.

INTENTIONALLY LEFT BLANK



O-1.14 L&W Attachment 14

Comment Letter O-1.14

BALANCE HYDROLOGICS, Inc.

MEMO

To: Golden Door Properties, LLC  
From: Zan Rubin and Scott Brown  
Date: August 14, 2017

Subject: Review of Newland Sierra Specific Plan DEIR documentation for hydromodification and water supply.

You have asked that Balance Hydrologics review DEIR documentation related to the Newland Sierra project in San Diego County, California, specifically issues relating to water supply and hydromodification. The following sections summarize our findings.

O-1.14-1

**I. Hydromodification**

A. *Review of: Hydromodification Management Study: Newland Sierra PDS2014-MPA-14-018. Report prepared by Fuscoe Engineering, January 20, 2015*

Point of Compliance (POC) Extrapolation, Page 6:

"Based on the assessed erosion susceptibility of the representative POCs analyzed, the results were extrapolated to the other POCs which were not analyzed. The POCs not analyzed would likely have similar results to the representative POCs due to the similarity in topography, soils conditions, and vegetation. The table below lists the assumed erosion susceptibility for each POC based on the representative POC which is most similar."

O-1.14-2

*Comments:*

1. The Hydromodification Management Study's criteria for extrapolation were "Steep hillside canyons draining to the east", or "Steep hillside canyons draining to the west." Bed material grain size is determined by the interplay of sediment supplied to a channel and the transport capacity of the channel. In turn, the sediment supply is influenced by contemporary and historical processes such as lithology, uplift rates, precipitation, fire history, vegetation, road construction, soil properties, grazing intensity, sediment transport capacity of upstream reaches, watershed aspect and shape of the channel network, among other factors. The sediment transport capacity is controlled by runoff magnitude and duration as well as channel slope and the cross-sectional shape of the channel.
2. Due to the inherent variability and complexity in bed and bank materials (and thus their stability), a full assessment of each impacted channel is recommended for the DEIR analysis. The assumption: "The POCs not analyzed would likely have similar results to the representative POCs due to the similarity in topography, soils conditions, and vegetation." may or may not be correct. However, the Hydromodification Management

O-1.14-3

O-1.14-4



<p>Study does not present sufficient information to assess if such assumptions are reasonable. Further, the effort required to contextualize the channel extrapolation would probably be better spent directly assessing the POCs and channels that were not included in the original Hydromodification Management Study.</p>	<p>↑ O-1.14-4 Cont.</p>
<p>B. <i>Review of: Hydromodification Screening for Newland Sierra. Report prepared by Chang Consultants, January 14, 2015.</i></p>	
<p><u>Domain of Analysis, Page 3:</u>          "Southern California Coastal Water Research Project (SCCWRP) defines an upstream and downstream domain of analysis, which establish the study limits. The County of San Diego's HMP specifies the downstream domain of analysis based on the SCCWRP criteria. The HMP indicates that the downstream domain is the first point where one of these is reached:</p> <ul style="list-style-type: none"> <li>• at least one reach downstream of the first grade control point (preferably second grade control location)</li> <li>• tidal backwater/lentic waterbody</li> <li>• equal order tributary</li> <li>• accumulation of 50 percent drainage area for stream systems or 100 percent drainage area for urban conveyance systems (storm drains, hardened channels, etc.). This is also defined as a two-fold increase in drainage area"</li> </ul>	<p>O-1.14-5</p>
<p><i>Comments:</i></p>	
<p>1. It is necessary to expand the assessment area and to consider the cumulative impacts of hydromodification. The hydromodification assessment, as performed by Fuscoe Engineering treats each POC (Point of Compliance) individually and does not appear to consider the potential channel instability when several hydromodified channels join downstream of the POCs. For example, POC 1021, POC 1053, POC 1064, POC 1073, POC 1088, POC 1083, and POC 1112 are all impacted by development and join before flowing under Interstate 15. In the Fuscoe assessment, only POC 1064 is assessed (for 810 feet until it "confluence with a larger drainage course". While determining the downstream end of analysis at the confluence with a larger drainage may follow the Southern California Coastal Water Research Project (SCCWRP) protocol, in this case that larger drainage course is also impacted by the project, so there does not seem to be an appropriate justification for such a downstream cutoff.</p>	<p>O-1.14-6</p>
<p>2. Further, due to the large project footprint, it is essential to consider the stability of downstream receiving channels. For example, POC 1021, POC 1053, POC 1064, POC 1073, POC 1088, POC 1083, POC 1112, POC 1304, POC 1329, POC 1341, POC, 1349, and POC 1603, POC 1905, and POC 2000 all drain into Moosa Canyon, which may already be impacted from hydromodification or may be near a threshold of instability.</p>	<p>O-1.14-7</p>
<p>3. There is no mention of channel monitoring or adaptive management in the Hydromodification Management Study. Thus, we are unclear if/how channels will be monitored. We recommend a comprehensive monitoring program be established, and</p>	<p>↓ O-1.14-8</p>

that the monitoring area include all hydromodified channels and extend downstream past confluences with other hydromodified channels (see comments above, regarding POC domain of analysis)

↑ O-1.14-8  
Cont.

C. *Review of: PCCSYAs for Newland Sierra. Report prepared by REC Consultants, 8/19/16. Revised: 10/6/16, 11/3/16 & 12/15/16*

↑ O-1.14-9

## Potential Critical Coarse Sediment Yield Areas (PCCSYA)

### *Comments:*

1. **Presence of a threshold (immobile bed) channel does not imply the absence of critical sediment source areas.**

The intent of the PCCSYA Analysis is to protect critical sources of coarse sediment. The threshold channel (immobile bed) is a designation included in the County BMP Design Manual (Chapter H.7.2- Threshold Channel Analysis) that implies there is not active transport of critical coarse sediment. However, a bedrock channel or infrequently-mobile bed does not always indicate that upstream sediment sources are not passing through the channel and contributing to downstream channel habitat and stability. As the definition of "bedrock river" from Whipple and others (2013) illustrates:

Bedrock rivers may satisfy either or both of the following conditions: (1) the long-term capacity of the river to transport bedload exceeds the long term supply of bed load, resulting in generally sediment starved conditions, significant rock exposure in bed and banks, and only thin, patchy, and temporary alluvial cover (Montgomery et al., 1996); or (2) the river is, over the long term (millennial to geologic timescales), actively incising through in place rock. Persistent incision over the long term implies that rock is everywhere near the surface even if a bedrock river has largely alluvial bed and banks, and in many respects has the flow, bed morphology, and sediment transport characteristics of an alluvial channel. Thus, bedrock rivers dominate in areas of net erosion and encompass most mountain rivers (Wohl, 2000a; Wohl and Merritt, 2008)

↑ O-1.14-10

Essentially, while bedrock channels may indicate future channel stability at the site, the presence of bedrock does not imply the absence of sediment transport through a reach, but rather, indicates that the transport capacity of a reach is capable of transporting all sediment delivered from upstream sources.

To adequately assess bed-material and sediment continuity, a well-documented channel assessment with direct observations (not predicted grain size or air photos) is likely required at the POC as well as reaches upstream and downstream of the POC, and banks and hillslopes connected to the channel.

The PCCSYA Analysis Report designates POCs as threshold channels, but the analysis does not directly assess sediment transport through these threshold channels and does not

↓

consider episodic transport due to fire, drought, earthquakes, debris flows, infrequent rain events, or the combination of those factors.

↑ O-1.14-10  
↑ Cont.

**2. 10-year peak flow is likely not sufficient to assess sediment transport.**

The County BMP Design Manual (Chapter H.7.2- Threshold Channel Analysis) discusses criteria for identifying threshold channels:

As a rule-of-thumb, channels with bed material that can withstand a 10-year peak discharge without incipient motion are considered threshold channels and not live-bed alluvial channels.

In the Newland Sierra PCCSYA Analysis, the authors adopt a 10-year peak discharge as a design flow but do not articulate why a 10-year peak flow is appropriate at these sites. The County BMP Design Manual suggests the 10-year peak discharge as a rule of thumb, but in confined headwater channels (such as those included in the study), the 100-year peak discharge is often confined within the banks (i.e. there may not be connected floodplains to disperse and dissipate shear stress during peak events) so transport potential likely increases substantially for less-frequent events. In the episodic channels of Southern California, more sediment may move in a single rainy day following a wildfire, than would move in a decade of average conditions.

O-1.14-11

Several authors have highlighted the critical distinctions between California's episodic channels and the sediment transport dynamics of more stable systems. Kondolf and others (2013) summarized the importance of infrequent events:

As noted by Wolman & Miller (1960, p. 60), "The evidence also suggests that the more variable the regimen of flow of the stream, the larger the percentage of total sediment load which is likely to be carried by infrequent flows." Thus, it is the large, infrequent flood—the "giant"—that will accomplish the most geomorphic work in episodic channels. For example, on the Santa Clara River, California, of the roughly 57.6 million tons of sediment load measured at Montalvo from 1968–1975, 55% was moved in only 2 days during the 1969 flood (Williams, 1979). Moreover, of the total sediment load moved over 72 years from 1928–2000, 25% was transported in just 4 days (Warrick, 2002).

Similarly, Florsheim and others (1991) documented the dominant influence of fire on sediment transport in southern California:

Chaparral wildfire has a profound effect on erosion and sedimentation in southern California. The Wheeler Fire in July 1985 burned the entire basin of a tributary (drainage area 2.14 km<sup>2</sup>) of the north fork of Matilija Creek, near Ventura, California. After the fire, fine gravel was delivered to the channel by the process of dry ravel (dry particle-by-particle sliding of debris under the force of gravity) at a rate of 0.29 m<sup>3</sup>/km<sup>2</sup>/month. The



first winter flow (2.1 m<sup>3</sup>/s) following the fire deposited 550 m<sup>3</sup> of fine gravel in the 270-m study reach near the mouth of the tributary. At least 90% of this fine gravel was derived from colluvium delivered by dry ravel processes from hillslopes near the channel. The second winter flow (2.5 m<sup>3</sup>/s) eroded the channel to the pre-fire thalweg. A reduction in particle size and critical shear stress associated with deposition of small gravel following the fire allowed these moderate-magnitude flows to transport large volumes of sediment.

O-1.14-11  
Cont.

Considering the many well-documented studies from the region showing the episodic transport of sediment, it seems unnecessarily dismissive to limit consideration of sediment transport to only the 10-year peak discharge, which likely does not include the majority of sediment-transport.

### 3. Vegetation not a useful indicator of threshold channel.

In Section 2.4.2.2 of the Newland Sierra PCCSYA Analysis, the authors use the presence of vegetation on the bed as an indicator of an immobile bed:

...a simple threshold channel method cannot be used as a  $d_{50}$  representative of the channel conditions cannot be measured (the channels are not granular: they are a mix of outcrops of hard rock, boulders and entrenched vegetation). As a consequence, the author decided to refer to Appendix H definition: "The key factor for determining whether a channel is a threshold channel is the composition of its bed material. Larger bed sediment consisting primarily of cobbles and boulders are typically immobile, unless the channel is a large river with sufficient discharge to regularly transport such grain sizes as bed load. As a rule-of-thumb, channels with bed material that can withstand a 10-year peak discharge without incipient motion are considered threshold channels and not live-bed alluvial channels. Threshold channel beds typically consist of cobbles, boulders, bedrock, or very dense vegetation (e.g., a thicket)".

O-1.14-12

However, based on the above discussion of fire and episodicity, the presence of vegetation on the bed is not a relevant indicator of bed stability or sediment transport, particularly when considering transient vegetation such as grasses. Wildfires that would burn the contributing watersheds and contribute sediment to the channels would likely also remove that temporarily stabilizing vegetation along the channels.

### 4. Photographic documentation and grain size analysis not thoroughly conducted.

Following the County BMP Design Manual (Chapter H.7.2- Threshold Channel Analysis) criteria, the Newland Sierra PCCSYA Analysis authors determine that there is no significant impact to coarse sediment supply. The County BMP design manual states:

O-1.14-13

For a project to be exempt from coarse sediment supply requirements, the applicant must submit the following for approval by the County:

1) Photographic documentation and grain size analysis used to determine the  $d_{50}$  of the bed material; and

2) Calculations that show that the receiving water of concern meets the specific stream power criteria defined below or a finding from a geomorphologist that the stream channel has existing grade control structures that protect the stream channel from hydromodification impacts.

Although 10 photos were included in Appendix 2 to the PCCSYA Analysis Report, there was no systematic photographic documentation or analysis of bed material. The report is somewhat unclear, but direct assessment of bed material at POCs 13B, 19, and 26 does not appear to have been conducted at all.

Similarly, the report is somewhat unclear here, but it appears that the median grain size ( $d_{50}$ ) was predicted from an empirically-derived threshold of channel instability based on observed  $d_{50}$  and 10-yr specific stream power (Figure H.7-1 in the County BMP Design Manual). The PCCSYA Analysis Report states:

A theoretical  $d_{50}$  that satisfies the braided equilibrium condition will be obtained. The value of  $d_{50}$  will be calculated according to  $d_{50} = (\omega/16.7)^{4/3}$ . This value will be compared to the corresponding equivalent value estimated indirectly by the author based on a Geotechnical Letter prepared by Leighton and Associates, Inc. (Appendix 2) dated 6/10/16, revised 10/5/16, where it is explained that the permissible shear stress will be in excess of 10 pounds, and therefore the equivalent  $d_{50}$  should be at least 24" according to Fischenich.

The methods described above are confusing, and potentially misleading for several reasons. First, a stream-power based method of predicting grain size is not appropriate for an analysis of sediment supply or transport because such methods only consider the transport capacity of the channel and do not consider sediment supply. Sediment supply is the essential question being assessed in a PCCSYA analysis and exerts substantial influence on the composition of bed material. Second, the equation used to estimate the  $d_{50}$  is the same equation being used to determine stability of the bed, so there is circular reasoning imbedded in the assessment. Third, Figure H.7-1: shows an order of magnitude variation, highlighting the importance of other processes such as sediment supply and the importance of direct observation at the reaches of interest.

O-1.14-13  
Cont.

O-1.14-14

## II. Water Supply

A. *Review of: Water Supply Assessment Report for the Newland Sierra Specific Plan, prepared by HDR for the Vallecitos Water District, November 2016, 100p.*

O-1.14-15

The project Water Supply Assessment ("WSA"; HDR, 2016), concludes that sufficient water will be available to supply water for the Newland project based, in part, on the most recent Urban Water Management Plan for the Vallecitos Water District ("UWMP"; VWD, 2016). The DEIR used these analyses as the basis that there would be no significant impact, directly or cumulatively, related to water supply. In essence, the WSA and DEIR conclude that:

- Future water demand for the project area in the UWMP was expected to be 1,825 acre-foot per year (afy), assuming full build-out of the area under existing General Plan zoning designations<sup>1</sup>.
- Predicted demand for the Newland project as currently proposed is 1,624 afy or 1,196 afy (under an assumption that the project will implement additional water conservation measures beyond those that may already be incorporated into the 2014 duty rates).
- The proposed project water usage represents an 11% to 35% (based on the 1,624 and 1,196 afy numbers respectively) reduction in water use relative to the assumption for the project area in the UWMP.
- The UWMP states that system-wide demand will exceed supply by 2020, and that VWD plans to address this shortfall solely through "conservation required" measures to reduce demand by 26% to 36%.
- "If the [Newland Project] study area were to share equally in the conservation requirement, the previously projected No Project Alternative demand of 1,825 AFY would need to be reduced by 26% to 36%, to between 1,402 and 1,168 AFY." (WSA, pg. 43)<sup>2</sup>
- "With the implementation of water conservation measures, Newland Sierra Project will sufficiently contribute toward the District's intent to use water conservation to meet 26% to 36% of its future demand projections under multi-dry year conditions through 2035." (WSA, pg. 43)

O-1.14-16

### Comments:

1. The UWMP concludes that adequate system-wide supply for the Vallecitos Water District (VWD) would be available if a 26-36% savings through demand conservation can be achieved. However, the UWMP only generally describes how those savings might be achieved. There is no attempt to quantify how savings might be realized through each of the demand management measures. "Conservation" is invoked simply as a way to balance the supply/demand deficiency. Because of these generalities, it is not clear that

O-1.14-17

<sup>1</sup> This assumption does not factor in the feasibility of such a build-out. Regulatory, physical, and/or market constraints may constrain the ability to achieve full build-out of the site, as currently zoned.

<sup>2</sup> For the purposes of the WSA and DEIR water supply analyses, the "No Project Alternative" consists of full build-out of the Project site as currently zoned, and as accounted for in the projected demand increases over the 30-year planning period of the UWMP analysis. This should not be confused with a scenario in which the current land-use at the property continues, without any additional development at the site.



conservation measures alone could resolve the anticipated water shortage, nor is it clear within the WSA that if the Newland Sierra project alone provides for such a reduction that similar reductions elsewhere (for other new projects and for existing users) would be feasible.

O-1.14-17  
Cont.

2. In summarizing the findings of the WSA, the Newland Project DEIR (pg. 2.14-39) states that the VWD was able to reduce demand by 25.6 percent (in 2016 relative to 2013 demand), as a response to Executive Order B-29-15, which mandated water usage reduction in response to 2012-2016 drought in accordance with VWD ordinances. The DEIR then goes on to state that this reduction "demonstrates that Vallecitos' customers can respond to calls for water conservation (i) whether as part of a long-term commitment to water efficiency during times of adequate supply availability, or (ii) when extraordinary water conservation measures are required, through voluntary or mandatory conservation measures as experienced during a recent drought (2012-2016)." While the reduction does indicate the capacity for customers to respond in the short term during a drought, it does not necessarily indicate a capacity to maintain efficiency gains at that level during non-drought conditions and/or on a long term basis. Nor does it provide evidence that additional reductions could be gained to reach 36%. Neither the UWMP, the WSA, nor the DEIR provide sufficient analysis to show what long-term efficiency effects might be expected as carryover from that period, or how existing customers might respond or be affected by the apparent need to maintain (and even exceed) these gains on a consistent or permanent basis over the long term. Essentially, the VWD is acknowledging that it would need to enforce a Level 3 "Drought Critical" Alert on an on-going basis (even in "normal" water supply years) in order to address predicted supply limitations in future years.

O-1.14-18

3. The WSA assumes that the UWMP intends to achieve the system demand reductions through equal sharing among all existing and future users. The UWMP, however, provides no such statement or evidence that equal sharing among all existing and future users is feasible or practical. This distribution of the demand reductions would require existing users to reduce demand by a similar amount as could be achieved by a new development. It is unlikely, without additional supporting evidence, that existing development could effectively implement water reduction strategies as effectively as a brand new development. Without a specified plan in the UWMP as to how the needed demand reductions would be distributed, it is unreasonable to assume that existing and new users would share this burden equally without assessing the potential impact this may have on existing customer operations. In addition, as recently as 2009, the District agreed to supply a new project (University District Specific Plan; Kennedy/Jenks, 2009) with a projected water demand that was 986 afy *greater* than was anticipated in the Master Plan that was used for the then-current 2005 UWMP<sup>3</sup>. There does not appear to be a consistent policy in place that would require other new developments to show water-use reduction to meet the district-wide efficiency gains, calling into question whether the Project's "equal burden" assumption is appropriate even for new developments.

O-1.14-19

<sup>3</sup> At that time, the District was projecting long-term supply shortages in normal years between 2,538 afy and 5,878 afy (greater shortages in dry years) and similarly relied on future "conservation" to make up the difference.

B. *Review of: Water Conservation Demand Study for the Newland Sierra Specific Plan and EIR, prepared by GSI Water Solutions, Inc., December 20, 2016, 48p.*

The Water Conservation Demand Study ("WCDS"), provides the basis for which the WSA concludes that the Newland Project would be able to achieve a significant reduction in demand relative to the UWMP and 2014 duty factor assumptions for water usage. The document provides a detailed analysis of potential savings achieved for indoor and outdoor usage, through implementation of water efficient fixtures, reduced landscape irrigation, and other methods. The study used the following method to establish new "with conservation" duty rates for indoor and outdoor<sup>4</sup> water usage for the Newland project:

- Assumed a pre-conservation per capita indoor water usage rate for the region based on survey data from 1997/1998.
- Used the 1997/1998 pre-conservation rates to estimate base "with conservation" rates, applying fixture-specific water usage data and conservation requirements for modern plumbing and appliances (WCDS Table 7).
- Subtracted the "with conservation" rates from the VWD 2014 sewer generation rates (converted to per-capita rates) to estimate the amount of savings that could be achieved through the implementation of these new standards (WCDS Table 8).
- Applied these new rates to the various land-use types within the Newland project (WCDS Tables 9 and 10) to establish a revised estimate of water usage (when combined with the estimated outdoor water savings) of 1,196 afy, or 26 percent less water use when compared to the project estimate using the 2014 duty factors.

O-1.14-20

*Comments:*

1. At times, the tabulated results of the study are difficult to follow without detailed reading of the text. WCDS Tables 7 and 8, especially, were difficult to readily interpret and we had to continually refer back to the text to determine which values from one table were being carried over to the next, causing confusion as to what assumptions were being made in the analysis. Additional column referencing from one table to the next would have reduced this initial confusion and would have made the report more accessible without in-depth interpretation.
2. Section 4.5 of the WCDS discusses the comparison of the calculated 1997/98 per capita (pre-conservation) rates against the 2014 sewer generation rates as used in the WSA. The report states that "As shown in the third column of Table 8, the sewer generation rates in the WSA are equivalent to per-capita indoor water use rates..." (pg. 13). However this statement is incorrect. The 2014 VWD sewer generation rates are generally *higher* than the range of the 1997/1998 per capita water usage rates. (Only the two 'single family'

O-1.14-21

O-1.14-22

<sup>4</sup> We reviewed the methods and assumptions for the revised calculation of outdoor water usage, but have no comments on that portion of the analysis. Therefore the following summary and discussion concentrates on the indoor water usage analysis.

designations fall within the range of pre-conservation values, and even those values are within the upper end of the range). By 2014, the VWD had made at least some progress toward decreasing indoor per-capita usage, as the District has a strong record of past water conservation measures (outlined in Section 9 of the UWMP), and one would expect the 2014 VWD rates to be on the low end of (if not outright lower than) the 1997/1998 range. The fact that the 1997/1998 “pre-conservation” data (from which the “with conservation” rates were derived) are generally lower than the VWD sewer generation rates suggests that the 1997/1998 data do not adequately reflect water usage in the District, or that some portion of water usage was omitted when calculating those rates. As such, the estimated “with conservation” rates likely overstate the amount of savings that could be achieved. Specifically, WCDS Table 7 (last column at the right of the table) states that per capita water usage could be reduced by 33.1 to 19.6 gallons per capita per day (gpcpd) when comparing 1997/1998 to “with conservation” rates, but that water usage for the Newland project could be reduced by an average of 36.9 gpcpd (WCDS Table 8, seventh column<sup>3</sup>) when compared to 2014 rates. Neither the WCDS nor the WSA adequately explain this apparent contradiction.

O-1.14-22  
Cont.

3. Even if the water usage “with conservation” demand rates are at least partially obtainable, it is unclear whether the DEIR provides assurances that would prevent residents from reverting back to non-low-flow fixtures, converting front yards to lawns, disconnecting internal gray-water systems, or otherwise increasing water usage rates. Using idealized base “with conservation” rates does not necessarily reflect realistic expectations that may account for some of these factors, and making a more conservative assumption that not all of these conservation measures would be fully realized is more appropriate for a water supply planning analysis unless the development willing to commit to on-going tracking of full water usage and implementing strict cuts and restrictions (within the development itself) if actual demand exceeds expected “with conservation” rates. Such assurances do not appear to be presently provided within the DEIR.

O-1.14-23

#### References:

Florsheim, J.L., Keller, E.A., and D.W. Best, 1991. Fluvial sediment transport in response to moderate storm flows following chaparral wildfire, Ventura County, southern California. *Geological Society of America Bulletin* 103.4: 504-511.

Kennedy/Jenks, 2009, Final Water Supply Assessment and Verification Report for the University District Specific Plan, 52p.

Kondolf, G.M., Podolak, K., and T.E. Grantham, 2013. Restoring Mediterranean-climate rivers. *Hydrobiologia* 719.1: 527-545.

Whipple, K.X., DiBiase, R.A., and B.T. Crosby, 2013. Bedrock rivers. In: Shroder, J. (Editor in Chief), Wohl, E. (Ed.), *Treatise on Geomorphology*. Academic Press, San Diego, CA, vol. 9, Fluvial Geomorphology, pp. 550–573.

<sup>3</sup> WCDS Table 8, column titled “Difference Between VWD and New Indoor Use Factors”.



### Summary of Experience

Mr. Brown applies his experience in geomorphology and geologic mapping to watershed and environmental issues involving stream corridors, floodplains, and surface/ground water interaction. He has recently led several major projects assessing the effects of urbanization on streamflow and channel stability. Other projects have included hydrogeologic interpretation of groundwater sources and flowpaths, geomorphic basis-of-design for stream and wetland restoration; assessment of physical stream characteristics affecting habitat, and baseline hydrologic assessment and monitoring.

### Relevant Experience

#### WATER SUPPLY ASSESSMENTS

**Mustang Two and RE Slate Solar Field Water Supply Assessments, Kings County, California.** Mr. Brown is currently writing water supply assessments for two solar field projects in Kings County, California. The report will assess the water usage of the projects relative to other users drawing from the groundwater basin, and will recommend strategies for compliance with local groundwater management plans.

**Marital Cottle Park Master Plan EIR and Water Supply Assessment, City of San Jose, Santa Clara County, CA.** Marital Cottle Park is jointly owned by California State Parks and the Santa Clara County Parks and Recreation Department. Mr. Brown assisted in the assessment of potential hydrologic impacts of the proposed park, and led Balance's effort in preparing a Water Supply Assessment for the park to satisfy Senate Bill 610 requirements associated with the EIR.

**Napa Logistics Park and Napa Airport Corporate Center Water Supply Assessments, City of American Canyon, Napa County, CA.** Mr. Brown led the development of water supply assessments for two separate industrial parks in the City of American Canyon. Balance compared the proposed water use at the sites relative to citywide supply and demand to assess whether adequate water would be available to the project over a 30-year planning period. Balance incorporated recent trends in citywide supply and demand, accounting for recent severe drought conditions that had not been included in prior supply/demand analysis.

**Merced Gateways Water Supply Assessment, City of Merced, Merced County, CA.** Mr. Brown prepared a water supply assessment for a mixed residential/commercial development in the City of Merced. Balance estimated the project's water use and compared to long-term water supply estimates for the City to assess availability of water for the project. The City obtains nearly all its water from underlying groundwater, and supply-demand analysis was framed within the context of the still-evolving multi-agency groundwater management plan. Balance found that the project would not place undue burden on the groundwater basin.

**Cartmill Crossing Water Supply Assessment and EIR third-party review, City of Tulare, California.** Mr. Brown led a technical review of a water supply assessment and EIR hydrologic analysis for a proposed 132-acre commercial complex in Tulare County California. The main items of concern identified by Balance were the effectiveness of basin-wide groundwater recharge operations with respect to proposed project supply, reliability of water during wet- and dry-year cycles, discrepancies in how contracted water was accounted for within the WSA analysis, and the potential for other competing users of the water, including those drawing water from other aquifers that may not be completely isolated from the City's main supply source.

### SCOTT R. BROWN, P.G.

Geomorphologist/Hydrologist



#### Education:

M.S. Geology, University of Wisconsin-Madison, 2001

B.A. Geology, Gustavus Adolphus College, 1998

Registered Professional Geologist:  
California #8722

O-1.14-24



### ENVIRONMENTAL IMPACT REPORTS

**Davidon Homes EIR, City of Petaluma, Sonoma County, California.** Mr. Brown served as project manager to assess hydrologic and water quality impacts associated with the Davidon Homes development in upper Kelly Creek watershed of the City of Petaluma, California. At this location, key potential impacts were related to potential effects on downstream flooding and erosion caused by hydromodification, along with other impacts to water quality as a result of urban residential development.

**Napa Pipe Redevelopment EIR, Napa County, California.** Mr. Brown was involved as key technical staff for the hydrology chapter of the EIR for this former industrial site south of the City of Napa and bordering the Napa River. The development proposed mixed residential, commercial, and light industrial uses and extensive recreational, green belt, and water features. Key issues addressed included: stormwater quality and quantity management, groundwater supply sufficiency, removal of hazardous waste from prior uses, and mitigation of flood impacts from both local drainage and the Napa River.

**UC Berkeley, SE Campus EIR, City of Berkeley, Alameda County, California.** Mr. Brown was the Project Manager for the hydrology chapter of the EIR on UC Berkeley's SE campus redevelopment. He assessed hydrologic and groundwater impacts of the multi-facility project, which included renovation of Memorial Stadium, several major new buildings, and associated parking and support facilities. He worked with UC staff to track changes in impervious surfaces and refine stormwater quality BMPs and recommended mitigation measures to reduce impervious area, thereby reducing project runoff and diminishing storm runoff peaks below existing conditions. He led an analysis of groundwater conditions to assess the potential impact to groundwater flow and groundwater quality of a multi-level underground parking garage planned within the project site.

**Lawrence Berkeley National Lab 'Helios' and 'CRT' Projects EIR, Hydrology and Geology, City of Berkeley, Alameda County, California.** Mr. Brown served as the Project Manager for two EIR projects for Lawrence Berkeley National Lab (LBNL) research facilities within their main campus in the headwaters of Strawberry Creek in the Berkeley Hills. Balance supported the broader EIR effort by analyzing potential hydrologic and geologic impacts that could arise as a result of project implementation.

### HYDROMODIFICATION

**Alameda County Clean Water Program Hydromodification Management Planning, Alameda County, California.** As Project Manager, Mr. Brown described how watershed characteristics within the County affect response to rainfall events. He developed a method to test the Program's approach to hydromodification management planning. His work formed the basis for defining the range of rainfall events to be controlled to reduce further hydromodification.

**Folsom Plan Area Storm Drainage Master Plan, Sacramento County, California.** Mr. Brown used the Sacramento Area Hydrology Model to size, configure, and test over 30 water-quality/hydromodification control basins as part of the planning for a large urban development within the City of Folsom. The analysis included a detailed, networked model within the headwaters of Alder Creek to test compliance with the Sacramento Hydromodification Management Plan standards at each discharge point to the Creek, as well as the cumulative effects of all 30-plus basins within the sub-watershed.

**Peer Review Hydromodification Impact Report, City of Angwin, Napa County, California.** Mr. Brown was Project Manager for this peer review of hydrology analyses conducted for an EIR on a vineyard conversion project. He also conducted a preliminary assessment of hydromodification potential as a result of the project and made recommendations for further analyses.

**Santa Clara Valley Water District Hydromodification, Santa Clara County, California.** Mr. Brown served as key technical staff for this project. He monitored storm flows and sediment transport at several stream gaging stations to identify urban effects to stream hydrographs. He identified and quantified hydromodification effects in channels downstream of urbanization, and developed standard methods for data collection for use in the channel assessment portion of the Santa Clara HMP.

O-1.14-24  
Cont.





#### Summary of Experience

Dr. Rubin worked with Balance from 2005-2008 and again since 2015. For more than 15 years, he has designed and implemented investigations of complex hydrogeologic, geomorphic, bed-sedimentation, water-quality, and sediment-quality questions in streams, lakes, and wetlands in the working landscapes of the California and throughout the world. Dr. Rubin has conducted many of the firm's water quality studies, including multi-year TMDL sediment-transport and bed-condition investigations on San Francisco Creek and other channels near Stanford University, and throughout Santa Cruz, San Mateo, and Santa Clara Counties. He has also led countywide investigations of water quality in San Mateo and Santa Clara Counties. For the Collipe Preserve Golf Course he designed and implemented a water quality and 'nuisance flow' management strategy. On the lower Colorado River, Dr. Rubin investigated restoration potential in areas of limited water quality, habitat quality, and riparian areas with elevated soil salinity. Internationally, Dr. Rubin has been part of a team supporting the national governments of Cambodia and Laos to model sediment trapping from future hydropower development, to identify projects with the greatest impacts, and to propose dams with alternative sites, designs, and management strategies to minimize sediment trapping, barriers to fish migration, and flood risk.

#### Relevant Experience

**Hydromodification Assessment.** As part of a team coordinated by the Southern California Coastal Water Research Project (SCCWRP), Dr. Rubin authored guidelines for Hydromodification Assessment and Management in California. The technical report was designed to assist the California Water Boards in planning, assessing, monitoring, and regulating hydromodification. The report is now used by both project designers and regulators to manage hydromodification.

**Marsh Creek Bridge Hydrogeologic Assessment, Contra Costa County, California.** Dr. Rubin designed a study to assess potential impacts of reconstructing a bridge along Marsh Creek in Contra Costa County on yields from a reported spring and on the perennality of pools downstream of the spring. Our approach was to identify the source(s) of spring water as either shallow alluvial water or deeper (bedrock) groundwater, such that flows to the pool and the channel downstream were not adversely affected by bridge realignment and construction. Bridge construction is unlikely to significantly affect water entering from the shallow, alluvial aquifer, but it could potentially affect springs originating and conveyed through fractures in the bedrock if these fractures were inadvertently sealed during foundation installation. We used multiple lines of evidence including specific conductance and temperature measurements as well as general mineral and boron water-quality analyses to fingerprint water sources and quantify the contribution of springflow to Marsh Creek. We concluded that bedrock springs were not contributing to baseflow perennality and that bridge construction was unlikely to impact nearby pools.

Zan Rubin, PhD, Senior Geomorphologist/Hydrologist  
Page 1

#### ZAN RUBIN, PhD

Senior Geomorphologist/Hydrologist



#### Education:

PhD, Environmental Planning,  
University of California, Berkeley,  
2015  
M.S. Geosciences, Colorado State  
University, 2010  
B.A. Geology/Religious Studies,  
Bowdoin College, 2002

#### Professional Affiliations:

American Geophysical Union  
Society of Freshwater Sciences  
Salmonid Restoration Federation

O-1.14-24  
Cont.





**Callippe Preserve Nuisance Flow and Water Quality Management, City of Pleasanton, Alameda County, California.** Designed and implemented a water quality and 'nuisance flow' management strategy for the newly constructed Callippe Preserve Golf Course in Pleasanton, California. The goal of the project was to prevent the perennialization of ephemeral streams by dry-season return flows through measures such as planting riparian vegetation, sprinkler system adjustments based on both observations and stream gaging records, and irrigation leak detection. Balance staff monitored surface water and groundwater levels before and after construction of the golf course to identify "natural" conditions. When nuisance flows were detected in the stream channels, Balance designed a temporary dewatering pump system to remove and reapply that water through the golf course irrigation system. The dewatering pump system helped achieve water quality targets and greatly reduced water usage on the course.

**Palos Colorados Site Characterization and Channel Stabilization, City of Moraga, Contra Costa County, California.** Working with the project biologists, Dr. Rubin assessed bed and bank conditions in over 15,000 feet of headwaters channels, the main stems of Coyote Gulch and Laguna Creek, prioritizing sites for channel repair and enhancement using low-impact bioengineering and restoration planting approaches. Results of the stream assessment were also used to develop the project stormwater management plan, including design of detention measures to prevent hydromodification impacts and maintain the hydrologic regime within Coyote Gulch. In the winter of 2016 three small ravines flowing into Coyote Gulch began to actively incise and channel stabilization strategies were developed. The stabilization approach included traditional methods of bio-engineering and grade control in combination with diversion and infiltration structures to reduce surface runoff into the incising ravines.

**Lower Colorado River Restoration Planning and Evaluation of Ecosystem Function in Restored Sites.** Dr. Rubin evaluated restoration potential of aquatic and riparian sites along lower Colorado River where water quality, temperature, and soil salinity present considerable challenges. He also evaluated effectiveness of ongoing riparian restoration on the lower Colorado River under the Lower Colorado River Multi Species Conservation Program using insect traps to quantify the aquatic-to-terrestrial subsidy of energy from the Colorado River and the availability of suitable prey for species of concern in riparian restoration sites. His research highlighted important shortcomings in ongoing restoration approaches and proposed alternatives better suited to the highly modified river corridor and nearby agricultural lands. A peer reviewed article has been accepted but not yet published by the journal Restoration Ecology.

**Natural Heritage Institute: A Climate Resilient Mekong.** Using the 3W model of Minear and Kondolf (2009) Dr. Rubin modeled reservoir sediment trapping and future impacts in the Mekong River basin under different dam-construction scenarios. He found that if all dams are built as planned there will be a 96% reduction in sediment delivery to the delta in Vietnam, threatening fisheries, infrastructure and the sustainability of the delta landform itself. As part of large, international, interdisciplinary teams of experts Dr. Rubin worked to identify, avoid, and propose alternatives to the most detrimental proposed hydropower projects. Dr. Rubin's team, coordinated by the Natural Heritage Institute, has provided technical support to the governments of Laos, and Vietnam, and was the first ever international NGO to provide formal technical assistance to the nation of Cambodia. Two peer-reviewed publications in the journals Water Resources Research and the International Journal of River Basin Management describe his research in detail: Kondolf, Rubin, and Minear, 2014- and Rubin, Kondolf, and Carling, 2014.

**The Nature Conservancy: Ecosystem Restoration of the Middle Sacramento River, California.** Before this study, monitoring information from California's middle Sacramento River had not been synthesized, despite restoration having been ongoing since 1989. Dr. Rubin's assessment quantified changes in flow regime of Sacramento River and the implications of those changes on frequency, duration, and magnitude of geomorphic processes including bed-mobility, floodplain inundation, and side-channel connectivity. Dr. Rubin was part of a team coordinated by The Nature Conservancy which included more than a dozen experts, and was based on the development and application of quantitative ecological indicators. These indicators were used to characterize the status of terrestrial and floodplain resources, channel dynamics, and flow regime. The synthesis demonstrated good progress in the restoration of riparian habitats, birds, and other wildlife, but not in restoration of streamflows and geomorphic processes. A peer reviewed publication in the journal San Francisco Estuary and Watershed Science describes the research in detail: Golet et al. 2013- <http://escholarship.org/uc/item/0db0t611>

Zori Rubin, PhD, Senior Geomorphologist/Hydrologist  
Page 2

O-1.14-24  
Cont.

## O1.15L&W Attachment 15

Comment Letter O-1.15



3129 Tiger Run Court, Suite 202  
Carlsbad, CA 92010  
619-609-0712

August 14, 2017

Ashley Smith, Planning Manager  
County of San Diego Planning & Development Services  
5510 Overland Avenue  
San Diego, CA 92123

Re: Newland Sierra Project Acoustical Review

Ms. Smith:

dBF Associates, Inc. was retained by the Golden Door Resort & Spa to review the following documents:

- Draft Environmental Impact Report. Newland Sierra Project. State Clearing House Number 2015021036. June 2017.
- Noise Report for the Newland Sierra Project. Dudek. June 2017.

Our comments are presented below.

1. The vehicular traffic noise levels for Deer Springs Road Options A and B were modeled using the Federal Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.5. As stated in the County of San Diego Report Format and Content Requirements (2009), TNM is an acceptable transportation noise modeling software application.

The Noise Report (NR) states "The FHWA Model is based on reference noise emission factors for automobiles, medium trucks, heavy trucks, motorcycles, and buses, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and ground type". However, the NR does not provide information regarding the roadway configurations of Options A and B, such as roadway elevations, travel lane locations, ground type, distances to receivers, or receiver location elevations.

The General Plan requires that noise be assessed at outdoor living area that meets specified minimum area requirements for single family detached dwelling projects, and for multi-family residential projects noise is assessed at all exterior areas which provide group or private usable open space. Outdoor living areas include rear yards, child play areas, swimming pools, barbeque areas, etc.

O-1.15-1

O-1.15-2





Ms. Ashley Smith  
August 14, 2017  
Page 2

Noise from vehicular traffic at any given receptor location is dependent upon such factors as the horizontal and vertical location of the travel lanes, horizontal and vertical location of outdoor living areas, and the presence of intervening structures, barriers, and topography. Since complete information is not provided in the NR or DEIR, there is insufficient information to verify the accuracy of the noise analysis.

O-1.15-2  
Cont.

2. In the Mobility Element of the County of San Diego General Plan, Deer Springs Road is planned for expansion to six lanes. The NR analysis of vehicular traffic noise impacts to noise-sensitive land uses along Deer Springs Road did not consider this expansion. Vehicular traffic noise impact analysis should consider future planned roadway configurations.

O-1.15-3

3. The NR states "For purposes of this evaluation, the vehicle mix, speed, and proximity are assumed to remain constant in the future. Thus, the primary factor affecting noise levels would be increased traffic volumes."

It is our understanding that offsite roadways could be realigned for Option A, Option B, and the Deer Springs Road expansion. Roadway realignments may move travel lanes closer to noise sensitive land uses, which could further increase the sound level at any given location beyond what would be expected from increased traffic volumes alone. Since the NR does not provide any information regarding roadway configurations, it is unclear whether this methodology is valid.

O-1.15-4

4. Table 12 of the NR presents distances to offsite future roadway noise contours. However, existing and future Average Daily Traffic (ADT) volumes with and without the project are not provided or sourced in the text of the NR (as required by the County of San Diego Report Format and Content Requirements, 2009), the Draft Environmental Impact Report (DEIR) noise section, or the Traffic Impact Analysis Report (TIA). Therefore, there is insufficient information to verify the accuracy of the noise analysis.

O-1.15-5

5. In the TIA, Sarver Lane is omitted from the offsite operational analysis, with the exception of the Deer Springs Road / Sarver Lane intersection. According to STC Traffic, Inc. (STC), Sarver Lane carries approximately 20 to 40 vehicles in the existing peak hour based on intersection turning movement volumes; this is equivalent to an ADT volume of 500 vehicles. The road is narrow, unimproved and provides access to homes, a church, the Hidden Valley Zen Center, and businesses. Sarver Lane is a public road for approximately 1,000 feet from Deer Springs Road and transitions to a private road as it turns north. According to STC, the project would add an ADT volume of 6,300 vehicles to Sarver Lane between Sierra Valley and

O-1.15-6





Ms. Ashley Smith  
August 14, 2017  
Page 3

Deer Springs Road. It is our understanding that Sarver Lane could be realigned up to 40 feet from its current alignment.

An ADT increase from 500 vehicles to 6,300 vehicles would increase the average noise level at any given location by approximately 11 dBA. As stated in the DEIR, a substantial increase is defined as: a 10-dBA increase, or greater, over existing noise levels when existing and future noise levels are below the County's Noise Compatibility Guidelines and Standards, or: a 3-dBA increase when existing or future noise levels equal or exceed the County's Noise Compatibility Guidelines and Standards.

Because Sarver Lane is omitted from the offsite traffic operational analysis, it is not possible to determine the significance of noise impacts to adjacent land uses as required by the County's Noise Compatibility Guidelines and Standards and the County of San Diego Report Format and Content Requirements (2009). The TIA should provide existing and future ADT volumes on Sarver Lane with and without the project. The NR and DEIR should include a detailed traffic noise analysis for the residential land uses and the Zen Center along Sarver Lane. The analysis should evaluate potential noise impacts based on the forecasted traffic volumes and proposed realignment of the roadway. The analysis would likely identify significant noise impacts and would need to identify feasible mitigation measures.

6. For construction noise mitigation, the DEIR relies on Project Design Features (PDF) 33 through 38 to reduce noise levels to below 75 dBA Leq at the property lines of existing residences. However, significant variations in elevation between the noise sources and receptors, and other factors, may result in unmitigable significant noise levels. Neither the DEIR nor the NR evaluated the feasibility and effectiveness of the proposed construction noise mitigation as required in the County of San Diego Report Format and Content Requirements (2009). Therefore, there is insufficient information to verify the adequacy of the proposed noise mitigation.
7. The location of material laydown and equipment maintenance areas are not identified or assessed. In addition, information regarding how these areas would be accessed was not provided. Therefore, there is insufficient information to verify noise ordinance compliance.
8. Potential airborne and groundborne vibration impacts were generally assessed at residential land uses. However, impacts to non-residential land uses were not assessed and should be considered to prevent significant impacts.

O-1.15-6  
Cont.

O-1.15-7

O-1.15-8

O-1.15-9

O-1.15-10





Ms. Ashley Smith  
August 14, 2017  
Page 4

9. Potential groundborne vibration impacts from blasting and pile driving to public and private subsurface water wells, septic systems and other utilities were not assessed.

O-1.15-11

10. The DEIR states that several methods and measures are available to reduce traffic noise, such as noise barriers, road surface improvements, regulatory measures (such as lower speed limits), and traffic-calming devices (such as speed bumps). However, the DEIR concludes that none of these measures are considered feasible, based on the assumptions that:

- noise barriers would be constructed entirely within the County's right-of-way;
- such barriers might not be effective due to the need to provide driveways and other access points which would limit their continuity and therefore effectiveness;
- although constructing noise barriers on private property would be effective, residents might not approve of the barriers.

The DEIR (Section 2.10.7.4 Cumulative Impacts) concludes that mitigation of significant cumulative offsite impacts from project-related traffic noise level increases along Deer Springs Road is infeasible, and cumulative impacts would be significant and unavoidable.

O-1.15-12

This conclusion is based on incorrect assumptions. During a site reconnaissance, it was observed that significantly impacted land uses such as the Golden Door, the Deer Springs Oaks Mobile Home Park, and other locations within the project area did not have driveways or other openings that would preclude the construction of noise barriers providing effective noise reduction to avoid a significant impact. The feasibility of mitigating traffic noise impacts at offsite noise-sensitive land uses should be reanalyzed based on actual conditions (roadway alignments, source and receptor elevations, etc.). Consideration should be given to outdoor living areas that represent areas where frequent human use occurs, or is likely to occur as discussed in the General Plan and County's Noise Compatibility Guidelines and Standards.

In addition, neither the NR nor DEIR provides supporting evidence that a noise barrier is not feasible because the surrounding community would not consent to proposed off-site mitigation, even though requirements for such evidence are outlined in the County of San Diego Report Format and Content Requirements (2009).

O-1.15-13





Ms. Ashley Smith  
August 14, 2017  
Page 5

11. A reanalysis of all direct and indirect vehicular traffic noise impacts and mitigation would be required for new and revised traffic volumes contained in a revised TIA.

┌ O-1.15-14

This concludes our review. Should you have any questions regarding the information provided, please contact me at (619) 609-0712 x101.

┌ O-1.15-15

  
\_\_\_\_\_  
Jeffrey D. Fuller, INCE, REHS  
Principal

Attachment: Resume of Jeffrey D. Fuller





### Jeffrey D. Fuller

#### Professional Credentials

Bachelor of Science, Environmental Health, University of Washington, Seattle, 1981  
Registered Environmental Health Specialist (REHS), California, #4628 (1981)  
Approved Acoustical Consultant, County of San Diego  
Member, County of San Diego Noise Policies Peer Review Group  
Member, Institute of Noise Control Engineering (INCE)  
Former Member, FHWA Transportation and Research Board (TRB)  
Member, Acoustical Society of America (ASA)  
Former Member, City of San Diego Noise Abatement and Control Board

#### Special Qualifications

Principal, dBf Associates, Inc. (March 2013-Present)  
Noise and Vibration Services Group Leader, San Diego, California (2005-March 2013)  
Manager, URS Corporation, Noise and Vibration, San Diego, California (1996-2005)  
Senior Acoustician, Ogden Environmental and Energy Services Company,  
San Diego, California (1989-1996)  
Noise Abatement and Control Administrator, City of San Diego  
Building Inspection Department (1981-1989)

Mr. Fuller has more than 34 years of experience in noise and vibration assessments and project management. He is responsible for project planning and preparation of noise and vibration technical studies and sections of CEQA/NEPA documents. His responsibilities include the assessment of impacts associated with transportation (airports, helipads, railroads, and highways), residential and mixed-use developments, commercial/industrial, energy (power plants, wind turbines and oil and gas facilities), recreational and military projects.

Mr. Fuller's technical capabilities include the use of the computer-aided noise prediction models designed by agencies such as the Federal Highway Administration, Federal Aviation Administration, and Department of Defense. These programs are utilized to predict noise levels and to design and evaluate effective measures to mitigate noise impacts. Additionally, he frequently uses various sound level meters, dosimeters, and spectrum analyzers for conducting noise-monitoring surveys. Mr. Fuller also prepares industrial noise studies for compliance with OSHA and Cal/OSHA requirements, structural noise studies for compliance with California Administrative Code, Title 24, Noise Insulation Standards and US Department of Housing and Urban Development Guidelines, and assessments for impacts to wildlife. He has directed wildlife noise and vibration mitigation monitoring programs for the U.S. Fish and Wildlife Service.

O-1.15-16

### O-1.16 L&W Attachment 16

#### Comment Letter O-1.16

August 13, 2017



Kathy Van Ness  
Golden Door  
General Manager/Chief Operating Officer  
777 Deer Springs Road  
San Marcos, California 92069

**Subject: Traffic and Transportation Comments**  
**Newland Sierra Traffic Impact Analysis Report and Associated Traffic Technical Studies**

Dear Andrew:

STC Traffic, Inc. has reviewed the six (6) traffic and transportation related technical studies prepared for the Newland Sierra Project Environmental Impact Report:

- Section 2.13 Transportation and Traffic (June 2017 Newland Sierra Draft Environmental Impact Report)
- Appendix R1a & R1b: Sierra Traffic Impact Analysis Report (May 12, 2017) [hereafter "TIA"] and technical appendices
- Appendix R2: Newland Sierra VMT Analysis to Respond to Respond to SB743 (Fehr & Peers, February 2017)
- Appendix R3: Newland Sierra TDM Program – VMT Reduction Evaluation (Fehr & Peers, February 2017)
- Appendix R4: Transportation Modeling for the Newland Sierra Development Technical Letter (SANDAG, March 1, 2017)
- Appendix HH: Newland Sierra Parkway Feasibility Study (Fusco/LLG, June 2017) [hereafter "NSP Feasibility Study"]
- Appendix II: Newland Sierra Project Alternatives Traffic Analysis (LLG, May 2017)

STC focused our review of the technical approach and compliance with regional and local standards, as well as consistency with state of the practice transportation planning principles. We have also reviewed and compared the documents against one another for consistency in analysis methodology and findings. All comments on the documents listed above are summarized in the following key issues:

**1. The description of Deer Springs Road Options A and B are inconsistent throughout the TIA (LLG, May 2017):**

The TIA identifies two potential options for Deer Springs Road from Sarver Lane to Mesa Rock Road:

- Option A: Two Lane Community Collector
- Option B: Four Lane Major Road

Page 4 of the TIA states that Option B improves Deer Springs Road to County Public Roads Standards for a Four Lane Major with Continuous Turn Lanes (4.1B) and states that "Under this Option, no segment of Deer Springs Road would be reclassified in the County's General Plan". The County General Plan designates this roadway as a 6-lane Prime arterial (6.2). Although not clearly explained in the TIA, the NSP Feasibility Study for an alternative road alignment (Fusco, June 2017), clearly states that:

STC Traffic, Inc.  
5865 Avenida Encinas, Suite 142B | Carlsbad, CA 92008  
www.stctrffic.com

O-1.16-1

O-1.16-2

## Comment Letters

K. VanNess  
August 13, 2017  
Page 2 of 10

*"The ultimate widening of the road to a full six lanes of capacity (to become a 6.2 Prime Arterial) is identified by the County's Mobility Element to accommodate General Plan Buildout Conditions, however that classification is not required to mitigate the Project's direct and cumulative impacts, and therefore, is not proposed or analyzed by the project".*

It should be noted that in the TIA, future forecast volumes along Deer Springs Road were analyzed using the six-lane Prime Arterial (6.2) General Plan classification for Option B, not the four-lane major road (4.1B) proposed for Option B. The TIA determined that the six-lane prime arterial classification would provide sufficient capacity for the future forecast volumes along Deer Springs Road.

According to the County of San Diego TIF Transportation Needs Assessment Report (September 2012), improvements to widen Deer Springs Road to a six lane Prime Arterial (6.2) is estimated to cost approximately \$24.1 million (Appendix A) and these improvements are not TIF eligible (Appendix B, Appendix E). The justification for not using mitigation funds as stated in the County document:

*"The California Mitigation Fee Act... prevents money collected from new development, via a fee program, to be used to address existing deficiencies. New development within the County is also not responsible for mitigating cumulative impacts associated with growth outside the County" - page 4 of the County of San Diego TIF Transportation Needs Assessment Report*

Therefore, if the Newland Sierra project is not going to construct the roadway to its ultimate classification and TIF funding cannot be used, where will the funding for the future widening come from?

As stated previously, two Deer Springs Road options are considered as project mitigation (Mitigation Measure D-11, page 195 of the TIA). Option A is modeled in the TIA and determined to provide less than adequate capacity to meet the current demand and project impacts and would result in a significant and unavoidable impact. Therefore, Option B as described in the TIA as a 4.1B (Major road) classification, is identified as able to mitigate the impact to less than significant. Option B would add one additional lane in each direction along Deer Springs Road over the 2.1B Community Collector. However, the daily traffic volume for the four-lane configuration proposed for Option B is not modeled in the TIA. Instead, the TIA models the General Plan's six-lane Prime arterial classification for Deer Springs Road. Without reviewing the modeling for Option B's four-lane Major Road classification, it is not possible to determine if Option B adequately mitigates the project's impacts to Deer Springs Road.

In Table 16-6, which is the only table where the Option B is presented, the volume between the two-lane Community Collector (27,600) for Option A is the same as the four-lane Major Road (27,600) for Option B. This is inconsistent with other statements in the TIA and with fundamental principles of transportation planning. On page 143, the TIA states that

*"...if Deer Springs Road were built out as presently shown in the Mobility Element, the additional capacity available on the road is forecasted to have the effect of attracting more vehicle trips along the road..." - page 143 of the TIA*

Therefore, it can be inferred that the four-lane configuration in the 4.1B classification should attract additional trips to Deer Springs Road. Why then does Table 16-6 show the same volumes for Option A's two lane

O-1.16-2  
Cont.

O-1.16-3

O-1.16-4

K. VanNess  
August 13, 2017  
Page 3 of 10

Community Collector and Option B's four-lane Major Road? Instead the conversion from 2.1B to 4.1B results in an increase in capacity from 19,000 vehicles per day to 37,000 vehicles per day, as stated in Table 5-3 of the TIA (page 42), which includes the County of San Diego capacity thresholds by facility type.

Why was the 4.1B Major road not evaluated in the TIA if it is presented as one of the two options on page 4 of the TIA?

In fact, analysis conducted in the NSP Feasibility Study for an alternative alignment shows that improving Deer Springs Road from two lanes to four lanes increases the daily traffic volume on Deer Springs Road. In Table 4 of the NSP Feasibility Study, the daily traffic volume along Deer Springs Road increases from 21,600 vehicles per day to 33,100 vehicles per day when Deer Springs Road is widened from two lanes to four lanes. The NSP Feasibility Study demonstrates that the additional capacity associated with the potential Newland Sierra Parkway would create induced traffic, which is consistent with the findings in the TIA that providing six lanes on Deer Springs would induce traffic. However, Table 4 of the NSP Feasibility Study shows that if you widen Deer Springs from two lanes to four lanes, the amount of induced traffic attracted to Deer Springs increases by 11,500 trips per day, when the available capacity along the Newland Sierra Parkway project remains the same. The model data generated for this exercise demonstrates that if four lanes are provided on Deer Springs Road, the volume will in fact exceed the forecast volume presented in the TIA for the two-lane Community Collector Alternative.

The TIA should have provided volumes for a four-lane Major Road as proposed in Option B, which the traffic study indicates would fully mitigate the project impacts along Deer Springs Road. Because the TIA does not provide the traffic volumes of the proposed configuration for Option B, it is unknown what impacts would result from implementation and construction of Option B and what mitigation may be required. Assuming that Option B would result in the same volumes as Option A, as occurs in Table 16-6, underestimates Option B's impacts.

**2. The project trip reduction factors and justification for the internal trip reduction overstate the applicable trip reductions.**

The project site is currently vacant and in the largely undeveloped portion of the County, located at least six miles away from the nearest transit station. However, the TIA applies trip reduction factors and justification for the internal trip reduction as if project had similar characteristics to a project in a Smart Growth Area. This approach overstates trip reduction, because the project would not have the same attractiveness for internal or pass-by trips that a similar project in a more urban setting may have. According to SANDAG, the definition of a Smart Growth Area is as follows:

*"Smart growth is a compact, efficient, livable, and environmentally sensitive urban development pattern. It focuses future growth and infill development close to jobs, services, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources.*

*Smart growth is characterized by more compact, higher-density development in urbanized areas throughout the region that is walkable, bike-friendly, near public transit, and promotes good community design. It results in more housing and transportation choices for those who live and work in these areas. This planning approach is illustrated by the SANDAG Smart Growth Concept Map (Concept Map)." – SANDAG's Mapping Smart Growth in the San Diego Region Fact Sheet.*

O-1.16-4  
Cont.

O-1.16-5

O-1.16-6

O-1.16-7

K. VanNess  
August 13, 2017  
Page 4 of 10

Comparing the project and the internal trip capture to Smart Growth Areas in San Diego is simply inaccurate. As described above, the project's rural location in an area with current low density is not consistent with a Smart Growth Area. This discussion and comparison should be removed from the TIA.

Discussion regarding this project as providing a mixed-use town center should also be reconsidered. The project is largely residential. The Project proposes only 81,000 square feet of retail development proposed to serve 2,135 homes. That commercial development would not be built out until Phase 2 of construction, after approximately 1,800 of the residential units have already been completed. At a minimum, any mixed-use credit should not apply for the period of time prior to scheduled completion of the commercial town center. The other proposed mixed use is a six-acre school site. However, the school site does not have a committed occupant and there is no certainty a school would be located there. The project is hardly mixed use. In fact, the grades within the community will make walking and bicycling to and from the town center challenging. So much so, that the project recommends electric bicycle sharing to encourage residents to bike to destinations. Due to the topography of the community, the general climate in inland San Diego County, and the distance between most residential units and the town center and school, it is highly probable that the majority of the trips within the community will be auto trips. Although these trips may not reach Deer Springs Road, these trips should be accounted for in the overall VMT as well as considered when determining the internal circulation intersection traffic control and roadway classifications. If these trips were not included in the internal analysis, the level of service, selection of traffic control and roadway classifications may be incorrect and may not be adequate to provide the necessary capacity within the community. This is of particular concern near the Town Center where more than 67% of the project trips are forecast to occur.

The trip generation for the site includes trip reduction factors. It is not clear in the internal circulation section of the TIA if the peak hour or daily traffic volumes within the community were used to determine the roadway classifications and intersection traffic control because traffic volumes at the study intersections are not provided.

3. **Cumulative Analysis appears to underestimate the volume of cumulative traffic in the region.**

The TIA states that a two-step process was conducted to add cumulative trips to the existing conditions volume. Step 1 was to use the 2020 model to determine cumulative growth. The TIA states that:

*"The existing traffic volumes were deducted from the Year 2020 volumes to obtain the cumulative traffic growth forecast" – page 82 of the TIA.*

The appropriate method to assess the growth would be to take the baseline 2008 model volume and subtract that volume from the 2020 model volume to determine overall growth in the region. Then add the adjusted growth – adjusted from 2008 to the year the traffic counts were collected – to the existing conditions.

Therefore, the method by which the baseline cumulative volumes were established is incorrect. This flaw in the analysis may affect the number of intersections operating at deficient levels of service should the existing plus cumulative plus project volumes within the study area be understated.

The TIA's second step in the cumulative project forecast is the addition of projects not included in the SANDAG model. Table 9-1 in the TIA includes a comprehensive list of all projects considered as cumulative projects in the TIA, but there is insufficient information to determine which of these projects were included in the model

↑ O-1.16-7  
Cont.

O-1.16-8

O-1.16-9

O-1.16-10

↓ O-1.16-11

K. VanNess  
August 13, 2017  
Page 5 of 10

and which were not. In addition, Table 9-1 does not include the total number of daily trips generated by the projects included in the cumulative project list.

Figure 9-1 of the TIA presents the total Cumulative Volume added to the roadway network for the 192 projects in the study area. Table 9-1 of the TIA states that the cumulative traffic evaluated in the TIA includes Lilac Hills Ranch, which is forecast to generate 15,151 trips per day. According to the *Lilac Hills Ranch Traffic Impact Study* (Chen Ryan, July 2015), approximately 30.2% of the trips from this site are assigned to I-15 south of Gopher Canyon Road. This is equivalent to approximately 4,576 additional vehicles per day on I-15 between Gopher Canyon Road and Deer Springs Road.

Reviewing the freeway volumes presented in the TIA, there is a forecast increase of 2,060 vehicles per day when the Existing Freeway Volume of 127,000 (Figure 4-4) is subtracted from the forecast Existing plus Cumulative Volume of 129,060 vpd (Figure 9-9) between Gopher Canyon Road and Deer Springs Road. This is less than the 4,576 vehicular volume forecast in the Lilac Hills Ranch TIA. By understating the volume of trips from the Lilac Hills Ranch project in the cumulative impact analysis, the TIA understates the cumulative impact to I-15 and may also affect the volumes on the local roadway network. The inconsistency in volumes along the I-15 corridor suggests that in fact the cumulative trips were not accurately evaluated in the TIA.

It should also be noted that the daily traffic volumes along I-15 for the 2020 condition as reported in the TIA are not consistent with information currently available on the SANDAG website for the Series 12 2020 conditions. A review of the SANDAG Series 12 model volume on the Transportation Forecast Information Center (TFIC.sandag.org) website, the variations in volume along the I-15 freeway by 2020 are not as high as those presented in the Sierra Project TIA.

Therefore, additional information should be provided in the TIA to:

- Clearly identify the location of the cumulative projects
- Clearly identify the trip generation for the cumulative projects evaluated
- Clearly identify which projects are included in the SANDAG model and which projects were manually added

The project's cumulative impacts analysis has found significant impacts on I-15 from Old Highway 395 to Pomerado Road, but the developer does not propose any mitigation for this added mainline congestion. As the freeway becomes less efficient, more vehicles will abandon the freeway in favor of surface street routes throughout the region, which currently occurs along Deer Springs Road and Gopher Canyon Road. It is important to provide a comprehensive and accurate assessment of the cumulative year volumes and the cumulative impacts in order to be able to fully evaluate whether the network of potentially impacted surface streets analyzed in the TIA should be expanded due to increased potential for cut through trips. Therefore, without complete and accurate analysis of the cumulative year volumes, the study area for cumulative impacts may be improperly limited.

#### 4. The Mountain Meadow Traffic Forecast is Not Reasonable.

The TIA Compares Two Conditions for the Cumulative Conditions: one with the Mountain Meadow connection and the other without the Mountain Meadow connection. Mountain Meadow is located on the east side of I-15 extending east of Deer Springs Road. A comparison of daily volumes (from Figures 9-1 and 9-3 of the TIA) show the following:

O-1.16-11  
Cont.

O-1.16-12

O-1.16-13

O-1.16-14

O-1.16-15



K. VanNess  
August 13, 2017  
Page 6 of 10

- Without Mountain Meadow Connection Cumulative ADT Volumes:
  - On Mountain Meadow (east of I-15) – 900 vpd
  - On Deer Springs Road (west of I-15) – 2,600 vpd
- With Mountain Meadow Connection Cumulative ADT Volumes:
  - On Mountain Meadow (east of I-15) – 1,000 vpd
  - On Deer Springs Road (west of I-15) – 5,100 vpd

It is unclear how the extension of Mountain Meadow Road to the east of I-15 can increase the cumulative ADT volume on Deer Springs Road by 2,500 vehicles per day when the extension results in an increase in cumulative ADT volume on Mountain Meadow of 100 vpd.

Therefore, additional information should be provided to explain and validate these forecast cumulative traffic volumes. Based on the inconsistent information provided in the TIA, there is uncertainty about the accuracy of the traffic volumes forecast along Deer Springs Road, Mountain Meadow Road, and the analysis of the impacts through the I-15 interchange. Inaccurate volumes may result in impacts not clearly identified in the TIA.

O-1.16-15  
Cont.

## 5. Horizon Year Volumes are flawed and underestimate the volume on Deer Springs Road.

In addition to evaluating the Existing plus Cumulative plus Project conditions, the project also evaluated the conditions under General Plan buildout. Whereas the existing plus cumulative plus project condition reflects projects that are anticipated to be occupied in the near term or by the project opening year, the General Plan considers the buildout of all planned land uses included in the General Plan. These volumes should also consider development planned in the surrounding communities of Vista, San Marcos and Escondido. However, the General Plan volumes for the Option A Condition as reported in Table 11-2 of the TIA (forecast for the General Plan Update, using Series 10) are lower along Deer Springs Road than the volume forecast for the Existing Plus Cumulative Plus Project Volumes:

Segment of Deer Springs Road:	Existing with Project ADT	Existing Plus Cumulative Plus Project ADT	Long Term Option A (No Mountain Meadow)	Long Term General Plan (No Mountain Meadow)
City Limit to Sarver	26,990	30,190	28,240	38,460
Sarver to Mesa Rock	25,000	27,600	25,490	45,640 <sup>(1)</sup>
Mesa Rock to I-15	35,950	36,750	32,840	38,910

### Note:

- (1) Under the Horizon Year General Plan condition, the volume between Sarver Lane and Mesa Rock Road is higher than the volume on the segments connecting both east and west of this segment. This is the only study scenario where the volume between Sarver and Mesa Rock is higher than the connecting segments. It is unclear where the increase in volume is coming from given the low-density land uses along the Deer Springs Road corridor.

The Series 10 model could not be re-run for the General Plan, therefore the Series 12 model was used to determine a "percent change" in volume between the 6-lane Prime and the 2-lane Collector. The model runs used to determine the percent change are not provided in the TIA, nor are the volumes for the Series 12 model run.

O-1.16-16

K. VanNess  
August 13, 2017  
Page 7 of 10

Using this manual method for adjusting the volume for Deer Springs Road, the Without Mountain Meadow as a 2 lane Collector (Option A) is forecast daily traffic volumes is 25,490 vehicles per day with the project, which is less than the volume forecast for the Existing plus Cumulative plus Project conditions. The project is forecast to add approximately 5,600 vehicles per day to this segment of roadway. The analysis in the TIA suggests that the volumes adjusted by the consultant to reflect the General Plan "without Project" volume is 19,890 vehicles per day, which is nearly the same as the existing conditions volume. These manual adjustments have clearly underestimated the volume of traffic along Deer Springs Road. As the proposed project is General Plan Amendment and is forecast to significantly impact segments of Deer Springs Road, the volumes along Deer Springs Road should be updated to reflect at minimum reasonable forecast growth along the corridor and identify project impacts and roadway classifications based on more current and accurate model forecasts.

Therefore, the volumes forecast for the Long-Term Option A (2-lane Collector) conditions under estimate the volume of traffic along Deer Springs Road. The volumes should be revised to reflect reasonable growth along Deer Springs Road or a reasonable explanation of this reduction in trips should be clearly documented in the TIA.

#### 6. Long Term Freeway Analysis is Missing Segments of the I-15 Corridor

The Existing, Existing Plus Project and Existing Plus Cumulative Plus Project analyses of the I-15 corridor evaluate segments from the Riverside County Boundary to Camino Del Norte totaling approximately 32 miles. The long-term condition evaluates only three segments of the I-15 corridor from Gopher Canyon Road to El Norte Parkway totaling approximately 8 miles. No justification for this change in study area to omit volumes for 24 miles of freeway is provided in the TIA.

Therefore, additional analysis is needed to evaluate the project impacts along the length of the I-15 Corridor from the Riverside County Boundary to Camino Del Norte. It is currently not possible to analyze the potential impacts in the segments omitted from the TIA. Similar to the discussion in #3 above, without appropriate data, the study area for impacted surface streets may be improperly limited.

#### 7. Long Term Freeway Analysis Incorrectly assumes Improvements including 1 Managed Lane in each direction by year 2050.

The current configuration of I-15 consists of 4 mixed flow lanes in each direction from Gopher Canyon Road to El Norte Parkway. Table 11-3 of the TIA includes 4 mixed flow lanes and 1 managed Lane in each direction along the I-15 corridor from Gopher Canyon Road to El Norte Parkway. Mitigation Measure C-24 on page 204 of the TIA states that "there is no Caltrans program in place to implement the necessary improvements into which the project could contribute a fair share". The regional transportation improvement program (RTIP) indicates that improvements along the I-15 corridor north of El Norte Parkway are included in the 2050 RTP and estimates at approximately \$18 to complete. At the time these comments were prepared, Measure A was denied by the voters and the additional funding needed for projects like the I-15 northern corridor improvements remain unfunded.

Therefore, it was unreasonable to assume the improvements along the I-15 corridor since the project proponent is neither willing to pay a fair share toward the improvement nor is the funding secure to complete the improvements in the foreseeable future.

O-1.16-16  
Cont.

O-1.16-17

O-1.16-18

K. VanHess  
August 13, 2017  
Page 8 of 10

**8. Internal Access lacks sufficient information to assess operations.**

No internal volumes are provided for intersections within the study area. The project proposes primarily side street stop controlled intersections throughout the project including the access the school site near the town center. Given the assumed school population of 555 students (page 65 of the TIA), the stop control and single point of access to the school site may result in traffic impacts and queued vehicles along Mesa Rock Road that are not currently described in the TIA. Detailed information regarding traffic volumes for all internal intersections should be provided.

Therefore, the TIA provides insufficient information to verify the geometry at the internal intersections is sufficient to meet the forecast traffic demands at those intersections. Additional peak hour intersection turning movement volumes should be provided in the report to verify the volume, queue and analysis conducted in the TIA. Should the queues along Mesa Rock Road extend to Deer Springs Road, the impacts of the internal intersection operations could impact the flow of traffic on Deer Springs Road and the I-15 interchange. Additional information is necessary to understand how the signal operations, signal spacing and signal timing of these closely spaced intersections along with the intersections through the interchange will operate given that some intersections are located within the County and others will be operated by Caltrans.

O-1.16-19

**9. Sarver Lane is Not Adequately Addressed in the TIA.**

Sarver Lane is omitted from all off-site operational analysis, with the exception of the analysis of the Deer Springs Road/Sarver Lane intersection. Currently, Sarver Lane carries approximately 20 to 40 vehicles in the peak hour based on intersection turning movement volumes. This is equivalent to less than 500 vehicles per day. The road is narrow, unimproved and provides access to homes, a church, a Zen meditation center and businesses. Sarver Lane is a public road for approximately 1,000 feet from Deer Springs Road and transitions to a private road as it turns north. On page 4 of the TIA it states that:

*"The Sarver Lane intersection at Deer Springs Road will be signalized and is proposed to be 52 feet wide at the intersection to provide one northbound lane and two southbound lanes, transitioning to a width of 40 feet of pavement, then transitioning to a width of 24 feet with no parking within the Project". Page 4 of the Traffic Impact Analysis Report.*

O-1.16-20

The TIA evaluates the volume of traffic along Sarver Lane in the analysis of the internal conditions. Table 13-2 of the TIA identifies Sarver Lane as an Internal Roadway Segment, with a classification of Light Collector (2.2). According to the County of San Diego Roadway Standards (March 2012), a Light Collector (2.2) has a pavement width ranging from 28 feet (with reduced shoulders) to 54 feet when a raised median is provided. Based on the capacity assigned in the TIA to Sarver Lane, the report assumes Sarver Lane will be constructed to the 2.2E classification with a daily capacity of 16,200 and a pavement width of 40 feet. However, as described in the paragraph on page 4 of the TIA, portions of Sarver Lane will be 24 feet heading into the project, which is less than the allowable curb to curb width for any of the Light Collector classifications included in the County Street Design Manual.

Therefore, the TIA overstates the capacity of Sarver Lane. The analysis should be revised to reflect the appropriate classification or the roadway width revised to reflect County Standards.

K. VanNess  
August 13, 2017  
Page 9 of 10

In addition, the TIA fails to address existing access points along Server Road that may be impacted by the widening of the corridor. The forecast volume along Server Lane with the project is 6,300 vehicles per day between Sierra Valley and Deer Springs Road. This is a significant increase in daily traffic over the existing traffic volume.

Therefore, additional analysis of the direct and indirect project impacts including traffic, noise, air quality, GHG and construction impacts should be considered along Server Lane. Without identifying the potential impacts on Server Lane, it is not possible to determine the significance of such impacts or propose mitigation for them.

## 10. Project TDM program overstates trip reduction credits.

The project's proposed TDM program cannot be relied upon to provide the trip reduction benefit assumed in the TIA. The TDM relies heavily on expenditures by HOA or home owners and the longevity of these programs is uncertain. The TDM program suggests that electric bike stations will help offset internal trips within the community. There are several issues with bike share programs in highly suburban communities:

- The cost to rent the bicycle within the residential community may deter residents from taking this mode for local, neighborhood trips. The lowest cost program for electric bicycle share is currently in San Francisco, where the rate for the new program is \$1/15 minutes for a single user. In a residential neighborhood, why would someone walk to a bike station to rent a bicycle to ride to their friend's house or to the market. Based on the density in the community planned, the cost and time required to rent a bike would exceed the time and cost to drive. Therefore, the likelihood of internal trips shifting to rental electric bike is low.
- Bike share is typically and most effectively used for first-last mile connections and is designed to serve adults, not families. Most bike share facilities require patrons to be 18 years or older to use the bicycle. Based on the residential and rural nature of the community coupled with the presence of a K-8 elementary school in the family, it is likely many homes in this community would be family oriented. Therefore, bike share and electric bikes would serve a very small portion of the population.

The TDM program suggests integrating car share into the Town Center. ZipCar is the only car share program currently operating in San Diego County and the closest ZipCar is located at Cal State San Marcos. Currently Zip Car is not present at the Escondido Transit Center. Therefore, what is the benefit of providing car share in the Town Center? The Town Center is not walkable from the community (due to location, climate, topography). Why would the car share company be interested in placing up to three vehicles in the town center? These are not clearly explained in the TDM portion of the TIA and are inconsistent with likely modality choices.

Supplemental information on TDM strategies and their benefits are explained in the February 2017 Fahr & Peers Report "Newland Sierra TDM Program – VMT Reduction Evaluation". However, the CAPCOA method and percentages are based on research on more urban environments and many of fact sheets provided in the CAPCOA GHG Mitigation Measures report clearly state marginal or uncertain benefits in a rural community. The TDM measures should also not provide double credit for trip reduction credits (such as mixed use or internal capture) that is already considered in the trip generation for the project site. Page 63 of the "Quantifying Green House Mitigation Measures" states the following:

O-1.16-21

O-1.16-22

O-1.16-23

O-1.16-24

K. VanNess  
August 13, 2017  
Page 10 of 10

*"There are also restrictions on the application of measures in rural applications, and application to baseline, as follows:*

- Rural Application: Few empirical studies are available to suggest appropriate VMT reduction caps for strategies implemented in rural areas. Strategies likely to have the largest VMT reduction in rural areas include vanpools, telecommute or alternative work schedules, and master planned communities (with design and land use diversity to encourage intra-community travel). NEV networks may also be appropriate for larger scale developments. Because of the limited empirical data in the rural context, project-specific VMT reduction estimates should be calculated.*
- Baseline Application: As discussed in previous sections of this report, VMT reductions should be applied to a baseline VMT expected for the project, based on the Institute of Transportation Engineers' 8th Edition Trip Generation Manual and associated typical trip distance for each land use type. Where trip generation rates and project VMT provided by the project Applicant are derived from another source, the VMT reductions must be adjusted to reflect any "discounts" already applied."*

The internal trip reduction credits overlap with the Land Use Diversity TDM measure included in Table 1 of the Fehr & Peers report. Despite the density proposed for the project within the project boundary, the surrounding community is largely rural providing few connects from the project site to other activity centers that would be accessible by bicycle or by foot.

Finally, the TDM program relies on providing information to the community in order to organize a shuttle program or carpooling. The TDM measures do not commit to the operation of a shuttle program either within the community or connecting to the Escondido Transit Center. The TDM measures states the project shall "develop and deploy" a shuttle service with little information regarding the funding mechanism to support this service. At the time the report was prepared, transit service was not provided and was not planned to be provided to the community.

Therefore, the project should provide a cost benefit analysis to justify the TDM measures as proposed and provide a reasonable forecast of the TDM benefits given the rural residential nature of this community.

#### CLOSURE

Should you have any questions regarding the information provided herein, please contact me at (760) 585-4494.

Sincerely,  
STC Traffic, Inc.



Dawn L. Wilson, PETE  
Principal Manager

O-1.16-24  
Cont.

O-1.16-25

O-1.16-26

**Years of Experience:**  
23 years

**Education:**  
M.S. Civil Engineering,  
University of California  
Irvine, 1995

B.S. Civil Engineering,  
University of California  
Irvine, 1993



**Dawn L. Wilson**  
**PE, TE**  
Principal

#### Unique Qualifications

- Over a decade of experience providing on-call / as-needed services to local agencies in San Diego County
- Over 15 years of preparing traffic impact analysis reports for development projects across the San Diego County

**Professional Registrations:**  
Professional Engineer (Civil),  
California, #62562

Professional Engineer (Traffic),  
California, #2548

**Affiliations:**  
Institute of Transportation Engineers  
(ITE), *Past President (2012)*

ITE Mobility Task Force, Member  
(2014 – 2017)

Women's Transportation Seminar  
(WTS), *Former Newsletter Chair*

**Speaking Engagements**  
SB 743 Presentation to AEP/Circulate  
San Diego & ITE, 2015.

SB 743 Session Moderator, ITE  
Western District Conference, 2017.

SB 743 Technical Workshop  
Moderator, ITE Joint Meeting with  
San Diego, Southern California &  
Riverside County

Professional Engineer Exam

Ms. Wilson has over 20 years of experience in preparing transportation planning studies and traffic engineering design plans. Over the past decade she has focused her career on preparing multimodal studies that focus on balancing transportation and land use within the built environment. Ms. Wilson has strived to develop a balance within her teams – encouraging the creative and innovative solutions in mobility planning with the practical, feasible design required in traffic engineering.

With a diverse background in transportation planning, Ms. Wilson brings to her clients a holistic understanding of the physical, environmental and mobility needs in a community. In addition to her experience as a traffic engineer, she has worked closely with numerous community groups, boards and commissions on projects to build consensus and ultimately obtain project approvals.

### Relevant Experience

#### AS NEEDED TRAFFIC ENGINEERING/PLANNING

**On Call Traffic Engineering Services (Menifee, CA) 2015/2016** – Principal in Charge responsible for oversight of on-site traffic engineering services for the City of Menifee. Ms. Wilson is responsible for the review of all traffic impact analysis report for the City and provides engineering support for STC's staff who provide on-site services twice a week to the City.

**On Call Traffic Engineerings Services (Oceanside, CA) 2015/2016** – Senior Transportation Engineer responsible for providing as needed transportation planning support for the city. Tasks on this contract include review of traffic impact analysis reports and technical studies. Most recently, the City commissioned STC to prepare the technical analysis and final design for the Coast Highway Road Diet Pilot project.

O-1.16-27



*Dawn L. Wilson, PE TE*

**As Needed Traffic Engineering (Carlsbad, CA) 2015/2016** – Project Manager responsible for traffic engineering tasks assigned by City of Carlsbad. Most recently, the City has commissioned Ms. Wilson to present to the City Council the changes in the Transportation Impact Analysis guidelines to the City Council and to review/update the SANDAG traffic model for the City of Carlsbad.

**City Traffic Engineer (Del Mar, CA) 2011 to 2013** - City Traffic Engineer for the City of Del Mar, a pedestrian and bicycle-friendly municipality. Ms. Wilson is responsible for addressing traffic related concerns raised internally by City staff and by the community, many of which involve reducing vehicle speed, improving pedestrian safety and reducing cut through traffic. When necessary, she presents before the Traffic Safety Commission and City Council on key topics relative to traffic and parking. Ms. Wilson was responsible for project support and review of the Camino Del Mar complete streets project, which involved narrowing a four lane divided road to two lanes and converting existing all-way stop intersections to roundabouts. Ms. Wilson was actively involved with the community on this project and assisted the project team with technical assistance on the corridor design.

**As-Needed Traffic Engineering and Special Studies (Solana Beach, CA) 2010 & 2015** - Project Manager for this as-needed Traffic Engineering contract. Ms. Wilson has been awarded this contract twice. Most recently, she was awarded in the contract in 2015 and is providing RFP support, design support and technical studies to City staff. Her responsibilities in 2010 included a Parking Demand Study, parking signing and striping plans, a Traffic Management Study, a Speed Survey, a Stop Sign Warrant Analysis and a Traffic Calming Study.

**As Needed Project Management Support (Carlsbad, CA) 2015** - Project manager responsible for providing ongoing support to the Traffic Engineering Division at the City of Carlsbad. Tasks completed under this contract include review of traffic control plans and traffic impact analysis reports, special projects such as LOS methodology comparison for GMP intersections and bikeway design guidelines.

**As-Needed Third Party Review Services (Carlsbad, CA) 2003 to 2015** - Project Manager for on-call services, including review of five major traffic impact reports for the City of Carlsbad. Ms. Wilson presented the staff report to the Planning Commission and City Council meetings and provided technical support during the public review and public hearing process for each of the five projects.

### CORRIDOR & MOBILITY STUDIES

**LA Grade Crossings Project (LA Metro) 2015/2016** - Task manager responsible for the evaluation of the traffic signal and queue conditions at over 150 rail crossings in Los Angeles County. STC is a member of the AECOM team responsible for evaluating the need for improvements, including possible grade separation, at 150 crossings throughout the County along the Metro rail lines. Ms. Wilson will lead STC's portion of the contract, which will include field investigation at the top 50 locations, preparation of technical papers and support for methodology documents, and final design plans.

**Montgomery Grade Crossing Study (Encinitas, CA) 2015/2016** - Task manager responsible for surveying pedestrian and bicycle conditions near the proposed Montgomery Grade Crossing location. This site was selected along the NCTD right-of-way for a potential pedestrian/bicycle grade crossing. Although the City had at one time considered this location for a grade separated pedestrian crossing, cost of the improvements lead to reconsideration of the proposed design. STC is a member of the HDR team that will prepare not only the grade crossing study, but the final design of the at-grade pedestrian crossing. In addition to being responsible for the



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

pedestrian and bicycle activity report, STC will prepare the final design for the signing and striping improvements along Coast Highway and San Elijo Road upon approval of the grade crossing study through the CPUC.

**Westside Mobility Project (National City, CA) 2016** – Principal in Charge responsible for the development of concept plans and recommendations for pedestrian and bicycle improvements in this Specific Plan area. STC worked with the City of National City to prepare a SANDAG Smart Growth Grant. The results of STC's efforts lead to \$245,000 in grant funding for design and over \$2m in construction funding to build new sidewalks, traffic circles, bicycle facilities and pedestrian scale lighting. Ms. Wilson will help lead the design efforts and ensure that pedestrian and bicycle improvements meet the community needs and meet current design standards and best practices.

**Third & Fourth Streets Traffic Calming Study (Coronado, CA) 2015/2016** – Project manager responsible for preparing the technical analysis and community outreach for this high profile project. Third and Fourth Streets are key one-way corridors providing access onto and off of Coronado Island. For years, residents along these corridors have expressed concerns about traffic volume, speed and cut through activity. As a result, the Transportation Commission requested a technical study that evaluated potential alternatives and solutions to improve access across Third and Fourth Streets for all modes, reduced traffic speeds along Third and Fourth Streets and improved walking/traveling environments along the corridor. Ms. Wilson led the project team from initiation to project completion and continues to provide project support in the way of additional technical studies and design.

**San Marcos Boulevard Complete Street Study (San Marcos, CA) 2014** – Ms. Wilson served as project manager for this project prior to joining Fehr & Peers. As a Senior Associate with our firm, she continues to provide a senior traffic engineering role responsible for oversight of community outreach, technical review of multimodal analysis and project management. This project focuses on developing roadway alternatives to improve pedestrian access, bicycle connectivity and increased public open space. Project team tasks include conducting a multimodal level of service analysis, VISSIM modeling and conceptual engineering.

**College Boulevard Project Study Report (Oceanside, CA) 2012** Project Manager responsible for overseeing a team of environmental specialists, civil engineers and transportation planners. The project evaluated the need for and feasibility of widening College Boulevard from four to six lanes from SR-78 to Old Grove Road. Ms. Wilson worked closely with the City of Oceanside in conducting two public workshops and several small group meetings. As part of this project, the team evaluated parking alternatives, including relocating parking to the alleys behind fronting properties and evaluated potential pedestrian improvements including a new traffic signal to improve access across College Boulevard and conversion of the existing sidewalk to a meandering path with landscape treatments. The project was successfully presented and approved by City Council. Since completed, the City has moved forward with two of the three area improvements recommended in the study report.

**Carlsbad Boulevard Complete Streets Study (Carlsbad, CA) 2013** - Traffic Engineer responsible for evaluating the feasibility of reducing Carlsbad Boulevard from four lanes to two lanes. Analysis of the alternatives included SIDRA analysis of roundabouts, Multimodal LOS analysis using Synchro 8 software and pedestrian/bicycle benefits assessment. RBF developed multiple alternatives that included unique treatments for bicycles, pedestrian paths, integration of on-street parking and roundabouts.

**Naval Base San Diego Mobility Study (Naval Base San Diego, CA) 2011** – Task manager responsible for preparing vehicular and transit access analysis for the Naval Base. Tasks completed as part of this contract include evaluating potential locations for a new parking garage and its traffic impacts, the traffic constraints caused by surrounding communities and mitigations, the effects of stringent Anti-Terrorism and Force Protection (ATFP)



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

requirements, and recommending ways to better enable mass transit use. The overall goal is an integrated mobility network, and as the first such study for the Navy's San Diego region, this document initiates the formal integration of non-motorized travel modes into base transportation policies. Congestion is a serious operational and quality of life concern at the Base and over time, the walking environment has been severely compromised by vehicular parking demands. The project team is assisting the Navy in seeking innovative solutions to address this issue in a timely manner.

**Rosecrans Corridor Mobility Study (San Diego, CA) 2010** - Project Manager assisting the City of San Diego in achieving community consensus on the design of traffic flow and circulation projects; traffic calming measures; transit, bicycle, and pedestrian improvements; and additional parking along Rosecrans Street from Kellogg Street to Pacific Highway and Camino Del Rio West to the I-5/I-8 connector ramps as well as the Old Town Transit Center. The project will also coordinate efforts with the Midway Community Plan Update currently underway.

**Hillcrest Corridor Mobility Strategy (San Diego, CA) 2008** - Project Manager for this plan to improve mobility that balances and improves pedestrian safety, traffic calming measures, transit, bicycle, and pedestrian improvements. Responsibilities include collecting information and compiling data on existing conditions, conducting feasibility and alternatives analysis to develop a refined concept plan and final report, developing cost estimates and an implementation Plan. Ms. Wilson coordinated efforts with City staff, conducted extensive community outreach workshops, and local community groups.

**University Avenue Mobility Plan (San Diego, CA) 2004** - Project Manager with overall responsibility for preliminary engineering, traffic impact analysis report, transit operational study, and community workshops. She coordinated efforts with City staff, local community groups, project Steering Committee and locally elected committees. This fast-track project involved the evaluation of proposed traffic calming measures and alternative parking strategies for 1.9 miles of University Avenue. She also prepared documentation summarizing results of technical studies and recommended Refined Concept Plan for the Corridor.

**City of Vista Santa Fe/Mercantile Corridor Revitalization Specific Plan, (Vista, CA) 2005** - Project Manager responsible for preparing the mobility study and pedestrian/bicycle circulation analysis in support of the South Santa Fe redevelopment corridor. She worked collaboratively with the project planners to develop horizon year land use and traffic generation assumptions. This project focused on integrating improved pedestrian walking paths and sidewalks, traffic calming to reduce traffic speeds and improved parking to stimulate interest along the corridor. Ms. Wilson continue to work with the city in modifying the design to include a narrower, two-lane cross section and roundabout at several currently uncontrolled intersections.

### PEDESTRIAN & BICYCLE STUDIES

**SANDAG North Park Mid-City Bikeway Project (San Diego, CA)** - Project manager responsible for preparing the preliminary engineering for over 8 miles of bikeway improvements in the City of San Diego. The project included conceptual design of buffered bicycle lanes, reverse angle parking, cycle track, neighborhood traffic circles and mini-roundabouts. The goal of the project was to reduce traffic speeds, provide dedicated bicycle facilities and improve the neighborhood feel along the corridor. Plans were presented by SANDAG and the consultant team at numerous community group meetings. In addition to the conceptual design, Ms. Wilson oversaw the development of visual



O-1.16-29  
Cont.



*Dawn L. Wilson, PE TE*

simulations, community outreach material and numerous technical memorandums summarizing field inspections, operational analysis and findings to support the conceptual design.

**Coast Highway Road Diet Project (City of Oceanside, CA)** – Project manager responsible for overseeing the technical analysis and final design for the Coast Highway Road Diet Pilot Project. The technical analysis included preparing a Synchro model and Tru Traffic travel time runs to identify the current through traffic condition and travel time along the corridor. The model was used to evaluate the potential queue, travel time and operational issues that may arise with the restriping of the corridor from four lanes to two lanes. STC was then commissioned to prepare the striping plans and pedestrian refuge island plans for the corridor. The project was completed in less than four weeks and was out to bid within six weeks of project initiation.

**Phase 4 Pedestrian Master Plan (City of San Diego, CA)** – Project manager responsible for developing pedestrian improvement projects within eight communities in the City of San Diego. The project entailed the development of project focus areas, field assessment, needs assessment, and GIS modeling to determine the pedestrian priority areas in each community. Ms. Wilson was responsible for overseeing GIS analysis prepared by a subconsultant team and for coordinating field assessments and conceptual designs for the recommended projects. Ms. Wilson worked closely with City of San Diego staff in preparing grant funding materials on a quarterly basis for City reimbursement on the project.

**Linda Vista Comprehensive Active Transportation Strategy (City of San Diego, CA)** Project Manager and Technical Advisor responsible for developing the Active Transportation Strategy for the Linda Vista Community. The project involves developing community issues and priority lists, conducting multiple community outreach meetings, preparing conceptual designs and cost estimates for recommendations and preparing a detailed report.

**Pedestrian Master Plan (San Diego County, CA) 2010** - Task Manager responsible for providing traffic engineering support services to the development of the master plan. Working closely with the County of San Diego Department of Land Use and Department of Public Works, Ms. Wilson served as a Traffic Engineering liaison during the development of the master plan. Ms. Wilson helped develop a framework for the master plan that was consistent with the current street design standards. As part of this project, Ms. Wilson and her team of transportation planners met with five rural communities in San Diego County to identify pedestrian opportunities/constraints. From the field investigation and meetings with the planning group for each community, Ms. Wilson and her team developed conceptual plans that identify specific pedestrian improvements for each community. The recommended master plans were presented to the communities and adopted as part of the overall Countywide plan.

### TRAFFIC CALMING PROJECTS

**Harbinson Avenue Traffic Calming Study and Final Design (La Mesa, CA)** – Project manager responsible for developing new traffic calming concepts for Harbinson Avenue. The City designed and constructed two traffic circles along Harbinson Avenue in 2012. As a result of the circles, several rear-end and sideswipe accidents occurred on the far side of the circles. Ms. Wilson was hired by the City to evaluate the cause of the accidents and to recommend alternative treatments. The circles were removed and new striping, median islands and speed tables were installed. STC prepared the striping plans and raised speed table design for the City. The concepts and



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

plans were designed and installed within a short time period to meet Council direction and commitments to the community.

**West Hollywood West Traffic Calming Plans (West Hollywood, CA)** – Project manager responsible for working with the community to develop traffic calming solutions in three communities in West Hollywood. Neighborhoods in the City experience a high level of cut through traffic due to congestion that occurs on the major roadways throughout the day. Ms. Wilson was responsible for meeting with the neighbors to identify key cut through routes, observing traffic patterns within the community, and preparing traffic calming concepts to address the traffic patterns. Ms. Wilson conducted over a dozen community meetings and prepared multiple traffic calming plans that lead to community support and council approval.

**City-Wide Traffic Calming Study and Master Plan (Temple City, CA)** - Project Manager provided traffic planning and engineering services to the City to support their efforts to develop a comprehensive vision and plan to establish a toolbox of traffic calming devices, evaluation and prioritization criteria, and a Master Plan to implement them. The plan analyzed primary problem areas and intersections, and identified traffic calming measures for each to reduce congestion, high speeds and cut-through traffic. The plan was developed in consideration of these mobility issues, as well as the Bicycle Master Plan and pedestrian mobility issues, to provide a complete look at the city's overall mobility improvement needs. RBF's scope of work included data collection and analysis, establishment of thresholds and corridor evaluations, development of traffic calming criteria, community workshops, report of recommendations, development of the final Master Plan and presentation of the Plan to City Council.

**City of Oceanside Traffic Calming Program (Oceanside, CA) 2011** - Project Manager responsible for coordinating the developing of a new traffic calming program for the City of Oceanside. The program development included the selection of and conceptual design of traffic calming devices for the City toolbox and facilitation of a Project Stakeholder group. Ms. Wilson conducted a series of workshops and neighborhood meetings to "test run" the traffic calming program. As part of this process, Ms. Wilson was responsible for recommending neighborhood survey approval thresholds, removal threshold levels and the overall traffic calming program guidelines. The traffic calming program was adopted by City Council in February 2011.

**Los Altos Traffic Calming Master Plan (Los Altos, CA) 2011** - Task Manager responsible for the development of traffic calming solutions that improve pedestrian access and walkability along collector streets throughout the City of Los Altos. Responsibilities included evaluation of roundabouts, identification of appropriate tools, preliminary design of traffic calming concepts and presentations to City Council and Transportation Commission.

### TRAFFIC IMPACT ANALYSIS REPORTS

**De Anza Cove Redevelopment Project Mobility Study (San Diego, CA) 2015/2016** - Task Manager responsible for the preparation of the mobility impact analysis report for the De Anza Cove site. Ms. Wilson will prepare the existing and future conditions analysis report for this project that will assess the pedestrian, bicycle and automobile access to the site currently occupied by the mobile home park. Working with a project team, this project will undergo a year of community outreach and public review before the technical studies will be complete. Ms. Wilson will be responsible for attending community workshops and Ad-Hoc team meetings and will work with the team to evaluate potential impacts and opportunities associated with land use alternatives considered during the



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

project development phase. The final product prepared by STC will be the mobility impact analysis report that will be integrated into the environmental document for this project site.

**Little McGonagle Ranch Road Traffic Analysis (City of San Diego, CA) 2015/2016** - Principal in Charge responsible for evaluating the traffic and travel time benefits associated with a future roadway extension. Little McGonagle Ranch Road is located in the Carmel Valley community of the City of San Diego. The roadway extension would connect the existing road terminus to the SR-56 freeway at the Carmel Mountain Road interchange. The study utilizes the regional traffic model to determine changes in travel patterns with the proposed road extension. STC will work directly with the City to determine the benefit and determine if the road extension will reduce existing or forecast roadway operating deficiencies, improves travel time or reduces emergency response times.

**Del Mar City Hall Traffic Impact Analysis Report 2015/2016** - Project Manager responsible for the preparation of traffic and parking analyses for the Del Mar City Hall site. The project will be located on the existing City Hall property and will include a new City Hall building, Town Hall building and a new subterranean parking garage that will include approximately 140 parking spaces. Ms. Wilson worked with the design team to assess the optimal driveway configuration that would effectively improve circulation into and out of the existing property and prepared a traffic impact analysis report that addressed on-site and off-site issues. Ms. Wilson worked with the environmental team to determine the potential CEQA impacts and attended multiple community meetings and public hearings. Ms. Wilson continues to work with staff and the community on access and circulation solutions along 10<sup>th</sup> and 11<sup>th</sup> Streets.

**LEGOLAND Traffic Impact Analysis and Parking Study (Carlsbad, CA) 2009 & 2015** - Project Manager responsible for the preparation of traffic and parking analyses for the proposed hotel to be located adjacent to the LEGOLAND California Resort. Coordinated with the architect and City of Carlsbad Traffic Engineering division to determine traffic patterns to and from the property as well as on-site circulation through the existing parking lot. Ms. Wilson prepare the traffic impact analysis reports for both the original hotel site and the second hotel site (in process in 2015/2016).

**El Camino Real Bridge Widening at Cannon Road (Carlsbad, CA) 2015/2016**

Project Manager responsible for preparing the traffic analysis and traffic engineering plans for an existing bridge. The traffic study will address operating conditions during construction, recommend intersection geometry, address pedestrian and bicycle safety improvements, and calculate turn pocket lengths. The final design includes signing, striping, signal, and traffic control plans. The size of the bridge deck is constrained by both existing development on both sides of the road, in addition to biological habitat and environment constraints at the creek crossing. STC worked with the design team to reduce lane widths and design features to minimize impacts associated with the bridge widening.

**Solana Highlands Traffic Impact Analysis Report (Solana Beach, CA) – 2015/2016** - Project Manager responsible for preparing the traffic impact study for this multifamily housing development in Solana Beach. The project aims to redevelop the existing site. With the redevelopment, the project will aid the city in meeting housing goals established in the City's Housing Element. In addition to preparing the technical analysis, Ms. Wilson was responsible for attending two community workshops and coordinating several meetings with City staff to resolve potential traffic calming and operations issues.

**Scripps Hospital La Jolla Master Plan (La Jolla, CA) – 2010 to 2013** - Project Manager responsible for preparing the traffic impact analysis report, internal circulation analysis, parking assessment and Transportation section of EIR



O-1.16-29  
Cont.



*Dawn L. Wilson, PE TE*

for the Scripps Hospital La Jolla Master Plan. The hospital expansion added 750,000 square feet of out-patient medical office buildings and a new hospital tower. Ms. Wilson worked closely with City of San Diego and the project team to address key project issues including the widening of Genesee Avenue, offsite mitigation measures near UCSD and internal queuing issues. Ms. Wilson attended several project team meetings, community meetings, and City Council to provide technical support to the hospital development team.

**Oceanside Hotel Project (Oceanside, CA) 2009 - 2013** - Prior to joining Fehr & Peers, Ms. Wilson served as the project manager for a multi-hotel project in the City of Oceanside near the intersection of SR-78 and Jefferson Avenue. This project, sandwiched between the freeway and retail land uses posed many challenges for the developer, not the least of which was traffic. Ms. Wilson was responsible for coordinating the traffic impact analysis with City of Carlsbad, City of Oceanside and Caltrans. In addition, the project addressed multimodal connections from the site to the nearby transit station at the Plaza Camino Real shopping center.

**SOCWA Traffic Study (Aliso Viejo, CA) 2013**

Prior to joining STC Traffic, Ms. Wilson served as the project manager for the evaluation of potential truck routing options for the South Orange County Waste Treatment facility in Aliso Viejo. The existing bridge that provided truck access into study area was determined to be unsafe for two-way traffic, particularly due to the volume and weight of SOCWA trucks utilizing the bridge. Ms. Wilson conducted a study to determine the potential impacts and alternatives to closing, reconstructing or maintaining the existing bridge. As part of this study, Ms. Wilson presented the findings of the analysis to the SOCWA board, which has led to further discussion and environmental studies.

**Otay Land Company Traffic Engineering Services (Chula Vista, CA) 2004/2012** - Representative Traffic Engineer for the Otay Land Company responsible for coordination with City of Chula Vista staff on traffic modeling efforts, on going work on the City's General Plan update and evaluation of proposed land use plans for the Otay Land Company property on the Otay Ranch. Ms. Wilson prepared a Technical Paper for the City of Chula Vista and the Otay Land Company discussing the benefits of the one-way couplet design proposed for their town center and presented this information to City staff. She assisted the Otay Land Company project team in drafting circulation element components to the General Development Plan Amendment document and to their project area Special Protection Area (SPA) plans.

**San Diego County Library, Imperial Beach Branch (Imperial Beach, CA) 2010** - Traffic Engineer conducted traffic and parking assessments for the proposed expansion/new construction of the County Library in Imperial Beach. The effort supported potential expansion of the existing 5,000 square foot library facility to 14,000 square feet and sought to determine the amount of new parking required, investigate ways to provide additional spaces, plus evaluate potential traffic impacts and mitigation measures.

**San Diego County Library, Alpine Branch (Alpine, CA) 2010** - Traffic Engineer assisted the County with preparation of a traffic analysis to support environmental technical studies for a new 9,400 square foot Library in Alpine. Other studies provided by RBF include a biological resources assessment, air quality/greenhouse gas emissions study and a stormwater management/water quality assessment.

**Palomar Community College District Bernardo Terrace Center Secondary Access Drive (San Diego, CA) 2011** - Traffic Engineer for evaluation of traffic impacts for up to 3,300 trips per day based on planned office use. The concept for a secondary access point was discussed, but not approved due to cost and extreme slopes along the project frontage.



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

**U.S. Postal Service Processing and Distribution Center Expansion (San Diego, CA)** - Traffic Engineer responsible for a traffic study related to redistributing truck traffic at Rancho Bernardo's Margaret L. Sellers Processing and Distribution Center. Work included collection of Peak Hour Turning Movement volumes and daily traffic volumes as well as operational analysis of intersections and roadway segments.

**Gliderport Mobility Assessment (La Jolla, CA)** - Task Manager responsible for oversight of the mobility assessment for the redevelopment of the gliderport park facility. Ms. Wilson conducted a detailed assessment of pedestrian and bicycle access to the park, evaluated parking and on-site accessibility and traffic conditions. The report was integrated into the environmental studies prepared for the project.

**City of Vista General Plan Update (Vista, CA) 2008** - Task Manager responsible for updating the Transportation and Circulation element of the City's General Plan. Ms. Wilson provides oversight of the baseline study/traffic assessment; identification of issues, opportunities, and constraints; traffic modeling; and analysis of the current circulation element and alternative transportation. She is also responsible for preparing the Transportation/Circulation Section of an Environmental Impact Report (EIR) and Traffic Impact Analysis Report as an appendix to the EIR.

**Ponto Vision Plan (Carlsbad, CA) 2004** - Task Manager for the Traffic Constraints Analysis in support of the Ponto Vision Plan project. This Plan identified potential land uses in south Carlsbad along Carlsbad Boulevard. Under Ms. Wilson's direction, the project team calculated trip generation rates for the project study area, distributed the trips based on a select zone analysis and conducted the necessary peak hour intersection and roadway segment analysis. The work conducted was consistent with the City of Carlsbad Growth Management Plan requirements. Findings of the analysis were presented to the City of Carlsbad traffic engineering and redevelopment agency.

**Coronado Semi-Diverter Traffic Impact Analysis Report (Coronado, CA) 2004** - Task Manager responsible for project oversight on the traffic impact analysis report for the Coronado Semi-Diverter EIR. Collected peak hour and daily traffic counts for 3<sup>rd</sup> and 4<sup>th</sup> Streets on Coronado Island. Used the Synchro software program to evaluate traffic operations with and without the existing semi-diverters. Analyzed the traffic impacts, as well as potential safety issues associated with removing the diverters.

**PureFitness Traffic Impact Analysis Report (Carlsbad, CA) 2004** - Project Manager for the preparation of the traffic impact analysis report and parking study. The project included a high-end fitness facility in City of Carlsbad, a use not located within the city due to parking requirements. The project team collected parking utilization data and reported trip generation rates for similar facilities in San Diego County. She prepared documentation leading to parking zone change for such facilities. Ms. Wilson also presented findings of the parking analysis to Planning Commission.

**Monarch at Rancho Del Oro (Oceanside, CA) 2004** - Project Manager for preparation of the revised traffic analysis for the proposed mixed-use development in the City of Oceanside. The project consists of multi-family residential, office and retail land uses. The TRAFFIX interface software was used to prepare the level of service analysis. Under Ms. Wilson oversight, RBF also prepared the traffic signal modification plan for the intersection Rancho del Oro Drive and Vista Way.

**National University Carlsbad Campus Traffic Impact Analysis Report (Carlsbad, CA) 2002** - Technical Advisor and Transportation Engineer for the preparation of the traffic impact analysis report in support of the National University CUP in the City of Carlsbad. Ms. Wilson reviewed the technical analysis and prepared mitigation

O-1.16-29  
Cont.



*Dawn L. Wilson, PE TE*

measures to queuing issues at the project access locations. Ms. Wilson provided design oversight support for a striping modification plan at the project driveway.

**Sub-Area Model Update (Carlsbad, CA) 2002** -Project Manager for the preparation of the sub-area model update for the City of Carlsbad. Her effort required coordination with SANDAG, GIS Planning and engineering staff to attain land use data by zones.

**Las Posas Interchange Project Study Report Traffic Study (San Marcos, CA) 2002** - Project Manager for the preparation of the traffic impact analysis report for the Las Posas Interchange project. She provided oversight for the analysis of intersection operations, ramp queuing, freeway weave analysis, freeway mainline analysis and ramp metering analysis consistent with Caltrans traffic study requirements.

**Elementary Schools Traffic Study (MCAS Camp Pendleton, CA) 2001** - Traffic Planner/Engineer for preparing traffic studies for six elementary schools serving Marine Corps Base Camp Pendleton (San Onofre Elementary School, Mary Fay Elementary School, North Terrace Elementary School, Santa Margarita Elementary School, Stuart Mesa Elementary School, and San Rafael Elementary School). The studies were performed to identify capital improvements required to provide safer student access and improved circulation at each of the sites.

**Creekside Commercial Development Traffic Impact Analysis Report (San Marcos, CA) 2001** - Project Manager for the preparation of the traffic impact analysis report in support of a commercial development adjacent to SR-78 in the City of San Marcos. The project was prepared using San Diego Regional Traffic Engineers' Council (SANTEC) guidelines and utilized the 2020 San Marcos Sub-Area model through SANDAG for future forecast volumes. Included with the study was an evaluation of future roadway network improvements and alternatives analysis.

**Carlsbad Sand Replenishment Traffic Impact Analysis Report (Carlsbad, CA) 2001** - Project Manager and technical advisor for the preparation of this traffic impact analysis report. The study evaluated the impacts of trucks carrying sand to and from three potential sand replenishment sites along Carlsbad coast. In addition to off-site impacts, Ms. Wilson evaluated the circulation of trucks on-site and proposed mitigation and traffic control plans to aid in the access and egress of truck traffic during the sand transfer process.

**Ocean Ranch Traffic Impact Analysis Report (Oceanside, CA) 2001** - Project Engineer for preparation of the traffic impact analysis report in support of the Mitigated Negative Declaration (MND) prepared for the Ocean Ranch development, located in the City of Oceanside. The project was planned as an industrial development, encompassing approximately 300-acres in the middle of the City of Oceanside. She worked with City staff in evaluating four roadway network alternatives for the project. She presented and defended the traffic analysis to the Planning Commission and City Council. The project was approved in late 1999. Ms. Wilson worked with City staff in finalizing the off-site mitigation measures. She has overseen the preliminary design of the proposed improvements and has prepared a signal timing analysis, using the Synchro software, along College Boulevard.

**Thompson - Tabata Property Third Party Review and Traffic Engineering Services (Carlsbad, CA) 2001** - Project Manager for third party review of the traffic impact analysis report submitted to the City of Carlsbad on the behalf of Standard Pacific. Ms. Wilson presented the findings of the report to Planning Commission and City Council. RBF Consulting provided traffic engineering services, under the direction of Ms. Wilson, for the design of a traffic signal and interconnect at the project access road.

**Fire Mountain Origin-Destination Survey (Oceanside, CA) 2001** -Project Manager for the preparation of an Origin/Destination survey for the residential community of Fire Mountain to identify the percent of cut through



O-1.16-29  
Cont.



*Dawn L. Wilson, PE TE*

traffic through the neighborhood, as well as identify future traffic patterns if one or more of the entry points were closed permanently to both residents and guests. Traffic data and recommendations were summarized in a complete report, prepared for the City and presented to Planning Commission and City Council for public hearing by City staff. She provided on-going support to City staff during the hearing process.

**Trip Generation Survey (San Diego County, CA) 2001** - Project Manager for calculated trip generation rates for nine government facilities in the community of Campo. Twelve-hours of trip related data was collected for each of the nine sites. The data was summarized and presented to County staff for discussion with community members.

**Highland Estates Traffic Impact Analysis Report (San Marcos, CA) 2000** - Project Engineer who provided oversight for the traffic impact analysis report in support of the Environmental Impact Report prepared for the Highland Estates project. This residential development, located in the City of San Marcos was prepared in accordance with the SANTEC guidelines.

**San Marcos Elementary School Park (San Marcos, CA) 2012** - Prior to joining Fehr & Peers Ms. Wilson served as Traffic Engineer responsible for preparing the traffic impact analysis report for the school park project. Key issues on this project include identifying solutions to reduce jay walking, conceptual layout of the park, parking and circulation. Ms. Wilson provided technical analysis guidance and oversight throughout the environmental documentation process.

**Creek District Specific Plan (San Marcos, CA)** - Prior to joining Fehr & Peers, Ms. Wilson served as Senior Project Manager responsible for the preparation of the traffic impact analysis report for the Creek District project. The Creek District is a mixed use Specific Plan Area along the southern boundary of San Marcos Boulevard. The Creek District includes internal circulation streets with on-street parking, roundabouts and new bridges over the San Marcos Creek.

**Borden Road Bridge Project (San Marcos, CA)** - Prior to joining Fehr & Peers, Ms. Wilson was responsible for preparing the traffic impact analysis report for the Borden Road Bridge project. This study included evaluating the traffic patterns within the study area without and with the new proposed bridge. Key issues included the location of a private driveway on the west side of the bridge and traffic signal operations at Twin Oaks Valley Road/Borden Road. In addition to preparing the traffic report, Ms. Wilson was the Engineer of Responsible charge for the signing and striping plans for this project.

**Palomar Station Traffic Impact Analysis Report (San Marcos, CA)** - Prior to joining Fehr & Peers, Ms. Wilson was responsible for the preparation of the traffic impact analysis report for the Palomar Station mixed use project located on Las Posas Road. The project includes a mix of residential and commercial use and a pedestrian bridge connecting the development to the Sprinter station. In addition to serving as project manager for the technical analysis, Ms. Wilson also attended Planning Commission and City Council meetings on behalf of the client during the project approval process.

**San Elijo Hills Master Plan Traffic Impact Study Update (San Marcos, CA) - 2005 through 2013** - Ms. Wilson has served as the as-needed traffic engineer for Home Fed Corporation. Prior to joining Fehr & Peers, Ms. Wilson was instrumental in evaluating the feasibility and design of the one-way couplet in downtown San Elijo Hills. Ms. Wilson continues to provide support to the Otay Land Company with the proposed change in land use in the downtown. She has attended community outreach meetings and conducted technical analysis for this land use change.



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

**Tri-City Medical Center Professional Building (Oceanside, CA) 2012 / 2013** – Prior to joining Fehr & Peers, Ms. Wilson served as the project manager responsible for preparing the traffic impact analysis report for the approval of a new professional office building on the Tri-City Medical Center campus. As an extension of this project, Ms. Wilson was also responsible for preparing the Design Exception Report for improvements at College Boulevard / Vista Way, intersection improvement plans at Vista Way / Hospital Entrance and striping plans at College Boulevard / Plaza Drive. Ms. Wilson was responsible for coordinating off-site improvement plans with City of Oceanside and Caltrans.

**Vista Apartment Complex (Vista, CA) 2013** – Prior to joining Fehr & Peers, Ms. Wilson served as project manager responsible for preparing the traffic report for the Transit Oriented Development residential project located immediately south of the Sprinter tracks on Melrose Drive. The project, which had been previously approved as a church, was processed through the City as a high density apartment project. Key issues associated with the project included the pedestrian access to the adjacent elementary school, connectivity to the Sprinter Station and location of the project driveway and new traffic signal on Melrose Drive. Ms. Wilson was responsible for coordinating with City of Vista and NCTD regarding the signal operating conditions at the new project driveway. Detailed analysis was conducted to demonstrate that the new signal would not result in queues that extended to the Sprinter line. Ms. Wilson was responsible for attending Planning Commission and City Council meetings to discuss traffic related issues.

### TRAFFIC ENGINEERING DESIGN

#### **Recycled Water Pipeline Extension (Solana Beach, CA) 2015**

Ms. Wilson served as the project manager responsible for client coordination, agency coordination and design review for 10 stages of traffic control plans along Via de la Valle between Interstate 5 and Camino del Mar. The project, although funded by City of Solana Beach, is located within the right-of-way of both Del Mar and Caltrans. This required interjurisdictional review of the traffic control plans and submittal of a Caltrans encroachment permit. Due to a last minute requirement to provide traffic control plans to both City of Del Mar and City of Solana Beach prior to bidding the project, the STC Team had a constrained 6-week schedule to prepare and submit the plans to the project team. In addition to meeting the fast paced schedule, STC also submitted and received an approved Caltrans encroachment permit in a four-week period.

#### **Harbor Drive Pipeline and Lindbergh Field 16-Inch Cast Iron Replacement Projects (San Diego, CA) 2011**

- Traffic Engineer for proposed alternatives and construction techniques of these pipeline replacement projects. The Harbor Drive Pipeline Project includes the replacement of 4.4 miles of 16-inch cast iron and asbestos cement pipe that comprise the Harbor Drive 1<sup>st</sup> and 2<sup>nd</sup> pipelines. The project includes replacement of 2.65 miles of 16-inch CI and AC pipe.

#### **County of San Diego / SDG&E Alpine Boulevard Street Improvement Plans**

Prior to joining STC Traffic, Ms. Wilson was responsible for leading the traffic engineering studies and design effort to support street improvement plans along Alpine Boulevard in the County of San Diego. The opportunity to improve the road was a result of SDG&E construction of the Sunrise Powerline through the Alpine Community specifically along Alpine Boulevard. Ms. Wilson worked with the design team to identify the new street cross-sections, roadway widths, sidewalk improvements and other features. Since the project was funding collectively by the two agencies, cost to construct was a key factor. Minimizing impacts to traffic signals and minimizing changes across existing bridges was a key factor in developing the concepts and evaluating alternatives for this corridor. During design, Ms. Wilson oversaw the development of signing and striping as well as traffic control and traffic handling plans.



O-1.16-29  
Cont.

*Dawn L. Wilson, PE TE*

### **San Diego County Potholing and Sewer Line Inspection TC Plans**

Prior to joining STC Traffic, Ms. Wilson worked collaborative with the Wastewater Team at Michael Baker International (formerly RBF Consulting) in preparing traffic control plans for pot holing projects throughout the County. Ms. Wilson would work with the engineers in identifying pot-holing locations for sewer and storm drain inspections. A key to this project was to identify locations where typical potholing traffic control plans could be prepared and locations where intersection or section specific plans were required to address unique traffic conditions.

### **Harbor Drive Pipeline and Lindbergh Field 16-Inch Cast Iron Replacement Projects**

Task manager responsible for the evaluation of proposed alternatives and construction techniques of these pipeline replacement projects. Due to the location of these pipelines adjacent to San Diego International Airport, the project team was tasked with identifying traffic control solutions to minimize capacity reductions along Harbor Drive and connecting roadways. The project included replacing of 4.4 miles of 16-inch cast iron and asbestos cement pipes.

O-1.16-29  
Cont.





INTENTIONALLY LEFT BLANK