

O-5.1 Twin Oaks Valley Community Sponsor Group I

- O-5.1-1** The comment states the Twins Oaks Valley Community Sponsor Group (TOVCSG) found the Draft EIR difficult to follow, and that there were “numerous instances” where the findings were not explained. The County does not concur with this comment. First, the Draft EIR is approximately 1,785 pages, not more than 8,000 as the comment notes. The Draft EIR followed the County’s Format and Content requirements for Environmental Impact Reports. The comment does not raise any specific issue regarding the analysis and which impacts and findings were not explained, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.
- O-5.1-2** The comment states the Draft EIR did not use an approved MSCP, but used an earlier draft version that had many problems. The County acknowledges the comment and notes that the draft North County MSCP Plan is draft and there is no approved version. The comment does not raise any specific issue regarding the analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. Nonetheless, the County refers the commenter to **Topical Response BIO-1 – North County MSCP**, which concludes the proposed project would not interfere with the adoption of the North County MSCP because the proposed project was designed to comply with the Interim Design Principles.
- O-5.1-3** The comment states there were comments from the Wildlife Agencies and other environmental groups about projects within the MSCP area. The County notes that the comment provides factual background information about the draft North County MSCP Plan and does not raise an issue related to the project or the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.
- O-5.1-4** The comment states the public does not have access to the draft North County MSCP referenced in the Draft EIR and therefore the public could not review the proposed project in the context of that document. The County acknowledges the comment and notes that the draft North County MSCP was released to the public in 2009 and since that time, the County has continued to coordinate with the resource agencies to update the plan. Please refer to **Topical Response BIO-1** regarding the proposed project’s compliance with the draft North County MSCP.

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O-5.1-5 The comment states there is not an approved Greenhouse Gas Plan and the Draft EIR uses standards that have not been approved by the Board of Supervisors. The County acknowledges the proposed Climate Action Plan (CAP) was not approved at the time the Draft EIR was prepared; therefore, the CAP was not relied upon by the analysis in the Draft EIR. The CAP was approved by the Board of Supervisors on February 14, 2018. As stated in the County's CAP, the County is on track with existing state and local measures to achieve the State-mandated requirement for 2020 established in AB 32. In fact, the County will achieve this legislative requirement for 2020 without the measures adopted in the CAP. The CAP provides substantial evidence that the County will achieve the legislative target for 2030 established in SB 32. The County notes the proposed project would offset greenhouse gas emissions to net zero (see mitigation measures M-GHG-1, M-GHG-2, and M-GHG-3), which would not interfere with the County's implementation of a Climate Action Plan.

The County also notes the "standards" used in the Draft EIR to analyze the proposed project are from Appendix G of the CEQA Guidelines because the County does not currently have separate thresholds to determine significance (Draft EIR Section 2.7.3).

O-5.1-6 The comment states the "County Planning Department used it[s] discretion" but did not consider the proposed project's impact to Twin Oaks Valley Community, instead "lump[ing] it into" the North County Metro. The comment states that additional analysis is required to drill down on impacts to the local community and roadways such as Buena Creek Road. The comment concludes that traffic impact fees (TIF) and mitigation fees for community parks have been collected on behalf of the TOVCSG, but no improvements have been made to date.

Regarding the project location within the County General Plan, the County does not concur with this comment. The Draft EIR describes in Section 1.2, Project Location, "The majority of the project Site is within the community of Twin Oaks, which is part of the larger North County Metropolitan Subregional Plan area." The comment does not raise a specific issue with the Draft EIR; thus, no more detailed response is required or provided.

The County acknowledges the specific comment regarding the proposed project's impact to Buena Creek Road, and directs the commenter to Section 2.13, Transportation and Traffic. The Draft EIR analyzed impacts to Buena Creek Road and identified several potentially significant impacts, including the following:

- Twin Oaks Valley Road/Buena Creek Road (LOS E during the AM and PM peak hours) (Impact TR-5)

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- Buena Creek Road/Monte Vista Drive (LOS F during the AM and PM peak hours) (Impact TR-6)
- Buena Creek Road/S. Santa Fe Avenue (LOS F during the AM and PM peak hour) (Impact TR-7)
- Buena Creek Road: Monte Vista Dr. to Twin Oaks Valley Road (LOS E) (Impact TR-14)
- Buena Creek Road: S. Santa Fe Ave. to Monte Vista Drive (LOS E) (Impact TR-15)
- Twin Oaks Valley Road/Buena Creek Road (LOS E during the AM and LOS F in the PM peak hours) (Impact TR-24)
- Buena Creek Road/Monte Vista Drive (LOS F during the AM and PM peak hours) (Impact TR-26)
- Buena Creek Road/S. Santa Fe Ave. (LOS F during the AM and PM peak hours) (Impact TR-27)
- Buena Creek Road: Monte Vista Drive to Twin Oaks Valley Road (LOS F) (Impact TR-35)
- Buena Creek Road: S. Santa Fe Avenue to Monte Vista Drive (LOS F) (Impact TR-36)

The Draft EIR also identifies mitigation measures M-TR-5, M-TR-6, and M-TR-7, which would mitigate for the potential impacts to these intersections and segments; however, as noted in the Draft EIR, some of these improvements are not in the County and not under the County's control, thus, impacts would remain significant and unavoidable.

With respect to the County's collection of TIF and park fees, as discussed in the Traffic Impact Analysis, Draft EIR, Appendix R, the County TIF requirement applies to all new development resulting in new/added traffic. Its purpose is to (1) "fund the construction of identified roadway facilities needed to reduce, or mitigate, projected cumulative traffic impacts resulting from future development within the County;" and (2) to allocate the costs of these roadway facilities proportionally among future developing properties based upon their individual cumulative traffic impacts" (Draft EIR Appendix R, page 199). The Traffic Impact Analysis explains (Draft EIR, Appendix R, page 199):

TIF fees are deposited into local Community Planning Area accounts, regional accounts, and regional freeway ramp accounts. TIF funds are only used to pay for improvements to roadway facilities identified for inclusion in the TIF program,

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which includes both County roads and Caltrans highway facilities. TIF funds collected for a specific local or regional area must be spent in the same area. By ensuring TIF funds are spent for the specific roadway improvements identified in the TIF program, the CEQA mitigation requirement is satisfied, and the Mitigation Fee Act nexus is met.

Assessment of a TIF fee is therefore appropriate as mitigation for the project's cumulative traffic impacts.

Further, under the TIF Ordinance, "TIF Facilities and funds shall be identified in a Department of Public Works Detailed Work Program, which includes capital improvements and other transportation related expenditures. The TIF facilities within the Detailed Work Program (DWP-TIF) will be presented for Board approval as part of the annual budget approval process or in stand-alone Board letters"¹⁹⁶ (TIF Ordinance, Section 77.217 (b)). Hence the County regularly considers TIF improvements, thereby committing to specific improvements and ensuring their timely implementation. Further, the developer may choose to directly construct TIF facilities under the TIF Ordinance, subject to reimbursement of amounts above the fair-share fee. The project is thus linked to a specific mitigation program—the TIF program—and, contrary to the comment, the payment of fair share fees is connected to resulting mitigation.

As concerns parks, the proposed project would be required to comply with the County's Park Land Dedication Ordinance (PLDO), which requires projects to either provide parkland or pay park fees. The Draft EIR analyzes parks and recreation in Section 3.4. The proposed project would provide 14 parks and approximately 36 acres of parkland (see Draft EIR, Table 1-1, Park Summary, and Table 3.4-1), and would thereby meet the County's PLDO requirements. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

O-5.1-7 The comment notes there are no parks in the TOVGSG area and notes a comment from the City of San Marcos during the NOP period regarding the number of parks per project population. The comment asks how funds collected from the proposed project will be spent in the TOVCSG area.

¹⁹⁶ Transportation Impact Fee Ordinance, Division 7, Title 7, Sections 77.201–77.220 of the San Diego County Code of Regulatory Ordinances, https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/TIFOrdinance2012.pdf.

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First, the County notes a portion of the comment provides background information and discusses existing conditions which do not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Second, as discussed above, the proposed project would be required to comply with the County's Park Land Dedication Ordinance (PLDO), which requires projects to either provide parkland or pay park fees. The Draft EIR analyzes parks and recreation in Section 3.4. The proposed project would directly provide 14 parks and approximately 36 acres of parkland (see Draft EIR, Table 1-1, Park Summary), and would meet the County's PLDO requirements.

Third, concerning TIF expenditures within the project area, the County's TIF Ordinance requires that funds collected be "applied on a regional or community basis" and that "TIF Area funds shall be expended solely for the construction or reimbursement for construction of local TIF Facilities within the TIF Area from which the fees comprising the fund were collected" (TIF Ordinance Sections 77.203, 77.271 (b); Draft EIR, Appendix R, page 199).

O-5.1-8 The comment notes "there was much effort to include the San Diego County 2011 General Plan and documents from San Diego Association of Government into the DEIR." The comment states that "very little background was spent on the process of how these documents were developed." The comment states "[t]he time and process the County and Community spent negotiating how the rural areas would be protected from Leap Frog Development was overlooked and most of the infrastructure currently in place was designed with a semi-rural neighborhood in mind."

The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the Draft EIR analyzed the proposed project's conformance with the General Plan, including General Plan Policy LU 1.2, Leapfrog Development, in Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Analysis. Additionally, with respect to infrastructure, the Draft EIR Section 2.13, Transportation and Traffic; Section 2.14, Public Utilities; Section 3.1, Energy; and Section 3.2, Hydrology and Water Quality, address the proposed project's impacts on existing and planning infrastructure including roadways, sewer, water, solid waste,

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energy, and storm drain facilities. The comment thus addresses general subject areas, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

O-5.1-9 The comment states that the Draft TOVCSG Community Plan is provided as a reference and requests the Draft EIR be revised to include a discussion using the draft plan as written. The County does not concur with this comment. The Draft Plan is draft and not an approved plan required to be analyzed under CEQA as part of the Regulatory Setting. The Draft EIR has analyzed the proposed project's consistency with applicable plans as required by CEQA. Please refer to Section 3.3, Land Use and Planning.

O-5.1-10 The comment states, "The Project would fundamentally alter the Twin Oaks Valley Community forever and is contrary to our rural community character." The comment provides a summary of the proposed project. The County acknowledges the comment and notes that it expresses the opinion of the commenter, restates information contained in the Draft EIR, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

Nonetheless, with respect to community character, the Draft EIR analyzes the proposed project's impact to General Plan policies related to community character in Appendix DD, Land Use Consistency Analysis.

O-5.1-11 The comment states, "it is unclear the extent of the Project's impacts to the environment," and that the Draft EIR does not include important information concerning noise, traffic, aesthetics, water supply, air quality, greenhouse gas emissions, and wildland fire hazard safety and evacuation, and traffic impacts. The County acknowledges the comment and notes that it addresses general subject areas which received extensive analysis in the Draft EIR. Specifically, Section 2.1, Aesthetics; Section 2.3, Air Quality; Section 2.7, Greenhouse Gas Emissions; Section 2.10, Noise; Section 2.13, Transportation and Traffic; Section 2.14, Utilities and Service Systems; and Section 3.1, Hazards and Hazardous Materials. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

O-5.1-12 The comment identifies three issues which the commenter does not believe received sufficient detail in the Draft EIR. Specifically, noise impacts on Sarver Lane,

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information in the Interstate 15 interchange, and the use of Camino Mayor to exit the project. The County does not concur with this comment for the following reasons.

With respect to Sarver Lane, Section 2.10, Noise, of the Draft EIR analyzed the potential noise impacts of the proposed project. A noise receiver (O9) was modeled on Sarver Lane, at Saint Marks Mission Church. As shown in Table 2.10-19, off-site noise levels at this location was shown to increase up to three decibels from traffic on Deer Springs Road under Option B. The resulting noise level of 61 dB would be considered less than significant because the noise level is less than 65 dB, which is the threshold for residential land uses.

Further, a supplemental noise analysis for all uses along Sarver Lane was prepared in response to **Comment Letter O-1.15**. The results of this supplemental analysis are shown below. As shown, noise levels along Sarver Lane would increase as a result of the proposed project, however, impacts would remain less than significant because noise levels would increase by less than 10 dB and would be below 60 dB.

Receiver	Modeled Noise Level Sarver Lane Only (dB CNEL)			
	Existing	Future without Project	Future with Project – Opt B	Noise Level Increase - Future with Project vs. Future w/o Project
Hidden Valley Zen Center	42	49	58	9
Residential - Sarver Ln 1	42	46	54	8
Residential - Sarver Ln 2	44	50	59	9
Residential - Sarver Ln 3	43	49	58	9
Residential - Sarver Ln 4	41	43	49	6
Residential - Sarver Ln 5	41	44	52	8

With respect to the comment regarding details about the I-15 Interchange, the County notes that the I-15/Deer Springs Road interchange is a mitigation measure for proposed-project related traffic impacts. The interchange falls under the discretion of Caltrans as the operator and owner of I-15. As explained in Chapter 2 of the Draft EIR (pages 2.1-1 and 2.1-2):

This EIR identifies the I-15 interchange improvements as a mitigation measure (See EIR Section 2.13, Transportation and Traffic, Mitigation Measure M-TR-1). Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).

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In addition, evaluating the Caltrans interchange improvements in terms of the project's mitigation is appropriate because information concerning the interchange improvements is still under review and scoping through the Caltrans process, including an assessment of alternatives to the interchange improvements, which affect the intersection size, configuration, disturbance zones, and other features that are needed for an overall environmental analysis. Nonetheless, this EIR endeavors to disclose all it reasonably can at this time regarding environmental effects associated with the interchange improvements.

Thus, the Draft EIR analyzed the potential environmental effects to residents near the interchange improvement as reasonably as it could at this time based on the best available information.

With respect to Camino Mayor, the comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR. The following response is provided to further explain the three options for Camino Mayor. As indicated in Appendix N-1, Fire Protection Plan, there are three options available for Camino Mayor:

4. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard predominantly within the existing 40-foot easement but deviate from the easement to meet the County's horizontal curve radius standard in minor locations. The road would be a private un gated road under this option. This is the option that is shown on the Tentative Map.
5. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard entirely within the existing easement but get a design exception from the County's horizontal curve radius standard. The road would be a private un gated road under this option.
6. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard through an adjacent property (to the north, i.e., the "northern alignment" as described in the project's FPP) but form a t-intersection with the existing paved portion of Camino Mayor (approximately across from the Walkers' driveway). The road would be un gated in this option.

O-5.1-13 The comment notes that "a traffic light at the intersection of Buena Creek and Monte Vista has been listed as a mitigation item." The comment states the TOVCSG has recommended a roundabout at this location. As stated in Section 2.13, Transportation and Traffic, "Two mitigation options exist for this impact. This impact would be

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mitigated by providing a traffic signal and reconfiguring the intersection... *Alternatively, this impact would be mitigated by building a roundabout at this intersection*” (emphasis added). Mitigation Measure (M-)TR-6 lists two options, including “Build a roundabout at this intersection.” Accordingly, the Draft EIR has considered and provided mitigation as suggested by the TOVCSG. No further response is required or necessary.

- O-5.1-14** The comment states that the Project Description “hides the development details” and “does not include a description of the architectural theme, colors, bulk, scale, or stories of proposed structures.” The comment states the Draft EIR “does not include a description of the Project’s visual or aesthetic features,” which makes it difficult to determine whether the project is consistent with the proposed Village Core Mixed Use Category.

The County does not concur with this comment. The Project Description was prepared pursuant to County’s Content & Format Requirements to provide a general description of the project’s characteristics and main features with a sufficient degree of detail to allow informed decision-making. Greater detail and particulars, including those development details requested in the comment, are provided in the Draft EIR at Appendix C, Specific Plan. Specifically, Section 3 of Appendix C provides Development Standards and Design Guidelines for the Community. Section 3.3 establishes zoning requirements for the Community. Tables 4 and 5 provide the Zone Box and establish Lot Size and Setback Schedules for the C34 zone, Table 6 is the Single Family Residential Zone Box, Table 7 is the Single Family Residential Lot Size and Setback Schedule, and Tables 8, 9, and 10 address the A70 and S80 zones and setbacks. Section 3.4.1 addresses the architectural character (see also figures 47 and 48), Section 3.4.2 addresses landscape character, and Sections 3.5, 3.6, and 3.7 address commercial, residential and landscape development standards and design guidelines. Figure 37 and 54 provide details regarding setbacks in the commercial area and a conceptual Site plan. Figures 38–46 provide overviews of various residential product plotting. Sections 2.5, 3.3.4, and 3.7 address open space and trails. Drawings and visuals are provided throughout the Specific Plan.

As concerns the project’s visual or aesthetic features, the County acknowledges the comment and notes that it addresses general subject areas which received extensive analysis in the Draft EIR, specifically within Section 2.1, Aesthetics.

- O-5.1-15** The comment states that the Draft EIR does not “include descriptions of structure color or architectural detailing that might limit glare, and does not provide information on the grading technique that will be used.” The comment continues that the Draft EIR references grade-adaptive architecture, but that “the DEIR does not

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provide enough evidence for the public to determine the veracity of this statement.” The comment concludes that “The DEIR’s discussion of the mature Project does not provide criteria to ensure the Project looks the way it is described in the Specific Plan.” The County does not concur with this comment.

The Draft EIR analyzed the proposed project’s visual impacts in Section 2.1, Aesthetics. Please refer to **Responses to Comments O-1.7-24** and **O-1.7-25**. Further, as discussed in **Response to Comment O-5.1-14**, above, the Specific Plan provides further details for developing the proposed project.

Concerning development of the project consistent with the Specific Plan, if approved, adoption of a Specific Plan is a legislative act which is fully enforceable by the County. Future development to implement the project will be reviewed by the County for consistency with the Specific Plan. Further, the Specific Plan contains a program of implementation measures including regulations, programs, public works projects, and financing measures as required by law (Section 4, Implementation, of Draft EIR, Appendix C, Specific Plan).

- O-5.1-16** The comment states that the Draft EIR “does not list the plant palette or species being used on the Project Site,” and “provides little to no information on the Project’s landscaping beyond a Conceptual Landscape Plan that only includes descriptions aimed at how the five landscape zones are anticipated to function rather than what they are or will look like.” The County does not concur with this comment. Please refer to **Responses to Comments O-5.1-14** and **O-1.7-8**, and the Specific Plan, Section 3.7, Landscape Standards and Design Guidelines, located in Appendix C of the Draft EIR.
- O-5.1-17** The comment states there is not a full plant palette in the Draft EIR or any specific details on the size and location of Community gardens in the proposed project. The County does not concur with this comment. Please refer to **Responses to Comments O-5.1-14** and **O-1.7-8**. Concerning the plant palette, please see Specific Plan, Section 3.7, Landscape Standards and Design Guidelines; Section 3.7.3, Plant Palettes; and Figures 55 through 65 (Draft EIR, Appendix C). Concerning Community gardens, please see the Specific Plan, including Section 3.7.9, Park Types by Neighborhood, and Figures 67 through 80 describing the locations of Community gardens within the proposed parks.
- O-5.1-18** The comment states, “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.” The comment continues that “the DEIR does not provide any specific information to provide the reader with a visual image and omits significant information required for analysis of the Project.”

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The County does not concur that the Draft EIR failed to evaluate visual impact of vineyard planting. Please refer to **Response to Comment O-1.7-9**. Further, as stated in the Draft EIR concerning visual character or quality, “[g]raded and bare hillsides would be dotted with rows of vineyards and vegetation would begin to be established in fuel modification zone 1 areas” (Draft EIR page 2.1-39). “Vegetation at the project edges would appear sparser than adjacent areas of natural and intact vegetation and where visible, proposed vineyards would display an ordered, uniform appearance (see Key Views 1, 2, and 3; EIR Figures 2.1-4a, 2.1-4b, 2.1-5, and 2.1-6)” (Draft EIR page 2.1-39). The Draft EIR also states at page 2.1-41:

Proposed project changes to existing visual character of the project Site would be difficult to detect and would be relatively subtle as viewed from locations in the project viewshed located south and west of the project (i.e., at Key Views 6 (see Figures 2.1-9a and 2.1-9b), 7 (see Figure 2.1-10), 8 (see Figure 2.1-11), 9 (see Figure 2.1-12), and 10 (see Figure 2.1-13)). In addition, approximately 1,209 acres of the 1,985-acre site would remain undeveloped and designated Open Space – Conservation. However, the project would introduce features (i.e., residences, vineyards, and paved roadways) that would contrast with the existing visual character of the primarily natural-appearing project Site and surrounding rural community along Deer Springs Road.

... As such, the proposed project would significantly alter the current visual character of the site, and impacts would be potentially significant (Impact AES-1).

The Draft EIR also notes that the vineyards proposed throughout the project Site on cut slopes “would establish a visual connection to the region’s agrarian history” (Draft EIR page 2.1-53). Nonetheless, in recognition of potential visual impacts and the infeasibility of mitigation, impacts to visual character and quality were determined to be significant and unavoidable (Draft EIR pages 2.1-53 through 2.1-54).

In response to the comment that visual impacts of vineyard plantings are not provided, please see Specific Plan (Draft EIR, Appendix C), Figure 60, Plant Palette- Vineyards, and Figure 61, Plant Character Images- Vineyards.

O-5.1-19 The comment states “members of the Twin Oaks Valley Community should be afforded the opportunity to comment on the visual impacts of the Project, including the choice of plants used on the Project Site,” because “they will be the people most affected by such choices.” The County acknowledges the comment and notes it expresses the opinions of the commenter, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Further, residents were

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provided the opportunity to review and comment on the Draft EIR during the 60-day public review period. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- O-5.1-20** The comment states the Draft EIR does not address growth inducement in the relevant sections of the Draft EIR as required by the County EIR Format and Guidelines Requirements. The County does not concur with the comment.

The Draft EIR evaluates Growth Inducement in both Section 1.8, Project Description and Section 2.12, Population and Housing. In Section 1.8, the Draft EIR discusses the ways in which the proposed project could “foster economic or population growth, or the construction of additional housing, directly or indirectly, in the surrounding environment,” including through removing obstacles to population growth and through the extension of roads, utilities, and services. Section 1.8 concludes (Draft EIR page 1-38):

[T]he project has potential for growth inducement, which may result in subsequent adverse environmental effects as a result of such growth. Such adverse environmental effects could include impacts to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources. There are no known intensity-increasing development applications pending at the County in the immediate project vicinity at this time.

Additionally, Section 2.12, Population and Housing, further discusses potential growth inducing impacts. As concluded therein:

The proposed project would directly, indirectly, and cumulatively induce substantial population growth in the area (**Impacts PH-1 and PH-2**). Such impacts cannot be feasibly mitigated, absent a feasible alternative to the project or the County’s adoption of the applicant’s requested General Plan Amendment. Therefore, the potentially significant direct, indirect, and cumulative impacts (**Impacts PH-1 and PH-2**) would remain **significant and unavoidable**.

However, note that there are no known intensity-increasing development applications pending in the immediate vicinity at this time (Draft EIR page 1-36).

The EIR is not required to provide a detailed analysis of the project’s effects on growth, but only a more general analysis of projected growth (CEQA Guidelines Section 15126.2(d)(2); *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 388, *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369). The level of detail the County can

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- provide in the discussion of potential growth inducement is limited by its ability to forecast the actual effects the project will have on the physical environment. An EIR is not required to evaluate “speculative effects” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265). As no known intensity-increasing development applications are pending in the immediate project vicinity at this time, the County cannot provide further analysis of potential impacts without engaging in undue speculation, which is not required by CEQA.
- O-5.1-21** The comment states the project Site “is currently designated as a ‘preapproved mitigation area’ (or PAMA), but the DEIR does not discuss this fact, but instead discusses PAMA in and around the Project Site.” The County acknowledges the comment and refers the reader to **Topical Response BIO-1** regarding the proposed project’s consistency with the draft North County MSCP Plan. As concluded in **Topical Response BIO-1**, the proposed project would not impede the implementation of the North County MSCP.
- O-5.1-22** The comment states the proposed off-site mitigation land in Ramona “will not mitigate impacts to wildlife connectivity in the Merriam Mountains, and does not protect the wildlife in the area.” The County acknowledges the comment and notes that the proposed off-site mitigation land is not intended to serve as mitigation for impacts to wildlife movement as the comment suggests. M-BIO-8A provides for both the preservation of the 212-acre off-site parcel as well as 1,209 acres of on-site open space. Accordingly, it is the on-site preservation of open space listed as mitigation for Impact WM-4 which reduces impacts to less than significant. As concluded in Section 2.4.16.3 of the Draft EIR, all impacts to Wildlife Movement and Nursery Sites would be reduced to less than significant through the provision of on-site open space, including large blocks of habitat that would provide for connectivity through the project Site.
- O-5.1-23** The comment states “the DEIR continually mentions that current trespassing on the Site is a significant issue, and the Project will help lessen these impacts. Yet, the Project proponent has done nothing in the interim to prevent trespassing in the interim. It is absurd to suggest that developing the Site is the only answer to protecting biological resources.” The County notes the comment provides background information, expresses the opinions of the commenter, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required.

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O-5.1-24 The comment states “several ... residents have reported sightings of vernal pools on the Project Site. The DEIR dismisses these important biological resources as no more than ‘puddles,’ despite video evidence submitted to the County to the contrary.” The County does not concur with this comment. Appendix H, Biological Resources Technical Report, analyzes potential impacts to biological resources on the project Site, including Vernal Pools. As stated in the Draft EIR Section 2.4, Biological Resources:

The Site does not support vernal pool habitat and all features mapped within the project Site have been categorized as puddles. The Site includes steep hills with dirt roads that exhibit significant off-road vehicle use and erosion. Soils on Site are predominately sandy loam and there are no areas of clay soils which would support the typical vernal pool habitat. The closest known location of occupied pools are approximately 5 miles southwest of the project Site.

Further, as noted in Section 1.3.2, Field Reconnaissance, of Appendix H, “after substantial rains in January 2017, a habitat assessment for fairy shrimp was conducted. Sampling of puddles for fairy shrimp species was conducted in winter 2017.” As stated in Section 1.3.4.9 of Appendix H to the Draft EIR, “During these efforts, Dudek reviewed the specific on-site microhabitats (e.g., flat topography, soil types, and slopes) and mapped features which held water 7 days after a significant storm event. No vernal pools were detected and all features would be classified as puddles.”

The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

O-5.1-25 The comment states, “the DEIR only analyzes the no project alternative, an existing General Plan designation alternative, and alternatives provided by the Golden Door and wildlife agencies during the Notice of Preparation comment period,” and does not analyze “a design that would result in a more environmentally friendly alternative.” The comment suggests “an alternative that only analyzes residential uses on the site using the General Plan land use designations and limit to 99 homes as currently zoned.”

The County does not concur with the comment. CEQA Section 15126.6(a) only requires that an EIR “describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the

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alternatives.” Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Accordingly, the Draft EIR presented nine alternatives, including the No Project/No Build alternative, the General Plan Alternative (99 dwelling units, 2 million+ square feet commercial/retail/office), CDFW Alternatives (1,333 to 1,549 dwelling units), the Multi-Family Town Center Alternative (2,135 dwelling units on 435 acres) and the Newland Sierra Parkway Alternatives (2,135 dwelling units on the existing project footprint plus a new, four-lane Circulation Element Road), and also considered and rejected an Alternate Site Location Alternative and Agricultural Alternative. Thus, the Draft EIR considered a reasonable range of Alternatives that would meet most of the project objectives, be feasible, and avoid or substantially lessen the significant impacts resulting from the project.

In addition, CEQA Guidelines 15082(b)(1)(A) states that each responsible or trustee agency should provide a response on the NOP that at a minimum identifies significant environmental issues and reasonable alternatives. The County has included the CDFW and USFWS alternatives as requested.

Please see also **Response to Comments O-1-504, O-1-505, and O-1-552.**

O-5.1-26 The comment states the General Plan Update determined that the “Merriam Mountains was not the appropriate location for urban density development,” and that the Board of Supervisors twice rejected projects at this Site. The comment concludes that “The EIR finds that there are no impacts from land use, yet the entire Project is inconsistent with the General Plan land use designations and policies.”

The County acknowledges the first part of the comment and notes it provides background information and does not raise an environmental issue within the meaning of CEQA. With respect to the Draft EIR’s conclusions on land use, the comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

Nonetheless, the commenter is referred to **Topical Response LU-1**, which concludes that the Draft EIR’s project description, land use and planning, and alternatives chapters consider and disclose amendments to the General Plan required by the project, and evaluate the potential impacts of the changes when compared to

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maintaining existing General Plan land use designations. Based on that analysis, the Draft EIR concludes the project will result in a less-than-significant impact to land use and planning.

The Draft EIR also provides a detailed comparison of the project's impacts compared to development under Existing General Plan land use designations in Chapter 4, Alternatives, finding that the project will result in reduced impacts to transportation and traffic, biological resources, cultural resources, aesthetics and mineral resources compared to development under the Existing General Plan land use designations. These detailed evaluations are sufficient disclosures under CEQA.

O-5.1-27 The comment states “The EIR doesn’t analyze what putting a new City on top of Merriam Mountains will due (sic) to the rural character of the area.” The County does not concur with this comment. The comment addresses general subject areas, which received extensive analysis in the Draft EIR, please see Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Analysis. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. The County further clarifies that no incorporation is proposed by the project.

O-5.1-28 The comment states, “This Project is completely opposite of what the General Plan intended for this area, and therefore we believe that there will be significant land use impacts to our community.” The County does not concur with this comment. Please see **Topical Response LU-1** and **Response to Comment O-5.1-26**, above.

O-5.1-29 The comment states, “The Project will send over 28,862 vehicle trips per day of new cars onto already failing Deer Springs Road and Interstate 15. While the DEIR proposes widening Deer Springs Road, it proposes no new freeway lanes and no new transit infrastructure.” The County acknowledges the comment and notes that it restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

Nonetheless, the County notes that, under CEQA, the County cannot require new transit infrastructure because the County does not operate any such services, rendering any such requirement infeasible and unenforceable. The County further directs the commenter to the proposed project's Transportation Demand Management Program (PDFs 1-20), which provide for measures to reduce VMT through Site plan

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and home-based and commuter strategies, including the requirement to provide shuttle service to the nearest transit center in Escondido.

O-5.1-30 The comment states, “the DEIR does not discuss the Interstate 15 interchange redesign” and the “interchange design is not included, and results in an impermissible piecemeal analysis.” The County does not concur with this comment.

The interchange improvements would be constructed as mitigation and any freeway interchange improvements would fall under the jurisdiction and control of Caltrans, which has a detailed process in place assuring their timely completion.

As stated in Section 2.13.1 of the Draft EIR:

As it relates to the I-15/Deer Springs Road interchange, the project has identified feasible mitigation in the form of building a new interchange and that mitigation measure is identified herein as M-TR-1. The process of implementing the mitigation for the interchange is subject to a three-phase process under the jurisdiction of Caltrans. The first phase involves the preparation of a Project Initiation Document (PID) consisting of a Project Study Report-Project Development Support (PSR-PDS) document. ...to define the purpose and need for any proposed improvements, identify a reasonable range of alternatives (i.e., interchange configurations), and develop an action plan for implementation of the improvements. In 2014, in response to the project’s traffic impact analysis, which identified significant direct and cumulative impacts to the Interchange, the project applicant initiated the PID process with Caltrans to begin evaluating different configurations for mitigating impacts to the Interchange.

After completion of the PID phase and approval of the PSR-PDS document, the process advances to the second phase known as the Project Approval and Environmental Document (PA&ED) process. The PA&ED process includes an appropriate CEQA/NEPA environmental document for the proposed improvements, including consideration of alternative configurations and a Project Report (PR), which constitutes an engineering technical document that serves as the basis for detailed construction plans.

At the conclusion of the PA&ED process, Caltrans will select an Interchange configuration and the process enters the third phase, which involves the Plans Specification and Engineering Phase (PS&E), where detailed engineering documents and construction plans are prepared for the Interchange. Finally, the PS&E phase is followed by the acquisition, if any, of any required right-of-way and construction of the new Interchange.

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Caltrans presently is preparing the PID and associated PSR-PDS, which includes preliminary interchange alternatives consisting of an expanded diamond interchange, a diverging diamond interchange, and a roundabout interchange.

Implementation of the I-15 interchange improvements would be consistent with Caltrans' approval schedule. Additionally, the proposed project's mitigation measures require that identified improvements to Deer Springs Road be in place prior to specified triggers related to the number of homes built, ensuring that potentially significant impacts would be reduced to less than significant prior to actually occurring.

In addition, the Draft EIR evaluated the impacts of the I-15 interchange to the extent such impacts could be determined based on the best available information. As stated in **Response to Comment O-1-19**, CEQA does not require that an EIR evaluate impacts resulting from a mitigation measure to same level as a project; rather, such impacts are to be discussed "but in less detail" (CEQA Guidelines Section 15126.4(a)(1)(D)). As noted in Chapter 2, "Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D))." Thus, the Draft EIR complies with CEQA requirements by discussing the potential environmental effects of mitigation measures.

The comment also states the Draft EIR "has not studied widening Deer Springs Road to six lanes." See **Response to Comment O-5.1-31**.

O-5.1-31 The comment questions the treatment of Deer Springs Road. The comment states the traffic analysis assumed Deer Springs Road was six lanes, but claims the Draft EIR did not analyze the impacts of widening Deer Springs Road to six lanes and does not analyzed potential impacts to adjacent property owners or the potential use of eminent domain. The County does not concur with this comment.

Appendix R, Traffic Impact Analysis, and Draft EIR Section 2.13, Transportation and Traffic analyze the potential traffic impacts of the proposed project. As determined by these analyses, widening Deer Springs Road to four lanes, as identified by M-TR-9, would reduce the proposed project's impacts to Deer Springs Road between Mesa Rock Road and Sarver Lane to less than significant. Nonetheless, the analysis of Deer Springs Road as a six-lane arterial was performed as a General Plan Buildout analysis, consistent with the Mobility Element designation for Deer Springs Road. Again, however, the proposed project does not result in impacts that would require such widening, and thus the project does not require the construction of Deer Springs Road to six lanes. Thus, the Draft EIR accurately analyzes the potential for off-site impacts to property as a result of widening Deer Springs Road to four lanes.

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O-5.1-32 The comment states the Draft EIR does not properly address or mitigate impacts on I-15. The County does not concur with this comment. Please refer to **Topical Response TR-1**, which states that the comment incorrectly states that the proposed project “brings I-15 traffic to level “F.” Rather, the level of service on each of I-15 segment does not change with the addition of the project to existing conditions. As shown under the Existing Plus Project scenario, the addition of project traffic would not cause any segment of I-15 to operate at LOS F. Existing Freeway Mainline Operations are shown in Draft EIR Table 2.13-3. As shown on the table, the following segments of I-15 operate at LOS E or lower F in the AM or PM in the existing condition, that is, conditions without the project:

- I-15: Riverside County Boundary to SR-76 (LOS F)
- I-15: SR-76 to Old Highway 395 (LOS E)
- I-15: Gopher Canyon Road to El Norte Parkway (LOS E)
- I-15: El Norte Parkway to Pomerado Road (LOS F)

Section 2.13.9.3 of the Draft EIR analyzes the impacts of the proposed project against these existing traffic conditions. Table 2.13-18, Existing + Project Freeway Segment Operations, summarizes the results of the Existing + Project freeway mainline levels of service. As shown in the table, under this scenario, with the addition of project traffic, the same four freeway sections would operate at LOS E or F:

- I-15: San Diego County Boundary to SR-76 (LOS F)
- I-15: SR-76 to Old Highway 395 (LOS E)
- I-15: Gopher Canyon Road to El Norte Parkway (LOS E)
- I-15: El Norte Parkway to Pomerado Road (LOS F)

Accordingly, the addition of proposed project traffic under this scenario would not cause any of the I-15 segments to change to LOS F because the level of service on each of these segments does not change.

In addition to the Existing Plus Project analysis, Section 2.13.9.4 of the Draft EIR analyzes the proposed project’s cumulative impacts to freeway segments. As explained on pages 2.13-68 and 2.13-71, and as reflected in Table 2.13-28 and Table 2.13-30, certain I-15 segments are calculated to operate at LOS E or lower under both the Existing + Cumulative Projects scenario (that is, without the proposed project) and the Existing + Cumulative Projects + Project scenario. The addition of project

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traffic would result in LOS F conditions on segments of I-15, however, these segments are already expected to be operating at LOS E or LOS F without the proposed project, and the additional of project-related traffic would not result in any segment falling from an accepted level of service (LOS D or better) to a failing (LOS E or F) level of service.

Because the proposed project would not result in any segment falling from an accepted level of service (LOS D or better) to a failing (LOS E or F) level of service, significant cumulative impacts are identified where the project traffic results in an increase in the vehicle/capacity (v/c) ratio of more than 0.01 on segments operating at LOS E and 0.005 on segments operating at LOS F. However, these impacts are not related to any segment of I-15 falling from an accepted level of service to a failing (LOS E or F) level of service as the comment states. The Draft EIR accurately identified all potentially significant impacts to I-15, concluding that such impacts would be significant and unavoidable (Impact TR-18 and Impact TR-41) (see Draft EIR Section 2.13.13.1 and Section 2.13.13.2, pages 2.13-122 and 2.13-125) because no feasible mitigation exists, as explained in **Topical Response TR-1**.

O-5.1-33 The comment provides background information on VWD's water supply and states the "DEIR does not provide sufficient information on the conservation that will be required to meet this drastic cut." The comment asks several questions regarding conservation measures and notes that VWD has increased prices in 2017 and 2018 with approval of the proposed project.

The Twin Oaks Valley Property Owner's Association made the same or similar comment in a newspaper ad, noting that "36% cuts to resident's water supply" would be required so as to serve the proposed project. The VWD responded by posting on its website a "Correction of Misinformation." According to VWD, the District is not mandating the rationing of its water supplies to existing District customers (by 36 percent or any percentage), so as to be able to serve any proposed new development, including the Newland Sierra project. For that reason, VWD considered the Twin Oaks' statement to be "false," requiring correction.

Based on the information provided by VWD, the County concurs that the Twin Oaks newspaper statement is inaccurate and concurs with VWD's decision to publish a correction. VWD's correction was published on its website in August 2017 and quoted below in full (italics added):

Recently, the Twin Oaks Valley Property Owner's Association published a newspaper ad noting "36% cuts to resident's water supply" in relation to a proposed Newland Sierra housing project. *This statement is false.* The Vallecitos Water District is not in a drought emergency and therefore is not imposing any

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mandatory water-use cuts (reductions). *In addition, the District would never impose water-use reductions to any customers to allow for any proposed development, including the Newland Sierra project.*

To continue to provide reliable water service to our customers, Vallecitos is guided by its Master Plan, which analyzes existing and future land uses, as well as current water demands and trends, to evaluate the existing and future water needs for District customers well into the future. Even with the 1,624 acre-feet [asterisk omitted] of annual water demand projected for the proposed Newland Sierra development, *the District has already anticipated greater water use* (1,825 acre-feet per year) identified for this property during the 2017 Master Plan process without the development. *In other words, even if this development moves forward, the District will have sufficient water supplies for all new and existing customers.*

During the recent drought, the cutbacks to our customers were not due to a supply shortage, as Vallecitos had sufficient water supplies. The cutbacks were mandated by an Executive Order from Governor Brown. Even during the depth of the drought, Vallecitos' water provider — the San Diego County Water Authority (SDCWA) — projected 85,196 acre-feet of water in storage after assuming an additional three consecutive years of drought. *Since the drought has ended, SDCWA now has 171,000 acre-feet of water in storage, and no restrictions on deliveries to the Vallecitos Water District, or any agency. This is in addition to the drought-resilient water available from the Pacific Ocean from the District's direct connection to the Claude "Bud" Lewis — Carlsbad Desalination Plant.*

Regardless of development in our community, we encourage all residents to continue to make water conservation a permanent way of life. Click on the links for more information about conservation or the District's Master Plan or contact us at (760) 744-0460.¹⁹⁷

In addition, at the November 16, 2016 public meeting in which the VWD Board of Directors considered and approved the project's WSA, Director Hernandez specifically rejected this so-called "mandatory rationing" requirement (see VWD Board of Directors' meeting transcript, November 16, 2016, page 31; italics added):

And I, too, wanted to make it perfectly clear - we've mentioned this a number of times. *I know there are some out there that still come up and tell us that they're concerned about that the existing rate payers are going to pay for some portion of*

¹⁹⁷ The VWD's "Correction of Misinformation" is incorporated by reference and available for public review upon request to the County. It is also available for review at VWD's website: <http://www.vwd.org/Home/Components/News/News/2358/18> (last accessed November 8, 2017).

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the new water. That's absolutely false. That's absolutely wrong. Every new home that is going to be built is going to pay its own way. There is [no] burden on any of the existing rate payers, whether it's one home or 600 homes. It makes no difference. The developers have to pay for all of the new development and the capacity that is required.

Further, the Draft EIR and WSA detail that the “there will be sufficient water supplies over a 20-year planning horizon to meet the projected demand of the proposed Project and the existing and other planned development projects within the District’s service area.” This includes during normal, single dry or multiple dry-year through 2035 (Draft EIR, Appendix S [WSA, pages 42–43]).

Concerning the project’s conservation measures, the WSA states:

Under rezoning and densification of portions of the Project study area, defined in the Newland Sierra Draft Specific Plan, the proposed Project is estimated to have an annual average demand of 1,624 AFY. This represents an 11% decrease in water demand compared to the 1,825 AFY demand that the District has planned for in its Draft 2014 Master Plan and 2015 UWMP (Draft EIR, Appendix S [WSA, pages 42–43])

Also:

The Newland Sierra Water Conservation Demand Study (GSI, 2016) estimates that the incorporation of Cal Green Building Code standards and Water Efficient Landscaping will reduce the estimated water demand of 1,624 AFY by at least 26% to 1,196 AFY. This is 35% less than the No Project Alternative demand (1,825 AFY) that is currently planned for in the local and regional water supply planning documents (Draft EIR, Appendix S [WSA pages 42–43]).

In total, the “Project’s demand projection incorporates water conservation savings that fall within the 26 to 36% range needed to help the District achieve its water conservation target to meet future demands” (Draft EIR, Appendix S [WSA, pages 42–43]).

In fact, as detailed in Appendix T, Water Conservation Demand Study, the project’s water conservation measures would decrease water demand substantially from the estimate in the WSA and General Plan (see Draft EIR Appendix T, GSI Water Conservation Demand Study, page 19, Tables 17 and 18]):

[T]hrough implementation of water conservation measures and removal of irrigation from open spaces and non-irrigated fuel modification zones, total water demand in Newland Sierra is calculated to be 776,980 gpd on an average daily

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basis (Table 19) and 870 afy on an annual basis (Table 20), which reduces water demands by 673,180 gpd (or 754 afy) compared with the WSA and by 852,220 gpd (or 955 afy) compared with the General Plan. These decreases in water demand amount to 46 percent and 52 percent reductions, respectively, from the WSA and General Plan water demand estimates.

The commenter is directed to Appendix T for further discussion of the water conservation measures that will be implemented with the project.

- O-5.1-34** The comment questions “what happens when Project Site residents are off the Project Site” in an evacuation scenario? The comment states that “Newland Sierra residents will join the already existing Twin Oaks Valley residents in their attempts to evacuate from the area” and asks whether the Draft EIR considered horse trailers and potential impacts of traffic conditions on new and existing residents if there is an evacuation.

The County refers the commenter to **Topical Response HAZ-1**. Based on the Draft EIR’s evaluation, the Newland Sierra project provides adequate emergency access routes and evacuation plans, complies with all applicable fire codes, and does not create any significant wildfire hazards impacts.

- O-5.1-35** The comment asks “where was the analysis which studied the necessary fire equipment needed to be able to fight a potential fire within a three-story multi-family dwelling?” The County acknowledges the comment and notes that it does not raise an environmental issue within the meaning of CEQA. Nonetheless, as explained in **Response to Comment O-1-204**, and as analyzed and described in Section 3.5, Public Services, of the Draft EIR, the proposed project applicant anticipates entering in a Fire Service Agreement with the DSFPD to “provide funding that will augment the DSFPD’s capabilities for continued provision of high-level service to its primary jurisdictional area, including the Newland Sierra project.” This could include a ladder truck if determined necessary by DSFPD, which would only be required for certain buildings heights (see **Response to Comment O-1-204**).

In addition, the project will be served by Vallecitos Municipal Water District and sufficient water supplies will be available to serve the project from existing entitlements and resources. The pressures in the development will remain above 20 pounds per square inch (psi) at 2,500 gallons per minute when meeting the fire requirements for the DSFPD. This will ensure that even if a ladder truck is not provided, sufficient water pressure and fire flow is available to the project Site to combat third-story fires.

- O-5.1-36** The comment states that “Local residents and businesses will be subject to ten years of construction noise, including blasting,...on-site rock crushing, grading, and haul

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trucks,” but that “the DEIR does not contain a blasting study, nor does it include specific blasting timelines, blast numbers, or blast locations.” Please refer to **Topical Response NOI-1**, which concludes that the Draft EIR’s noise section evaluates the noise impacts of the project’s construction-related activities, including blasting. Based on the analysis contained therein, the project’s construction-related noise impacts would result in potentially significant impacts. Therefore, the Draft EIR recommends the adoption of mitigation measures and implementation of Project Design Features to reduce such impacts to less-than-significant levels.

O-5.1-37 The comment states “noise impacts to the Hidden Valley Zen Center...are not addressed or mitigated” but “the impacts significant blasting would have on a religious institution engaging in silent meditation.” The comment also states that Saint Mark’s Mission Church will be similarly affected.” The comment requests the proposed project conduct “a noise study that would show the specific impacts to sensitive receptors around the community and concludes, “the DEIR fails to provide any real information that we can use to draw conclusions.” The County does not concur with this comment for the following reasons.

First, with respect to the adequacy of Appendix Q, Noise Report, the County notes that the Noise Report was prepared in accordance with the County’s Guidelines for such reports and includes a comprehensive analysis of potential noise impacts to both on-site and off-site sensitive receptors.

Second, with respect to the comment regarding blasting noise, please see **Response to Comment O-5.1-36** and **Topical Response N-1**.

Third, the Draft EIR did evaluate specific impacts to sensitive receptors along Sarver Lane (i.e., The Zen Center), please see **Response to Comment O-5.1-12**, above regarding operational impacts, as well as **Response to Comment O-3.3-3**, which states that the Hidden Valley Zen Center would be approximately 740 feet away from the project’s Plan Area and that, based on this distance and through implementation of project design features (PDFs) and M-N-6, construction noise would be attenuated and impacts would be less than significant.

The County notes that while blasting is anticipated to be needed to break up bedrock at the project, it is presently infeasible to determine the exact locations and timelines for blasting as the bedrock is located below ground surface (Draft EIR page 2.10-17). For this reason, 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 (Draft EIR page 2.10-24). However, the Draft EIR explains that blasting (and the associated drilling that precedes blasting) would only occur between 7 a.m. and 7 p.m. (Draft EIR page 2.10-21). It is also anticipated, based on prior

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projects, that blasting would occur at 2- to 3-day intervals with no more than one blast per day (Draft EIR page 2.10-24). Blasting is also expected to generally occur in localized areas at the center of the project and along roads within the project (Draft EIR pages 2.6-14 and 2.10-24).

O-5.1-38 The comment states that neither the air quality or greenhouse gas analysis included emissions from induced traffic. The County does not concur with this comment. Please refer to **Responses to Comments O-1.4-43** through **O-1.4-45** (Fox letter, update per County revisions). As explained in these responses, the proposed project and other applicable regional plans account for induced traffic. No further response is required.

O-5.1-39 The comment expresses concern over health impacts based on ten years of construction, lack of information about a blasting schedule and blasting locations, and the total amount of cut and fill.

The County refers the commenter to **Topical Responses AQ-1, AQ-2, and AQ-3** regarding the proposed projects blasting and air quality impacts. As concluded in these responses, on-site rock crushing, grading and haul truck noise and traffic would occur for five years, and not ten years. Further, the Draft EIR contains sufficient information regarding the timing and location of anticipated blasting activities to assess the environmental implications of such activities. Finally, the Draft EIR's air quality section considered and evaluated the air quality impacts of the project's construction-related activities. Based on that analysis, the project's construction-related emissions would significantly impact conformance with federal and state ambient air quality standards; and, therefore, the Draft EIR recommended the adoption of mitigation measures to reduce such impacts to the extent feasible. The project's construction-related activities would not result in significant impacts attributable to crystalline silica exposure, CO hotspots, or TACs

O-5.1-40 The comment expresses concern regarding exposure to Crystalline silica. As described in **Topical Response AQ-1**, analyzing the project's potential impacts attributable to crystalline silica exposure, the Draft EIR determined that "[m]aterials that would be blasted at the proposed project are granitic and similar to those blasted at hard rock quarries. The South Coast Air Quality Management District (SCAQMD) monitored respirable crystalline silica concentrations near the Azusa Rock Quarry and found that average concentrations were 0.5 µg/m³ or six times less than the reference exposure level (REL). This concentration included emissions from blasting and other construction emission sources on Site. Accordingly, concentrations that nearby receptors would be exposed to [with this project] would be considered acceptable" (Draft EIR page 2.3-50).

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Further, “because the vast majority of deposited material is too large to be respirable,” “[d]ust that is deposited near sensitive receptors is unlikely to result in exposure to respirable crystalline silica” (Draft EIR page 2.3-49). In addition, “there are no existing processes taking place or future processes that would take place as part of the proposed project at nearby receptor locations that would reduce the size of particles deposited making them smaller, respirable particles” (Draft EIR page 2.3-49). Finally, “the small amount of respirable dust that may be deposited would need to be re-entrained into the air in order to be hazardous,” which is unlikely to occur in concentrations sufficient to cause a significant impact (Draft EIR page 2.3-49).

The Draft EIR determined, on the basis of this evidence, that “deposited crystalline silica is not considered to be a source of significant health risk and impacts would be less than significant” (Draft EIR page 2.3-50). Even though impacts would be less than significant, the Draft EIR provides M-AQ-11 and M-AQ-12 to further control fugitive dust emissions generated during blasting activities and thereby further minimize crystalline silica exposure.

- O-5.1-41** The comment states that the Draft EIR “should include a comprehensive health risk assessment so that members of the public have a real understanding of the health impacts of fine particulates, diesel emissions, and chemical emissions from the ten years of construction.” The comment concludes that the Draft EIR does not attempt to mitigate the significant air quality impacts.

The County does not concur with this comment. Please refer to **Topical Response AQ-1**, which described the construction-related emissions generated by the proposed project, including relative to health risks. Based on detailed analysis in the Draft EIR at Section 2.3.5.3, Sensitive Receptors, the Draft EIR concluded that the project’s construction-related activities would not result in significant impacts attributable to crystalline silica exposure, CO hotspots, or TACs (including diesel PM).

The Draft EIR incorporates M-AQ-1 through M-AQ-5 to reduce the project’s construction air quality impacts associated with exceedances of air quality standards; however impacts to NO_x, CO, and PM₁₀ and PM_{2.5} emissions would remain significant and unavoidable. See further **Responses to Comments O-1.4-96, O-1.4-100, and O-1.4-101** (Fox MM comments) for a summary of how the proposed project implements all feasible mitigation measure to reduce impacts to air quality.

- O-5.1-42** The comment states “the DEIR overstates the impact of its transportation demand measures, and repeatedly and incorrectly states that the Project site is in an urban area.” The comment then specifically calls out PDF-6, which requires a shuttle to the Escondido Transit Center. The comment states that the Draft EIR “does not guarantee

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funding for this shuttle, and overstates the benefit for a rural residential community with little to no surrounding commercial or other land uses.”

The County does not concur with this comment. The Newland Sierra TDM Program – VMT Reduction Evaluation technical memorandum (Fehr & Peers, February 2017), was performed using methodologies contained in the California Air Pollution Control Officers Associations’ (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010)¹⁹⁸ (Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017), at pages 3–4). As stated in **Response to Comment O-1.4-46**, all calculations were performed using the CAPCOA report’s suburban area input and the methodologies were specifically applied to the VMT associated with the user of the TDM measure (Appendix D of Draft EIR Appendix K pages 7–20).

The project Site is located in the North County Metropolitan Subregional Plan Area, which includes the communities of Twin Oaks and Hidden Meadows. Relatedly, the project Site is less than a mile from the municipal boundaries of the cities of San Marcos and Escondido, two cities which support a combined population of approximately 250,000 people. Due to the project Site’s suburban location, the Transportation Demand Management (TDM) program centered on land use strategies such as including land use diversity on Site to encourage residents to walk, bike, or take transit within the project Site. All CAPCOA-based TDM effectiveness calculations were performed using research and inputs for “suburban” locations, consistent with the project setting, and were specifically applied to the VMT associated with the user of the TDM measure (Appendix D of Draft EIR Appendix K pages 7–20). For example, the effectiveness of providing transit subsidies to residents was only applied to VMT associated with residential work trips (Appendix D of Draft EIR Appendix K pages 15–16).

PDF-6 requires that the proposed project “Coordinate a ride share or shuttle system that connects the various project neighborhoods to the Town Center and to external transit facilities and resources such as the park-and-ride lots and the Escondido Transit Center.” As part of the TDM program, a TDM Coordinator would be responsible for monitoring compliance with this measure as specific in Appendix R3, VMT Reduction Evaluation. Implementation of this measure, which is also required and will be monitored under M-GHG-3 through the Mitigation Monitoring and

¹⁹⁸ California Air Pollution Control Officers Associations’ (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010) <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Comment Letter Responses

Reporting Program (MMRP), will ensure 1.2 percent reduction in VMT is achieved through annual reports by the TDM Coordinator.

- O-5.1-43** The comment states that an argument made for the proposed project is the need for affordable housing. The comment then says that “Placing high density homes in a rural area where the infrastructure is lacking will do little to attract the Millennium home buyers. This important age group do not want homes with yards or looking for long commutes. They are looking to live close to where they work.” The comment concludes by stating that the “I-15 freeway is not the proper infrastructure needed to support the scope and magnitude of problems that the Newland Sierra project brings into the current community.” See **Response to Comment O-5.1-42**, above, concerning the project’s location proximate to substantial population centers. The County acknowledges the comment and notes it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.
- O-5.1-44** The comment provides information about Community Facilities Districts (CFDs) and asks several questions about CFDs and about “the average HOA and CFD total for the ‘attainable’ homes presented in the DEIR.” The County notes the comment provides factual background information; raises economic, social, or political issues that do not appear to relate to any physical effect on the environment; and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.
- O-5.1-45** The comment states the TOVCSG voted to oppose the proposed project. The County acknowledges the comment letter, and notes it expresses opposition for the project, but does not raise any issue concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.
- O-5.1-46** The comment summarizes the preceding comments raised in the letter. The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.