

### O-8 Citizens for Smart Planning

#### Citizens for Smart Planning

August 10, 2017

**O-8-1** The comment states that the Draft Environmental Impact Report (EIR) contains several “deficiencies.” The County of San Diego (County) acknowledges the comment as an introduction to the comments that follow. The County notes that the comment 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. This comment is included in 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-8-2** The comment states that the Draft EIR was prepared by Dudek. The comment states that Dudek has been employed as a contractor on the Newland Sierra Project (project or proposed project) by Newland Sierra in preparation of the development plan, feasibility studies, and engineering analysis. The commenter questions the selection of Dudek to prepare the Draft EIR, because Dudek is “assessing their own work product” and “has an undisclosed financial relationship with the applicant.” The commenter is concerned that there is a conflict of interest and requests that the County provide the nature and scope of work performed by Dudek prior to the preparation of the Draft EIR, the details of the financial relationship between Dudek and the applicant, and a detailed rationale of why Dudek was best suited to prepare the Draft EIR on behalf of the County.

The County notes the comment 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. This comment is included in 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 has independently reviewed the Draft EIR, Specific Plan, and feasibility studies prepared for the project. Please refer to **Response to Comment O-1-13**.

**O-8-3** The comment states that the references cited in the Draft EIR are not provided in the appendices as numbered. The County does not concur with the comment’s assertion that any of the information cited was omitted from the Draft EIR. To keep the Draft EIR at a manageable length, some source documents used in preparing the Draft EIR were cited and/or incorporated by reference but were not included in the body of the Draft EIR or its appendices. The California Environmental Quality Act (CEQA) Guidelines, Section 15148, specifically instructs that source documents, including engineering and technical reports such as those at issue in the comment, should not be incorporated in the body of an EIR or its appendices but should be cited and

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referenced. An EIR may also incorporate by reference documents that are a matter of public record or generally available to the public (CEQA Guidelines, Section 15150(a)). Because the comment does not identify any more specific issues, no more specific response can be provided or is required.

- O-8-4** The comment states that the table citations within the body of the text are not located near the citation, forcing the reader to search through the document for the reference materials. The County does not concur with this comment. The Draft EIR was prepared in compliance with the County’s *Environmental Impact Report Format and General Content Requirements*.<sup>200</sup>

Regarding the placement of technical information in the Draft EIR appendices, the CEQA Guidelines state that highly technical analysis and data should not be placed in the body of an EIR but should instead be included as an EIR’s appendices (CEQA Guidelines, Section 15147). Accordingly, the County properly summarized information in the body of the Draft EIR and incorporated the supporting data in the Draft EIR’s appendices. Additionally, references cited were provided in the List of References chapter of the Draft EIR, which is consistent with the County’s *Environmental Impact Report Format and General Content Requirements*.

The remainder of the comment is general in nature and does not raise any specific issue regarding a particular analysis in the Draft EIR. Therefore, no specific response can be provided or is required (*Paulek v. California Dept. Water Resources*;<sup>201</sup> a general response is all that is required for a general comment). This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-8-5** The comment states that the Draft EIR fails to analyze localized air quality construction-related impacts to areas zoned Rural Residential (RR) and A70, which are permitted for limited agricultural purposes.

The County does not concur with this comment. Section 2.2.3.2 of the Draft EIR analyzes the potential indirect impacts to agricultural resources (Draft EIR pages 2.2-11 through 2.2.-14). On page 2.2-13, the Draft EIR states that “particulate matter ... deposited on vegetation can inhibit the normal respiration and photosynthesis mechanisms within the leaves (Ontario Ministry of Agriculture, Food and Rural Affairs 2003).” The Draft EIR concludes that impacts would be less than significant

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<sup>200</sup> County of San Diego .2006. *Environmental Impact Report Format and General Content Requirements*. Adopted February 1997. First revision June 2004. Second Revision September 26, 2006. Accessed April 2018. <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/EIR-Format-Content-Reqs.pdf>.

<sup>201</sup> *Paulek v. California Dept. Water Resources*, 231 Cal.App.4th 35, 47.

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for a number of reasons, including because “the development footprint of the proposed project does not abut any of these existing active agricultural lands due to proposed open space, fire safety fuel modification zones,” as well as the following:

Potential pollutants from urban runoff would be collected and treated on Site and would not enter water sources for surrounding agricultural operations. The proposed project would not substantially affect groundwater recharge or impact growth patterns of greenhouse crops due to nighttime lighting. Furthermore, due to the distances from existing operations, intervening hills and topography, and the existing semi-rural environment of the surrounding community, indirect impacts to nearby agricultural operations are not expected to occur.

The *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements – Air Quality*<sup>202</sup> does not identify agriculture as a sensitive use. Further, the County does not require that an EIR undertake every study recommended by commenters. Nonetheless, Project Design Features (PDFs) and mitigation measures for dust and particulate matter would likewise apply to reduce emissions to agricultural uses. The Draft EIR identifies significant and unavoidable impacts from construction emissions as a result of the proposed project.

**O-8-6** The comment states that the Draft EIR fails to analyze impacts associated with blasting activities to humans, agriculture, and animals. The County does not concur with this comment. Please refer to **Topical Response AQ-1**.

**O-8-7** The comment states that the Air Quality Technical Report fails to provide objective evidence in support of the cited conclusions in the table referenced in Section 3.1.2, which “does not exist in section 3 of the Air Quality Technical Report, and is instead vaguely located in section 1.”

The County does not concur with the comment. Table 16, which the commenter refers to as the “table referenced, 3.1.2,” is located within Section 3 of the Air Quality Technical Report (Draft EIR, Appendix G, page 60) and provides blasting characteristics associated with the project, including the anticipated volume of blasted rock, number of blasting days, the area blasted, and the amount of explosives used. A reference is provided in the end of the table as to where this information came from.

**O-8-8** The comment states that the analysis regarding blasting risks is inadequate because it does not provide chemical compounds to be detonated; the emissions associated with

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<sup>202</sup> County of San Diego. 2007. *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements – Air Quality*. March 19, 2007.

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blasting; health and environmental hazards to humans, animals, and crops; and the contamination of food supplies. Section 3.1.2 of the Air Quality Technical Report, page 68, identifies the chemical compounds to be detonated as “ammonium nitrate/fuel oil (ANFO).” Please refer to **Topical Response AQ-1** for information regarding blasting emissions and impacts.

**O-8-9** The comment requests that the following blasting information be provided:

- A list of compounds required for explosive detonation
- Analysis of combustion emissions
- A full account of residual compounds at the build site and dispersal patterns
- Anticipated cloud rise and diffusion characteristics
- A detailed analysis of health hazards associated with detonation emissions
- A determination of detectability of impacts to humans, animals, and crops
- Locations of where the diffusion of explosive by-products and undetonated explosives can be expected to have an adverse impact on the viability of animals and agriculture and an estimated determination of the financial impact
- A detailed description of any and all methods identified to control transportation, handling, and storage of explosive materials while en route to and while located on the build site to prevent accidental release
- A list of all contractors and subcontractors engaged by Newland Sierra to perform blasting operations

As described in **Response to Comment O-8-8**, Section 3.1.2, page 68, of the Air Quality Technical Report identifies the chemical compounds to be detonated as “ammonium nitrate/fuel oil (ANFO).”

Please refer to **Topical Response AQ-1** regarding blasting emissions and impacts. As detailed in the response, the Draft EIR specifically discusses blasting air pollutant emissions, stating, “estimated emissions of NO<sub>x</sub> [oxides of nitrogen], CO [carbon monoxide], and SO<sub>x</sub> [sulfur oxides] from explosives used for on-site blasting were determined using emission factors in Section 13.3 (Explosives Detonation) of AP-42<sup>203</sup> (EPA 1980); and PM<sub>10</sub> [inhalable particulate matter] and PM<sub>2.5</sub> [fine particulate matter] emissions were determined using Section 11.9 of AP-42 (EPA 1998)” (Draft EIR page 2.3-23). The maximum amount of explosives used per day was estimated to be between 17 and 19 tons. The analysis employed conservative assumptions because use of AP-42 emission factors “may overestimate emissions for blasting of hard rock”

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<sup>203</sup> AP-42, Compilation of Air Pollutant Emissions Factors, is a publication of the U.S. Environmental Protection Agency’s emission factor information based on source test data, material balance studies, and engineering estimates (<https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emission-factors>).

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for the project (Draft EIR, Appendix G, Section 3.1.2, Blasting Emissions Methodology, page 59-60).

The Draft EIR specifically analyzes blasting-related air quality impacts relative to federal and state ambient air quality standards and crystalline silica; the Draft EIR determinations based on that analysis are summarized below.

### Federal and State Air Quality Standards

The Draft EIR determined that the unmitigated project’s “daily construction emissions would exceed the thresholds for VOC [volatile organic compound], NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Impacts for these pollutants would be potentially significant (AQ-2)” (Draft EIR page 2.3-33). The following Draft EIR tables detail the estimated unmitigated emissions from the project’s construction-related activities: Table 2.3-9, Blasting Emissions (pounds per day); Table 2.3-10, Rock Crushing Emissions (pounds per day); and Table 2.3-11, Estimated Daily Maximum Construction Emissions (pounds per day) — Unmitigated (Draft EIR pages 2.3-71 to 2.3-72).

The Draft EIR recommends three mitigation measures (M-), M-AQ-2, M-AQ-3, and M-AQ-4, to reduce the project’s significant impacts to the extent feasible (Draft EIR pages 2.3-33 to 2.3-36). The Draft EIR, Table 2.3-12, Estimated Daily Maximum Construction Emissions (pounds per day) – Mitigated, shows that the recommended mitigation would effectively reduce VOC emissions to a level below significant. Mitigated construction emissions would still exceed the thresholds for NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> following implementation of M-AQ-2 through M-AQ-4.<sup>204</sup> However, upon completion of grading, blasting, and rock-crushing activities, daily emissions from the remainder of construction period (2023–2027) would be below applicable thresholds.

### Crystalline Silica

Analyzing the project’s potential impacts attributable to crystalline silica exposure, the Draft EIR determined that “materials that would be blasted at the proposed project are granitic and similar to those blasted at hard rock quarries. The SCAQMD [South Coast Air Quality Management District] monitored respirable crystalline silica concentrations near the Azusa Rock Quarry and found that average concentrations

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<sup>204</sup> As noted in the Draft EIR (page 2.3-36), not all emissions reductions that would result from implementation of the recommended mitigation measures are quantifiable. Because only certain emissions reductions (i.e., site watering, reduction of vehicle speeds, and use of Tier 4 Final equipment) were accounted for in the Draft EIR, Table 2.3-12, the emissions totals in Table 2.3-12 likely overstate mitigated project emissions. Daily emissions would be further reduced by the unquantified elements of the mitigation measures.

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were 0.5 µg/m<sup>3</sup> [micrograms per cubic meter] 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).

Further, “dust that is deposited near sensitive receptors is unlikely to result in exposure to respirable crystalline silica because the vast majority of deposited material is too large to be respirable” (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 determines 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 control fugitive dust emissions generated during blasting activities and, thereby, minimize crystalline silica exposure.

Regarding the anticipated cloud rise and diffusion characteristics, while blasting is anticipated to be needed to break up bedrock on the project site, it is currently infeasible to determine the exact locations and timelines for blasting because 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 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).

In summary, the County has determined that the Draft EIR contains sufficient information regarding blasting activities to assess the environmental implications of such activities.

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**O-8-10** The comment states that Section 2.8, Hazards and Hazardous Materials, of the Draft EIR, makes reference to fire activities within the area and emergency response mechanisms in the event of a fire. The comment states that the Draft EIR does not characterize the property regarding the defensibility of the project Site if fires threaten the property or the additional risks associated with the steep topography to fire-fighting staff.

The County does not concur with this comment. Appendix N-1, Newland Sierra Fire Protection Plan, to the Draft EIR is a Fire Protection Plan for the project. Section 5 of Appendix N-1 provides an on-site risk assessment of the project Site, and as stated on page 65 of the Fire Protection Plan, “the proposed Newland Sierra project is situated in an area that, due to its steep terrain, heavy fuels, adjacent ignition sources, and fire history, is subject to periodic wildfire. The project area, and nearby communities of Castle Creek, Hidden Meadows, and Lawrence Welk Resort, are all located in a Very High Fire Hazard Severity Zone, as designated by CAL FIRE.”

Section 2.2 of Appendix N-1 states the following:

Following site evaluation and vegetative fuels data collection efforts, fire behavior modeling was conducted to document the type and intensity of fire that would be expected on the project site given characteristic site features including topography, vegetation, and weather. Dudek utilized FlamMap, which is a graphics-based GIS [geographic information system] model that utilizes the same fire spread algorithms contained in the BehavePlus software package. The advantage of FlamMap modeling is that it evaluates anticipated site-wide fire intensity and flame length values based on variations in topography and vegetative cover and provides a graphical output that can be evaluated on site maps, whereas BehavePlus provides a tabular output. BehavePlus was utilized for specific target areas for confirmation of FlamMap results.

Therefore, the fire risks associated with the project Site, including topography, were considered in the analysis.

**O-8-11** The comment states that Section 2.8 of the Draft EIR defines local fire management resources but does not determine if these resources would be adequate to support existing and proposed residences during a fire emergency.

The commenter is directed to the Draft EIR, Section 3.5, Public Services, which discusses the project impacts to fire protection services. The following is stated on page 3.5-15 of the Draft EIR:

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Overall, the proposed project would increase demand on fire and emergency medical services. The County Fire Mitigation Fee Program (see County Code of Regulatory Ordinances section 810.309 and Ord. No. 10429 (N.S.), June 21, 2016) ensures that development fees are paid at the time of issuance of building permits, and those fees are intended to closely reflect the actual or anticipated costs of additional fire protection facilities and equipment required to adequately serve new development. The DSFPD [Deer Springs Fire Protection District] is a participant in the County's Fire Mitigation Fee Program.

The proposed project will pre-pay the County Fire Mitigation Fee pursuant to a Fire Fee Payment Agreement with the DSFPD which would also provide funding beyond the required County Fire Mitigation Fee to augment the DSFPD's capabilities for continued provision of timely service to its primary jurisdictional area, including the project Site. By pre-paying the County Fire Mitigation Fee, the proposed project ensures Fire Station 12 would continue to have the capacity and facilities to serve the project Site and satisfy the General Plan's 5-minute threshold (Appendix N-1). The final funding amount will be determined in the Fire Fee Payment Agreement, to be completed prior to map recordation per County conditions of approval. The proposed project would be in compliance with applicable portions of the San Diego County Consolidated Fire Code and the Deer Springs Fire Protection District's Ordinance No. 2013-01. The proposed project also would be consistent with the 2013 California Building Code, Chapter 7A, 2013 California Fire Code, Chapter 49, as adopted by San Diego County. Impacts associated with the degradation of fire protection services and facilities would be **less than significant**.

Therefore the County believes this issue has been adequately addressed in the Draft EIR.

- O-8-12** The comment states that Section 2.8 of the Draft EIR defines local fire management resources but does not determine if these resources would be adequate to support existing and proposed residences during a major regional fire emergency, such as the fire outbreaks in May 2014, October 2007, or October 2003.

The following is stated on page 3.5-22 of the Draft EIR:

Future growth in the cumulative area would generate additional demand on fire protection services, and require the construction or expansion of services and facilities to maintain acceptable travel times and adequate levels of service. As required by the General Plan for each jurisdiction where cumulative projects reside, each cumulative project would be required to



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ensure adequate availability for fire service and that travel times are met. If a project results in potential impacts on fire service or travel times, each project would be required to mitigate such impacts. In addition, each cumulative project would be required to demonstrate compliance with all applicable laws and regulations regarding fire protection services and facilities. Therefore, impacts to fire protection services or facilities would not be cumulatively considerable. Impacts would be less than significant.

Further, the following is stated on page 30 of Appendix N-1:

Initial fire response for the improved portions of the Newland Sierra project area will be provided by DSFPD's station 12, due to its proximities that enable response within five minutes travel to all improved areas. In addition to station 12, Stations 11 and 13 can also respond to the project within 10 minutes to round out the effective firefighting force. In addition, San Marcos Fire Protection District [San Marcos Fire Department], and Escondido Fire Department, as well as other north county fire agencies, are parties to automatic aid or mutual aid agreements. These agreements provide additional resources during emergency conditions. Wildland areas adjacent to the project are the responsibility of CAL FIRE [California Department of Forestry and Fire Protection] due to their State Responsibility Area designation. DSFPD, along with other area agencies, respond simultaneously with CAL FIRE for wildland fires through a coordinated local agency response system.

Therefore, in a situation where there is a major regional fire, the San Marcos Fire Department, and Escondido Fire Department, as well as other North County fire agencies, are parties to automatic aid or mutual aid agreements, and DSFPD, along with other area agencies, would respond simultaneously with CAL FIRE for wildland fires through a coordinated local agency response system.

The project includes two fire protection plans: one for the portion of the project within the DSFPD (Draft EIR, Appendix N-1), and one for the portion within the San Marcos Fire Department (which includes only the Sierra Farms portion of the project) (Draft EIR, Appendix O). The project's Fire Protection Plan has been approved by the public agencies with responsibility over such plans: (a) the County approved the project's Fire Protection Plan on May 15, 2015, and (b) the DSFPD approved it on May 18, 2015 (Draft EIR page 2.8-18).

Collectively, these Fire Protection Plans address several important aspects, including fire history, flame-length modeling based on site vegetation and climate, project design, compliance with applicable fire codes, and emergency evacuation.

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The Draft EIR, page 2.8-19, provided the following list of “examples” of how the project meets or exceeds code requirements:

- Site access will comply with the requirements of the San Diego County Consolidated Fire Code and DSFPD (SDCCFC [San Diego County Consolidated Fire Code] Sections 503.1 and 503.2).
- The project will provide roadways throughout each neighborhood and three potential ingress/egress ways.
- Interior circulation roads will include all roadways that are considered common or primary roadways for traffic flow through the Site and for fire department access and serving in excess of two structures. Any dead-end roads serving new buildings that are longer than 150 feet will have approved provisions for fire apparatus turnaround.
- All new structures will be constructed to DSFPD and San Diego County standards. Each of the proposed buildings will comply with the enhanced ignition-resistant construction standards of the latest County Building Code (Chapter 7A). These requirements address roofs, eaves, exterior walls, vents, appendages, windows, and doors, and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires.
- All residential units will have electric-powered, hard-wired smoke detectors in compliance with County of San Diego Consolidated Fire Code. Hard-wired smoke alarms are to be equipped with battery backup.
- Provision of substantial fuel modification zones ... that are designed to gradually reduce fire intensity and flame lengths from advancing fire by placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other on the perimeter of all structures and adjacent open space areas, beyond what is typically required of projects.
- Vegetation management requirements will be implemented at commencement and throughout the construction phase.

The Draft EIR also concludes that even though the project is located within a very high fire hazard severity zone, “the proposed project would comply with all applicable fire codes, ... [and] wildfire hazards would be less than significant” (Draft EIR p 2.8-21).

Second, regarding emergency access, the Draft EIR, Appendix N-2, includes the Evacuation Plan for the project, which was prepared in coordination with the Deer Springs Fire Protection District and County and does not conflict with existing evacuation and pre-plans. As stated on page 2.8-20 of the Draft EIR, “the intent of the evacuation plan is to guide implementation of an evacuation procedure such that the

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process of evacuating people from the Site is facilitated in an efficient manner and according to a pre-defined, practiced evacuation protocol.”

Appendix N-2 identifies the project’s evacuation road network, including internal roads, which connect to three primary ingress/egress roads and ultimately connect to major evacuation routes, including Deer Springs Road, Sarver Lane, North Twin Oaks Valley Road, Buena Creek Road, and Interstate 15. The three primary ingress/egress routes are as follows:

- In the southeast corner of the Community – Mesa Rock Road, the project’s primary access, provides access to Deer Springs Road at the Interstate 15 on-ramp.
- In the south central portion of the Community – Sarver Lane provides access to Deer Springs Road.
- In the northern portion of the Community – Camino Mayor and the Camino Mayor alternative offer access to North Twin Oaks Valley Road, which connects to the south with Twin Oaks Valley Road/Deer Springs Road. North Twin Oaks Valley Road may also be available for travel north to Vista Valley Country Club or Gopher Canyon Road but would require the opening of three private gates by law enforcement for passage.

Specific to on-site roadways, the Draft EIR states that “during an emergency evacuation from the Newland Sierra community, the primary and secondary roadways may be providing citizen egress while responding emergency vehicles are inbound. Because the roadways are all designed to meet or exceed County of San Diego Consolidated Fire Code requirements, including 12-foot-wide, unobstructed travel lanes, adequate parking, 28-foot inside radius, grade maximums, signals at intersections, and extremely wide roadside fuel modification zones, potential conflicts that could reduce the roadway efficiency are minimized, allowing for smooth evacuations” (Draft EIR Appendix N-2, page 17). In addition, “road improvements for Deer Springs Road, portions of Sarver Lane, and Camino Mayor ... will provide significantly higher vehicle capacity due primarily to the additional widths and lane provisions (Draft EIR Appendix N-2, page 15).

In addition, Draft EIR, Appendix N-2, states that “the majority of the community traffic would exit the project via Mesa Rock Road or Sarver Lane” because, “these are the most direct routes for the Mesa, Town Center, Terraces, Hillside, and Valley neighborhoods” and that “Camino Mayor or the Camino Mayor alternative may be used by the Summit and portions of the Knolls neighborhoods, depending on the time available for evacuation and the need for additional movement via the northerly route.”

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Draft EIR, Appendix N-2 (Section 4.2), also evaluates the capacity of the surrounding road network. Based on the post-mitigation capacity, the Evacuation Plan estimates that the potential amount of time needed to evacuate the Community is as follows:

Based on Newland Sierra's estimated 2,135 units, and assuming 2.2 cars per household (Cal Poly San Luis Obispo 2016), during an evacuation, it is calculated that up to 4,697 vehicles could be evacuating in a major incident that required full evacuation of the community.<sup>205</sup>

The potential amount of time needed to evacuate the Newland Sierra Community, based on the planned roadway improvements, was calculated based on the following factors: 1) the internal roadway capacities, 2) three available egress routes with estimated 60% of vehicles (2,820) using Mesa Rock Road, 30% (1,410) using Sarver Lane, and 10% (470) using Camino Mayor, and 3) off-site roadway capacities. The lowest capacity roadway was given priority and was the determining factor for determining the vehicle capacity and accounting for slower speeds during some evacuations.

Based on these factors and assumptions regarding neighborhood evacuation routes, it is estimated that the 2,820 vehicles anticipated to use Mesa Rock Road (minimum capacity of 2,240 vehicles) to the improved Deer Springs Road (minimum capacity of 3,200 vehicles), to I-15 [Interstate 15], can be evacuated from the site within, conservatively 1.5 hours. Simultaneous evacuation of the estimated 1,410 vehicles via Sarver Lane (minimum capacity of 3,200 vehicles) to Deer Springs, to Twin Oaks Valley Road (minimum capacity of 5,600 vehicles) would require less than one hour. The 470 vehicles estimated to use Camino Mayor or the Camino Mayor alternative (minimum capacity of 1,000 vehicles) to North Twin Oaks Valley Road (minimum capacity of 1,350 vehicles) to Twin Oaks Valley Road (5,600 vehicles) would be approximately 30 minutes. Therefore, it is conservatively estimated that the community can be completely evacuated within 1.5 to 2 hours once notification has been provided...

Evacuation time of up to 1.5 to 2 hours is considered good for this type of community and is aided by the multiple ingress/egress points and the major road improvements to existing roads that would occur with the project.

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<sup>205</sup> This is a conservative estimate because that number would likely be far lower because many families would likely drive in one vehicle versus multiple vehicles, and depending on the time of day, many of these vehicles may already be off site, such as if a fire occurred during typical work hours.

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Third, relative to the traffic gridlock concern, the Draft EIR notes that while prior evacuations within the project vicinity have experienced traffic congestion, the project would include improvements to Deer Springs Road, which would increase capacity of the main evacuation route compared to the existing condition. Further, compared to the existing condition, improvements to North Twin Oaks Valley Road and Buena Creek Road would expand the traffic network capacity to assist evacuation efforts for the surrounding community.

The Evacuation Plan also provides that “fire and law enforcement official will identify evacuation points before evacuation routes are announced to the public. Evacuation routes are determined based on the location and extent of the incident and include as many pre-designated transportation routes as possible.” Accordingly, the Draft EIR, Appendix N-2 “defers to Law Enforcement and Office of Emergency Services” because “among the most important factors for successful evacuations in urban settings is control of intersections downstream of the evacuation area.”

Please refer to **Response to Comment O-8-11**.

In short, based on the Draft EIR’s evaluation, the project would provide adequate emergency access routes and evacuation plans, would comply with applicable fire codes, and would not create any significant wildfire hazards impacts.

**O-8-13** The comment requests that any new resources that would be needed to address a major regional fire be identified and who would fund those resources. Please refer to **Response to Comment O-8-11**. Regarding potential future fire equipment, the County acknowledges the comment and notes that it raises issues that do not appear to relate to any physical effect on the environment caused by the proposed project and that would require undue speculation. 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-8-14** The comment restates that Section 2.8 of the Draft EIR states that avoiding high threat areas is not possible because the County is located in a high fire threat area. The comment restates that Section 2.8 also states that the County Safety Element policies focus on minimizing the impact of wildfires through land use planning techniques and other mitigation measures. The comment then inquires how the project is consistent with the County Safety Element “when viewed in light that the project violates the very plan that was implemented to minimize fire safety hazards.”

As detailed in the Appendix N-1, Sections 2.0 through 6.2, the proposed project was designed to be safer than typical requirements, which, in the County and DSFPD, are

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already some of the most fire safe requirements in use anywhere. Appendix N-1 analyzes the “typical” condition, which is the normal weather through the year, occurring at least 85 percent of the time. The analysis also considers the worst-case conditions, which occur during red flag warnings when fire weather is considered extreme. Although these periods do not occur frequently throughout the year, they account for the conditions under which the vast majority of acres burn.

Appendix N-1 analyzed both typical and extreme conditions. Based on the results, Appendix N-1 mandates more restrictive (higher level of safety) fire protection features. Among the features are the following:

- Fuel modification zones that are 2.5 times the required 100 feet
- Roadside fuel modification zones that range between 100 and 250 feet, which is 5 to 10 times the standard 20 feet width

In addition, the proposed project is required to use heat-deflecting walls at key locations as an additional barrier, and the proposed project would provide structure setbacks at top of slope for all but 8 percent of the lots. Those lots are provided additional mitigations, even though they are not required by the DSFPD or SDCFA Fire Codes. These measures are in addition to the ignition resistant construction, automatic interior sprinklers, wide roads, fire flow, and other standard requirements in wildland urban interface developments.

Please refer to **Response to Comment O-8-12**. The proposed project has been determined to comply with or exceed the required fire and building codes and, based on the provided analysis, which included a CEQA significance standards analysis, was found to not result in a significant fire impact. Please refer to Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Analysis, of the Draft EIR for additional information regarding the proposed project’s compliance with the County General Plan, including the Safety Element.

**O-8-15** The comment states that Section 2.10, Noise, of the Draft EIR was deficient because it fails to address impacts to noise sensitive uses beyond residential applications within the context of the County noise compatibility standards and guidelines. The County does not concur with this comment.

The Noise Report (Appendix Q of the Draft EIR) evaluated long-term noise impacts associated with project-generated traffic at both on- and off-site noise-sensitive land uses. Short-term and temporary impacts associated with project construction activities were also evaluated. Noise impacts were assessed based on County noise criteria.

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Accordingly, the Draft EIR analyzed impacts to multiple types of noise-sensitive land uses, in addition to residential land uses, including the proposed school site; an existing church; and the Golden Door Properties LLC, which includes gardens and hiking trails.

The comment does not identify a location in particular that was not included in the noise analysis; therefore, no further response can be provided. Please refer to Draft EIR Section 2.10 for the full analysis regarding the potential noise impacts and required mitigation. Further, Section 3.3 and Appendix DD evaluate the proposed project's compliance with applicable noise element goals and policies.

**O-8-16** The comment states that the project Site is zoned Rural Residential (RR) and A70, and the Draft EIR fails to identify impacts on agricultural activities. The comment states that animals and livestock can be more sensitive to noise pollution, resulting in behavioral changes and stress. The comment states that the Draft EIR fails to characterize the nature of construction noise generators, specifically blasting activities.

The County does not concur with this comment. The Draft EIR addresses these potential impacts. In fact, the County General Plan has noise compatibility guidelines for agriculture and stables, which are shown in Table 2.10-3, Noise Compatibility Guidelines, in the Draft EIR. As shown in Table 2.10-3, the acceptable noise level of agriculture is 70 dBA (A-weighted decibels), which is 10 decibels above that permitted at residential uses (60 decibels). Further, County Code, Sections 36.410, allows louder sound for agriculture uses compared to residential uses. Therefore, the Draft EIR conservatively evaluates impacts by considering impacts to noise sensitive land uses.

The Draft EIR evaluates impacts relative to the Noise Ordinance, County Code, Section 36.404, at Section 2.10.3.2. The noise ordinance establishes limits for Rural Residential (RR) and A70 (Table 2.10-5). Therefore, the commenter is incorrect in stating that the Draft EIR fails to identify impacts related to those uses. As discussed in the Draft EIR, mitigation has been incorporated for potentially significant impacts.

Regarding noise from construction and blasting activities, the County does not concur with this comment. Section 2.10.3.2 of the Draft EIR analyzes impacts due to project-generated airborne noise from all foreseeable sources of construction noise. The Draft EIR separately evaluates noise impacts from construction equipment (page 2.10-16), including construction staging areas; portable rock-crushing/processing equipment (page 2.10-18); potential off-site temporary construction noise impacts (page 2.10-19) from utility and roadway improvements and construction traffic; and potential impulsive noise impacts (page 2.10-21) associated with rock drilling, blasting, and

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pile driving. In addition, Section 2.10.3.3 evaluates potential impacts from groundborne vibration, including vibration impacts as a result of blasting (Draft EIR page 2.10-24).

The Draft EIR also identifies the project's incorporated PDFs, listed in Section 1.2.1.9 and provided below, which would reduce the project's construction-related noise effects:

- PDF 33** The project applicant, or its designee, shall take those steps necessary to require that all construction equipment shall be properly maintained and equipped with noise-reduction intake, exhaust mufflers, and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- PDF 34** The project applicant, or its designee, shall take those steps necessary to require that whenever feasible, electrical power shall be used to run air compressors and similar power tools.
- PDF 35** The project applicant, or its designee, shall take those steps necessary to require that equipment staging areas are located as far as feasible from occupied residences or schools.
- PDF 36** The project applicant, or its designee, shall take those steps necessary to require that for all construction activity (on-site and off-site improvement work), noise attenuation techniques shall be employed, as needed, to ensure that noise levels remain below 75 dBA  $L_{eq}$  [equivalent sound level over a given period] at existing residences. Such techniques may include, but are not limited to, the use of sound blankets on noise-generating equipment and the construction of temporary sound barriers adjacent to construction sites between affected uses.
- PDF 37** The project applicant, or its designee, shall take those steps necessary to ensure that on-site rock crushing equipment is located a minimum of 600 feet from the property line of existing residences and future on-site residences.
- PDF 38** Maximum noise levels resulting from pile driving operations shall be limited to 20 percent of every hour.



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**PDF 39** The project would be required to prepare Construction Traffic Control Plans (TCPs) to manage construction-related traffic, for County approval prior to issuance of the first grading permit and as required for individual grading and construction permits associated with off-Site improvements.

Regarding construction equipment, the Draft EIR details the types of equipment considered, their noise levels at a reference distance of 50 feet, and any attenuation due to distance or intervening structures (Draft EIR page 2.10-17 and Table 2.10-15). The Draft EIR also details potential noise impacts at construction staging areas on the project Site. The Draft EIR concludes project construction noise may exceed the County's noise limit at the nearest existing residential property line 100 feet south of the project Site (Draft EIR page 2.10-18). However, with the implementation of PDFs 33 through 38 (required by M-N-6), which would require properly maintained construction equipment with noise-reduction features (e.g., intake, exhaust mufflers, engine shrouds), use of electrical power tools, location of construction equipment staging areas away from residences and schools, and use of noise attenuation techniques (e.g., noise blankets and temporary barriers) to reduce noise levels to below 75 dBA  $L_{eq}$  at the property lines of existing residences, impacts would be less than significant (Draft EIR pages 2.10-18 and 2.10-33).

With respect to portable rock-crushing/processing equipment used on site during construction, the Draft EIR details that noise would be attenuated by distance to levels below significance. While noise levels from rock crushing could reach 93 dBA at 100 feet, the closest existing off-site residential property line or new on-site resident would be located more than 1,800 feet from the proposed rock-crushing areas and would be acoustically shielded by rugged intervening terrain. At this distance, noise levels from rock crushing are well below significant levels (63 dBA at 1,600 feet) (Draft EIR page 2.10-19, Figure 2.10-8, Potential Rock Crusher Locations).

The Draft EIR evaluates temporary off-site construction noise from roadway and utility improvements to the Interstate 15 and Deer Springs Road interchange, Deer Springs Road, Twin Oaks Valley Road, Sarver Lane, and Camino Mayor (Draft EIR page 2.10-19). Because in some instances the property lines of the nearest occupied residences to off-site construction would be adjacent to the roadway, the County's noise limit of 75 dBA  $L_{eq}$  could temporarily be exceeded. However, implementation of PDFs 33 through 38 would reduce off-site construction noise impacts to less-than-significant levels (Draft EIR pages 2.10-19 through 2.10-20, Figure 2.10-9, Nearest Existing Residential Receiver: Off-Site Construction).

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Regarding construction traffic noise, the Draft EIR finds impacts would be less than significant because, while traffic volumes typically must double to create a perceptible (3 dBA) increase in traffic noise, the project would increase traffic by at most 5 percent and traffic noise by 0.2 dBA (Draft EIR page 2.10-20).

The Draft EIR also analyzes noise impacts from impulsive noise sources, including rock drilling, blasting, and pile driving. Regarding pile driving, the Draft EIR concludes that “one unshielded pile driver could exceed the County’s impulsive noise level threshold within 1,000 feet” (Draft EIR page 2.10-22). However, PDF 38, which would limit the duration of pile driving to generate maximum noise levels 20 percent of an hour, maximum noise levels would not exceed the County’s impulsive threshold for 25 percent or more of an hour. Thus, impacts from pile driving noise would be less than significant (Draft EIR page 2.10-22).

Analyzing the project’s potential noise impacts attributable to blasting, the Draft EIR explains (Draft EIR page 2.10-21):

Blasting involves drilling a series of bore holes and placing explosives in each hole. By limiting the amount of explosives in each hole, the blasting contractor can limit the fraction of the total energy released at any single time, which in turn can reduce noise and vibration levels. Rock drilling generates impulsive noise from the striking of the hammer with the anvil within the drill body, which drives the drill bit into the rock. Rock drilling generates noise levels of approximately 80 to 98 dBA  $L_{max}$  [maximum sound level] at a distance of 50 feet (Appendix Q). Given a typical work cycle, this would equate to 78 dBA  $L_{eq}$  at 50 feet.

Blasting (and the associated drilling that precedes blasting) would only occur between 7 a.m. and 7 p.m. Construction blasting generates a maximum noise level of approximately 94 dBA at a distance of 50 feet (FHWA 2006). This noise level is used in the analysis because it provides a reasonable estimate of the construction blasting noise level. However, the noise level would vary depending on various factors. The blast is generally perceived as a dull thud rather than as a loud explosion.

In addition, the Draft EIR evaluates vibration and airblast/air overpressure impacts from blasting based on guidance prepared by the U.S. Bureau of Mines. The Draft EIR concludes that, despite the fact, “when explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass,” and modern practices mean airblast overpressure rarely reaches damaging levels. There is a risk that airblast overpressure can reach levels that could feasibly cause some damage to nearby structures. Because specific details

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necessary to determine whether such impacts may occur, such as the location of blasting and blast-charge weights, are not yet known, the Draft EIR conservatively concludes that noise impacts/airblast impacts from blasting are potentially significant.

Additionally, to conduct blasting, a blasting permit must be obtained from the County Sheriff's Department prior to any blasting activities (County of San Diego 2008). The permit is issued in accordance with California Health and Safety Code requirements. The permit ensures that blasting is conducted in a safe manner. As part of the permit conditions, pre-blast notifications, pre-blast structure survey inspections for structures within 300 feet of the blast site, monitoring, and post-blast inspections are required.

Regarding blasting effects attributable to groundborne vibration, the Draft EIR states that "when explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass." Further, regulatory agencies can "control blasting operations by means of relationships between distance and explosive quantity.... However, because the blasting locations, necessary geotechnical data, and blasting and materials handling plans are not known at this time, it is not possible to conduct a noise analysis assessing the proposed blasting and materials handling associated with the proposed project. Therefore, for purposes of this analysis, impacts would be potentially significant (Impact N-9)" (Draft EIR page 2.10-24).

Further, the Draft EIR incorporates M-N-5 to reduce these potentially significant construction noise/airblast and vibration impacts from blasting activities to a less-than-significant level (Draft EIR pages 2.10-32 through 2.10-33). M-N-5 also requires that, prior to approval of a grading permit, the applicant or contractor must prepare a blast drilling and monitoring plan. The plan would include noise levels, airblast overpressure levels, and groundborne vibration levels at each residential property line within 1,000 feet of the blast location. Where potential exceedances of the County's Noise Ordinance are identified, M-N-5 requires that the plan identify and implement mitigation shown to effectively reduce noise and vibration levels to comply with the noise level limits of the County's Noise Ordinance, Sections 36.409 and 36.410, and vibration-level limits of 1 inch per second peak particle velocity. Each blast would be performed by a licensed blast contractor and monitored outside the closest residence to ensure adequate reductions below limits are achieved. The Draft EIR concludes that blasting impacts would be reduced below a level of significance with this mitigation incorporated (Draft EIR pages 2.10-32 through 2.10-33).

In closing, Section 2.10 of the Draft EIR thoroughly evaluates the noise impacts of the project's construction-related activities, including blasting. Based on this analysis,

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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 PDFs to reduce such impacts to less-than-significant levels.

- O-8-17** The comment states that the Draft EIR should characterize each anticipated explosive charge in terms of planned material volume and placement, provide the anticipated noise generation associated with blasting, characterize anticipated airblast in relation to charge placement and area of impact, and identify anticipated key areas of impact due to anticipated airblast.

Please refer to **Response to Comment O-8-16**. 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 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).

In summary, the County has determined that the Draft EIR contains sufficient information regarding blasting activities to assess the environmental implications of such activities.

- O-8-18** The comment provides a summary of the impacts conclusion regarding energy. The comment states that the Draft EIR fails to adhere to criterion (b) ("Be inconsistent with adopted plans and policies") of the thresholds used to identify energy impacts by violating the County General Plan Policy COS-14.1, Land Use Development Form. The comment states that the project would generate thousands of new vehicular trips and fails to adhere to a "compact regional and community level development pattern."

As described in Section 1.6.1 and shown in the Draft EIR, Table 1-11, the existing General Plan land use designations would allow approximately 99 residential dwelling units and 2,008,116 square feet of commercial space on the project Site. The project proposes to instead develop 2,135 single-family and multi-family residences and a Town Center (consisting of a maximum of 81,000 square feet of neighborhood-serving commercial uses, 95 multi-family housing units, a 6-acre school site, and park uses) while preserving approximately 1,209 acres on site and 212 acres off site as

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open space (for a total preserve acreage of 1,421 acres, or 72 percent of the project Site) (Draft EIR page 1-2, 1.3). The Draft EIR thus acknowledges the project would develop more residential than permitted by the existing General Plan land use designations but would develop substantially less commercial space and retain more open space than existing General Plan designations.

The Draft EIR details that project development would require amendments to the General Plan, including a General Plan Amendment to amend the North County Metropolitan Subregional Plan Map from existing General Commercial, Office Professional, Semi-Rural 10, and Rural Land 20 designations to Village Core Mixed Use, Semi-Rural 1, and Open Space Conservation (Draft EIR Section 1.6, Project Inconsistencies with Applicable Regional and General Plans, pages 1-29 and 1-32).

With these General Plan Amendments, the Draft EIR finds the project would be consistent with the General Plan. The Draft EIR evaluates the project's consistency with the General Plan in detail in Chapter 3.3, Land Use and Planning, and Appendix DD (see Section 3.3.3.2, page 3.3-21). In undertaking this consistency evaluation, the Draft EIR analyzes whether the project was consistent with each of the Guiding Principles and policies of the County's General Plan (2011) and Subregional Plan. Based on this detailed review, the Draft EIR concluded impacts would be less than significant (Draft EIR pages 3.3-21 through 3.3-36, 3.3-38).

In addition to evaluating the project's consistency with the Guiding Principles and policies of the General Plan, the Draft EIR directly compares the proposed project land uses to the Existing General Plan Land Uses in Section 4.5, Existing General Plan Alternative (Draft EIR page 4-16). Compared with the project, Section 4.5.5 has determined that the Existing General Plan Alternative would actually result in greater significant impacts to transportation and traffic, biological resources, cultural resources, aesthetics, and mineral resources compared to the project (Draft EIR page 4-24).

Specifically, Section 3.3, page 3.3-23, of the Draft EIR states the following:

The project's parks, recreational opportunities, commercial/retail uses, and school site; mix of housing types, including age-qualified and age-targeted (single-story) housing; walkable and bicycle-friendly neighborhoods; trails and pathways; large blocks of native habitat preserve and open space; a community-sponsored electric bike-share program; and shuttle services within the project Site and to the Escondido Transit Center will make it a community that promotes and enhances the health and sustainability of its residents, guests, employees, and patrons. The project Site is also well-situated to place a range of housing opportunities close to existing regional employment

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centers. The project will be served by existing and planned infrastructure and services, and will provide alternatives to driving both within and to/from its neighborhoods and nearby transit stations.

Therefore, the proposed project would not conflict with General Plan Policy COS-14.1.

**O-8-19** The comment states that while the Draft EIR states that the project is compact; however, the issue is the location of the proposed project in relation to existing development patterns (i.e., existing “Village” designations). The County does not concur with this comment. The project Site is partially designated as “Village” in the southeastern corner (approximately 58.3 acres in the location referred to as Town Center). Please also refer to **Responses to Comments O-1-423 through O-1.4-427**.

**O-8-20** The comment states that the project fails to adhere to criterion (a) (“Result in wasteful, inefficient, or unnecessary consumption of energy”) of the thresholds used to identify energy impacts by violating the County General Plan Policy COS-14.1.

Appendix DD, page DD-47, of the Draft EIR states the following:

The project Site is located and designed to reduce vehicular trips (and associated air pollution). The project would support the use of internal roads and alternative modes of travel to reduce single-occupancy vehicle trips. Specifically, the project would facilitate non-vehicular modes of transportation through the inclusion of a shuttle service to major North County transit centers, bike lanes, and an extensive trail system consisting of pedestrian pathways connecting the project’s various neighborhoods, multi-use trails, an electric bike-share program, a ride-share program, a car-share program, and transit fare passes for residents. These features would help reduce vehicle trips and associated air pollution through Community-level design patterns. The project would include a mix of land uses surrounding a Town Center and a school site to locate places of shopping, limited employment, and education in close proximity to housing. The project’s Transportation Demand Management (TDM) Program would be implemented by Project Design Features (PDFs) 1 through 20 and would reduce vehicle miles traveled associated with the project.

Therefore, the proposed project would not conflict with General Plan Policy COS-14.1, and the Draft EIR addresses the proximity of the proposed project to existing development patterns.

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The County does not agree that the project would result in wasteful, inefficient, or unnecessary consumption of energy, because the project incorporates several TDM measures, which would reduce vehicle miles traveled associated with the project.

**O-8-21** The comment requests that the Draft EIR be revised to “ensure that the significant and unavoidable impacts associated with energy consumption be reflected in Section 2, rather than Section 3” and that the anticipated impacts be described beyond construction uses. The comment states that a project placed in accordance with the General Plan would avoid unnecessary vehicle miles traveled. The County does not agree that the project would result in significant and unavoidable energy impacts and that the project is not in accordance with the General Plan. Please refer to **Responses to Comments O-8-18 through O-8-20**.

**O-8-22** The comment states that Section 3.5 of the Draft EIR uses inadequate methods to characterize service impacts to schools. The comment states that the analysis relies on the City of Escondido and City of San Marcos General Plans, which recommend development fees to offset expansion. The comment states that those General Plans never considered the proposed project, and it is inadequate to assume that the project is within the scope of those plans. The comment states that the developer received written notification that there is inadequate capacity to accommodate the proposed project. The comment states that the Draft EIR does not discuss how long it would take for sufficient facilities to be funded, identified, and developed.

The County agrees with this comment that reliance solely on the City of Escondido and City of San Marcos General Plans would not be substantial evidence for the project. Accordingly, the Draft EIR includes a Project Facility Availability Form from the Escondido Union High School District and the San Marcos Unified School District (Appendix EE), which is specific to the proposed project because it considers the number of students generated by the proposed project who would attend the schools. Thus, the Draft EIR does not improperly rely on the City of Escondido or City of San Marcos General Plans; rather, the Draft EIR analyzes the proposed project’s potential impacts to school facilities and determines at the project-level that such impacts would be less than significant.

The threshold for impacts to public services is whether a proposed project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services” (emphasis added).

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The proposed project reserves an on-site K–8 school site. The following is explained on page 3.5-18 of the Draft EIR:

After the on-site school is built, K–8 students generated by the proposed project would have the opportunity to attend this new school, which would have adequate capacity and would provide relief to overcrowding in the San Marcos Unified School District. Even with the addition of a school on-site, the project would be subject to assessment of applicable school fees in all three districts at the appropriate rate. Although existing schools in San Marcos are over capacity, the school districts’ practice is to use relocatable classrooms or bussing to schools with capacity to temporarily house the additional students.

The potential impacts of the on-site K–8 school have been analyzed in the Draft EIR. As noted above, students in grades 9–12 would attend existing high schools. If those high schools require additional capacity, it is anticipated that relocatable classrooms could be used to temporarily house students.

The Draft EIR further contemplates that the proposed project would either enter into agreements with the various school districts or pay state-mandated school fees. Revenues to the school district from either for these payments would be used for capital improvements, which are part of each district’s master plan for school facilities.

Lastly, Section 3.5.5 of the Draft EIR analyzes the potential for the proposed project, in combination with other cumulative projects, to have an impact on school services. The analysis determined the following:

The increase in demand for school facilities could result in the expansion of existing, or the construction of new facilities, which could have adverse impacts on the environment; however, all new or expanded facilities would be required to undergo environmental review and be required to demonstrate compliance with the General Plan. The proposed project would be subject to assessment of applicable school fees at the rate in effect at the time a Certificate of Compliance is issued; therefore, the proposed project would not result in a cumulatively considerable contribution to the additional demand on existing school facilities within the districts, nor result in a significant cumulative impact. Impacts would be **less than significant**.

**O-8-23** The comment states that the items identified in Comments O-8-1 through O-8-22 do not represent an exhaustive list of deficiencies within the Draft EIR and that the Draft EIR fails to address a wide variety of impacts. The comment requests that the County



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submit the Draft EIR to an independent assessor to establish the suitability of the Draft EIR using objective criteria.

The County acknowledges the comment as a conclusion to the comment letter. The County notes that the comment 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. This comment is included in 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.

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