

O-9 Environmental Center of San Diego

- O-9-1** The comment states that the Environmental Center of San Diego would like to offer comments on the Draft EIR. The comment states that the Draft EIR should be recirculated prior to certification. The County acknowledges the comment as an introduction to 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 of or analysis within 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-9-2** The comment provides a list of flaws that the commenter states are associated with the Draft EIR. The County acknowledges the comment as an introduction to 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 of or analysis within 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-9-3** The comment states that the Draft EIR misrepresents the content and impacts of the Existing General Plan Alternative. The comment states that the Conservation Subdivision Ordinance would require the project to preserve 1,557.8 acres on Site. The comment states that the General Plan Alternative would only preserve 936 acres, and that the proposed project would only preserve 1,209 acres on Site. The comment states that off-site mitigation should not be considered in this calculation.

The County does not concur with this comment. Table 81.401.1 of the Conservation Subdivision Ordinance contains minimum percent avoidance percentages of 75 percent and 80 percent for SR-10 and RL-20 land use areas, respectively. Subdivision Ordinance Section 81.401, Design of Major Subdivisions, subsection (r)(6)vii states the following (emphasis added):

As part of the processing of a conservation subdivision, the following uses may be allowed in the avoided area: passive recreation, trails for non-motorized uses, native landscaping, resource preservation, project mitigation and buffers, MSCP preservation/mitigation, agriculture, wells, water storage tanks, utilities, pump stations, water and sewer facilities, or infrastructure and access roads necessary for any of these uses. *In addition to these uses, leach fields and brush clearing may be allowed in SR-10 and RL-20 designations only.*

Therefore, the maximum total impact area under the Existing General Plan Alternative within the SR-10 and R-20 land use areas is not approximately 427.2

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acres as commenter contends (i.e., 1,985 acres – 1,557.8 acres); that number is the limit of grading impacts associated with this alternative’s circulation (internal roads), driveways, and home sites (pads). When the commercial and office professional development area is included, the grading impact allowed (with exceptions noted in the Subdivision Ordinance) is 444.3 acres. The Existing General Plan Alternative as designed and presented in Chapter 4, Project Alternatives, of the Draft EIR falls substantially below this acreage, limiting grading impacts to 213 acres total (including the commercial/office development area—refer to Figure 4-2 in the Draft EIR), which is approximately 11 percent of the project Site and less than half of the allowed impact. The fuel modification areas (Zone 1, Zone 2, and Special Maintenance Areas) under the Existing General Plan Alternative amount to an additional 836.2 acres. These fuel modification areas are a permitted use in the “avoided area” as defined by the Subdivision Ordinance (refer to Section 81.401, Design of Major Subdivisions, subsection (r)(6)vii).

Therefore, and as also discussed in **Responses to Comments O-1-396** and **O-1-398**, the subdivision design in the Existing General Plan Alternative complies with the applicable provisions of the Subdivision Ordinance governing conservation subdivision design and what uses are permitted inside the 75 percent and 80 percent conservation areas by limiting the grading impacts to approximately 11 percent of the project Site; by complying with the Rural Subdivision Design and Process Guidelines; and by complying with the County’s zoning, road, and other regulatory requirements.

O-9-4 The comment states that the Draft EIR states that the General Plan allows for 2 million square feet of big box retail, which is not correct. The comment states that a project under the General Plan would need to account for building height, loss of area to slopes, set-backs, and parking restrictions. The comment also states that big box retail is different than business/professional. The comment states that the range of commercial development allowed is 635,000 square feet to 738,000 square feet.

The County does not concur with the comment. The comment does not explain how the 635,000 square feet to 738,000 square feet for commercial development was calculated. As discussed in the Draft EIR, the existing General Plan designations would permit more than 2 million square feet of commercial and office development (Draft EIR, Table 1-11, pg. 1-58):

Section 1.6.1 of Appendix C, Specific Plan, “Existing Land Use Designations” (Appendix C to the EIR), outlines how the residential, office, and commercial yields were calculated for the project Site based on the existing General Plan land use designations and the existing zoning. Table 1 of the Specific Plan, “Commercial and

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Residential Yield Analysis (Existing Land Use Regulations),” shows that, based on a Floor Area Ratio (FAR) of 0.70 for 4.6 acres of the area designated as C-1 and 0.80 for the 53.6 acres of the area designated as C-2 under the County’s General Plan, up to 2,008,116 square feet of commercial and office space are permitted on the project Site. These calculations are based on the gross acreage and the maximum allowable FAR of the land within these two zones. This estimated maximum square footage also agrees with the independent commercial broker opinion expressed in the Cushman & Wakefield Demand Study (Appendix 1.8 to the Latham & Watkins Comment Letter). On page 30, that study estimates the maximum building area allowed under the C30 zone and C36 zone to be 1,867,853 square feet and 140,263 square feet, respectively, which is higher but generally consistent with the proposed project’s estimation of the maximum building square footage as calculated in the Specific Plan and contained in the Draft EIR.

The Existing General Plan Alternative accurately calculates and analyzes the permitted land uses under existing land use and zoning designations. Accordingly, the Draft EIR does not require any revisions. No further response is required.

- O-9-5** The comment states that only a project consistent with the General Plan should be used as the Existing General Plan Alternative.

Please refer to **Responses to Comments O-9-3** and **O-9-4**.

- O-9-6** The comment states that Figure 4-2 is designed to maximally show impacted habitat, and the conclusion that the General Plan Alternative would have more impacts is unfounded. The comment states that 765 acres of fuel management zones and 71 acres of “special” management area are unnecessary.

The County does not concur with the comment. Please refer to **Responses to Comments O-9-3** and **O-9-4**. Further, as discussed in the Draft EIR (page 4-16):

[T]he existing General Plan land use designations would allow approximately 99 single-family residential dwelling units and 2,008,116 square feet of office professional and commercial space with associated roadways, leach fields for septic systems, and Fuel Modification Zones (FMZs). The distribution of the 99 single-family residential dwelling units was developed to ensure compliance with the County’s Conservation Subdivision Ordinance and other existing development requirements and constraints that apply to the project Site.

Concerning fuel management zones, as discussed in the Draft EIR (page 2.8-17), the project Site is located in a very high Fire Hazard Severity Zone. “Provisions for modified fuel areas separating wildland fuels from structures have reduced the

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number of fuel-related structure losses, by providing separation between structures and heat generated by wildland fuels” (Draft EIR page 2.8-18). The County, therefore, reasonably assumed that development under the Existing General Plan Alternative would incorporate fuel modification zones and special management zones.

O-9-7 The comment states that the Draft EIR does not recommend the most environmentally appropriate alternative. The comment states that Alternatives 4.9, 4.10, and 4.11 meet the project objectives. The comment states that the project would destroy the opportunity to have a coherent, core-habitat-based plan by locating the project in the core of the site. The comment states that, with minimal effort, the alternatives could be made to work, but that California Department of Fish and Wildlife (CDFW) Alternative B is the least ecologically damaging.

The County disagrees with the comment. The Draft EIR identifies the Environmentally Superior Alternative in Section 4.13, Environmentally Superior Alternative, as follows:

Table 4-1 outlines the comparative impacts between each alternative and the proposed project. The No Project (No Build) Alternative would result in the least environmental impacts and would be the environmentally superior alternative. However, CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR also must identify an environmentally superior alternative among the other alternatives. In this case, the environmentally superior alternative is CDFW/USFWS Land Planning Alternative A.

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 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 of 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). The project also

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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 would 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 Notice of Preparation (NOP) that, at a minimum, identifies significant environmental issues and reasonable alternatives. The County included the CDFW and USFWS alternatives, as requested.

The comment expresses the commenter's support for CDFW Alternative B, and does not recommend any substantially different or feasible alternative that would avoid or significantly reduce the significant impacts of the project. The County acknowledges the comment and notes that the comment expresses the opinions of the commenter. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The 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-9-8 The comment states that the Draft EIR does not include all reasonably foreseeable projects in the cumulative impacts analysis. The comment states that no cumulative projects in Vista or Escondido were included. The comment provides a list of cumulative projects to consider: Safari Highlands Ranch, Oak Creek, New Urban West/Country Club, and the commercial development at the Interstate (I) 15/Citracado interchange. In response, as discussed in the Draft EIR (Draft EIR, Section 1.7, pg. 1-33):

CEQA Guidelines Section 15130 allows for the use of two alternative methods to determine the scope of projects to analyze cumulative impacts. A combination of these methods was used as part of this cumulative impact analysis.

List Method: A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the lead agency.

General Plan Projection Method: A summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document, that have been adopted or certified and that describe or evaluate regional or area-wide conditions contributing to the cumulative impact.

The cumulative projects are shown in Figure 1-46, Cumulative Projects Map, and listed in Table 1-10.

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The projects listed by the commenter were not identified in the cumulative study area for the proposed project. The cumulative projects shown in Figure 1-46 and Table 1-10 in Chapter 1 of the Draft EIR include present and reasonably foreseeable projects known to the County at the time the proposed project's NOP was distributed for public review in February 2015. This approach was determined to be appropriate by the County because the comprehensive list of cumulative projects provides a sufficient amount of information to enable an analysis of the cumulative effects for the subject areas.

The County notes that establishing this reasonable cutoff date is important to avoid a never-ending reopening of the cumulative impact analysis. The projects mentioned by the commenter were not reasonably foreseeable at the time the project's NOP was distributed for public review, and, thus, were not considered (e.g., Safari Highlands NOP was released in September 2015 and New Urban West/Escondido Country Club was released in January 2017). The County is not aware of the commercial project at I-15 and Citracado referenced by the commenter.

In any event, inclusion of the projects mentioned would not change the evaluation or findings in the Draft EIR. The Draft EIR did not rely solely on the list-of-projects method to evaluate cumulative effects, but used a combination of the list and General Plan projection methods to evaluate cumulative impacts. In addition, these projects mentioned by the commenter would comprise just a very small portion of the cumulative projects considered in the Draft EIR. Also, the projects cited by the commenter are far removed in distance from the project Site, and, thus, would have no cumulative effect across the majority of the environmental effects considered in the Draft EIR (e.g., aesthetics, agriculture, cultural resources). Finally, traffic modeling was prepared by the San Diego Association of Governments (SANDAG) using the Series 12 regional model, which accounts for projects throughout the region, not just the cumulative projects listed.

Accordingly, the County finds that the Draft EIR sufficiently evaluated cumulative effects, and does not need to revise the EIR to incorporate the projects mentioned in the comment.

- O-9-9** The comment states that the Draft EIR violates the conditions required in the North County Multiple Species Conservation Program (MSCP). The comment states that the Draft EIR concludes consistency due to a hardline put in at the developer's request, which was agreed to by no one. The comment states that the North County MSCP Plan and hardline have not been approved; therefore, the project cannot feign consistency with it.

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The County acknowledges that the Draft North County MSCP Plan is currently in draft form and has not yet been approved. The County disagrees that placing the project in a hardline is in conflict with the management goals of the Draft North County MSCP. See **Topical Response BIO-1**.

O-9-10 The comment states that the location of the trails and significant human activities throughout the Preserve would undermine the ability of the conservation areas to meet biological objectives, which is in violation of the North County MSCP Plan. The comment states that this is especially egregious in Block 1, and recommends that trails be sited outside the Preserve areas. The comment states that there are a growing number of situations where trails and public uses have compromised the ecological values of land set aside for habitat recovery. The comment states that the Draft EIR fails to analyze the impacts of these activities and the loss of biological function as a result of the trails. The comment urges planners to identify and site adequate trails in appropriate areas outside the Preserve.

The County does not concur with the comment regarding trails in the Preserve. As stated in Section 2.1.8, Open Space and Conservation Policies, of the Specific Plan (Draft EIR Appendix C), the project will, to “the extent feasible, align trails and pathways along existing trails, within fuel modification areas, and within the rights-of-way or easements for roads and utilities to minimize impacts to natural resources” (Draft EIR Appendix C, page 40). Nonetheless, trails are an integral part of the circulation and recreation system of the proposed project. Not only would the proposed trails system provide a recreational outlet for future residents of the proposed project, they would be available to all residents of San Diego County. Accordingly, the Draft EIR has evaluated the potential for increased human activity as a result of the proposed project.

The County agrees that the proposed project could increase human activity in open space areas. As stated on page 2.4-100 of the Draft EIR:

The proposed project would involve development of seven neighborhoods, recreational facilities (e.g., parks), and designated open space. Increased human activity could result in trampling of vegetation and soil compaction outside of the impact footprint, and could affect the viability and function of suitable habitat for wildlife species. Trampling can alter an ecosystem, creating gaps in native vegetation either leading to soil erosion or allowing exotic, non-native plant species to become established. Trampling may also affect the rate of rainfall interception and evapotranspiration, soil moisture, water penetration pathways, surface flows, and erosion. An increased human population increases the risk for damage to suitable habitat for wildlife

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species. In addition, increased human activity can deter wildlife from using habitat areas near the proposed project Site. The cumulative indirect project impacts would be significant (Impact BI-C-1).

The Draft EIR recommends mitigation measure M-BIO-8E, which would require fencing and signage along the boundaries of the biological open space area to reduce the Impact BI-C-1 to less than significant.

Concerning identifying and siting trails outside of the Preserve, a Community-wide pathway and trail network would link each park and would overlook the project's neighborhoods. Refer to Section 3.7.10, Pathway and Trail Standards and Design Guidelines, and Figure 66, Park and Trail Plan, of the Specific Plan, Draft EIR Appendix C.

- O-9-11** The comment states that the project would surround a significant block of habitat and increase development pressure and edge effects, which will not serve conservation.

The Draft EIR considers potential impacts of human activity on open space and biological resources in two subsections. The subsection the comment appears to be referring to is Section 2.4.13.1, Candidate, Sensitive, or Special-Status Species, subsection Special-Status Plant Species and Vegetation Communities. The determination of increased human activity on special-status plants and vegetation communities would be cumulatively less than significant because current illegal/unauthorized activities—including hiking, biking, off-road-vehicle activity, parties, trash dumping, homeless population activities, and camping—that are adversely affecting vegetation communities would be controlled. All of these activities except for biking and hiking would cease, and hiking/biking would be managed and kept to select trails (see page 2.4-96 of the Draft EIR). Although the overall human population in the project area would increase, controlling illegal and unauthorized activities that can severely degrade habitat and greatly increase the chance of intentional and accidental fire ignitions would have a long-term net benefit.

Potential increased human activity impacts on special-status wildlife are considered separately in subsection Special-Status Wildlife Species on page 2.4-100 of the Draft EIR. In this subsection, the determination of indirect impacts to special-status wildlife species from increased human activity is cumulatively significant (Impact BI-C-1). Impact BI-C-1 would be reduced to less than significant through mitigation measures M-BIO-8A through M-BIO-8E, which would provide for habitat management and conservation of open space areas that would allow for wildlife movement and use (see page 2.4-35 of the Draft EIR). This impact would also be mitigated through measures M-BIO-10 through M-BIO-12. With respect to management activities that

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will address human activities, M-BIO-8D (Resource Management Plan) and M-BIO-8E (Biological Open Space Fencing and Signage) will be key measures.

O-9-12 The comment states that impacts to wildlife are not acknowledged, including connectivity and edge effects. The comment states that the use of crossings under the freeway by wildlife was not analyzed. The comment states that feasible mitigation to increase culvert undercrossings should be included in the Draft EIR. The County does not concur with this comment. Relative to the comment that impacts to wildlife are not acknowledged, the Biology section of the Draft EIR (Section 2.4) analyzes impacts to biological resources. Refer to Section 2.4.14, which identifies 37 potentially significant impacts, including Impact WM-3 (impacts to movement of large mammals from loss of wildlife corridors) and Impact WM-4 (impacts to habitat connectivity for larger wildlife species), and discussion of several indirect (edge) effects. Regarding the crossing under I-15, see **Response to Comment O-1.5-2**. Regarding the comment that feasible mitigation to increase culvert undercrossings should be included, see Section 2.4.16, which finds that the proposed project would mitigate all impacts to less than significant and, therefore, is not required to implement any further mitigation.

O-9-13 The comment states that the Draft EIR fails to adequately analyze residents' behavior toward habitat areas and open space, especially as such behavior relates to fires. The comment provides a photo of Bernardo Mountain as an example how some landowners deal with the fire risk to their homes when located in open space areas. The comment says that residents could potentially neglect these areas, making them vulnerable to weeds, fire hazards, and erosion.

The Draft EIR describes Fuel Management Zones (FMZs) in Subsection 2.4.12.2, Riparian Habitat or Sensitive Natural Community, on pages 2.4-70 and 2.4-71. Three FMZ zones would be created: Zone 1 (Irrigated Structure Setback Zone) around structures, Zone 2 (Thinning Zone), and a Special Management Zone. Zone 2 would include 50 percent thinning or removal of plants and low ground cover; California sycamore coast live oak and Engelmann oak would be allowed in Zone 2. In the Special Management Zone, fuels would be managed such that highly flammable prohibited plant species and dead and dying plants would be removed, and other native plants that are less prone to ignition and fire spread would be allowed (see Appendix N, Fire Protection Plan, of the Draft EIR). Therefore, management of Zone 2 and the Special Management Zone would help prevent species type-conversion and build-up of fuels, weeds, and erosion suggested in the comment; would reduce the chance of wildfires spreading; and would retain habitat value for wildlife.

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Addressing the concern that residents might neglect the FMZs, as stated in the Draft EIR in Appendix N-1, Fire Protection Plan, the FMZs would be maintained by the homeowner's association (HOA) or similar mechanism, and would be subject to twice annual inspections and a certification of compliance. Page 63 of the Fire Protection Plan describes FMZ maintenance as follows:

All fuel modification area vegetation management shall occur as-needed for fire safety, compliance with the FMZ requirements detailed in this FPP [Fire Protection Plan], and as determined by the DSFPD [Deer Springs Fire Protection District]. The Newland Sierra HOA or other established funding and management entity for each development area or neighborhood if separate, shall be responsible for all vegetation management throughout the respective project sites, in compliance with the requirements detailed herein and FAHJ [fire authority having jurisdiction] requirements. The HOA(s) shall be responsible for ensuring long-term funding and ongoing compliance with all provisions of this FPP, including vegetation planting, fuel modification, vegetation management, and maintenance requirements throughout the project.

Compliance inspection is described at page 55 of the Fire Protection Plan:

Each zone would include permanent field markers to delineate the zones, aiding ongoing maintenance activities that will occur on site and the project would hire a qualified DSFPD-approved 3rd party fuel modification zone inspector to provide inspections twice annually, as detailed in the following sections.

Details of the FMZ compliance inspection are provided in the Fire Protection Plan on page 64. Hence, contrary to the commenter's concerns, the project's Fire Protection Plan incorporates mechanisms to ensure the proper management of FMZs.

O-9-14 The comment inquires why the Fire Protection Plan includes 250 feet of fire management zone versus the typical 100 feet. As stated on page 52 of Appendix N-1:

For this project, as indicated in Appendices H-1 and H-2, the Fuel Modification Zones are at least three times wide as the modeled flame lengths in each of the fuel types represented on site, resulting in fuel modification areas that are 250 feet wide for most of the site, 2.5 times larger than the standard 100 foot wide requirement.

O-9-15 The comment states that the Draft EIR must assume total loss of habitat areas directly adjacent to residences and fire management zones. The comment provides an excerpt from the Draft EIR that states, "Although FMZs would not be counted as mitigation or open space, they do contribute to wildlife movement and live-in habitat for many

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species.” As noted, the Draft EIR does not count the FMZs as open space. The County does not agree, however, that the FMZs represent a “total loss of habitat” as suggested by the comment. Therefore, no changes to the Draft EIR would be required. Refer also to **Response to Comment O-9-13** concerning management of FMZs.

- O-9-16** The comment states that the reliance on a habitat mitigation site location that is more than 20 miles away is inappropriate. The comment states that this would not mitigate the loss of California gnatcatcher habitat on Site.

In response, the offsite mitigation site is not intended to offset project-related impacts to coastal California gnatcatcher or its habitat. Instead, the offsite mitigation site is intended to address project-related impacts to vegetation communities. Impacts to coastal California gnatcatcher will be mitigated through measures **M-BIO-8A** through **M-BIO-8E**. Moreover, the proposed project does not solely rely on off-site land to mitigate for project impacts. As stated in M-BIO-8A, the project sets aside 1,421 acres of permanent open space, including 1,209 acres of on-site open space to mitigate the project’s impacts on habitat.

In addition, as described in the Newland Sierra Off-Site Mitigation Memorandum (Appendix K to Appendix H of the Draft EIR), the proposed mitigation site is comparable to or better than the habitat that is being impacted on the project Site. The mitigation site includes a variety of topographic relief, a comparable suite of vegetation communities, and rock resources. Therefore, this habitat would contribute to the vegetation community mitigation requirements described in Table 2.4-27 of the Draft EIR (pages 2.4-172 and 2.4-173).

- O-9-17** The comment states that the Draft EIR attempts to piecemeal the analysis by failing to include the I-15 interchange in the analysis. The comment states that the conversion of Sarver Lane to a four-lane road must be analyzed in the Draft EIR.

In response, the Draft EIR clearly states that the interchange is a separate project under the lead jurisdiction of a separate agency (Caltrans), and will follow applicable processes when the interchange design is complete. The following is stated in the introduction to Chapter 2 of the Draft EIR:

Analysis of I-15 Interchange Improvements (Mitigation Measure M-TR-1)

Caltrans is the lead agency for the I-15 interchange improvements project. Accordingly, in a separate environmental review and approval process under CEQA and the National Environmental Policy Act (NEPA), Caltrans will analyze the I-15 interchange improvements, and whether the existing park-

and-ride lots should be expanded, reconfigured, and/or enhanced to support transportation alternatives (e.g., ride-share, car-share, and transit). 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)).

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.

In addition, CEQA does not require projects to analyze impacts of mitigation measures to the same level as a project. As noted in Chapter 2 of the Draft EIR, "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 regarding potential environmental effects of mitigation measures.

Concerning the expansion of Sarver Lane, as stated on page 1-9 of the Chapter 1, Project Description, of the Draft EIR:

The Sarver Lane intersection at Deer Springs Road would be signalized. Sarver Lane would be widened to 52 feet at the intersection to provide one northbound lane and two southbound lanes, transitioning to a width of 38 feet of pavement, then transitioning to a width of 32 feet within the project Site. There would be no parking along Sarver Lane. All of Sarver Lane would include an enhanced parkway with a vegetated swale and multi-use pathway. Existing pavement widths on Sarver Lane vary from 28 feet along the Catholic Church frontage (2557 Sarver Lane at the southern portion of Sarver Lane) to 16 feet north of the church (see Figure 1-26, Sarver Lane).

Therefore, the County does not agree that the Draft EIR did not discuss the expansion of Sarver Lane. The Draft EIR's evaluation of potential environmental impacts considered this roadway improvement.

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O-9-18 The comment states that the Draft EIR should provide design details and analyze the impacts associated with the I-15/ Deer Springs Road interchange improvements. **Please refer to Response to Comment O-9-17.**

O-9-19 The comment states that there is internal inconsistency with the traffic analysis. The traffic analysis assumes that Deer Springs Road would be a six-lane road, but the rest of the analysis assumes Deer Springs Road would only be four lanes.

In response, the project would include options for Deer Springs Road as follows:

Option A would be to downgrade the Mobility Element classification through a General Plan Amendment from a 6.2 Prime Arterial (6-lane) to a 4.1A Major Road (4-lane) and a 2.1B Community Collector (2-lane). The segment of Deer Springs Road between Sarver Lane and Mesa Rock Road would be classified as a 2.1B Community Collector and the segments south of Sarver Lane and east of Mesa Rock Road would be classified as a 4.1A Major Road.

Option B would not change the current 6.2 Prime Arterial (6-lane) Mobility Element classification of Deer Springs Road. Under this option, the segment of Deer Springs Road from I-15 to 1,500 feet west of Mesa Rock Road would be constructed as a 4.1A Major Road (4-lane). The segment of Deer Springs Road south of Sarver Lane would also be constructed as a 4.1A Major Road.

Refer to **Response to Comment O-1.16-4**, which explains that the traffic volumes in Appendix R of the Draft EIR (Traffic Impact Analysis) were based on traffic from a six-lane Deer Springs Road; however, the proposed project would achieve an acceptable level of service under the cumulative condition with a four-lane improvement to Deer Springs Road, and, thus, is not required to construct Deer Springs Road to six lanes.

O-9-20 The comment states that there are significant failings of the Draft EIR; therefore, the document needs to be recirculated. The County does not concur with this comment. The County acknowledges that the comment is a conclusory comment to comments O-9-17 through O-9-19, above. 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-9-21 The comment states that the project places multi-family residential and a school in an unhealthful location near a freeway, busy interchange, truck stop, and gas station. The comment states that the interchange would result in significant pollution from idling

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trucks and cars. The comment states that the gas station would have idling diesel trucks. The comment states that children are the most sensitive of receptors; therefore, it is unthinkable that the County would allow a school within a known unhealthful location. The comment states that it is well-established that locating sensitive receptors within 1,000 feet of a freeway will impact the health negatively for the people living in those areas. The comment states that the California Air Resources Board (CARB) demonstrates that any home or school within 1,000 feet of a freeway is unhealthful. The comment states that CARB does not recommend that sensitive land uses be placed within 500 feet of a freeway. The comment states that the residents at the Town Center site and school site should be removed from the project, or placed at least 1,000 feet away from the freeway. The comment states that while the CARB Guidance is not regulation, it is immoral for the County to approve the project as-is.

In response, the County directs the commenter to Draft EIR page 2.3-27, which describes that the project's residences and school would be located more than 500 feet from I-15:

I-15 ... is located approximately 570 feet east of the nearest point of the proposed project's Town Center residences and school site. CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB Handbook) encourages consideration of the health impacts of freeways and high-volume roadways on sensitive receptors sited within 500 feet from the source in the land use decision-making process (CARB 2005). Although the residences located within the Town Center are located slightly more than 500 feet from I-15, impacts to these residences were analyzed.

An operational health risk assessment was prepared as part of the Draft EIR to analyze the health risks associated with operation of I-15, Deer Springs Road, and the ARCO gas station to new residents and school students introduced to the project Site as part of the project (Appendix C (Health Risk Assessment) of the Air Quality Technical Report (Appendix G of the Draft EIR)).

As stated in the Air Quality Technical Report, Appendix G of the Draft EIR, page 138-139:

Regarding operational health risk, students attending the school on Site would be exposed to a maximum cancer risk of approximately 4.2 in 1 million. Project residents located in the north-east corner of the Town Center residential area would be exposed to a maximum cancer risk of approximately 9.1 in 1 million following implementation of mitigation measures M-HR-1, M-HR-2, M-HR-3, M-HR-4, and M-HR-5. The cancer risks on the project

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Site would not exceed the SDAPCD threshold of 10 in 1 million for cancer impacts after mitigation. The project residents would be exposed to a maximum chronic hazard index of approximately 0.02. The project residents would be exposed to a maximum acute hazard index of approximately 0.1. Therefore, the resulting maximum chronic and acute hazard indices are less than the SDAPCD threshold of 1.0 for chronic and acute non-cancer health impacts. With implementation of mitigation measures, the health impacts to residents and students attending the school on Site would be **less than significant**.

- O-9-22** The comment states that the project conflicts with General Plan Policy COS-14.8 that requires projects to minimize land use conflicts that expose people to significant amounts of air pollutants. The comment recommends a redesign of the project. The comment provides a graphic of a 500-foot and 1,000-foot buffer surrounding I-15, with a portion of the project Site in the buffer zone.

Please refer to **Responses to Comments O-9-21** and **O-9-23**.

- O-9-23** The comment states that the Draft EIR, page 2.3-27 states, “Although the residences located within the Town Center are located slightly more than 500 feet from I-15, impacts to these residences were analyzed (see Appendix).” The commenter states that the appendix number is missing and that the document should be recirculated to include the appendix number.

The EIR has been revised as reflected in the Final EIR to identify that it should say “Appendix G.” The commenter is referred to Appendix G, Air Quality Technical Report, of the Draft EIR. Recirculation of the EIR is not required for this minor clarification/typographical error.

- O-9-24** The comment states that the Draft EIR does not include the required blasting plan. The comment states that blasting would occur over a period of years and would have significant impacts on wildlife, human health, and the economy of the region, and is completely out of compliance with CEQA.

In response, although blasting is anticipated to be needed to break up bedrock at the project Site, it is presently infeasible to determine the exact locations and timelines for blasting, since the bedrock is located below the 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 timeline 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,

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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 Site and along roads within the project Site (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.

With respect to the comment about impacts on wildlife, human health, and the economy of the region, the comment addresses general subject areas that received extensive analysis throughout the Draft EIR, specifically in Section 2.4, Biological Resources, and Section 2.3, Air Quality. Also see **Topical Response AQ-1**. Lastly, the comment raises economic, social, or political issues (i.e., the “economy of the region”) that do not appear to relate to any physical effect on the environment. However, M-BIO-5 has been revised to include blasting in the list of activities which are not allowed during the breeding season of migratory birds or raptors or coastal California gnatcatcher (see Section 2.4.15.1 of 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.

- O-9-25** The comment states that the impact of blasting on wildlife species must be analyzed and was not. The comment states that these impacts would be significant, and that blasting timing, frequency, force, and duration must be provided. The comment states that a blasting plan is required. Please refer to **Response to Comment O-9-24** and **Topical Responses AQ-1, AQ-2, AQ-3, and NOI-1**.
- O-9-26** The comment states that the project is premature, since the County’s Climate Action Plan (CAP) has not been adopted. The comment refers to a comment provide by the Sierra Club. The comment states that the County should not approve the project until an adequate CAP has been adopted with appropriate thresholds.

The County acknowledges the comment and refers the commenter to **Topical Response GHG-3**.

- O-9-27** The comment states that the requisite findings for a Habitat Loss Permit cannot be made. The comment states that because of poor site design, several findings required for the Habitat Loss Permit are unsubstantiated and cannot be made using information in the Draft EIR.

The County acknowledges the comment as an introduction to comments that follow. The County notes that the comment expresses the opinions of the commenter, and

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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-9-28** The comment states that the habitat losses from the project would preclude connectivity of habitats.

In response, Section 2.4-10, Habitat Connectivity and Wildlife Corridors, in the Draft EIR provides detailed discussions of habitat connections and potential movement corridors under existing and post-development conditions on the project Site and in the project vicinity, including across Deer Springs Road and I-15. Sections 6.2.2 and 6.2.3 of Appendix H, Biological Resources Technical Report (pages 6-4 through 6-10), of the Draft EIR further detail anticipated project impacts to connectivity between blocks of habitat and the creation of non-natural movement corridors.

To reduce the project's significant impacts to less than significant relative to wildlife movement, the Draft EIR identifies mitigation measures M-BIO-8A through M-BIO-8E, which would provide for habitat management and conservation of open space areas that would allow for wildlife movement and use (Draft EIR pages 2.4-106 through 2.1-119; see also Response to Comment O-1.5-7, O-1.5-9 and **Topical Response BIO-2**). 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-9-29** The comment states that the project is inconsistent with the Draft North County MSCP Plan because it does not implement the science on connectivity for wildlife and under represents impacts of edge effects. The comment states that the loss of wildlife crossings was not mitigated or evaluated. The comment states that the project all but wipes out key core areas of habitat that are designated pre-approved mitigation areas (PAMAs) in the Draft North County MSCP Plan.

Contrary to the comment, the project Site is not located within a PAMA. As detailed in the Draft EIR, the project has been identified as a proposed hardline area in the Draft North County MSCP, which means the project's development areas and biological open space areas have been incorporated into the overall conservation strategy of the Draft North County MSCP Plan (Draft EIR pages 2.4-6 and 2.4-82; see also **Topical Response BIO-1**). Furthermore, the County allows for off-site mitigation areas that provide similar vegetation communities and habitat types. The proposed off-site mitigation area is located entirely within the PAMA and the Draft North County MSCP Plan area, and conservation of this mitigation area would contribute to the overall preserved lands within the PAMA and provide an important

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block of habitat for that region. 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.

Please refer to **Responses to Comments O-9-11** and **O-9-12** for a discussion on edge effects and crossings.

- O-9-30** The comment states that the project does not comply “just because the developers trumped up a private hardline for an unapproved project.” The comment states that the project has not been approved by the Board of Supervisors and does not comply with the General Plan.

Please refer to **Topical Response BIO-1** for a discussion of how the proposed project would not impede adoption of the Draft North County MSCP Plan. Please also refer to **Topical Response LU-1** regarding the proposed project’s compliance with the General Plan. The County notes that the comment expresses the opinion 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 because the comment does not raise an environmental issue.

- O-9-31** The comment states that human activities and the location of trails would undermine the ability of the conservation areas to meet biological objectives, especially in Block 1 of the Preserve. The comment states that this area is critical because it links PAMA land to the west and north. The comment states that trails should be sited outside of the Preserve areas.

Please refer to **Response to Comment O-9-10**.

- O-9-32** The comment states that the project does not minimize habitat loss to the maximum extent practicable, and the project does not select the least environmentally damaging alternative.

Please refer to **Response to Comment O-9-7**.

- O-9-33** The comment states that the project would impact recovery of species and may drive additional species into the endangered species list.

The County notes that the comment expresses the opinions of the commenter. The comment does not raise any issue as to the adequacy of the Draft EIR. Therefore, no further response is required.

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O-9-34 The comment thanks the County for the opportunity to comment on this critical issue for the region.

The County acknowledges that the comment is a conclusion to the comment letter and does not raise any issue related to the adequacy of the Draft EIR. No further response is required.

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