

### **O-1 Latham & Watkins on behalf of Golden Door Properties LLC**

**O-1-1** The comment states the letter is submitted on behalf of Golden Door Properties LLC. The comment states that the Draft Environmental Impact Report (EIR) “does not cover all of the issues the County must consider and analyze”; that it is “missing crucial data, analysis, and mitigation measures”; and that it is not a “good faith attempt to analyze potential impacts on the surrounding community.” The County of San Diego (County) does not concur with this comment. The County acknowledges the comment as an introduction to comments that follow, and notes that it expresses the opinions of the commentator. The comment does not raise any issue related to the adequacy of any specific section or analysis of the EIR; accordingly, no specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the Newland Sierra Project (project). No further response is required or necessary.

The comment states that the EIR appears to be merely an “applicant’s first draft” that has not been fully reviewed or considered by County staff. The County disagrees with this claim. The County began preparation of the Draft EIR after release of the Notice of Preparation in March 2015. The County prepared multiple iterations of the Draft EIR over the course of 2 years. To state that the County did not fully review the Draft EIR is false. Please refer to **Response to Comment O-1-13** for a discussion of the County’s detailed, independent, and multiple-round review of the EIR and its analyses prior to issuance of the public draft<sup>56</sup>.

**O-1-2** The comment states that the EIR omits information regarding the location and nature of noise that will occur from blasting and rock crushing. The County does not concur with this comment. Please refer to **Topical Response NOI-1 – Construction and Blasting Noise**.

The comment states that the EIR provides information on noise related to road widening, but states that the EIR leaves out information on noise impacts on residents on Sarver Lane and residents who may be near the new Interstate (I-) 15/Deer Springs

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<sup>56</sup> The County notes that several of the comments from Golden Door repeat issues raised in prior comments that are part of the same comment letter or in the attachments to their comment letter. The County has provided written responses to all such comments. Because certain issues are repeated, however, the County will rely on the prior responses addressing the same or similar issues, even if the individual response does not reference a prior response. This is justified by the voluminous comments provided by Golden Door’s legal counsel (Latham & Watkins, LLP), and by the same or similar issues raised in the subject comment letter. The County’s approach will apply to all of the comments and responses to the Latham & Watkins LLP comment letter, dated August 14, 2017, consisting of 173 pages without attachments.

Road interchange. The County does not concur with this comment. Relative to residents on Sarver Lane, in addition to **Topical Response NOI-1 – Construction and Blasting Noise**, which addresses construction noise impacts, including those related to construction of roadway and utility improvements, please refer to **Response to Comment O-1.15-6**, which provides additional analysis to substantiate the finding that residents on Sarver Lane would not be expected to experience a substantial increase in noise or a cumulatively considerable increase in noise.

Relative to the future improvements of the I-15/Deer Springs Road interchange, Section 2.10.3 of the EIR states, “Off-site construction associated with the proposed project would include improvements to the I-15 and Deer Springs Road interchange,” and that “the equipment mix analyzed by the project noise study anticipated the interchange improvements.” In addition, the EIR includes mitigation measure (M-) N-7 as follows:

**M-N-7** Pursuant to California Public Resources Code Section 21081(a)(2), in coordination with the I-15 interchange improvement project, which is within the responsibility and jurisdiction of Caltrans, Caltrans can and should prepare, or cause to be prepared, a noise impact study to analyze the potential for construction-related noise impacts as part of the CEQA/NEPA process. Caltrans can and should ensure standard measures to minimize or reduce the potential for significant noise impacts due to project construction are implemented. In addition, Caltrans can and should ensure additional options to minimize construction noise during the design phase, such as pre-drilling foundation pile holes where soil conditions allow, or using noise control blankets to shroud any pile driving hammer are implemented in the event of any such construction occurring proximate to noise-sensitive areas (if any).

As explained in **Chapter 2** of the EIR (2.1-1 and 2.1-2):

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

In addition, evaluating the Caltrans interchange improvements in terms of the project’s mitigation is appropriate because information concerning the interchange improvements is still under review and scoping through the

Caltrans process, including an assessment of alternatives to the interchange improvements, which affect the intersection size, configuration, disturbance zones, and other features that are needed for an overall environmental analysis. Nonetheless, this EIR endeavors to disclose all it reasonably can at this time regarding environmental effects associated with the interchange improvements.

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

Finally, the comment notes that where the EIR does identify potential noise impacts, the EIR does not propose sound walls as mitigation. The comment re-states information contained in the EIR, notably in **Section 2.10.7.4, Cumulative Impacts**, which finds that impacts at three noise receivers would be cumulatively considerable (Impact CUM-N-1), and that sound walls as mitigation would be infeasible at these locations. As stated in the EIR:

Several methods and measures are available to reduce traffic noise, such as noise barriers, road surface improvements, regulatory measures (such as lower speed limits), and traffic-calming devices (such as speed bumps). However, none of these measures are considered feasible. For example, assuming noise barriers could be constructed entirely within the County's right-of-way, such barriers may not be effective due to the need to provide driveways and other access points, which would limit the continuity, and effectiveness, of the barrier. Additionally, constructing noise barriers on private property would be effective, although residents may not approve of such for various reasons; however, there are both liability and long-term maintenance concerns that would need to be addressed. For these reasons, noise barriers are considered infeasible.

The remaining potential mitigation methods likely would not substantially reduce or avoid impacts. In addition, some measures may not be desired by the local residents due to visual or traffic impacts. Additionally, the project would be responsible only for its fair-share of the costs of necessary improvements, and there is no funding plan or program in place to construct the improvements (i.e., there is no noise impact fee program in place). Finally, measures such as reduced speed limits or traffic-calming devices require legal or government enforcement and may cause other undesirable or unacceptable impacts, such as speed bumps lengthening emergency response calls.

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For these reasons, the mitigation of significant cumulative off-site impacts from project-related traffic noise level increases along Deer Springs Road is infeasible, and cumulative impacts (Impact CUM-N-1) would be significant and unavoidable.” (EIR, pp. 2.10-37 through 2.10.7-38.)

- O-1-3** The County acknowledges this comment and notes it expresses the opinions of the commentator, and does not raise any issue related to the adequacy of a specific section or analysis of the EIR. The County has noted some errors in the draft, and they have been corrected as part of the customary process of making a draft EIR available for public/agency review, receiving comments, considering the comments, and providing written responses to the comments, including revising or correcting errors and preparing EIR text changes as part of the Final EIR. The County’s efforts are a customary and an important part of the CEQA process.

To clarify, the County does not concur that the EIR is “far below standards” or that it contains “obvious mistakes and missing information” or that recirculation is required. To the contrary, the County has determined that such changes or corrections to the Draft EIR text amount to relatively minor corrections or clarifications; or the amplification of information already provided in the Draft EIR; or added information to clarify or respond to points raised in public/agency comments. CEQA recognizes that public agencies cannot, nor are they required to, produce a “perfect” Draft EIR. Indeed, a key purpose of the comments process is to bring to the attention of the lead agency issues concerning the adequacy of the Draft EIR. The responses to comments contained in the Final EIR are an integral part of an EIR’s substantive analysis of environmental issues and that applies with equal force to this Draft EIR.

- O-1-4** The comment provides information about Golden Door Properties LLC. The County notes that the comment provides background and does not raise any environmental issue within the meaning of the California Environmental Quality Act (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 any environmental issues.

- O-1-5** The comment restates information contained in the EIR, notably that the proposed project would result in noise and air emissions from construction and operation. The comment states that project construction, operation, and “opening up Deer Springs Road” will change the community’s rural character. The comment states that, regardless of whether these impacts are “significant” under the CEQA thresholds, the Golden Door’s guest experience “requires peace and tranquility.” The comment addresses general subject areas that received extensive analysis in the Draft EIR.

Specifically, air quality is analyzed in **Section 2.3**, noise is analyzed in **Section 2.10**, community character is analyzed in **Section 2.1**, and transportation and traffic are analyzed in **Section 2.13**. The comment does not raise any specific issue regarding that analysis, and, therefore, no more specific response can be provided or is required. Regarding the Golden Door's guest experience, the County notes it raises economic issues that do not appear to relate to any significant physical effect on the environment. Please see also **Response to Comment O-1-40**. 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-1-6** The comment states that “grading for Deer Springs Road may open up valley sight lines by removing an important ridge line.” The County acknowledges the comment. Visual impacts are analyzed in **Section 2.1, Aesthetics**, of the EIR. The comment is not clear about which “important ridge line” it is referring to, and which view(s) may be impacted as a result of such grading. Deer Springs Road is not located on a “ridge line”—meaning a line formed along the top of a mountain ridge—and grading activities to widen Deer Springs Road would not remove an “important ridge line” (see EIR pages 2.1-40 and 2.1-44, Appendix E, Visual Resources Technical Report, Figures 19a and 19b). Grading for Deer Springs Road would, however, entail the alteration of existing terrain; these project effects are illustrated in visual simulations prepared for Key Observation Point/Key View 5 (EIR Appendix E, Visual Resources Technical Report, Figures 19a and 19b, Figures 20–22; *see also*, Appendix A to EIR Appendix E, Figures 13 through 16; EIR pp. 2.1-38, 2.1-40, 2.1-44). The EIR also evaluates views afforded to motorists traveling on Deer Springs Road (EIR pp. 2.1-31 and 2.1-32, Appendix A to EIR Appendix E, Figures 13–16). The County directs the commenter to Figures 2.1-8a, 2.1-8b, 2.1-9a, and 2.1-9b, which depict existing and proposed conditions for Deer Springs Road under Option A (two-lane Deer Springs Road) and Option B (four-lane Deer Springs Road). The local terrain that would be altered for Deer Springs Road widening is not referred to as particularly “important” in the San Diego County General Plan or other local planning documents (see EIR pages 2.1-17 through 2.1-25 [Deer Springs Road is not a scenic highway and lacks identified important attributes] and page 2.1-32).

As analyzed in Section 2.1.3.2,

[A]t Key View 5 a substantial cut into the south-facing slope located in the foreground and north of the westbound travel lane would be required to expand Deer Springs Road to two- or four-lanes (see EIR Figures 2.1-8a and 2.1-8b). As depicted in the visual simulations, the south-facing slope would be steep .... Dependent on seasonal rainfall, partial vegetative coverage is expected as illustrated in the Key View 5 and Key View 6 visual simulations.

When compared to existing conditions at Key View 5, the proposed landscape would appear orderly and less chaotic due to the underground installation of existing overhead utilities yet the density of plantings on the slope and regular occurrence of rocks would bear little resemblance to the existing visual pattern of dense chaparral and occasional boulder covered terrain.

Elsewhere along the Deer Springs Road corridor (such as at Key View 6; see EIR Figures 2.1-9a and 2.1-9b), proposed project roadway widening and planned improvements would have beneficial effects to the quality of existing views. As proposed, the project would soften the transition from Deer Springs Road and adjacent, unimproved parcels to the north through the installation of the landscape parkway and low vegetated slope, resulting in an increasingly coherent and harmonious visual pattern. The underground installation of existing overhead utilities along the corridor would similarly enhance the quality of views and support an improved visual condition.

Further, Section 2.1.3.1 analyzes impacts to scenic vistas. Impacts to Deer Springs Road are analyzed on pages 2.1-31 through 2.1-32 of the EIR. As described on page 2.1-32:

Despite the visibility of project components from segments of the roadway, the majority of views from Deer Springs Road lack particularly panoramic characteristics (i.e., long composition, seemingly limitless boundaries, clear and unstructured viewing conditions to background elements) due to rising, mountainous terrain and trees and overhead electrical infrastructure installed within the roadway right-of-way. In addition to chaparral and boulder covered terrain, the presence of rugged ridgelines surrounding the Twin Oaks Valley in the middle ground viewing distance creates co-dominant, competing visual features in the landscape that attract the attention of receptors in the area. Thus, this segment of Deer Springs Road is not considered to offer panoramic or valued focal vistas to motorists.

The EIR determines that these specific impacts to Deer Springs Road would be less than significant. 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-1-7** The comment states that the project “would make the area less enticing to wildlife, and general loss of habitat and connectivity could drive out wildlife that is part of the community character.” The County refers the reader to the analysis of impacts to wildlife and wildlife connectivity in EIR **Section 2.4, Biological Resources**.

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Specifically, impacts to wildlife movement, foraging and breeding habitat, and visual continuity within wildlife corridors are described in Section 2.4.12.4, Wildlife Movement and Nursery Sites. As discussed therein, impacts to biological resources, including wildlife, would be less than significant with mitigation incorporated. In sum, adequate habitat conserved within the open space and habitat management would allow wildlife to cross through and use the project Site (EIR pp. 2.4-133 and 2.4-134). Concerning community character, please see **Response to Comment O-1-40**, below.

The County will include this comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

**O-1-8** The comment states that the EIR did not adequately study a six-lane Deer Springs Road design that would fit in this location. The comment states that this was requested by both the City of San Marcos and Golden Door Properties LLC during the Notice of Preparation (NOP) period. As a result, the comment suggests that the County must coordinate with adjacent jurisdictions to identify alternative or replacement roads or other mobility strategies. The County does not concur with this comment for the following reasons.

First, the EIR is required to identify and focus on the significant impacts caused by *this* project, not other actions that are not a consequence of this project (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 875). With respect to the suggestion that the EIR should consider how a six-lane Deer Springs Road would “fit” in this location, the proposed project provides required mitigation options to improve/widen Deer Springs Road, but that mitigation does not propose to widen, nor does it require widening, of Deer Springs Road to six lanes. Doing so would result in greater impacts through increased grading and induced traffic demand caused by over-sizing an off-site roadway.

Second, Appendix R1, Traffic Impact Analysis, to the EIR analyzed the potential impacts of Deer Springs Road, and demonstrated that both of the two project mitigation options for widening of Deer Springs Road are feasible. Third, the proposed widening of Deer Springs Road was also evaluated throughout the EIR, for example with respect to aesthetics, as discussed in **Response to Comment O-1-6**, above. Accordingly, the EIR complies with CEQA by evaluating the effects of the project and its mitigation, but not the effects of other actions that are not a consequence of this project. For additional supportive information, see **Responses to Comments O-1-244 through O-1-252**.

**O-1-9** The comment talks about the future of Golden Door Properties LLC’s success if the project moves forward. The County notes that it raises economic issues that do not

appear to relate to any physical effect on the environment. Please refer to **Response to Comments O-1-6** and **O-1-40** regarding community character. 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-1-10** The comment states that the EIR requires cross-references to information that is not included in the body of the EIR, and implies that the EIR is inadequate for that reason. The County does not concur for the following reasons. CEQA Guidelines Sections 15141 and 15147 specifically direct that the body of a EIR be as concise as practical, accounting for a project's scope and complexity. "Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR" (CEQA Guideline Section 15147). In addition, long, descriptive, and technical materials, and matters of public record or information generally available to the public, should and may be incorporated by reference (CEQA Guidelines Section 15150).

Consistent with scope of this project, the EIR provides substantial, reasoned analysis and detail while correctly incorporating highly technical documentation in appendices and by reference. To do otherwise, as suggested by the comment, would be inconsistent with the CEQA Guidelines.

Further, the comment does not raise any specific issue regarding the EIR's analysis, and, therefore, no more specific response can be provided or is required. To the extent that inconsistencies have been identified in comments raised during the public review period, the Final EIR has been revised accordingly. No further response is required because the comment does not raise an environmental issue. 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-1-11** The comment is a table of contents for the remaining comments. The comment 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. In doing so, however, the County notes that the Table of Contents, itself, is eight pages in length and that the comment letter consists of more than 175 pages without attachments. The County has endeavored to provide reasoned, good faith responses. However, comments are not interrogatories and nothing in CEQA is intended to allow project opponents to "wear down a lead agency, or delay a project" by submitting burdensome demands for information. (*City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 549,



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558.) No further response is required because the comment does not raise an environmental issue.

**O-1-12** The comment states that the purpose of preparing an EIR is to inform the public of a project's potential environmental impacts. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1-13** The comment states that, "[t]he County may not delegate preparation of the DEIR to the developer," and an EIR must reflect an agency's independent judgment. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, to promote public transparency, the County provides the following additional response. CEQA requires an EIR be prepared by, or under contract to, a public agency, using one of the following arrangements:

- (1) Preparing the draft EIR directly with its own staff.
- (2) Contracting with another entity, public or private, to prepare the draft EIR.
- (3) Accepting a draft prepared by the applicant, a consultant retained by the applicant, or any other person.
- (4) Executing a third party contract or Memorandum of Understanding with the applicant to govern the preparation of a draft EIR by an independent contractor.
- (5) Using a previously prepared EIR. (CEQA Guidelines Section 15084(d), California Public Resources Code Section 21082.1(a))

Before using a draft EIR prepared by another person, the lead agency must subject the draft to the agency's own review and analysis such that the draft EIR circulated for public review reflects the agency's independent judgment (CEQA Guidelines Section 15084(e).) An agency must also certify the final EIR reflects its independent judgment (Public Resources Code Section 21082.1 (c), CEQA Guidelines Section 15090(a)(3), *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1455).

Here, the County extensively reviewed the proposed project, the Draft EIR, and its analyses to ensure the EIR reflects the County's own independent judgment. Multiple iterations of technical reports and the Draft EIR were "screen-checked" by the County and its staff, as well as third-party reviewers, to ensure the analyses contained therein are factual, accurate, applicable, and based on the County's independent review and judgment. Further, as the lead agency, the County's Planning & Development Services completes an independent evaluation of private land development applications, including this project, for compliance with applicable County, State, and Federal laws, regulations, and ordinances. As such, County staff is not an advocate for or against the project, but acts in an independent regulatory capacity as the lead agency to review and independently evaluate the EIR and project. These in-depth reviews included the following:

The County conducted multiple screen-check (or iteration) reviews of the Draft EIR prior to release for public review. The County typically conducts three screen-check reviews for each chapter of the Draft EIR, sometimes more if an issue area is complex. For example, the County requires analysis of reduced project alternatives (see, e.g., Newland Sierra Alternatives Existing General Plan, CDFW Land Planning A, CDFW Land Planning B, and CDFW Land Planning C), but does not conduct analysis until consultation with County staff occurs after the first Draft EIR screen-check (County of San Diego, Environmental Impact Report Format and General Content Requirements, September 26, 2006; section 4.1). The County does this so that all objectives are final and significant impacts are identified (see CEQA Guidelines Section 15126.6(a)).

Through multiple screen-check reviews from March 2015 after the NOP comment period to June 2017 when the Draft EIR was made available for public review. The County reviewed each EIR chapter through multiple screen-checks during this 16-month period. The County conducted extensive reviews and re-writes of the EIR chapters during this time period, which included weekly meetings with the applicant and consulting team.

The County also conducted multiple reviews of technical studies prior to public review in June 2017. For example, the Air Quality Technical Report (Appendix G) received four screen-check reviews, the Health Risk Assessment (Appendix D to Appendix G) received two screen-check reviews, and the Greenhouse Gas Technical Report (Appendix K) received five screen-check reviews.

The Air Quality Technical Report (Appendix G) underwent four iteration reviews. County staff provided 59 comments on the Draft Technical Report. The applicant and their consultant provided a revised Technical Report along with a matrix that

provided responses to staff comments, detailing how comments were addressed and where edits/updates were made as a result. County staff reviewed the second iteration Air Quality Technical Report and the responses to comments and provided an additional eight comments seeking clarification on edits and analysis updates. The applicant and their consultant submitted a third iteration Air Quality Technical Report and responses to staff comments from the second iteration review. County staff reviewed the third iteration Air Quality Technical Report and responses to comments and had two outstanding comments that were transmitted back to the applicant team. A fourth iteration Air Quality Technical Report that addressed all outstanding comments was submitted and reviewed and accepted by County staff.

The same review process was followed for a separate Health Risk Assessment (Appendix D to Appendix G) prepared for the project. The Health Risk Assessment underwent two iteration reviews. County staff provided 29 comments on the first iteration Health Risk Assessment. The applicant and their consultant submitted a revised second iteration Health Risk Assessment and responses to staff comments. County staff reviewed revised Health Risk Assessment and responses to comments, confirmed edits, and accepted the Health Risk Assessment.

The Greenhouse Gas Technical Report (Appendix K) underwent five iteration reviews before public review. County staff provided 32 comments on the first iteration Greenhouse Gas Technical Report. The applicant and their consultant submitted a second iteration Greenhouse Gas Technical Report, updated in response to comments on the first iteration. County staff reviewed the revised Technical Report and provided additional comments. The applicant and their consultant submitted a third iteration Greenhouse Gas Technical Report, updated in response to comments on the second iteration. County staff provided an additional 38 comments on the third iteration Technical Report. The fourth iteration submittal in response was reviewed by County staff and an additional 24 comments were provided. The revised Greenhouse Technical Report provided in response to the fourth iteration review was reviewed and accepted by County staff.

In addition to providing comments on the Technical Reports (Appendix G and Appendix K), County staff met with the applicant and their consultants multiple times to seek clarification and resolve major outstanding questions and issues as they arose. These meetings included the applicant, their technical experts on the County's approved CEQA Consultants List, and County staff and technical experts. County staff thoroughly reviewed each iteration and offered edits and comments to ensure the documents were consistent with the County's *Guidelines for Determining Significance and Report Format and Content Requirements* (where referenced for each technical study) and the State CEQA Guidelines. The corresponding EIR

sections were also reviewed during multiple screen-check reviews by staff for consistency with the Technical Reports and with CEQA.

Each specific review was conducted to determine if analysis was performed pursuant to County *Guidelines for Determining Significance and Report Format and Content Requirements* (where applicable; collectively referred to as Guidelines hereafter). Reports are reviewed for adherence to County Guidelines; technical adequacy; completeness of analysis, i.e., confirming that all relevant sources of emissions and anticipated impacts are addressed adequately and that the analysis is correct; and clarity of presentation. This standard of review is consistent with CEQA Guidelines Section 15003(i) that provides that “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.”

County Guidelines require technical studies to include a section on “Significance Criteria & Analysis Methodologies.” The section should detail the methodologies used for evaluating project emission impacts. This would include a description of the methodology and/or equations used to estimate emissions along with a discussion of the assumptions used to calculate emissions. Project Technical Reports included detailed sections on methodology and assumptions. Information disclosed included types and versions of modeling software used, project data used to estimate emissions, and any assumptions made in the absence of project-specific data. This was done for all project phases including construction and operations.

For construction emissions, the studies (e.g., Appendix G and Appendix K) identified anticipated start and end dates, construction sub-phases, and equipment anticipated to be used during each sub-phase, and duration of use. This information was input into the California Emissions Estimator Model (CalEEMod). Project review focused on confirming assumptions stated in the studies with data reported in CalEEMod output reports. Appendices to the studies also disclosed total truck trips, including vendor and haul trips, and anticipated worker trips. All modeling output files (e.g., for Appendix G and Appendix K) were provided as an appendix to the studies. County reviewers with expertise in air quality analyses are able to confirm the adequacy of the whole of the project analysis through a combination of the detailed methodologies section in the study and the modeling files provided in the appendices. CalEEMod output files provide a table showing changes to default data and requires the user to enter a rationale for these changes. A detailed methodology section was also provided for blasting- and rock crushing-related emissions from the project. The section included equations used to estimated emissions, project-specific inputs for those equations, and sources for information cited. The application of the data and equations and the end results were disclosed in the appendices to the Technical Reports. Similarly, the Technical Reports disclosed data inputs for operational

emissions, i.e., trip generation, and data sources and/or assumptions used to estimate operational emissions. Adjustments to model default values were reported here, along with the rationale for the change. Therefore, County staff and scientists do not require unlocked excel or other input/output files to conduct a technical analysis to ensure the technical studies are correct.

The methodology for the Health Risk Assessment (Appendix D to Appendix G) disclosed the sources of toxic air contaminant emissions analyzed, input parameters and sources for information cited (e.g., annual average daily trips on the I-15 freeway), traffic projections and distribution, emissions from the gas station in project vicinity, and modeling methodology. The modeling methodology detailed model(s) used, meteorological data sources, source treatment (e.g., line source for roadways), source parameters, averaging time, receptor treatment (i.e., receptor grid and number of receptors), equations used to estimate cancer and non-cancer risk, and inputs used for the equations along with substantiation for their use. The methodology and technical appendices showing modeling results together provide the data to support the results and findings of the analysis. These results are corroborated through review by County reviewers with expertise in air quality and greenhouse gas analyses. The County does not require unlocked excel or other files in order to conduct a technical analysis to ensure the technical studies are correct.

The County has thus exercised an extraordinary level of independence, objectivity, and thoroughness in this matter to ensure the EIR is a technically adequate environmental document that reflects the County's independent judgment. Based on its independent evaluation, County staff will formulate a recommendation for the Planning Commission and then the Board of Supervisors, with the ultimate authority to (a) certify or decline to certify the EIR for the project, and (b) approve or deny the project. In addition, during the open, lengthy, and extensive public review process, there will be opportunities for further public review and input, including participation from appropriate community/sponsor groups, and noticed public hearings held by both the Planning Commission and the Board of Supervisors, including staff presentations regarding the EIR and project. In addition, extensive public/agency involvement and participation already has occurred during the public EIR scoping meeting, the Notice of Preparation public/agency review period, and the 60-day public/agency review and comment period on the Draft EIR. All such comments received during the Draft EIR comment period are responded to in writing and included in the Final EIR to be presented to the Planning Commission and the Board of Supervisors prior to noticed public hearings.

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The County also recovers the full cost of services related to the processing of land development permit applications through deposit accounts that are paid by the project applicants. The County does not use public funds to process such permit applications.

For all of these reason, the County does not concur with the comment's implication it was lax in its independent review of the EIR.

- O-1-14** The comment states generally and without regard to any information in the EIR that mitigation measures must be enforceable and feasible. 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 of the general nature of the comment.
- O-1-15** The comment states that recirculation of an EIR may be required when new and significant information is added. The County notes the comment provides general information only and without regard to any information in the EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because of the general nature of the comment.
- O-1-16** The comment states that the Project Description contains inaccurate information regarding the amount of "office space" possible under current zoning. The County does not concur with this statement. Please refer to **Topical Response LU-1; Response to Comment O-1-230; and Responses to Comment Letter O-1.9, Zoning**, submitted by Delane Engineering on behalf of Golden Door Properties LLC. As explained in these responses, the EIR, specifically Table 1-11, in Chapter 1, correctly calculates the permitted square footage of underlying land uses permitted by the General Plan land use designations. To clarify, the EIR states that more than 2 million square feet of commercial and professional office uses would be allowed under the existing General Plan land use designations (EIR page 1-34, Table 1-11).
- O-1-17** The comment states that the project Site acreage is inconsistent, and gives two locations where acreages are different. The County does not concur with this comment. Please refer to **Response to Comment O-1.7-3**, which notes that the apparent inconsistencies in question are not intended to be the same acreage, but, rather, one refers to the portion of the project Site within the North County Metropolitan Subregional Planning area (1,888 acres), and the other refers to the total project acreage (1,985 acres), which includes 97 acres within the Bonsall Community Plan area. The summation of the area within the North County Metropolitan Subregional Planning area (1,888 acres) and the Bonsall Community Plan area (7 acres) is 1,985 acres, which is used consistently throughout the Draft EIR.

- O-1-18** The comment states that the San Marcos Highlands project (City of San Marcos) is missing from the Cumulative Projects Table. The County does not agree with the comment. The San Marcos Highlands development project in the City of San Marcos was not omitted from the cumulative impacts analysis. Refer to Table 1-10 of the EIR, Project ID #103 for North County Metro (NC22). The Table 1-10 has been revised to clarify that this project (San Marcos Highlands) would add an additional 44 single-family rural residential units, for a total of 189 units.
- O-1-19** The comment states that the Project Description “does not include a fulsome description of the Interstate-15/Deer Springs Road interchange improvements and bifurcation of the interchange improvement amounts to improper piecemealing and renders the DEIR inadequate as an informational document.” The County does not concur for the following reasons.

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. As noted 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.

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In addition, CEQA does not require that an EIR evaluate impacts resulting from a mitigation measure to same level as a project; rather, such impacts are to be discussed “but in less detail” (CEQA Guidelines Section 15126.4(a)(1)(D)). As noted in Chapter 2, “Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).” Thus, the EIR complies with CEQA requirements by discussing the potential environmental effects of mitigation measures.

Finally, Chapter 1, Project Description, does include the interchange as an “Off-Site Mitigation Requirement,” and subsequent sections of the EIR disclose and discuss the interchange to the extent known at this time. For each impact area, the potential impacts associated with the interchange improvement are described, and mitigation has been incorporated to ensure that potential impacts will be less than significant.

**O-1-20** The comment states that the Project Description “does not include important information on the design of the Project’s development, rendering later analysis of the Project’s visual impacts incomplete.” The County does not concur. Consistent with CEQA’s requirements, the Project Description details the nature and scope of the project, including all of its components and relevant parts, and the project’s general characteristics sufficient to understand the environmental impacts of the project (CEQA Guidelines Section 15124). The project description “should not supply extensive detail,” and need not contain a design-level description (CEQA Guidelines Section 15124). That is not to say such details are omitted from the EIR. To the contrary, refer to **Response to Comments O-1.7-7** and **O-1.7-8**, which describe that further details may be found within the EIR in Appendix C, Specific Plan, and Section 2.1, Aesthetics.

**O-1-21** The comment states that the Project Description “varies significantly from the project description provided to the public in the County’s own March 2015 NOP,” and the EIR should have included an explanation for the changes. The County does not concur with this statement. The NOP includes the following description of the proposed project, which is consistent with the description in Chapter 1 of the EIR (emphasis added):

The project site is comprised of 51 parcels and approximately *1,985 acres* and would include the development of a new master planned community consisting of *2,135 dwelling units* (1.08 dwelling units per acre), *81,000 square feet of general commercial uses*, *a six-acre charter school site*, *approximately 37 acres of parks* and *1,202 acres of biological open space*. The project would include approximately 4.7 miles of bike lanes, an extensive



trail system including: 7.1 miles of multi-use pathways along the main road; 8.7 miles of internal pathways and trails within neighborhoods; two miles of multi-purpose trails through the open space area; and, 1.3 miles of secondary trails through the open space area. *The project would consist of entitlements for a General Plan Amendment, Specific Plan, Rezone, and Tentative Map.*

*Access to the project site would be provided by two main access points along Deer Springs Road.* The main access road at Mesa Rock Road would be a four lane entry road with median that transitions into a four lane undivided road further into the project site. Another main access point would be provided at Sarver Lane that would be signalized and would include one northbound lane and two southbound lanes. An additional access point would be provided at Camino Mayor off of Twin Oaks Valley Road.

*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), but would be graded to the ultimate 6-lane configuration. The segment of Deer Springs Road south of Sarver Lane would also be constructed as a 4.1A Major Road, but grading would not be to the ultimate 6-lane configuration.

Earthwork is estimated to consist of *10,700,000 cubic yards* of balanced cut and fill. Additional off-site improvements may be required, but would depend on the results of the EIR and technical analysis. Construction of the project is anticipated to occur in three phases over a *5 to 10 year period* in response to market demands and in accordance with a logical and orderly expansion of roadways, public utilities and infrastructure. Infrastructure and roadway improvements would be constructed in phases, as needed to ensure that improvements are in place at the time of need.

The pertinent details from the NOP are emphasized above and are consistent between the NOP and Draft EIR. Accordingly, the description of the proposed

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project as described in Chapter 1, Project Description, and as analyzed throughout the Draft EIR is consistent with the NOP. No further response is required.

- O-1-22** The comment restates Comment 1.7-23 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-23**.
- O-1-23** The comment restates Comment 1.7-24 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-24**.
- O-1-24** The comment restates Comment 1.7-24 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-24**.
- O-1-25** The comment restates Comment 1.7-24 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-24**.
- O-1-26** The comment restates Comment 1.7-24 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-24**.
- O-1-27** The comment restates Comment 1.7-25 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-25**.
- O-1-28** The comment restates Comments 1.7-26 and 27 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-26 and O-1.7-27**.
- O-1-29** The comment restates Comment 1.7-32 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-32**.
- O-1-30** The comment states the EIR is missing information to analyze aesthetic impacts. The comment is an introduction to the following comments, **Comments O-1-31 through O-1-38**. Please see the following responses.
- O-1-31** The comment states the EIR does not provide substantial evidence to support the conclusion that the proposed project would be in compliance with the I-15 Design Guidelines. The comment states modified slopes remain visible along I-15 north of Deer Springs Road and could be planted with grapes as opposed to native habitat. Please refer to **Response to Comment 1.7-30**.

With respect to the proposed project's consistency with the I-15 Design Guidelines, Appendix E, Visual Resources Technical Report to the EIR, includes Appendix B – Visual Resources Consistency Table. Table 2 of Appendix B to Appendix E provides the Consistency with Applicable I-15 Corridor Scenic Preservation Guidelines.

Specific to Guideline Policy 8, the Consistency Analysis determines, “Consistent. All of the project’s manufactured slopes would be landscaped with a plant palette that includes a variety of Southern California native and California-friendly low-water use plants and trees to blend with the surrounding area.”

- O-1-32** The comment states the EIR is inadequate because it does not provide information on the design of the I-15/Deer Springs Road freeway interchange. The County does not concur with this comment. The EIR states in **Chapter 2**, “Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).” The EIR further states that, “the interchange improvements is (sic) still under review and scoping through the Caltrans [California Department of Transportation] 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.” Finally, the EIR states that the document, “endeavors to disclose all it reasonably can at this time regarding environmental effects associated with the interchange improvements.”

**Section 2.3.1.3** states:

The following analysis also evaluates the visual impacts of the Caltrans I-15 interchange improvements, as these improvements constitute an off-site mitigation measure for the proposed project. Visual simulations (Figures 2.1-4 and 2.1-6) depict the potential interchange improvements known at this time. The ultimate interchange configuration may be slightly different than the configuration used in the visual simulations for the interchange improvements because Caltrans has not yet committed to a final design due to the need for Caltrans to evaluate interchange alternatives. Nonetheless, at this time, the interchange improvements — whatever the configuration — have the potential to remove mature trees and other landscaped vegetation. Construction also would have potential temporary impacts from nighttime lighting, dust, construction vehicles and equipment, contractor storage and temporary bridge support structures. Where space permits, removed vegetation, including trees, would likely be replanted in accordance with Caltrans’ policies.

During final design, Caltrans likely would require aesthetic treatments, such as surface texture, patterns, and color for potential project features. At this time, however, no information exists with regard to the final interchange

configuration, its final design, or landscape or aesthetic features to reduce visual/aesthetic impacts.

On pages 2.1-42 through 2.1-43, the EIR discusses the potential impacts of grading for the interchange, stating that, “Grading activities associated with the proposed I-15 interchange and park-and-ride facility would entail vehicles and equipment working within the disturbed I-15 right-of-way. Proposed activities would require the removal of vegetation, alteration of the gently sloping terrain, and grading of level surfaces.”

The EIR discusses the I-15 Interchange based on the best available information and reasonable forecasting. As noted in **Response to Comment O-1-19**, the EIR clearly states that interchange is a separate project under the lead jurisdiction of a separate agency (Caltrans) and will follow applicable process when the interchange design is complete. CEQA does not require an EIR analyze impacts of mitigation measures to the same level as the project. As noted in **Chapter 2**, “Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).”

Further, **Chapter 1, Project Description**, includes the interchange as an “Off-Site Mitigation Requirement,” and subsequent sections of the EIR analyze and disclose the interchange to the extent known at the time the Draft EIR was issued, as required by CEQA. For each impact area, the potential impacts associated with the Interchange Improvement are described, and mitigation has been added to keep potential impacts to less than significant levels. Thus, the EIR complies with CEQA requirements regarding potential environmental effects of this mitigation measure.

- O-1-33** The comment restates Comment 1.7-21 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-31**.
- O-1-34** The comment restates Comment 1.7-32 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-32**.
- O-1-35** The comment restates Comment 1.7-33 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-33**.
- O-1-36** The comment restates Comment 1.7-34 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-34**.
- O-1-37** The comment restates Comments 1.7-21 and 35 from Comment Letter 1.7. Please refer to **Response to Comments 1.7-21 and 1.7-35**.

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**O-1-38** The comment restates Comment 1.7-36 from Comment Letter 1.7. Please refer to **Response to Comment 1.7-36**.

**O-1-39** The comment states that “inconsistency with a county or city general plan may indicate there is a significant aesthetic impact” and that “the Project as proposed is plainly inconsistent with the current zoning, therefore requiring a complete overhaul of the General Plan’s zoning in order to convert the rural Twin Oaks Valley into an urbanized center.” The comment provides the commenter’s interpretation of CEQA Guidelines Section 15064(b) relative to whether there is an aesthetic impact; quotes court cases regarding analyzing potential impacts to aesthetics and community character; and restates information in the EIR that the proposed project proposes a rezone. The County does not concur with the comment for the following reasons.

First, with respect to the comment that the proposed project is inconsistent with the existing zoning, the County agrees with the comment and notes that it restates information contained in the EIR, including **Chapter 1, Project Description**, which describes that the proposed project includes revisions to the County Zoning Map, the Regional Categories Map, and Land Use Designations for the North County Metropolitan Subregional Plan area. Accordingly, the EIR analyzed the proposed project, including the proposed rezone, to determine the potential impacts.

Second, **Section 2.1.3.4, Consistency with Applicable Plans, Policies, and Ordinances**, of the EIR analyzes the proposed project’s consistency with applicable visual resource policies from the North County Metropolitan Subregional Plan (including the I-15 Corridor Scenic Preservation Guidelines) and the Bonsall Community Plan. This analysis is provided in Appendix B of Appendix E of the EIR. Further, Appendix DD of the EIR, Land Use Consistency Analysis, analyzed the proposed project’s impacts to all applicable General Plan goals and policies, including those related to visual resources. As concluded on page 2.1-49 of the EIR,

[A] detailed list of County General Plan policies and the proposed project’s consistency with those policies is found Appendix DD of this EIR. As demonstrated in Appendices E and DD of this EIR (see Appendix B of Visual Resources Technical Report), the proposed project would be consistent with the identified visual resource policies of the North County Metropolitan Subregional Plan (including the I-15 Corridor Scenic Preservation Guidelines), the Bonsall Community Plan, and the County General Plan. Therefore, plan inconsistency impacts would be **less than significant**.

Third, **Section 3.3, Land Use and Planning**, of the EIR analyzed the proposed project’s consistency with all other applicable plans and policies, including the Zoning Ordinance. As stated on pages 3.3-38 and 3.3-39 of the EIR:

The proposed project would require a zone change from its existing zoned use regulations (General Commercial (C36), Office Professional (C30), Rural Residential (RR), Limited Agricultural (A70), Extractive (S82) and General Rural (S92) Use Regulations) ... to General Commercial/Residential (C34), Single Family Residential (RS) and Open Space (S80) Use Regulations. Detailed development standards for the project Site are also set forth in the Specific Plan.

The regulatory provisions of the County Zoning Ordinance apply to all areas of the project and regulate buildings or structures and the construction, reconstruction, alteration, expansion, or relocation of any building, structure, or use in the project. The project advances the goals and objectives of the General Plan by incorporating the guidelines for development described previously in this section. The proposed project maintains compatibility with the existing surrounding land uses by retaining the northern 1,209 acres of the Site as open space and by locating the densest proposed neighborhood in the southern portion of the Site, nearest Deer Springs Road and existing development. Therefore, impacts related to conflicts with the zoning ordinance would be **less than significant**.

Accordingly, the EIR analyzed the proposed project's potential impacts to visual resources and zoning, including the proposed rezone, and determined that no significant aesthetic impacts would result from inconsistency with the General Plan.

**O-1-40** The comment initially provides background on The Golden Door. This background information does not raise an issue related to the adequacy of any specific section or analysis of the EIR.

The comment next contends the project is out of character with the “rural, agricultural” and tranquil community character. In response, first, the court in *Preserve Poway v. City of Poway* (2016) made clear that CEQA does not require analysis of “subjective psychological feelings or social impacts,” or economic impacts, upon community character that may result from a project (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 581). Therefore, the County does not have a specific significance threshold for community character separate from visual character/quality or other physical changes which have been addressed in the EIR. Yet, much of the comment raises these purely subjective “community character,” economic, social, or political concerns relative to The Golden Door. Such concerns do not raise an environmental issue within the meaning of CEQA, but will be included as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Second, as described in **Response to Comment O-1.16-7**, the project Site is not located in a “rural” area. Rather, the project Site is located in the North County Metropolitan Subregional Plan Area, which includes the communities of Twin Oaks and Hidden Meadows, and is located less than a mile from the municipal boundaries of the cities of San Marcos and Escondido, two cities which support a combined population of approximately 250,000 people. Nevertheless, the EIR acknowledges that “large-lot single-family residential development and agricultural groves comprise the majority of property in the surrounding area and undeveloped hilly and canyon terrain is present to the north and east,” and evaluates the project’s visual impacts relative to this existing aesthetic environment. (EIR p. 2.1-4)

Third, the EIR evaluates the project’s potential impact to visual character and quality in **Section 2.1.3.2, Visual Character or Quality**, including, as mentioned in the comment, relative to the surrounding mountain terrain and agricultural uses. The EIR acknowledges the proposed project would have a significant and unavoidable impact (Impact AES-1) to visual character or quality because construction and operation of the proposed project would introduce features that would contrast with the existing visual character of the project Site and would result in the removal of one or more features that contribute to the valued visual character of the site. In addition, the project would reduce the vividness, intactness and unity of existing views of the Site from I-15, Deer Springs Road near I-15, North Centre City Parkway, Mountain Meadow Road, and Deer Springs Road near Mesa Rock Road. The EIR also finds the project would result in a significant and unavoidable cumulative aesthetic impact (Impact AES-CUM-1) because, with the implementation of cumulative projects, “the area would transition from a primarily agriculture and rural residential land use development pattern to a more urban pattern of development.” No feasible mitigation measures exist to reduce these significant impacts.

The comment opines the EIR “attempts to describe the community as a residential area, by claiming that development is concentrated in the Champagne Village development and the Lawrence Welk Village,” and states that these developments are located on the east side of I-15 and therefore “cannot be used to establish community character when the area surrounding the project site is actually rural.” But the EIR does not claim the community is residential (as discussed above), and clearly states residential development is “concentrated east of the interstate” (EIR p. 2.1-10).

The EIR also evaluated the alleged “community character” impacts, to the extent such impacts were associated with physical environmental impacts and thus subject to CEQA review, in its land use, air quality, noise, and traffic analyses. General Plan Policies LU-11.2, LU-12.4, and COS-11.3 address Community Character. As analyzed in Appendix DD, Land Use Consistency Table, the project is consistent with

those General Plan policies (see excerpt provided below). Impacts to air quality, noise, and traffic were each evaluated in the EIR at Chapter 2.3, Air Quality; 2.10, Noise; and 2.13, Transportation and Traffic, respectively.

The comment also argues that grading for Deer Springs Road may open up valley sight lines by removing an important ridgeline, and that the EIR has not analyzed this possibility. Deer Springs Road is not located on a “ridgeline”—meaning a line formed along the top of a mountain ridge—and grading activities to widen Deer Springs Road would not remove an “important ridgeline” (EIR pages 2.1-40 and 2.1-44; Appendix E, Visual Resources Technical Report, Figures 19a and 19b). Grading for Deer Springs Road would, however, entail the alteration of existing terrain, for which project effects are illustrated in visual simulations prepared from Key Observation Point/Key View 5 (EIR Appendix E, Visual Resources Technical Report, Figures 19a and 19b, and Figures 20 through 22; see also, Appendix A to EIR Appendix E, Figures 13 through 16; EIR pages 2.1-38, 2.1-40, and 2.1-44). The EIR also evaluates views afforded to motorists traveling on Deer Springs Road (EIR pages 2.1-31 to 2.1-32; Appendix A to EIR Appendix E, Figures 13 through 16). The County directs the commenter to Figures 2.1-8a, 2.1-8b, 2.1-9a, and 2.1-9b, which depict Existing and Proposed conditions for Deer Springs Road under both Option A (two-lane Deer Springs Road) and Option B (four-lane Deer Springs Road). The local terrain that would be altered for Deer Springs Road widening is also not referred to as particularly “important” in the San Diego County General Plan or other local planning documents (see EIR pages 2.1-17 through 2.1-25 [Deer Springs Road is not a scenic highway and lacks identified important attributes], and 2.1-32).

The comment states that visual changes associated with grading for Deer Springs Road could make the area less enticing to wildlife, and the project could drive out wildlife that is part of the community character. Impacts to wildlife and biological resources due to construction and operation of the project, including Deer Springs Road improvements and indirect impacts such as noise and aesthetics/lighting, were evaluated in **Section 2.4, Biological Resources**, of the EIR. Specifically, impacts to wildlife movement, foraging and breeding habitat, and visual continuity within wildlife corridors were described in **Section 2.4.12.4, Wildlife Movement and Nursery Sites**. As discussed therein, impacts to biological resources, including wildlife, would be less than significant with mitigation incorporated. In sum, adequate habitat conserved within the open space and habitat management would allow wildlife to cross through and use the project site (EIR pages 2.4-133 to 2.4-134). Further, CEQA does not require analysis of community character, as discussed above.

The comment further contends the EIR does not address whether the proposed project would be visible from hikers on the Golden Door’s “many miles of hiking trails,” and



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states that it is unclear how the EIR reaches the conclusion that views will be obscured by the resort. The County notes that views from hikers at the Golden Door would be considered “private views,” which are addressed by **Response to Comment O-1.7-26**. Specific to the question regarding views from trails on the Golden Door’s property, the EIR notes that “views to proposed development would largely be obscured by resort perimeter landscaping *and rising terrain located north of Deer Springs Road*” [emphasis added]. There is a large landform rising north of Deer Springs Road, which is described in the EIR, **Section 2.1**, as “...*rugged, tall form of south-facing slopes*” [emphasis added]. The analysis continues, “The viewshed analysis for Deer Springs Road is included in Figures 13 through 16, Appendix A to the Visual Resources Technical Report. With the exception of the segment of Deer Springs Road that spans I-15 and along the southerly project frontage near the Town Center, views to the proposed development are relatively limited (see Key Views 7 and 8 in EIR Figure 2.1-9 and Figure 2.1-10 for example of available views from Deer Springs Road).” This would include views from the Golden Door.

Guiding Principle	Project Conformance	Conformance Conclusion
LU-11.2 Compatibility with Community Character. Require that commercial, office, and industrial development be located, scaled, and designed to be compatible with the unique character of the community.	The project would require that the Town Center neighborhood be located, scaled, and designed to be compatible with the unique character of the Community. Specifically, the Town Center would be walkable, as well as visually appealing and compatible with the surrounding regional character. The Specific Plan’s Commercial Development Standards and Design Guidelines state commercial buildings would offer pedestrian-level features such as awnings, large windows, and first-floor building articulations. Please see Specific Plan, Section 3.5.1, Commercial Development Standards and Design Guidelines, Site Design.	Consistent.
LU-12.4 Planning for Compatibility. Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas. Require context sensitive Mobility Element road design that is compatible with community character and minimizes visual and environmental impacts; for Mobility Element roads identified in Table M-4, an LOS D or better may not be achieved.	The proposed project’s public utilities and facilities infrastructure would be compatible with Community character, and implement context sensitive road design compatible with Community character, where feasible and when allowed by the County. Where possible, the project’s internal streets are designed to parallel topography and were guided by drainage patterns on the Site. All new wet and dry utility lines would be undergrounded to minimize visual impacts. The project includes an option to improve but maintain Deer Springs Road as a two-lane road (Option A) that would reduce grading impacts, thereby minimizing grading, visual, and cultural resource impacts from the road widening. The four-lane option for improving Deer Springs Road (Option B) would minimize grading, visual, and cultural resource impacts associated with building Deer Springs Road as a four-lane road. Both of these options include design exceptions to minimize grading, visual, and cultural resource impacts.	Consistent.
COS-11.3 Development Siting and Design. Require	The proposed project has been designed to minimize impacts and to preserve unique or special visual features through the use of:	Consistent.

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Guiding Principle	Project Conformance	Conformance Conclusion
<p>development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following:</p> <ul style="list-style-type: none"> <li>• Creative site planning</li> <li>• Integration of natural features into the project</li> <li>• Appropriate scale, materials, and design to complement the surrounding natural landscape</li> <li>• Minimal disturbance of topography</li> <li>• Clustering of development so as to preserve a balance of open space vistas, natural features, and community character</li> <li>• Creation of contiguous open space networks</li> </ul> <p>Potential measures for promoting scenic compatibility may include limiting or avoiding soundwalls, placing utilities underground, minimizing grading, and providing scenic vista points.</p>	<p>creative Site planning; integration of natural features into the project; the use of appropriate scale, materials, and design to complement the surrounding natural landscape; minimizing disturbance of topography; clustering development to preserve a balance of open space vistas, natural features, and Community character; and creating contiguous open space networks.</p> <p>In terms of creative Site planning, integrating natural features into the project design, clustering development to preserve a balance of open space vistas, natural features, and Community character, and minimizing disturbance of the Site's existing topography, the project proposes to retain approximately three quarters of the existing natural terrain on the project Site, including many of the peaks and outcroppings along the Site's main north-south ridgeline. This high level of topographic preservation is accomplished by concentrating (clustering) development within the central and southern portions of the project Site into discrete neighborhoods, and locating and designing the project's various neighborhoods around the more prominent ridgelines and peaks found on Site such that the visibility of the project's development areas are minimized. Where possible, streets were designed to parallel topography and were guided by watershed patterns on the Site. Also, existing landforms and ridgelines immediately north of Deer Springs Road would buffer the proposed project's visibility from Deer Springs Road and adjacent properties. Site grading was designed as a balanced operation in a way that would minimize grading into areas supporting the Site's more prominent geologic features, including ridgelines, rock outcroppings and peaks, and areas that are visible from adjacent property.</p> <p>In terms of implementing the appropriate scale, materials, and design to complement the surrounding natural landscape, the project's Specific Plan and Tentative Map/Preliminary Grading Plan outline a land use approach that would concentrate development below prominent ridgelines, rock outcroppings, and peaks, integrate boulders and large rock clusters into landscape areas to reinforce the visual identity of the project, implement a rustic, Mediterranean theme that draws on the more rural and natural elements of the area, utilize grade-adaptive architecture and Site design that results in terraced pads that are context sensitive and conform to the underlying slope of the home Site. Similarly, materials and design of residential and commercial/retail structures generally would be consistent with existing residential and commercial structures throughout the I-15 corridor in keeping with the Community character of the area. The project would be conditioned to comply with the Tentative Map/Preliminary Grading Plan and the various project design objectives and requirements of the Specific Plan throughout implementation of the project.</p> <p>In terms of creating a contiguous open space network, the project would concentrate development within the central and southern portions of the project Site to create a 1,209-acre habitat preserve and an additional 235 acres of open space constituting Fuel</p>	

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Guiding Principle	Project Conformance	Conformance Conclusion
	<p>Modification Zone 2 and Special Maintenance Areas where native habitat is thinned to 50% but preserved and managed as native habitat, thereby retaining significant value as native habitat. By concentrating development in the central and southern portion of the Site, the project would preserve large blocks of contiguous preserve area in the northern and northwestern portions of the Site with connections to off-site open space/draft PAMAs [Pre-Approved Mitigation Areas] supporting high-quality native habitat, including the east/west habitat linkage with the adjacent San Marcos Mountains. An additional block of open space is proposed along the eastern boundary of the project Site adjacent to I-15, which would serve as important habitat for coastal California gnatcatcher and many other wildlife species.</p> <p>For more information on the project Site's development siting and design details, see EIR Chapter 1 and the Newland Sierra Specific Plan.</p>	

**O-1-41** The comment restates information contained in Section 2.2.3.1 of the DEIR regarding the project Site not containing any “Williamson Act contract lands, County agricultural preserve, lands designated Prime Farmland, or Farmland of State Importance, nor any active irrigated croplands or other crop production.” The comment restates the County’s significant threshold for agricultural resources. The comment references Appendix GG, Newland Sierra Agricultural Alternative Report to the DEIR, and restates information contained in Appendix GG regarding the project Site containing Farmlands of Statewide Importance. The comment states that RaC2 soils, which are identified in Appendix GG as Farmland of Statewide Importance, are located in the Valley neighborhood and should be identified as a direct, significant impact. The County does not concur with this comment.

The soils identified in the Newland Sierra Agricultural Alternative Report prepared by Ecology Artisans (Appendix GG of the Draft EIR) that are described as Farmland of Statewide Importance are technically “candidate soils” that meet the soil quality criteria for Farmland of Statewide Importance, as identified in the County’s Guidelines for Determining Significance – Agricultural Resources, but this land is not specifically designated by the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) as Farmland of Statewide Importance. Therefore, Section 2.2.3.1 of the Draft EIR is correct when it states, “The project does not contain any Williamson Act contract lands, County agricultural preserves, lands designated Prime Farmland, or Farmland of Statewide Importance, nor any active irrigated croplands or other crop production. As such, none of these agricultural resources would be directly impacted by the project.”

Regarding the statement in the Draft EIR as to whether a significant impact to important on-site agricultural resources would result, the threshold for determining significance clearly states that an impact would result if a site (1) has important agricultural resources as defined by the Local Agricultural Resource Assessment (LARA) model, *and* (2) would result in the conversion of agricultural resources that meet the soil quality criteria for Prime Farmland and Farmland of Statewide Importance as defined by the FMMP, and as a result, the project would substantially impair the ongoing viability of a site for agricultural use (Draft EIR p. 2.2-9; emphasis added). The project Site is neither an important “agricultural resource” as defined by the LARA model (as discussed on page 47 of Appendix F of the Draft EIR, the Agricultural Resources Report), nor does it contain FMMP designated Prime Farmland or Farmland of Statewide Importance, as shown in the Figure 9 of Appendix F, Agricultural Technical Report. The Draft EIR correctly concludes, on this basis, that the project would have a less-than-significant impact to important on-site agricultural resources (Draft EIR pages 2.2-9 to 2.2-10).

The intent of the Agricultural Alternative Report (Draft EIR Appendix GG) was to identify areas where agriculture could be feasible as an alternative to the project; thus, the report identified 21.8 acres that could be suitable for productive SPIN farming (i.e., small, plot-intensive farming). However, as previously stated, the 21.8 acres (or 1% of the project Site) where an agricultural operation could be feasible has soils that are “candidate soils,” but the Site does not contain land mapped or designated by the Department of Conservation’s FMMP as Farmland of Statewide Importance.

- O-1-42** The comment speculates that the “growth inducing aspects of the Project and the fundamental change to the land uses in the area are likely to induce the conversion of agricultural land to residential land.” The comment notes that the County raised this issue under the Property Specific Request (PSR) Worksheet NC-42 staff report (June 20, 2012). The comment states that the “fundamental change to the Twin Oaks area proposed by this Project has the potential to incentivize changes to land uses on adjacent property,” and that this could “provide justification for the County to allow other properties in the area to change land use designations from Rural to Semi-Rural lands and replace agriculture with homes.” The comment concludes that a significant, indirect impact from the project is likely to occur. The County acknowledges the comment and notes that it expresses the opinions of the commentator based on a separate, not-applicable, inactive project (PSR NC-42). The County does not concur with the comment for the reasons discussed below.

With respect to the comment that the proposed project would result in growth-inducing impacts to agricultural resources, the County directs the reader to Section 1.8 of Chapter 1, which addresses growth-inducing impacts. As noted in Section 1.8,

“the project has potential for growth inducement, which may result in subsequent adverse environmental effects as a result of such growth. Such adverse environmental effects could include impacts to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources.” Agricultural resources are not identified as potentially impacted due to the growth inducement caused by the proposed project. Further, as noted in the Draft EIR, “[t]here are no known intensity-increasing development applications pending at the County in the immediate project vicinity at this time” (Draft EIR page 1-38).

The EIR is not required to provide a detailed analysis of the project’s effects on growth, but only a more general analysis of projected growth. (CEQA Guidelines Section 15126.2(d)(2); *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 388, *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369.) The level of detail the County can provide in the discussion of potential growth inducement is limited by its ability to forecast the actual effects the project will have on the physical environment. (*Ibid.*) An EIR is not required to evaluate “speculative effects.” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265.) As no known intensity-increasing development applications are pending in the immediate project vicinity at this time, the County cannot provide further analysis of potential impacts without engaging in undue speculation, which is not required by CEQA.

In addition, the widening of off-site roadways and associated direct impacts are identified in Section 2.2.3.1 in Chapter 2 of the Draft EIR as potentially resulting in significant off-site impacts requiring mitigation. Table 2.2-1, Off-Site Impact Summary, provides a summary of impacted Prime Farmland and Farmland of Statewide Importance by off-site road improvements.

Also, as the comment notes, Section 2.2.3.2 of the Draft EIR analyzes the potential indirect impacts related to agriculture as a result of land use conflicts between agricultural operations and the proposed project. The Draft EIR notes that, “orchard crops such as avocados and citrus are often compatible with residential uses,” and that the greatest type of agriculture in the project area is orchards (Draft EIR pages 2.2-12 through 2.2-13). Section 2.2.3.2 concludes that such impacts would be less than significant, “due to the distances from existing operations, intervening hills and topography, and the existing semi-rural environment of the surrounding community,” and that the “project’s proposed development would be buffered from the existing off-site active agricultural land uses within the 0.25-mile radius.”

The same section of the Draft EIR also analyzes Change to Existing Environment. As stated on page 2.2-14:

“[T]he closest proposed non-agricultural land use lots would be located approximately 150 feet from the nearest active agricultural use. This and many of the other existing agricultural operations in proximity to the project are orchards, which have a lower degree of potential land use conflicts with residential uses (County of San Diego 2007). Further, the proposed project would include 1,209 acres of open space, professionally managed vineyards, and Community gardens that would blend in with the surrounding agricultural areas and reduce potential land use conflicts with the existing agricultural operations surrounding the project.”

The Draft EIR concludes that, “Considering these land uses and the distance of the proposed project’s development to existing agricultural uses, the proposed project is not anticipated to change the existing environment.” Accordingly, the Draft EIR discussed each of the issues raised in the comment, and, based thereon, the County does not concur that the project would result in a significant indirect impact to agriculture. See also, **Response to Comment O-1-231**.

Relative to PCR NC-42, please refer to **Response to Comment O-1-377** for a more detailed explanation as to why this is not applicable to the proposed project.

- O-1-43** The comment states that the project will violate County General Plan Policies LU-5.3 and COS-6.2, and will result in a significant impact. The comment restates and summarizes these policies, and states “[t]he project violates these policies by eliminating rural lands on the Project on such a massive scale that it is likely to induce development of other nearby areas in the Twin Oaks and Bonsall communities designated as Rural Lands.” The comment concludes by restating and summarizing Comment O-1-42. The County does not concur with this comment.

Relative to the proposed project’s consistency with Policies LU-5.3 and COS-6.2, Appendix DD, Land Use Consistency Analysis, of the Draft EIR analyzes the proposed project’s consistency with applicable General Plan goals and policies. Relevant analysis has been pulled from Appendix DD and is restated below.

With respect to the restatement and summary regarding potential for growth-inducing impacts, the commenter is referred to **Responses to Comments O-1-42 and O-1-231**.

- O-1-44** The comment restates information in the Draft EIR from page 2.2-17 and states that the Draft EIR conflicts with a previous County staff report for PSR NC-42 because “[t]he Project will have indirect impacts to agriculture by inducing the replacement of agriculture with homes as the area urbanizes,” and “it would not be appropriate to increase development substantially on the [project] site while significantly restricting

development on the surrounding properties.” The County refers the commenter to **Response to Comment O-1-42**, above, and **Response to Comment O-1-231**. As noted in the comment and in Response to Comment O-1-42, above, Section 1.8 in Chapter 1 of the Draft EIR does discuss potential growth-inducing impacts, and discloses that the project may result in growth-inducing impacts because “as the proposed uses are developed on the project Site, existing adjacent land may be encouraged to intensify uses.” Section 1.8 goes on to analyze such potential impacts and concludes, “Such adverse environmental effects could include impacts to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources.” The County cannot provide a more detailed analysis of potential growth-inducing impacts at this time without engaging in undue speculation, which is not required by CEQA. However, Section 2.2.3.2 in Chapter 2 of the Draft EIR does discuss potential indirect impacts related to the conversion of off-site agricultural resources to a non-agricultural use, and concludes that such impacts would be less than significant for a variety of reasons, including the generally compatible types of agricultural uses in the area, the terrain, and the existing community. The reasons for finding that indirect impacts would be less than significant would also apply to impacts to agriculture from growth inducement.

- O-1-45** The comment states that the Draft EIR’s air quality analysis contains “several fatal flaws,” should be recirculated with additional analysis and mitigation, and fails to meet CEQA’s information disclosure objectives because it was presented in an “inaccessible” manner. In support, the comment refers to the air quality technical appendices, describing the appendices as too long, consisting of a “data dump” with thousands of pages of numerical data, and indecipherable to experts in the field.

As to the referenced flaws and need for recirculation, the comment serves as an introduction to comments that follow and does not contain any specific objections to the environmental analysis contained in the Draft EIR. Please refer to the responses to more specific comments from the commenter that follow below.

As to the placement of technical information in the Draft EIR’s appendices, the CEQA Guidelines provide that highly technical analysis and data should not be placed in the body of the EIR, but should instead be included in EIR appendices. (CEQA Guidelines Section 15147.) Accordingly, the County properly summarized relevant technical information in the body of the EIR and included supporting technical data in the appendices. For purposes of Appendix G (Air Quality Technical Report), the following sub-appendices were attached in support of the analysis and conclusions contained therein:

- A: Construction Schedule and Assumptions (2-page sub-appendix with tabular presentation of construction-related modeling inputs)

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- B: CalEEMod Output Files and Average Operational Trip Length Data (approximately 400-page sub-appendix with emissions model-generated output in its original form)
- C: Health Risk Assessment (approximately 5,200-page sub-appendix with emissions model-generated output in its original form)
- D: Blasting and Rock Crushing Emissions Estimates (7-page sub-appendix with tabular presentation of blasting and rock crushing-related modeling inputs and calculations)
- E: AERMOD Output Files and Cancer Risk Estimates (4-page sub-appendix with emissions model-generated output in its original form)
- F: Silica Dust Analysis (approximately 60-page sub-appendix with narrative discussion of silica dust impacts supported by tables, figures and expert-authored publications)
- G: CALINE4 Output Files (approximately 25-page sub-appendix with narrative discussion of CO hotspots and emissions model-generated output in its original form)

These seven sub-appendices contain the type and quantity of information that the project's air quality expert (Dudek) ordinarily provides in connection with CEQA analysis that it prepares. Dudek considers these sub-appendices to be consistent with CEQA and industry-standard practices. The information is clearly presented, and accessible in the Draft EIR, which was made available for public review and comment for a 60-day public review and comment period. Thus, the comment does not provide any basis for the County to recirculate the Draft EIR's air quality analysis or technical information provided in the appendices to the EIR.

**O-1-46** The comment states that the County: (i) refused to provide the Appendix G data in an "accessible form," and (ii) stated that it "had not even reviewed such material." The comment states that the County's response to the request deprived the public of relevant information supporting the Draft EIR's air quality analysis, and illustrated that the County had proceeded with an "improper abdication" of its independent judgment as a lead agency under CEQA. The County does not concur with the comment.

First, to clarify the record, EIR Appendix G and K electronic output files were included in the appended technical reports, which were part of the Draft EIR made available for public review and comment.



Second, the two technical reports (i.e., Appendices G and K and the output files) *and* the information contained in the air quality and greenhouse gas emissions sections of the Draft EIR were adequate for the County to conduct its independent review and evaluation of the project's air quality and greenhouse gas emissions impacts. The County also has determined that all such information constitutes substantial evidence supporting the Draft EIR's air quality and greenhouse gas emissions impacts analysis and mitigation assessment.

Third, in response to a Public Records Act request, the County provided the electronic files requested by Mr. Andrew D. Yancey of Latham & Watkins, LLP. Please see **Appendix JJ-3** of the Final EIR for the relevant correspondence on this subject. This information consists of Excel spreadsheets of input files used by Dudek, the air quality and greenhouse gas emissions expert. The County does not ordinarily rely on such documents because, as stated, the Draft EIR analysis and supporting technical reports, including the output files, constitutes substantial evidence to support the Draft EIR's analysis. However, since production of such files, County staff has reviewed the produced documents, and has added the documents to the record and information "base" supporting the analysis presented in the Draft EIR.

Lastly, the comment references Attachment 4, which is the County's Public Records Act letter response. In that letter, the County makes clear that the Draft EIR's air quality and greenhouse gas emissions sections, in combination with the technical reports and output files, "are adequate for the County to evaluate the project's potential air quality and greenhouse gas emissions impacts." See Attachment 4 to Latham & Watkins letter [County letter, dated July 27, 2017, page 1].) Thus, there is no County "admission," as stated in the comment.

**O-1-47** The comment is an introduction to subsequent comments that set forth bases for the commenter's conclusion that the Draft EIR's air quality analysis is inadequate and must be recirculated. Please see **Response to Comment Nos. O-1-48 through O-1-76** below for relevant, responsive information. Based on that response, the County has determined that there is no basis to recirculate the Draft EIR's air quality analysis or its supporting technical information found in the appendices to the Draft EIR.

**O-1-48** The comment states that the Draft EIR did not provide any analysis of Valley Fever and corresponding project-related impacts to sensitive receptors. Therefore, the comment states that recirculation of the Draft EIR is required.

As background, coccidioidomycosis, more commonly known as "Valley Fever," is an infection caused by inhalation of fungal spores that grow in the soils of the southwestern United States. When fungal spores are present, any activity that disturbs

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the soil, such as digging, grading or other earth moving operations, can cause the spores to become airborne and thereby increase the risk of exposure.

Please see **Response to Comment Nos. O-1.4-75** through **O-1.4-83**, which respond to the more detailed comments on Valley Fever provided as an attachment to this commenter's letter. As discussed in those responses, the project would not result in a significant impact attributable to Valley Fever exposure based on its geographic location, compliance with applicable regulatory standards, and implementation of dust control mitigation. As such, the County has reviewed this information in light of the comments, and has determined that recirculation of the Draft EIR is not required to address this topic further.

- O-1-49** The comment, referring to identified quantities of cut-and-fill, states that the fugitive dust (particulate matter) emissions caused by wind erosion are not adequately analyzed in the Draft EIR. The comment suggests that 8.3 million cubic yards of cut-and-fill have been omitted from the emissions analysis. The County does not concur with the comments.

Please see **Response to Comment No. O-1.4-75**, which responds to this same issue as raised in an attachment to this commenter's letter. As explained therein, the project proposes a balanced cut-and-fill operation, meaning that the referenced 8.3 million cubic yards of dirt will be used to grade the project Site to the desired slopes and elevations. The project's cut-and-fill quantities are accounted for in the Appendix G analysis, and Mitigation Measure M-AQ-3 addresses the prevention of wind-based erosion and fugitive dust during and after grading activities. Pertinent here, this measure requires application of a dust control agent or watering of grading areas at least four times daily, stabilizing grading areas as quickly as possible, and constructing and paving on-site roadways as early as possible.

- O-1-50** The comment raises concerns about the localized impacts of Santa Ana wind conditions, should such conditions occur during rock crushing and construction activities. The County does not concur with the comments.

Please see **Response to Comment Nos. O-1.4-75** and **O-1.4-76**, which respond to this same issue as raised in an attachment to this commenter's letter. As discussed therein, the Draft EIR's Mitigation Measure M-AQ-3 outlines comprehensive mitigation for dust control. Of relevance to this comment, M-AQ-3(k) specifically requires the applicant to "[s]uspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour." Accordingly, the Draft EIR's mitigation framework for fugitive dust control addresses high-speed wind conditions and ensures that construction practices are in place to minimize the adverse environmental implications of such conditions.

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- O-1-51** The comment states that the project’s operational mobile source emissions have been underestimated due to an overestimation of the TDM Program’s VMT-reduction attributes. The County does not concur with the comments.

Please see **Response to Comment Nos. O-1.4-46 through O-1.4-51 and O-1.4-98**, which respond to these same issues as raised in an attachment to this commenter’s letter. As discussed therein, the VMT-based and corresponding emissions reduction benefits assigned to the TDM Program were developed following a vetting of the recommended TDM strategies by a transportation planning expert (Fehr & Peers) that is recognized, statewide, as having unique expertise on the subject of TDM. Contrary to the comment, Fehr & Peers’ analysis does not characterize the project Site as an urban infill location and is appropriately focused on the benefits of the TDM Program at build-out, which is one focus of CEQA-based emissions estimation efforts for air quality.

Please also see Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers. As detailed in Appendix R-3, Fehr & Peers worked with the California Air Pollution Control Officers Association (CAPCOA) to develop the transportation section of the report titled *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA Report). This report is now used as a set of guidelines for quantifying the environmental benefits of GHG reduction strategies, such as the Project’s TDM Program, which often result in co-benefits in the form of criteria air pollutant reductions. Fehr & Peers also developed a quantification tool based on the research performed for its work with CAPCOA, named “TDM+,” which quantifies the effects of TDM programs on VMT reduction.

Based on their expertise, experience, TDM+ tool, and review of case studies, Fehr & Peers recommended strategies and calculated in detail the effectiveness of each of the TDM strategies recommended for this project, which were collectively estimated to result in a total 11.1% VMT reduction. Due to the project’s location, the TDM Program is centered on land use strategies (i.e., including land use diversity onsite to encourage residents to walk, bike, or take transit within the Project area) to achieve a 4.7% VMT reduction. Combined, all commute services to provide travel options other than private auto trips to destinations outside the project Site would achieve the remaining 6.4% VMT reduction.

- O-1-52** The comment states that the Draft EIR should clarify whether mobile source emissions on Sarver Lane have been included in the air quality analysis because volumes on Sarver Lane are expected to increase from approximately 500 trips per day to approximately 6,300 trips per day. The comment also states that impacts to all

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receptors on Sarver Lane, including the Hidden Valley Zen Center, St. Mark's Catholic Church, and nursery properties, should be considered.

In response, according to the California Air Resource Board's *Air Quality and Land Use Handbook*,<sup>57</sup> rural roadways with 50,000 vehicles/day or greater are high-volume roadways. The *Handbook* (see, e.g., Table 1-1 therein) recommends that new sensitive land uses not be sited within 500 feet of rural roads with 50,000 vehicles/day. Therefore, an increase from 500 trips per day to approximately 6,300 trips per day would not convert Sarver Lane to a high-volume roadway.

Additionally, the Hidden Valley Zen Center, St. Mark's Catholic Church, and nursery properties are not considered sensitive receptors. As stated in the County's *Guidelines for Determining Significance – Air Quality*, “air quality regulators typically define sensitive receptors as schools (preschool–12th grade), hospitals, resident care facilities, daycare centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality.” (County of San Diego 2007).

**O-1-53** The comment states that the Draft EIR underestimates emissions from off-site roadway and utility improvements. The County does not concur with the comment.

Please see **Response to Comment Nos. O-1.4-34 through O-1.4-38**, which respond to the more detailed comments on the accounting of emissions from off-site improvements provided as an attachment to this commenter's letter. As discussed therein, the construction details and schedule for off-site improvements were incorporated into the project's emissions estimation modeling. More specifically, when Fuscoe Engineering provided construction inputs for the project, it accounted for the off-site improvements' schedule, off-road equipment needs, on-road vehicles, and workers together with the estimates for the on-site construction activities.

**O-1-54** The comment states that the Draft EIR did not include sufficient construction or design information for the improvements at the I-15/Deer Springs Road interchange. The comment states that the omission of design-level details means that the Draft EIR's conclusion that the new interchange would not increase operational emissions is unsupported. The County does not concur with the comment.

Please see **Response to Comment Nos. O-1.4-42 through O-1.4-45**, which respond to the more detailed comments on this “induced travel” issue provided as an attachment to this commenter's letter. Design-level details are not required to

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<sup>57</sup> CARB's referenced handbook is available online at <https://www.arb.ca.gov/ch/handbook.pdf>.

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evaluate the operational impacts of the subject interchange. And, as discussed in the referenced responses, the project's emissions profile is not incomplete with respect to this interchange.

- O-1-55** The comment states that the DEIR did not estimate water use associated with construction and that significant amounts of water would be used for fugitive dust control. The County does not concur with the comment.

Please see **Response to Comment No. O-1.4-54**, which responds to the more detailed comments on the use of water during the construction period provided as an attachment to this commenter's letter. As discussed therein, the Draft EIR did disclose the need for water during the construction period, and identified the source (Vallecitos Water District) of such water. The response explains that the water purveyor previously studied the environmental impacts of supplying water to its customers. Further, the response explains that the modeling platform used to estimate project-generated emissions (CalEEMod), does not include an input for construction-related water. It is reasonably concluded that the air districts involved in development of CalEEMod viewed construction-related water use as adequately accounted for through water district permitting processes, and did not view construction-related water use as a source of emissions that should be estimated and reported in CEQA assessments. Finally, of particular relevance here, it should be noted that unlike GHG emissions, criteria air pollutant emissions would not result from water use because the only emissions generated by water use would be indirect GHG emissions resulting from the energy used to supply, distribute, and treat water and wastewater (see page 40 of the CalEEMod User's Guide, Appendix A – Calculation Details for CalEEMod<sup>58</sup>)

- O-1-56** The comment states that emissions associated with wastewater treatment and disposal were not estimated in the Draft EIR. The County does not concur with the comment.

Please see **Response to Comment No. O-1.4-58**, which responds to the more detailed comments on the accounting of wastewater-related emissions provided as an attachment to this commenter's letter. As discussed therein, wastewater-related emissions were estimated using CalEEMod.

- O-1-57** The comment states that the Draft EIR underestimates emissions from construction worker trips, particularly referring to the worker and vendor trip length. The County does not concur with the comment.

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<sup>58</sup> CalEEMod Appendix A is available online at <http://caleemod.com/>.

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Please see **Response to Comment Nos. O-1.4-4, O-1.4-25 and O-1.4-26**, which respond to the more detailed comments on the estimation of emissions from construction worker and vendor trips provided as an attachment to this commenter's letter. As discussed therein, the emissions calculations are based on reasonable and reliable sources, and emissions have not been underestimated. Of note, the CalEEMod defaults for construction worker and vendor trip lengths were increased to 20.0 miles from a default vendor trip length of 6.6 miles and worker trip length of 16.8 miles. While the project Site is primarily undeveloped, the Site is located close to several North County cities. The Draft EIR's Project Description Section details that the Site is located 1 mile from the cities of Escondido (est. pop. 151,613) and San Marcos (est. pop. 95,261), 3 miles from Vista (est. pop. 101,659), 5 miles from Oceanside (est. pop. 175,464), and 7 miles from Carlsbad (est. pop. 113,952). Therefore, the average trip length assumption value of 20 miles utilized in CalEEMod is reasonable given this substantial, proximate labor force.

- O-1-58** The comment states that the Draft EIR underestimates the emissions from construction equipment by assuming use of Tier 4 engines for all construction equipment, while simultaneously allowing engines with higher emissions. The County does not concur with the comment.

Please see **Response to Comment Nos. O-1.4-30 through O-1.4-33**, which responds to the more detailed comments on the use of Tier 4 engines during the construction period provided as an attachment to this commenter's letter. As discussed therein, Tier 4 engines are required by Mitigation Measure M-AQ-2 unless the applicant demonstrates that the equipment is not available in the San Diego region.

Mitigation Measure M-AQ-2 has been revised in the Final EIR to make it clearer and more enforceable. Specifically, M-AQ-2 has been revised in the Final EIR. The revisions include the following (page 2.3-33):

**M-AQ-2** Prior to the County of San Diego's approval of any construction-related permits, the project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize VOC, CO and NO<sub>x</sub> emissions:

- a. ~~Heavy-duty~~ All diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards. Before an exemption may be considered by the

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County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that Tier 4 equipment could not be located within the region;

The revisions to M-AQ-2(a) were made in **Responses to Comment O-1.4-31** and **O-1.4-32**. In **Response to Comment O-1.4-31**, “Heavy-duty diesel-powered equipment” was changed to “All diesel powered equipment”.

**O-1-59** The comment states that, because the Draft EIR’s air quality analysis omits or underestimates air emissions, the Draft EIR fails as an informational document and does not provide sufficient information for significance determinations or mitigation or alternatives; therefore, the comment states that the document should be recirculated with additional analysis to comply with CEQA. Because this comment serves as a conclusion to comments previously addressed, please see the responses to comments above (including the cross-references to the responses prepared to the commenter’s technical supplement provided as an attachment to its comment letter).

**O-1-60** The comment states that Section 2.3 refers to off-site sensitive receptors, including “a mobile home park, the Golden Door Spa, and estate development along the border of the City of San Marcos and the unincorporated portion of the County,” but is unclear about the full extent of identified sensitive receptors. The comment also states that it is unclear if sensitive receptors were only considered based on impacts from activities on the project Site or whether construction of off-site improvements also was taken into account. The County does not concur with the comments.

Section 2.3.5.3, Impacts to Sensitive Receptors (page 2.3-44 of the Draft EIR) states the following:

Air quality regulators typically define sensitive receptors as schools (preschool–12th grade), hospitals, resident care facilities, daycare centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. However, for the purposes of CEQA analysis in the County, the definition of a sensitive receptor also includes residents. The closest receptors to the proposed project include large-lot, single-family development to the north, west and south. South of the project Site is a mobile home park, the Golden Door Spa, and estate development along the border of the City of San Marcos and the unincorporated portion of the County.

Specifically, the CO hotspots analysis included eight, off-site receptor locations, which were modeled at each modeled intersection to determine CO ambient

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concentrations (page 2.3-26). Two receptors were assumed on the sidewalk at each corner of the modeled intersections, to represent the future possibility of extended outdoor exposure.

For the construction health risk assessment (Draft EIR page 2.3-48), which evaluated the impacts of the project's on-site and off-site construction activities, the sensitive receptors were identified as the following:

Sensitive receptors in the project vicinity consist of scattered residences located at various locations near the project Site. The nearest sensitive receptors to the project Site are residences located approximately 100 feet (30 meters) from the southern section of the project Site. In addition to off-site receptors, on-site receptors that may occur following the completion of residential units in Phase 1 were analyzed. To analyze impacts to on-site receptors, a receptor grid was placed surrounding the 10-acre construction activity area to determine the maximally exposed individual. The maximum concentration, and thus, maximum impact, would occur approximately 33 feet (10 meters) from the construction volume sources.

Lastly, for the operational health risk assessment (Draft EIR page 2.3-52), receptors were placed in selected areas, specifically covering the residential areas of the project Site and school closest to Interstate 15 and Deer Spring Road (see Figure 4 on page 7 of Appendix C to Draft EIR Appendix G).

**O-1-61** The comment states that Section 2.3 of the Draft EIR provides only a jumble of information about impacts to off-site sensitive receptors without defining which impacts may occur at which off-site sensitive receptors. The comment relatedly states that the analysis on page 2.3-56 of the Draft EIR only refers to on-site sensitive receptors. The County does not concur with the comments.

Please see **Response to Comment No. O-1-60**. Off-site receptors were considered in the CO hotspots analysis and the construction health risk assessment. As shown in Table 2.13-19 of the Draft EIR, the project's modeled impacts at the eight studied intersections would not exceed the County's thresholds for 1-hour and 8-hour CO levels. And, as shown in Table 2.3-16 through Table 2.13-18 of the Draft EIR, the project's construction health risk assessment concluded that the project's construction-related emissions would not significantly impact on-site or off-site receptors.

The project's operational health risk assessment included on-site receptors only because the intent of that analysis was to determine the health risk impacts to project-related receptors resulting from proximity of proposed land uses to the I-15 Freeway,



Deer Springs Road, and ARCO gas station. Therefore, for the operational health risk assessment, off-site receptors were not included. The I-15 freeway is an existing source of emissions and the off-site sensitive receptors are existing; accordingly, the analysis of potential impacts associated with the project does not evaluate impacts of existing emission sources on existing sensitive receptors. Development of the project site consistent with the General Plan assumptions would generate an estimated 19,471 trips assigned (SANDAG 2017). Development of the Newland Sierra project is estimated to generate 28,481 trips assigned (SANDAG 2017).<sup>59</sup> As such, the project is estimated to generate an increase in 9,010 trips assigned compared to the General Plan buildout. However, the Newland Sierra project would generate a reduction in 2.6 VMT per trip assigned because despite an increase in gross VMT, the VMT per trip assigned declines by 20% because of the Newland Sierra project includes a more diverse mix of land uses compared to General Plan buildout. In addition, only a portion of the project's trips and associated VMT would occur on the I-15 freeway.

Furthermore, the primary source of toxic air contaminant emissions associated with vehicles on freeways is diesel particulate matter, which is generated predominantly by heavy-duty truck travel. Because the project is a residential mixed-use project, it is anticipated that the majority of project-related vehicles would be passenger vehicles and light-duty trucks that would be gasoline-fueled or electric. As explained in Draft EIR Section 2.7, Greenhouse Gas Emissions (page 2.7-29):

“In addition, electric vehicle (EV) charging equipment would be provided in the garages of all single-family residential units, and EV charging stations would be installed in 3 percent of the Town Center's commercial core parking spaces. The applicant would also encourage the installation of EV charging stations in 3 percent of the park-and-ride parking spaces. Should installation of EV charging stations at the park-and-ride facilities be deemed acceptable by Caltrans (the owner of the existing park-and-ride facility), the applicant would fully fund these improvements. To be conservative, no emissions reduction credit was taken in this analysis for the provision of Community-wide EV charging equipment.”

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<sup>59</sup> Draft EIR Section 2.7, Greenhouse Gas Emissions (page 2.7-36) estimated project-generated weekday trips would be 28,862 based on information provided by Linscott, Law and Greenspan (Appendix R to the Draft EIR). The discrepancy between the Newland Sierra trip estimates (SANDAG 2017) and the Draft EIR trip estimates provided by Linscott, Law and Greenspan (2017) is nominal. The VMT (294,804 daily miles traveled) used in the GHG emissions analysis is the same as estimated by Linscott, Law and Greenspan (2017) and SANDAG (2017).

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Accordingly, the project would provide electric vehicle infrastructure to incentivize purchase and use of electric vehicles for project-related trips, and electric vehicles do not generate toxic air contaminant emissions.

Based on the considerations presented above, the project is anticipated to contribute minimal mobile source toxic air contaminant emissions to I-15 that would contribute to health risk to existing, non-project-related, sensitive receptors.

- O-1-62** The comment states the Draft EIR does not adequately analyze the health risk impacts of emissions from vehicles on I-15 to project-related schoolchildren and school staff, residents, and commercial center employees and patrons. The County does not concur with this comment because an operational health risk assessment was included as part of the Draft EIR in order to analyze the health risks associated with the project Site's proximity to the I-15 Freeway, Deer Springs Road, and the ARCO gas station (see Appendix C (Health Risk Assessment) to Appendix G of the Draft EIR). The County does not concur with the comments.

As disclosed in Draft EIR Section 2.3 (page 2.3-52):

As analyzed, the school site (analyzed under a 9-year exposure scenario) would be exposed to a maximum cancer risk of approximately 4.2 in 1 million, and project residents located closest to I-15, under a 30-year exposure scenario, would be exposed to a maximum cancer risk of 26.4 in 1 million. The 70-year and 9-year cancer risk on project residents was estimated to be 31.1 and 18.8 in 1 million, respectively. As illustrated in Figure 2.3-1, Cancer Risk: 30-Year Exposure on Residential Receptor Locations, only residents located in the northeast and southeast corners of the Town Center residential area would be exposed to potentially significant cancer risk impacts (greater than 10 in 1 million) (Appendix G). Estimated cancer risk on other residential units would be below the threshold of significance.

In summary, the cancer risk at the proposed project's school site would not exceed the SDAPCD threshold of 10 in 1 million; however, the cancer risk in the northeast and southeast corners of the proposed project's Town Center residential area would exceed the SDAPCD significance thresholds and impacts would be **potentially significant (AQ-6)**.

In order to address the potentially significant impact to on-site residential receptors in the Town Center area, the Draft EIR recommended the adoption of Mitigation Measures M-AQ-13 through M-AQ-17, which were shown to reduce the impact to on-site residential receptors from 26.4 in 1 million to 9.1 in 1 million, which is below

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the threshold of significance (see Draft EIR pages 2.3-54 through 2.3-56). As such, with mitigation, impacts to on-site residential receptors would be less than significant.

With regards to the commercial center employees, the County's CEQA *Guidelines for Determining Significance and Report and Format Content Requirements – Air Quality* (page 25) does not identify workers and employees as sensitive receptors for purposes of health risk assessments. Accordingly, health impacts to workplace receptors were not evaluated in the Draft EIR.

- O-1-63** The comment states that the Draft EIR does not adequately analyze the impact of “increased air emissions from increased trips on I-15” to sensitive receptors located east of I-15, including the Champagne Village community. The County does not concur with the comments.

See **Response to Comment O-1-61** regarding off-site impacts to receptors located east of I-15.

Further, as noted in Appendix R, Traffic Impact Analysis, the proposed project would add approximately 2,060 ADT on I-15, north of Deer Springs Road (Figure 8-11, Freeway Mainline Daily Project Traffic Volumes). Under the Existing Plus Project scenario, which is the scenario where the proposed project would have the largest contribution to daily trips on this segment of I-15, total freeway mainline segments on this stretch of I-15 are 129,060 ADT. Thus, the proposed project represents approximately 1.6% of the total volumes on I-15 and would not be expected to contribute to a meaningful increase in TACs to residents of Champagne Village.

- O-1-64** The comment states that because “so much of” the analysis is deferred to appendices and because the Draft EIR does not indicate which appendix is being cited, the Draft EIR is inaccessible. The County does not concur with the comment. Please see **Response to Comment No. O-1-45** above for responsive, relevant information.

- O-1-65** The comment states that the Draft EIR does not analyze impacts to on-site schoolchildren from the I-15 freeway and does not disclose the proximity of the school site to the freeway. The comment states that because no specific school proposal exists, the Draft EIR should consider the closest point on the proposed school site for its proximity analysis to I-15. The comment recommends use of a 1,000-foot impact zone.

The County does not concur with this comment because, as explained in **Response to Comment No. O-1-62** above, the project's operational health risk assessment *did* consider impacts to on-site, school-related receptors (see, e.g., Appendix C to Draft EIR Appendix G, page 7). As analyzed, the school site would be exposed to a

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maximum cancer risk of approximately 4.2 in 1 million, which is below the significance threshold. Therefore, impacts to schoolchildren would be less than significant. Further, the comment makes reference to Attachment 5 of the Latham & Watkins comment letter, which is a San Diego Reader news article. The article refers to a statement made by a Torrey Pines planning group member. The County has considered the information in the news article and elects to rely, instead, on the Draft EIR's analysis and the expert technical information provided in the appendix to the EIR.

- O-1-66** The comment states that the Draft EIR fails to adequately analyze emissions from the gas station on Mesa Rock Road to the proposed commercial center and school site. The comment states that large trucks and tractor trailers entering the gas station on Mesa Rock Road and turning around in the vicinity of the project's entrance could impact commercial center patrons and employees, as well as schoolchildren. The comment also states that the Draft EIR does not adequately analyze the impact to schoolchildren of emissions from large delivery trucks servicing the proposed commercial center. The County does not concur with the comments.

In response, as explained in the Draft EIR (page 2.3-27), the project's operational health risk assessment considered the proximity of the ARCO gas station located southeast (approximately 11 feet) of the project's Town Center area. As described on page 11 of the Appendix C (Health Risk Assessment) of the project's Air Quality Technical Report (Appendix G of the Draft EIR), to estimate TAC emissions for the ARCO gasoline station, emissions from gasoline transfer and dispensing were considered (e.g., loading, breathing, refueling, and spillage).

The operational health risk assessment did not quantify TACs associated with haul or delivery trucks *within* the ARCO gas station or *at* the proposed commercial center. However, the DPM emissions associated with a haul truck traveling within the existing ARCO gas station, or delivery trucks traveling within the proposed commercial center, would be negligible when compared to the DPM emissions associated with trucks vehicles traveling on the I-15 or Deer Springs Road.

Please see **Response to Comment Nos. O-1-60 and O-1-62** above for information regarding the definitional parameters of sensitive receptors, and the exclusion of workplace employees from that definition.

- O-1-67** The comment states that, because the Draft EIR does not include a grading plan or any alignment information for the six-lane buildout scenario on Deer Springs Road, the Draft EIR fails to analyze the air emission impacts to sensitive receptors from the closer proximity of vehicles to such receptors caused by the ultimate Deer Springs Road alignment.

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The County does not concur with this comment because the project does not propose, nor does it require, the expansion of Deer Springs Road to six lanes. Therefore, including six lanes in the operational health risk assessment would not be reflective of the proposed project and corresponding mitigation measures.

**O-1-68** The comment states that it is unclear if the air quality section provides analysis of the mobile sources emissions from traffic volumes on a six-lane Deer Springs Road configuration and states that the impacts of such emissions should be considered. The County does not concur with this comment for the reasons set forth above in **Response to Comment No. O-1-67**.

**O-1-69** The comment states that the Draft EIR discloses that the project is inconsistent with local air quality plans (State Implementation Plan (“SIP”) and Regional Air Quality Strategy (“RAQS”)) because the project’s land use density is not included in the existing plan framework. The comment then describes Mitigation Measure M-AQ-1 as circular, unenforceable, and an improper deferral of mitigation under CEQA. The comment relatedly states that the Draft EIR fails to adequately analyze how the County’s proposed revised population, employment, and housing forecast would cause air emissions quantities to comply with the SIP and RAQS, as there is no certainty as to whether SANDAG would accept the County’s forecast. The County does not concur with the comments.

As described in Draft EIR Section 2.3, pages 2.3-29 and 2.3-30, M-AQ-1 is provided to ensure population growth and vehicle trips generated from the proposed project (if approved) are provided to SANDAG for incorporation into its regional growth forecasts, which are then used by the SDAPCD for regional air quality planning purposes. This mitigation approach is neither circular, unenforceable nor improperly deferred.

To begin, regional air quality planning is based on an assessment of *existing* emissions and *forecasted* emissions. Once emissions trajectories are ascertained, air districts develop control measures and reduction strategies designed to bring air basins into attainment with federal and state standards. There is no reason to speculate that SANDAG would not accept the County’s input on existing and forecasted development levels; to the contrary, this type of coordination between the County and SANDAG is routine. Further, the requirements of M-AQ-1 are enforceable – the measure requires the County to update its forecasts to reflect project-related development and provide the same to SANDAG and SDAPCD.

Nonetheless, because it is unknown at this time when the SDAPCD will next update its RAQS and SIP, and because such the update is not within the control of the

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County of San Diego or the project applicant, impacts would remain significant and unavoidable following implementation of M-AQ-1.

- O-1-70** The comment states that operational mitigation measures that rely on trip reductions are inadequate as described further in the Transportation Section of the comment letter. Please refer to **Response to Comment O-1-253 through O-1-256** for the responses to the Transportation Section of the commenter's letter, as those responses relate to operational trip reductions.

The comment also states that construction mitigation measures are impermissibly vague in defining the type of equipment and vehicles to which they apply and that mitigation monitoring should occur more frequently than proposed. As the comment does not specifically point to what information is alleged to be inadequate, no more specific response can be provided. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47 [a general response is all that is required to a general comment]).

The comment concludes by stating that additional mitigation measures are required to adequately mitigate the project's impacts and requests that the County consider measures recommended in Section 3.10 of the Fox Report, which is an attachment to the commenter's letter. Please see **Response to Comment Nos. O-1.4-99 through O-1.4-102** for information regarding the recommended mitigation measures.

- O-1-71** The comment states that the Draft EIR did not provide a detailed construction schedule and did not disclose underlying assumptions. The comment concludes, therefore, that the Draft EIR does not serve as an adequate informational document under CEQA. The comment also states that the basis for much of the air quality analysis appears to be provided in the consultants' undisclosed email communications, phone calls, and documents—which were only provided to the Golden Door upon request four days prior the public comment deadline and which were not provided to the public at large.

Regarding the proposed project schedule, the Draft EIR's Project Description details the anticipated construction schedule in Section 1.2.1.12, Construction. The Draft EIR states that “[b]uild out of the Community is anticipated to occur in two phases over approximately 10 years” (2018 through 2027) due to market demands and in order to achieve a “logical and orderly expansion of roadways, public utilities, and infrastructure ... to ensure that improvements are in place at the time of need.” However, heavy-duty construction activities (e.g., grading, blasting and rock crushing) “are anticipated to be completed by the end of 2022.” Thus, all heavy-duty construction activities are anticipated to be completed within the first five years of the project's construction period (2018 through 2022), and will not last for 10 years.

(Draft EIR, p. 1-20.) Furthermore, “[i]ndividual blasting or rock-crushing activities during Phases 1 and 2 would occur sequentially and would not overlap.” (*Ibid.*) The project’s air quality analysis is consistent with this description of the construction schedule. Please see also **Topical Response AQ-1: Blasting Impacts**.

Appendix A of the project’s Air Quality Technical Report (Appendix G of the Draft EIR) also provides more detail regarding the construction schedule for purposes of emissions estimation. This construction schedule, which was prepared in consultation with the project engineers (Fusco Engineering and JT Kruer), details the types of construction activity, anticipated start and end date(s), number of weeks per activity, number of workers for each activity, number of haul and vendor truck trips per day, as well as the equipment types and number of equipment units. This detailed construction schedule shows that, for Phase 1, heavy-duty construction activities (i.e., site preparation and grading) are anticipated to occur from January 10, 2018 to December 1, 2020. For construction of Phase 2, heavy-duty construction activities are anticipated to occur from December 21, 2020 to November 18, 2022.<sup>60</sup> (For more information on the project’s two construction phases, please see the Draft EIR’s Project Description and Air Quality chapters, as well as **Figure 1-32** therein.)

The commenter is directed to the Draft EIR pages 2.3-22 through 2.3-23 and Table 2.3-7 for a summary of assumptions relied on in the construction air quality analysis. In short, the Draft EIR states that construction is anticipated to commence in January 2018 and take approximately 10 years to complete. (*Ibid.*) It was estimated that all equipment would operate 8 hours per day, 6 days per week. (*Ibid.*) Table 2.3-7 provides a summary Construction Phasing and Equipment List detailing the construction equipment needed to implement the proposed improvements. (*Ibid.*)

In addition to this summarized information, the commenter is directed to the Air Quality Technical Report (Draft EIR Appendix G) at its Appendix B entitled “CalEEMod Output Files and Average Operational Trip Length Data,” for the details of the construction schedule and equipment assumptions relied on in the construction air quality analysis.

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<sup>60</sup> The Draft EIR anticipated that project-related construction activities would commence on January 10, 2018. This was the estimated commencement date when the construction schedule was prepared in August 2016. The estimated commencement date is now further into the future. However, the Draft EIR continues to provide an accurate and conservative assessment of the project’s construction-related air pollutant emissions because regulations, restrictions, and increased market penetration of cleaner construction equipment are anticipated to continue to reduce emissions in the future. In other words, because California’s construction-related emissions sources are regulated and will foreseeably continue to be more strictly regulated in the future, project emissions are reasonably expected to continue to decline. Thus, by utilizing a too-early start date of 2018, the Draft EIR’s estimated emissions likely overstate actual emissions levels.

As the comment does not specifically point to what information is alleged to be missing or inadequate, no more specific response can be provided. Nonetheless, please note that the project's air quality expert (Dudek) has determined that the information essential to estimation of the project's construction-related emissions has been disclosed in the Draft EIR and incorporated into CalEEMod.

**O-1-72** The comment states that two important aspects of air quality analysis are understanding the potential overlap of construction activities and the proximity of various construction activities to each other. The comment states that the Draft EIR fails to adequately analyze both aspects.

In response, it is not clear what the commenter is referring to as “overlapping activities” – for example, it is not clear whether the comment is referring to the internal overlap of the project's construction activities (e.g., blasting, rock crushing) or cumulative projects in general.

With regards to cumulative projects, as discussed on pages 2.3-60 through 2.3-62 of the Draft EIR, should other projects occur in the vicinity of the proposed project, significant effects related to NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be further intensified due to multiple sites with potential earthmoving activities associated with site preparation and grading, and exhaust emissions from construction equipment, worker vehicles and truck trips associated with material deliveries and on-site hauling activities. Due to the likelihood of off-site worker vehicle and truck trips required during construction of combined future projects in the cumulative study area, no feasible mitigation was identified that would reduce the cumulative effects for these criteria pollutants (aside from the cumulative projects implementation of their own project-specific mitigation measures). Therefore, the proposed project's temporary cumulative construction effects relative to these pollutants emissions was found to be significant and unavoidable following project-specific mitigation when considered in combination with reasonably foreseeable future projects under the Draft EIR's cumulative impacts analysis.

With regards to internal overlap of construction activities, the Draft EIR presented a conservative analysis, and assumed overlap of construction activities (e.g. blasting, rock crushing). The following is stated on pages 2.3-32 to 2.3-33:

Table 2.3-11, Estimated Daily Maximum Construction Emissions – Unmitigated, shows the estimated maximum daily construction emissions associated with construction of the proposed project prior to implementation of mitigation measures. The maximum daily emissions for each pollutant may occur during different phases of construction; however, maximum daily emissions reflect the worst-case day accounting for overlapping construction sub-phases. It was



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conservatively assumed that maximum daily construction activities from overlapping construction phases, such as that resulting from Site preparation, grading, and building construction during Phases 1 and 2, could occur concurrently with blasting and rock crushing activities. Although these activities may occur on the same day, activities would occur in various locations across the project Site, which would vary on a daily basis. Therefore, maximum daily emissions shown in Table 2.3-11 reflect a conservative, worst-case construction scenario.

**O-1-73** The comment states that neither the timing nor location of blasting is disclosed in the Draft EIR and states that because blasting is a singular and acute action, the location, numbers, and times are important information for analyzing air quality impacts.

As to timing, please see **Response to Comment No. O-1-71** above. As explained therein, all heavy-duty construction activities, including blasting, are anticipated to be completed within the first five years of construction. (Draft EIR, p. 1-20.) Blasting activities during Phases 1 and 2 would occur sequentially and not overlap. (*Ibid.*)

Appendix A to the Air Quality Technical Report (see Draft EIR Appendix G) also shows that, during Phase 1, heavy-duty construction activities are anticipated to occur from January 10, 2018 to December 1, 2020. During Phase 2, heavy-duty construction activities are anticipated to occur from December 21, 2020 to November 18, 2022. The timeframe for blasting would be even more limited, as it would occur only during the grading phase of development. (Draft EIR, p. 1-20; see also Draft EIR Appendix G (Air Quality Technical Report), Table 16 [showing a total of 225 days with blasting activities].)

As to location, while 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 as the bedrock is located below ground surface. (Draft EIR, p. 2.10-17.) For this reason, at the current stage of project design, a blasting study has not been completed, and no specific blasting locations are proposed or available. (Draft EIR, p. 2.10-24.) However, based on prior projects in the San Diego region, it is anticipated that blasting would occur at 2- to 3-day intervals with no more than one blast per day. (Draft EIR, p. 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, pp. 2.6-14 and 2.10-24.) Please see also **Topical Response AQ-2: Blasting Schedule**.

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

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- O-1-74** The comment states that the Draft EIR is internally inconsistent in stating that “individual blasting or rock crushing activities during Phases 1 and 2 would occur sequentially and not overlap.” (See Draft EIR at p. 2.3-32.) The comment states that the blasting schedule has not been completed; therefore, it is not possible to assert which activities would or would not overlap with blasting.

Please see **Response to Comment Nos. O-1-72 and O-1-73** above. Although the Draft EIR does state that individual blasting or rock crushing activities during Phases 1 and 2 would occur sequentially and not overlap, the Draft EIR also provides a conservative analysis and assumes that overlap of these activities would occur.

- O-1-75** The comment states that a conservative analysis should be provided to disclose the impacts of blasting overlap with all construction activities, including rock crushing. Please see **Response to Comment No. O-1-72** above. This response explains that a conservative approach was taken in the air quality analysis.

The comment also states that a reasonable and conservative analysis of blasting overlap with operational activities should be provided. The analysis requested in the comment was provided in the Draft EIR. Specifically, the commenter is directed to Table 2.3-14 of Draft EIR Section 2.3, which illustrates the combined emissions of construction (with and without blasting) and operational activities and compares those emissions totals to the SDAPCD thresholds. (See also Draft EIR, page 2.3-38.)

The comment concludes by setting forth what it characterizes as a series of worst-case analytical assumptions, and suggests that CEQA mandates worst-case analysis. The County does not concur because CEQA does not require worst-case assessments. comment. Nonetheless, the Draft EIR’s Air Quality Section comprehensively evaluates the project’s construction-related air quality impacts, including those attributable to blasting, equipment mix, and vehicle trips provided in the detailed construction schedule. The technical analysis utilizes numerous conservative inputs to ensure construction emissions are not under-estimated. For example, the Draft EIR states: “[i]t was conservatively assumed that maximum daily construction activities from overlapping construction phases, such as that resulting from Site preparation, grading, and building construction during Phases 1 and 2, could occur concurrently with blasting and rock crushing activities.” (Draft EIR, p. 2.3-33.) The analysis also used a construction equipment mix that represents a “reasonably conservative estimate of construction activity” (Draft EIR, p. 2.3-22) and specifically accounted for higher horsepower off-highway trucks needed for earthmoving activities not incorporated in the air quality model’s default inputs. (*Ibid.*) In addition, while permanent roadway and roadway infrastructure improvements would be constructed in the early stages of Phase 1 to reduce construction-related vehicular travel on

unpaved roads, emissions estimates assume “all on-site haul truck and vehicular travel during the entire construction period would occur on unpaved surfaces. This conservative assumption serves to overestimate construction-related fugitive dust emissions.” (Draft EIR, p. 2.3-23.)

As to blasting specifically, the Draft EIR states, “[e]stimated emissions of NO<sub>x</sub>, CO, and SO<sub>x</sub> from explosives used for on-site blasting were determined using emission factors in Section 13.3 (Explosives Detonation) of AP-42 (EPA 1980); and PM<sub>10</sub> and PM<sub>2.5</sub> emissions were determined using Section 11.9 of AP-42 (EPA 1998).” (Draft EIR, p. 2.3-23 [footnote omitted].) The maximum amount of explosive used per day was estimated at between 17 and 19 tons. (Draft EIR Appendix G, Air Quality Technical Report, Section 3.1.2, Blasting Emissions Methodology, pp. 59-60.) Again, the analysis employed conservative assumptions, as use of AP-42 emission factors “may overestimate emissions for blasting of hard rock” for this project. (*Ibid.*)

The Draft EIR also specifically analyzes construction-related air quality impacts relative to federal and state ambient air quality standards, crystalline silica, CO hotspots, and TACs; the 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, 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, p. 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, pp. 2.3-71 to 2.3-72.)

The Draft EIR recommends three mitigation measures, M-AQ-2, M-AQ-3 and M-AQ-4, to reduce the project’s significant impacts to the extent feasible. (Draft EIR, pp. 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>61</sup> However,

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<sup>61</sup> As noted in the Draft EIR (p. 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 Draft EIR Table

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 “[m]aterials that would be blasted at the proposed project are granitic and similar to those blasted at hard rock quarries. The SCAQMD monitored respirable crystalline silica concentrations near the Azusa Rock Quarry and found that average concentrations were 0.5 µg/m<sup>3</sup> 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, p. 2.3-50.)

Further, “because the vast majority of deposited material is too large to be respirable,” “[d]ust that is deposited near sensitive receptors is unlikely to result in exposure to respirable crystalline silica.” (Draft EIR, p. 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.” (*Ibid.*) 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. (*Ibid.*)

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

### Carbon Monoxide Hotspots

The Draft EIR evaluated potential impacts from the creation of CO “hotspots” from vehicular emissions during construction activities. (Draft EIR, p. 2.3-45.) The Draft EIR determined that the project will have a less-than-significant impact to CO

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2.3-12, the emissions totals shown in Table 2.3-12 likely overstate mitigated project emissions. Daily emissions would be further reduced by the unquantified elements of the mitigation measures.

hotspots because “the maximum CO concentration predicted for the 1-hour averaging period at the studied intersections would be 4.9 ppm, which is below the 1-hour CO CAAQS of 20 ppm (CARB 2016b). The maximum predicted 8-hour CO concentration of 3.43 ppm at the studied intersections would be below the 8 hour CO CAAQS of 9.0 ppm (CARB 2013).” (Draft EIR, p. 2.3-47; see also Draft EIR, p. 2.3-77 [Table 2.3-19, CALINE4 Predicted Carbon Monoxide Concentrations].) Accordingly, “neither the 1-hour nor 8-hour CAAQS would be equaled or exceeded at any of the intersections studied,” and “the project would not cause or contribute to violations of the CAAQS and would not result in exposure of sensitive receptors to localized high concentrations of CO.” (*Ibid.*)

### Toxic Air Contaminants - Diesel Particulate Matter

The Draft EIR evaluated potential impacts from toxic air contaminants (TACs) emitted during the project’s construction-related activities. As to TACs, the Draft EIR states, “project construction would result in emissions of Diesel Particulate Matter (DPM) from heavy-duty construction equipment, engine-generators, and trucks operating on the project Site, [which] is characterized as a TAC.... The OEHHA has identified carcinogenic and chronic noncarcinogenic effects from long-term (chronic) exposure...to DPM.” (Draft EIR, pp. 2.3-47 to 2.3-48.)

The results of the Draft EIR’s AERMOD and HARP modeling for health risk are provided in Appendix D of the Air Quality Technical Report (see Draft EIR, Appendix G). Based on this modeling, the Draft EIR concludes the cancer risk at the Maximally Exposed Individual Resident on-site and off-site would not exceed the County’s significance threshold of 10 in 1 million for excess/incremental cancer risk during construction, such that impacts would be less than significant. (Draft EIR, p. 2.3-49.) The chronic hazards also would not exceed the County significance threshold of 1.0 for non-carcinogenic health impacts; therefore, impacts would be less than significant. (*Ibid.*)

In closing, the Draft EIR’s Air Quality chapter considered and evaluated the air quality impacts of the project’s construction-related activities. Based on that analysis, the project’s construction-related emissions would significantly impact conformance with federal and state ambient air quality standards; and, therefore, the Draft EIR recommended the adoption of mitigation measures to reduce such impacts to the extent feasible. The project’s construction-related activities would not result in significant impacts attributable to crystalline silica exposure, CO hotspots, or TACs. For further responsive information, please refer to **Topical Response AQ-1: Blasting Impacts**, and **Topical Response AQ-2: Blasting Impacts**, and **Topical Response AQ-3: Construction Period**.

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**O-1-76** The comment states that the lack of blasting information pervades the impact analysis for air quality and other impacts and requires further disclosure of this information and recirculation of the Draft EIR after a good faith disclosure has been made. Please see **Response to Comment No. O-1-73** above for responsive information. See also **Topical Response AQ-1: Blasting Impacts** and **Topical Response AQ-2: Blasting Schedule**.

**O-1-77** The comment states that the project Site is located within a pre-approved mitigation area (PAMA) and is the second largest block of contiguous natural habitat west of I-15. The comment states that the project Site is situated in a critical location that allows for habitat connectivity running in both east/west and north/south directions, and that the project will sever regional wildlife connections. The comment also states that off-site improvements and increased vehicle trips will further inhibit connectivity. The comment further states that despite the irreversible impacts, the Draft EIR takes short cuts by assuming future approvals by the County and by the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (together, the Wildlife Agencies), and that the Draft EIR ignores best available science and legal requirements in its analysis and mitigation proposals for impacts to biological resources.

The description of the habitat on the project Site as being one of the few remaining large habitat blocks in central San Diego County west of I-15, and as supporting important wildlife connectivity functions, is generally consistent with the characterization of the Site addressed on page 2.4-50 in Section 2.4-10, Habitat Connectivity and Wildlife Corridors, in the Draft EIR (Section 2.4, Biological Resources). This section of 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 the Draft EIR Appendix H, Biological Resources Technical Report, pages 6-4 through 6-10, further detail anticipated project effects 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 to 2.1-119). See also **Topical Response BIO-2 – Wildlife Corridors**. 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-1-78** The comment states that projects must be consistent with the draft North County Multiple Species Conservation Program (MSCP) Plan's preliminary species and habitat preservation goals, and requires that project approvals not compromise the successful implementation of the draft North County MSCP.

First, it is important to note that although the proposed project has been identified as a proposed hardline area in the draft North County Plan (County of San Diego 2016), which means that the proposed development areas and proposed biological open space areas have been incorporated into the overall conservation strategy of the County's draft North County Plan, the hardline and associated Draft NC MSCP is not required for purposes of take of listed species. In order for the proposed project to obtain approval for the loss of coastal sage scrub and any associated incidental take of California gnatcatcher (the only federally listed species within the project Site) through the County's Section 4(d) habitat loss permit (HLP) process, the proposed project must demonstrate conformance with overall programmatic goals and policies established for the San Diego County Natural Community Conservation Planning (NCCP) subregion and make the specific findings applicable to issuance an HLP. The Draft HLP including 4(d) findings is included in Appendix E to the BTR (Appendix H of the DEIR). The proposed project may also obtain take authorization through Section 7 consultation with the USFWS.

However, As detailed in the Draft EIR, the project has been identified as a proposed hardline area in the draft North County MSCP Plan, which means that 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). The Draft EIR states that, based on the proposed hardline areas, the draft North County MSCP would assemble approximately 1,209 acres of on-site habitat into three cohesive, contiguous blocks and an additional off-site block of habitat totaling 212 acres (providing habitat value for proposed MSCP Covered Species), and protect the biological open space from future encroachment through habitat management and land stewardship in perpetuity. The project has been designed in accordance with this proposed hardline area (see Draft EIR Figure 2.4-4 and page 2.4-82).

In addition, the project has been designed in accordance with the objectives, principles, and conservation goals established in the draft North County MSCP Plan (Draft EIR page 2.4-82). The Draft EIR evaluates the project's consistency with the eight preliminary conservation objectives from the draft North County MSCP Plan. The Draft EIR found that the project would be consistent with these preliminary conservation objectives (Draft EIR page 2.4-83 and Table 2.4-26).

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Furthermore, as summarized in the Draft EIR, “the proposed project would not preclude or prevent the preparation of the subregional NCCP [Natural Community Conservation Plan] because the project has been planned in accordance with the planning principles of the draft North County Plan” (Draft EIR page 2.4-82). See also **Topical Response BIO-1 – North County MSCP**.

**O-1-79** The comment states that no hardline agreement exists for this project, and any predetermination of the project’s allowable development footprint is improper and unsupported. The comment further states that the County admitted that no hardline has been approved for this project in a letter from Mark Wardlaw, County of San Diego, to Christopher W. Garrett, Latham & Watkins, dated June 5, 2017. The comment also states that any hardline agreement would require concurrence from both the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) before taking effect. The County acknowledges that the draft North County MSCP Plan is currently in draft form and has not yet been approved. For more discussion, see **Topical Response BIO-1 – North County MSCP**.

**O-1-80** The comment states that the Draft EIR’s analysis of the project’s consistency with the draft North County MSCP Plan incorrectly assumes that impacts and mitigation are consistent with the draft North County MSCP Plan, even though no such analysis has been completed by USFWS or CDFW, and neither agency has agreed to this position. The comment also states that the Draft EIR fails to mention that the project Site is located within a PAMA. For a detailed response, see **Topical Response BIO-1 – North County MSCP**.

**O-1-81** The comment states that the attempted reliance on a hardline designation from the draft North County MSCP Plan is an improper attempt at tiering under CEQA. The comment further states that any attempt to rely on a hardline designation from the draft North County MSCP Plan must not occur until the North County MSCP Plan (with the hardline) has been approved by the County and both Wildlife Agencies.

In response, the Draft EIR does not tier from the draft North County MSCP Plan. The draft North County MSCP Plan is not an approved, adopted plan. Instead, it is a draft document, and CEQA does not require an agency to speculate on the future environmental consequences of a project where an environmental plan is still in draft form, and is not yet adopted. In *Chaparral Greens v. City of Chula Vista* (1996) (50 Cal.App.4th 1134, 1144), the Court of Appeal considered whether the City of Chula Vista had erred in failing to include, in its Program EIR, an analysis of project impacts related to a draft conservation plan for an area in south San Diego County. The court held that draft plans did not need to be included in CEQA analysis, since “there is no express legislative or regulatory requirement under CEQA that a public



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agency speculate as to or rely on proposed or draft regional plans in evaluating a project” (page 1,145 of the case document). Rather, CEQA only requires applicants and public agencies to “engage in analysis of the impacts of the proposed project on the environment” (page 1,145 of the case document). 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-1-82** The comment states that the project is the only project currently proposed in the draft North County MSCP Plan that does not have Wildlife Agency concurrence and has not been approved by the County. The commenter further states that the draft North County MSCP Plan dated May 2017 identifies the project Site as a hardline “at the applicant’s request.” The comment goes on to state that for the County to omit analysis of impacts and mitigation for North County MSCP Plan consistency, pursuant to the Planning Agreement, based on the applicant’s request for a hardline in the draft North County MSCP Plan, has no legal basis and contravenes CEQA’s purpose to inform the public and decision makers of environmental impacts.

In response, the Planning Agreement identifies Preserve design principles for the purpose of evaluating “Interim Projects,” and the proposed project was designed to be consistent with these principles. Additionally, the draft North County MSCP Plan identifies conservation goals for each of the adjacent PAMA designated lands, and the proposed project was designed to be consistent with these goals. Project design was evaluated according to the Preliminary Conservation Objectives outlined in the Planning Agreement for the draft North County MSCP Plan (County of San Diego 2008 and 2014). Table 2.4-26, Consistency of the Newland Sierra Project with the Draft North County MSCP Planning Agreement Conservation Objectives, in Section 2.4 of the Draft EIR adequately discloses the project’s consistency with the draft North County MSCP Plan.

- O-1-83** The comment states that according to the County’s May 2015 Scoping Letter, project consistency with the NC MSCP is a “major project issue” to be addressed in the EIR. The comment then quotes a portion of the May 2015 Scoping Letter that states “if the Wildlife Agencies Hardline Agreement is not approved, the project would be required to comply with the North County MSCP and its requirements for projects in PAMA, including avoidance of critical populations of sensitive species and adherence to preserve design and linkage principles. If the North County MSCP has not been approved prior to the project moving forward, the project will require compliance with the HLP [Habitat Loss Permit] Ordinance and the County and Wildlife Agencies Planning Agreement.” The comment then states that the applicant’s request for the Project Site to be designated as a hardline in the County’s draft of the NC MSCP

“does not resolve the ‘major project issue’ identified by County staff just over two years ago because it is not analyzed subject to the requirements of the PAMA discussed in the Scoping Letter.

The County disagrees with the comment. The Draft EIR includes a detailed discussion of the Proposed Project’s consistency with the draft NC MSCP, just as the May 2015 Scoping Letter recommended (see Sections 2.4.3 and 2.4.12.5). In the event that the draft North County MSCP Plan is not approved, the project would be required to obtain approval for the loss of coastal sage scrub habitat and any associated incidental take of coastal California gnatcatcher (*Polioptila californica californica*) through the County’s Special 4(d) HLP Rule prior to the issuance of any grading permits to allow clearing of habitat. To do so, the proposed project must demonstrate conformance with overall programmatic goals and policies established for the San Diego County Natural Community Conservation Planning subregion, and make the specific findings applicable to issuance of an HLP. A Draft HLP, including 4(d) findings, is included as Appendix E to the Biological Resources Technical Report (BTR) (Appendix H of the Draft EIR). The proposed project may also obtain take authorization through Section 7 consultation with USFWS.

**O-1-84** The comment states that any reliance on a 2005 “Hardline Points of Agreement” for the “Merriam Mountains Project” is not valid and should not be considered as support for assuming a hardline agreement for the “Newland Project.” The comment further states that this “Hardline Points of Agreement” had a number of conditions that have not been fulfilled, including an amendment to the Resource Protection Ordinance (RPO), consistency with the 2011 General Plan, and purchase of the “Captains Associates property” located north of the project Site near I-15. In response, the proposed project does not rely on the 2005 Hardline Points of Agreement for the Merriam Mountains Project. 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-1-85** The comment states that the Draft EIR cannot rely on the proposed hardline designation for all project impacts because the project’s off-site improvements and indirect impacts, including those to wildlife connectivity due to increasing traffic volumes on surrounding roads, are not included in the hardline footprint shown in the Draft EIR. As stated in **Response to Comment O-1.6-21**, the biological resources within the off-site portions of the proposed project have been quantified, and focused surveys have been conducted where appropriate. Impacts to sensitive resources have been quantified and are included in the analysis of impacts (see Table 2.4-20 of the Draft EIR). Mitigation for these impacts is discussed in Section 2.4.15.2, page 2.4-121, of the Draft EIR. Specifically, mitigation for sensitive vegetation would be

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provided by M-BIO-8 that includes on-site and off-site preservation of 1,420.9 acres of open space. The Draft EIR provides a summary list of the potential long-term indirect impacts associated with development that is the analytic basis for the significance determinations made. The project's BTR (Appendix H of the Draft EIR) provides details regarding these potential long-term indirect impacts. In addition, Section 2.6.2 of the Draft EIR addresses indirect impacts to habitat connectivity and wildlife corridors.

**O-1-86** The comment states that the County is well aware of public concerns regarding the designation of the project Site as a hardline in the draft North County MSCP Plan. The comment also states that the Wildlife Agencies each submitted comments on the project's NOP noting the need for a revised design to avoid impacts to wildlife and habitat. The comment further states that the County's reliance on the false assumption of a hardline agreement in the Draft EIR is an improper short cut resulting in omission of analysis and mitigation required by CEQA. See **Topical Response BIO - 1 – North County MSCP**. 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.

**O-1-87** The comment explains that under the draft North County MSCP's Planning Agreement, projects proposed in the North County MSCP Plan must comply with the goals and interim process outlined in the Planning Agreement. The comment states that the proposed project is inconsistent with the conservation objectives, and would preclude implementation of an effective Preserve design.

In response, the Planning Agreement identifies Preserve design principles in the process for evaluating "Interim Projects," and the proposed project was developed to be consistent with these principles. Additionally, the draft North County MSCP Plan identifies conservation goals for each of the adjacent PAMA-designated lands, and the proposed project was designed to be consistent with these goals. Project design has been evaluated according to the Preliminary Conservation Objectives outlined in the Planning Agreement for the draft North County MSCP Plan (County of San Diego 2008 and 2014). Table 2.4-26, Consistency of the Newland Sierra Project with the Draft North County MSCP Planning Agreement Conservation Objectives, in Section 2.4 of the Draft EIR adequately discloses the project's consistency with the Draft North County Plan Planning Agreement conservation objectives. Each objective and the proposed projects compliance with those objectives is provided in Table 2.4-26.

**O-1-88** This comment includes multiple connected parts. The County will respond to each part in kind. First, the comment states that the "Project is inconsistent with the

Planning Agreement because its open space design would divide a single contiguous block of habitat and reduce the total acreage of habitat.” Open space habitat blocks are described on pages 2.4-83 to 2.4-86, Section 2.4.12.5, Local Policies, Ordinances, and Adopted Plans, of the Draft EIR. Generally, 1,209.1 acres of open space would be established on Site in three interconnected blocks: the 870.2-acre northern block (Block 1), the 153.9-acre eastern block (Block 2), and the 185-acre southern block (Block 3). Each of these blocks would be connected to adjacent open space within the draft North County MSCP Plan PAMA Core Areas and linkages. The proposed project’s development areas and associated roadways and fuel modification zones were designed to maintain inter-connectivity within the project Site and retain the functionality of the reserve design for the draft North County MSCP Plan. As stated on page 2.4-84 of the Draft EIR, “establishing a large, contiguous biological open space (approximately 870.2 acres) in the northern portion of the Site (referred to as Block 1) would retain the connectivity to the remainder of the draft North County Plan Core Area and maintain its status as a Core Habitat Area. This northern portion of the project Site is located in the most interior part of the Core Area, and conserving it would retain the integrity of the draft North County Plan reserve design.” Also see **Topical Response BIO-2 – Wildlife Corridors**.

Second, the comment states that the Project’s open space would be fragmented into a “block” and “corridor” design that contravenes the draft North County MSCP’s preliminary conservation objectives, and that the Draft EIR fails to analyze the impacts of the smaller habitat blocks to species and connectivity. In response, the draft North County MSCP Plan’s guidelines for connectivity planning and implementation are draft guidelines, not prescriptive requirements. However, per CEQA requirements, the Draft EIR analyzes in detail the proposed project for consistency with the County’s Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources (County of San Diego 2010), and the draft North County Plan Planning Agreement (County of San Diego 2014) on pages 2.4-80 to 2.4-93 in Subsection 2.4.12.5, Local Policies, Ordinances, and Adopted Plans. In addition, the proposed project was analyzed as a proposed hardline area, which means that the proposed project’s development areas and biological open space areas, including habitat connectivity within the project Site, have been predetermined and “hardlined” for the purposes of preparing the draft North County MSCP Plan (see page 2.4-83 of the Draft EIR). Therefore, the County disagrees that the proposed design of the open space conflicts with the draft North County MSCP Plan’s guidelines for connectivity. Also see **Topical Response BIO-1 – North County MSCP** and **Topical Response BIO-2 – Wildlife Corridors**.

Third, the comment further states that the Draft EIR should be revised to reflect the impacts of fragmenting the second largest block of contiguous natural habitat west of

I-15 in a PAMA. The County disagrees with this comment because the mitigation recommended in the Draft EIR would reduce fragmentation impact on large mammals to less-than-significant levels. Specifically, the Draft EIR concludes on page 2.4-105 that impacts to larger wildlife such as mule deer, bobcat and cougar would be significant (Impact WM-4). The Draft EIR concludes on page 2.4-134 that these significant impacts would be reduced to less than significant by implementation of mitigation measure (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. In particular, conservation of Habitat Block 3 would directly connect and contribute to core habitat north of the project Site. Also see **Topical Response BIO-2 – Wildlife Corridors**

Fourth, the comment states that the Project's habitat blocks are separated by the Project's development footprint and internal road structure, and that "Block 3" is particularly "isolated from other open space and will be subject to barriers and edge effects based on the Newland development footprint to the north, east, and west and an expanded Deer Springs Road to the south. The comment further indicates that the Draft EIR improperly relies on artificial corridors to connect these fragmented blocks of habitat. Refer to **Response to Comment O-1.5-10**.

Fifth, the comment recommends that the Draft EIR be revised "to reflect the impacts of fragmenting the second largest block of contiguous natural habitat west of I-15 in PAMA. Refer to **Response to Comment O-1.5-10**.

**O-1-89** The comment states that the Draft EIR fails to adequately identify and mitigate for impacts to north/south connectivity. The comment also indicates that the Draft EIR "overstates the Project's preservation of east-west connectivity." In addition, the comment states that the Draft EIR failed to analyze wildlife connectivity south of Deer Springs Road and omitted a culvert under I-15 south of Deer Springs Road. The comment further states that the project's proposal to widen Deer Springs Road and the increase in traffic and noise will prevent wildlife from reaching the omitted culvert.

The County disagrees with the comment. The Draft EIR does analyze project-related impacts on wildlife connectivity south of Deer Springs Road. As stated on page 2.4-76, "Although open space was designed to reduce interference with connectivity between blocks of habitat and local/regional wildlife corridor or linkages, the proposed project could substantially interfere with connectivity between blocks of habitat, such that wildlife seeking movement to landscapes south of the project Site would need to locate and use designated corridors incorporated throughout the Site that would provide some opportunity for these movements. The additional effects of

increased traffic may also pose barriers to direct connectivity to adjacent landscapes in the southern half of the project Site. Impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impact WM-4).” This impact would be reduced to less than significant with implementation of M-BIO-8A through M-BIO-8E.

The Final EIR has been revised and includes this box culvert in Figure 2.4-8. Even though it would not connect directly to the project Site, it may provide an alternative and proximate movement corridor for wildlife south of Deer Springs Road to move east/west across I-15.

The Draft EIR discusses the potential impacts of roads on wildlife on pages 2.4-74 and 2.4-75 in Section 2.4.12.4, Wildlife Movement and Nursery Sites. Impact WM-5 addressed impacts from permanent nighttime lighting and noise (see Section 2.4.12.4, pages 2.4-78 to 2.4-79). Although the project was designed to provide areas of refuge and corridors, noise and nighttime lighting associated with the project would impact wildlife behavior. Therefore, impacts to wildlife behavior due to an increase in noise and nighttime lighting in a wildlife corridor would be potentially significant (Impact WM-5). As stated in Section 2.4.16.3 of the Draft EIR, Wildlife Movement and Nursery Sites, significant impacts to wildlife behavior resulting from noise and/or nighttime lighting in a wildlife corridor would be reduced to less than significant through implementation of M-BIO-7, which would minimize nighttime and outdoor lighting, and M-BIO-8A, which would provide commensurate habitat management and conservation of open space areas.

**O-1-90** The comment states that the artificial corridors created by the project are insufficient to preserve connectivity in accordance with the North County MSCP Planning Agreement’s Principles, and that the Draft EIR fails to provide an adequate scientific or evidentiary basis for its reliance on such corridors.

In response, the Draft EIR, on pages 2.4-76 through 2.4-78, explains that for wildlife in general, the artificial corridors created on Site, while adverse because overall movement patterns would be altered, would not significantly affect wildlife movement. This is because Block 1 would include a large block of habitat that is available for wildlife movement for a wide variety of large and small species across the north to the east and west, and includes all landscape features. Without this block of land, the entire western portion of the proposed PAMA Preserve would be cut off from the eastern portion (see Figure 9 of the BTR). Block 2, adjacent to I-15, would maintain movement opportunities for coastal California gnatcatcher, and maintenance of stepping-stone habitat patches in this area is a goal for that proposed PAMA unit.

Block 2 maintains movement opportunities for large and small wildlife, and for species moving north or south. The designated biological open space and corridors were designed to follow natural ridgelines and landscape patterns that would facilitate wildlife movement around and through developed landscapes. In addition, developed landscapes were designed to follow, as feasible, natural contours of the landscape (see Draft EIR, pages 2.4-76 to 2.4-78). Therefore the “artificial wildlife corridors” were created to align with the natural movement of wildlife species. The Draft EIR takes into consideration the open space, internal corridors, and off-site habitat connections to the project Site; scientific literature; and the professional judgement of the biologists conducting the field studies (having decades of experience in similar settings throughout California) (see discussion on pages 2.4-50 to 2.4-54 in Section 2.4.10, Habitat Connectivity and Wildlife Corridors, of the Draft EIR). See also **Topical Response BIO-2 – Wildlife Corridors**. 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-1-91** The comment states that the on-site corridors lack sufficient buffers from homes and roads. In response, the County notes that the comment does not explain why the proposed buffers are inadequate; nor does the comment identify what it believes to be a sufficient buffer. Generally, edge buffering refers to providing sufficient distance buffers along corridor boundaries to avoid adverse edge effects such as lighting, noise, pets, and invasive species, and to provide suitable habitat and cover for wildlife to safely move along the corridor. Because different species have different habitat requirements and sensitivities to edge effects, there are no absolute standards for edge buffering, but, rather, they depend on the species of concern (or “target” species), their life histories (e.g., territory/home range sizes, dispersal capabilities, sensitivity to edge effects), and the habitat quality within the corridor (e.g., plant species composition, density, microhabitat features, refugia).

The Draft EIR on page 2.4-75 describes the internal project Site linkages and corridors (Corridors A–D) (also see Draft EIR Figure 2.4-8, Wildlife Connectivity) in the context of the MSCP County of San Diego Subarea Plan (County of San Diego 1997): “If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide corridors are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.” The Draft EIR includes a description of proposed corridor lengths and widths in Section 2.4.12.4, Wildlife Movement and Nursery Sites (pages 2.4-74 to 2.4-78), and

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- notes that internal corridors would have varying degrees of fuel modification. Because 91 percent of the project Site is generally mature chaparral that could impede some wildlife movement (e.g., mule deer [*Odocoileus hemionus*]), thinning of the vegetation (20 to 50 percent) is expected to facilitate movement along the corridors while still providing adequate cover. The Draft EIR provides a review of wildlife movement in relation to habitat conditions in Section 2.4.10, Habitat Connectivity and Wildlife Corridors (pages 2.4-53 and 2.4-54), to support this conclusion.
- O-1-92** The comment states that the Draft EIR fails to disclose and analyze impacts from severing the existing corridors that are more effective for wildlife connectivity. In response, see **Topical Response BIO-2 – Wildlife Corridors**. 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-1-93** The comment states that the Draft EIR ignores the concept of corridor redundancy, which is noted in the draft North County MSCP's Corridor Conservation Goals and Actions. According to the comment, corridor redundancy is important for large predators such as mountain lion See **Response to Comment O-1.5-14**.
- O-1-94** The comment states that wildlife movement must be studied on a broader regional scale, in particular to determine where redundant corridors could be necessary. The County disagrees that wildlife movement needs to be studied on a broader regional scale. Section 2.4.10, Habitat Connectivity and Wildlife Corridors (pages 2.4-50 through 2.4-54), and Section 2.4.12.4, Wildlife Movement and Nursery Sites (pages 2.4-75 through 2.4-76), of the Draft EIR provide 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 the Draft EIR BTR (Appendix H) further detail anticipated project effects to connectivity between blocks of habitat and the creation of non-natural movement corridors (pages 6-4 through 6-10). Based on this detailed analysis, the Draft EIR concludes that impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impact WM-4). The Draft EIR also concludes that cumulative impacts from the proposed project combined with the reasonably foreseeable cumulative projects would be significant (Impact BI-C-3). To reduce the project's significant impacts to less than significant relative to wildlife movement, the Draft EIR identifies 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).



- O-1-95** The comment states that the increase in vehicle trips and traffic would increase the risk of wildlife/vehicle collisions and create a barrier effect at five locations: Deer Springs Road, Sarver Lane, Camino Mayor, Mesa Rock Road, and North Twin Oaks Valley Road. The comment then states the Draft EIR fails to analyze the eventual six-lane alignment of Deer Springs Road, and that it should be revised to include an analysis of this roadway expansion and the impacts of increased traffic and traffic noise on wildlife connectivity.

In response, the Draft EIR discusses the potential impacts of roads on wildlife on pages 2.4-74 and 2.4-75 in Section 2.4.12.4, Wildlife Movement and Nursery Sites. Although the Draft EIR concludes that wildlife/vehicle collisions will likely occur along project roads – including the five listed in the comment – these collisions will mostly occur to common, non-special-status wildlife species such as striped skunk, opossum, and mule deer. Other small species such as rodents and reptiles are also vulnerable to vehicle collisions, but these species are widely distributed throughout the chaparral habitat on Site and are unlikely to seek out under-crossings if at grade-crossings areas are available. Small rodents such as cactus mouse and San Diego pocket mouse tend to avoid paved roads altogether, and western fence lizard and Belding's orange-throated whiptail (a special-status species) may use secondary paved roads but tend to avoid two-lane rural paved roads (Brehme et al. 2013). Given that these general species are common and/or are widespread (although orange-throated whiptail is a special-status species), such impacts would not be significant. Providing under-crossings of roads designed specifically for wildlife movement would do little to prevent or mitigate at-grade road crossings that could occur wherever roads pass along natural vegetation.

Regarding the six-lane configuration of Deer Springs Road, the project proposes two options, Option A and Option B, neither of which propose full buildout of a six-lane roadway as identified in the County's General Plan (6.2 Prime Arterial). Project impacts do not warrant the buildout of six lanes, as more fully explained in **Response to Comment O-1.16-4**. Option A would require the reclassification of Deer Springs Road in the County's General Plan Mobility Element (County of San Diego 2011) from a 6.2 Prime Arterial classification (six lanes) to a 4.1A Major Road with Raised Median classification (i.e., a four-lane road) between the San Marcos city limit (just north of Twin Oaks Valley Road) and Sarver Lane, a 2.1B Community Collector with Continuous Turn Lanes classification (i.e., a two-lane road) between Sarver Lane and Mesa Rock Road, and back to a 4.1A Major Road classification between Mesa Rock Road and the I-15 southbound on-ramps.

Option B would consist of construction of the entire length of the road from the I-15 southbound on-ramps to its intersection with Twin Oaks Valley Road as a four-lane

road, with an approximately 7,600-foot-long section of the road between Sarver Lane and Mesa Rock Road as a 4.1B Major Road (four lanes of travel with intermittent center turn lanes), and the balance of the road, including its intersections with Sarver Lane and Mesa Rock Road, as a 4.1A Major Road. Option B would not require the reclassification of Deer Springs Road; the roadway would remain as a 6.2 Prime Arterial (six lanes) in the County's General Plan Mobility Element (County of San Diego 2011) from I-15 to the San Marcos city limit.

- O-1-96** The comment states that the Draft EIR fails to adequately analyze connectivity impacts from demolition and reconstruction of the I-15 interchange at Deer Springs Road. The comment states that there was no design information in the Draft EIR regarding this interchange, so the public wasn't able to analyze potential impacts to wildlife connectivity, including the culvert located south of Deer Springs Road running under I-15. In response, the I-15 interchange is a project of the California Department of Transportation (Caltrans). It is not a County project and is not subject to County approval. Caltrans has not yet approved the final configuration of the proposed interchange. Moreover, the process of implementing the mitigation for the interchange is subject to a three-phase process under Caltrans jurisdiction. In 2014, in response to the project's traffic impact analysis that identified significant direct and cumulative impacts to the interchange, the project applicant initiated the Project Initiation Document (PID) process with Caltrans to begin evaluating different configurations for mitigating impacts to this interchange. All aspects included in the process of implementing the mitigation for the interchange improvements are subject to Caltrans' review, oversight, and approval. As of this writing, Caltrans is within the first PID phase. Caltrans has not completed this phase nor initiated the Project Approval and Environmental Document (PA&ED) phase. To date, the Project Study Report–Project Development Support (PSR-PDS) document includes preliminary interchange alternatives consisting of an expanded diamond interchange, a diverging diamond interchange, and a roundabout interchange.

Concerning project impacts, as stated in **Response to Comment O-1-19**, the Draft EIR states that the interchange is a separate project under the lead jurisdiction of a separate agency (Caltrans), and the project applicant will follow applicable processes when the interchange design is complete. As noted 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 that an EIR evaluate impacts resulting from a mitigation measure to same level as a project; rather, such impacts are to be discussed, "but in less detail" (CEQA Guidelines Section 15126.4(a)(1)(D)). As noted in Chapter 2 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 by discussing the potential environmental effects of mitigation measures.

Finally, Chapter 1, Project Description, of the Draft EIR does include the interchange as an "Off-Site Mitigation Requirement," and subsequent sections of the Draft EIR disclose and discuss the interchange to the extent known at this time. For each impact area, the potential impacts associated with the interchange improvement are described, and mitigation has been incorporated to ensure that potential impacts would be less than significant.

Further, the Draft EIR does include available information for habitat within the area of the interchange improvements; see Figures 2.4-5D, 2.4-7, and 2.4-9D, as well as Tables 2.4-14, 2.4-22, and 2.4-23.

- O-1-97** The comment states how the North County MSCP requires that development on PAMA land conserve 75 percent of a project's acreage. The comment further states that the project fall short of this requirement because, according to the Draft EIR, the

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project would conserve only 1,421 acres, which amounts to 72 percent conservation level. The comment then contends that even this figure is an overestimate because the 1,421 acres includes the 212 acres that would be conserved off Site, and that off Site mitigation land should not be included in the conservation total.

See **Response to Comment A-3-16** and **Topical Response BIO-1 – North County MSCP**.

**O-1-98** The comment states that Block 3 lacks value as conserved habitat and that species would be isolated in this block and be subject to edge effects and barriers. The comment states that Block 2 is also subject to edge effects because it's located between the eastern-most development footprint and I-15. The comment further states that the size of Block 1 is overstated due to edge effects, and that the total acreage of conserved land should be less than provided in the Draft EIR due to fragmentation, an improper "block" and "core" design, and edge effects. The County does not agree with the comment. For the reasons provided in **Response to Comment O-1.5-9** the County has determined that Block 3, which consists of approximately 185 acres, does provide biological resource value as conserved habitat.

**O-1-99** The comment states that the project's design would result in the fragmentation and the loss of connectivity. For discussion on this comment, see **Response to Comment O-1.5-19** and **Topical Response BIO-2 – Wildlife Corridors**.

**O-1-100** The comment states that the Draft EIR failed to adequately analyze consistency with the draft North County MSCP Plan based on the false assumption that a hardline will be approved. The comment states that improperly assuming a hardline and not disclosing that the project Site is in a PAMA is a failure under CEQA.

In response, as detailed in the Draft EIR, the proposed project has been identified as a proposed hardline area in the draft North County MSCP Plan, which means that 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. The project has been designed in accordance with this proposed hardline area (Draft EIR pages 2.4-6 and 2.4-82). *Ibid*

As described in **Response to Comment O-1-81**, the draft North County MSCP Plan is not an approved, adopted plan. Instead, it is a draft document, and CEQA does not require an agency to speculate on the future environmental consequences of a project if an environmental plan is still in draft form and is not yet adopted. However, the project has been designed in accordance with objectives, principles, and conservation goals included in the draft North County MSCP Plan (Draft EIR page 2.4-82). The Draft EIR evaluates the project's consistency against the eight preliminary

conservation objectives from the draft North County MSCP Plan. The Draft EIR finds that the project would be consistent with these preliminary conservation objectives (Draft EIR page 2.4-83, Table 2.4-26).

- O-1-101** The comment states that the Draft EIR fails to adequately describe how the 212-acre off-site mitigation parcel located east of Ramona, 22 miles away from the project Site, is appropriate mitigation for the project's biological impacts. The comment states that distance from the project Site to the off-site mitigation parcel would preclude any mitigation value for impacts to wildlife connectivity. The comment further states that the off-site mitigation parcel is in a different North County MSCP Planning Area than the project Site, and is influenced by different micro-climate conditions. Lastly, the comment states that the Draft EIR's analysis of the off-site mitigation parcel relies on outdated surveys and that the Draft EIR does not disclose how the off-site mitigation parcel mitigates the project's impacts to biological resources.

The County acknowledges that the off-site mitigation area is located approximately 20 miles east of the project Site and has some elevation and topographical differences compared to the project Site. However, the County allows for off-site mitigation areas that provide vegetation communities and habitat types similar to those in the affected project area, as is the case here. In addition, the proposed off-site mitigation area is located entirely within the draft PAMA, and conservation of this site would contribute to the overall preserved lands within the proposed PAMA and provide an important block of habitat for that region.

As described in the Newland Sierra Off-Site Mitigation Memorandum (Appendix K to Appendix H of the Draft EIR), the 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, it contributes to the vegetation community mitigation requirements described in Table 2.4-27 of the Draft EIR (pages 2.4-172 and 2.4-173).

Regarding wildlife and plant species, the mitigation site provides better golden eagle (*Aquila chrysaetos*) foraging habitat and better wildlife movement potential than the project Site because the mitigation site provides for connectivity between segments of the Cleveland National Forest located approximately 2 miles to the east and west, and San Diego County Parks land located approximately 3 miles to the north and south (Appendix K to Appendix H of the Draft EIR). This mitigation site supports more Engelmann oak resources (100-plus trees versus the three on the project Site) and other sensitive resources (e.g., ringtail [*Bassariscus astutus*]). Preservation of the mitigation site through acquisition would also benefit the PAMA and draft North

County MSCP because the mitigation site is under real threat of development for agricultural production or residential use (the site has many developable areas and the views are outstanding from many locations). Further, the mitigation site could benefit from management, since there is currently easy access to the site and there are wild boar (*Sus scrofa*) concerns.

Although updated focused surveys were not conducted on the off-site mitigation parcel, senior wildlife biologist Brock Ortega conducted a habitat assessment for the species that would be impacted by the proposed project (Appendix K to Appendix H of the Draft EIR). The results of the habitat assessment indicated that the off-site parcel is used by a variety of large mammals that are not present or abundant on the project Site, but could occur occasionally (e.g., mule deer, coyote [*Canis latrans*], bobcat [*Lynx rufus*], mountain lion, ringtail, and desert woodrat [*Neotoma lepida*]). Additional special-status species that have potential to occur include red diamondback rattlesnake (*Crotalus ruber*), granite night lizard (*Xantusia henshawi*), granite spiny lizard (*Sceloporus orcutti*), San Diego ringneck snake (*Diadophis punctatus similis*), rosy boa (*Lichanura trivirgata*), possibly southern rubber boa (*Charina umbratica*), golden eagle (foraging), and American badger (*Taxidea taxus*). Satellite telemetered female golden eagles F001, F002, F004, and F008, and male M007 are known to occasionally occur on the mitigation site (Tracey et al. 2016). Therefore, the County accepts the habitat assessment and does not agree that additional focused surveys are required at this time.

- O-1-102** The comment states that the Draft EIR relies primarily on surveys performed in 2013 and that surveys should be updated every 2 years. The comment also states that 2013 was a record drought year, which results in undercounting of species. The comment suggests that additional surveys be performed for all protected species and habitat. The County disagrees that the conclusions in the Draft EIR are invalid because they relied on data collected in 2013. Specific to sensitive plant species, the Draft EIR acknowledges that not all areas of the project Site were accessible and were, therefore, unable to be surveyed (see Section 2.4.7.2, County List A and B Species). Because of this limitation, the Draft EIR acknowledges that those species that have a potential to occur based on suitable conditions (i.e., vegetation, elevation, soils, and range) could be present within the project Site even if they were not directly observed (see Table 2.4-5, Plant Species Detected or Moderate Potential to Occur On Site, on page 2.4-140 of the Draft EIR). With respect to wildlife species, the BTR (Appendix H of the Draft EIR) states the following: “To account for survey limitations, special-status wildlife species that could occur, based on pertinent distribution and habitat preference literature and recorded off-site observations, are analyzed based upon their potential to occur and adequate measures to avoid and minimize impacts are provided in this report” (BTR page 1-18). As stated in the

County of San Diego Report Format and Content Requirements Biological Resources, “If the species was not detected, the table shall address its potential for occurrence (habitat assessment) with facts to support each conclusion” (page 25). Impacts to special-status wildlife that could occur within the project Site are based on impacts to suitable habitat for that specific species, not just known occurrences (see Table 2.4-6, Wildlife Species Detected or Moderate or High Potential to Occur On Site, on page 2.4-147 of the Draft EIR).

The County disagrees with the statement that the technical validity of field surveys expires after 2 years. Neither the survey guidelines for least Bell’s vireo (*Vireo bellii pusillus*) nor southwestern willow flycatcher (*Empidonax traillii extimus*) state that there are expiration dates for focused surveys (USFWS 2001 and Sogge et al. 2010). *The Staff Report on Burrowing Owl Mitigation* (CDFG 2012), which provides survey guidelines for burrowing owl (*Athene cunicularia*), does not include survey expiration dates within the report. USFWS’s *Coastal California Gnatcatcher Presence/Absence Survey Protocol* (1997) also does not provide expirations dates for survey. When surveys were required for the project, all surveys were conducted in accordance with the most recent survey protocols or guidelines (see Section 1.3.4 of the BTR, which is Appendix H of the Draft EIR). Furthermore, none of the protocols or guidelines used for focused surveys state that “surveys must be repeated every two years, specifically when surveys are conducted during less optimal survey seasons or during drought,” as stated within the comment letter. Surveys were conducted during the appropriate time of year in accordance with the specific species survey requirements. Therefore, the Draft EIR uses the best available information to determine the significance of the proposed project’s impacts. The conditions of the project Site have not changed since the surveys were conducted.

**O-1-103** The comment states that the Draft EIR fails to analyze connectivity across roadways because it did not identify a culvert south of Deer Springs Road under I-15. In response, the Final EIR has been revised to include this box culvert in Figure 2.4-8, even though it does not connect directly to the project Site, nor does this addition change the analysis, mitigation, or conclusions provided in the Draft EIR. This culvert may provide an alternative and proximate movement corridor for wildlife south of Deer Springs Road to move east/west across I-15. Also see **Topical Response BIO-2 – Wildlife Corridors**.

**O-1-104** The comment states that the Draft EIR failed to adequately identify wildlife crossings to the south and west of the project Site. The comment states that the Draft EIR fails to propose adequate wildlife crossing infrastructure, including the construction of underpasses or overpasses. In response, see **Topical Response BIO-2 – Wildlife Corridors**. The County will include the comment as part of the Final EIR for review

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and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- O-1-105** The comment states that the Draft EIR fails to provide the requisite eight surveys for least Bell's vireo, and the surveys conducted for spiny redberry (*Rhamnus crocea*) were not conducted at the appropriate time of year. The comment also states that the Draft EIR failed to disclose the potential for pallid bat (*Antrozous pallidus*) habitat or conduct the required bat surveys.

Regarding the requisite eight surveys for least Bell's vireo, as stated in the Draft EIR and described above, suitable southwestern willow flycatcher and least Bell's vireo habitat areas within the project study area were surveyed eight times by Dudek wildlife biologist Brock A. Ortega (Permit #TE813545), Paul M. Lemons (Permit #TE051248), and Melissa A. Bundell (Draft EIR Appendix C to Appendix H, page 5).

Regarding surveys for spiny redberry, qualified biologists conducted rare plant surveys throughout the project Site. The biologists were aware of the potential for this species to occur, and per the County's Hermes copper (*Lycaena hermes*) survey guidelines, would have mapped occurrences of spiny redberry within 15 feet of California buckwheat (*Eriogonum fasciculatum*) had it been present. In addition, suitable habitat for Hermes copper butterfly can be conducted during any time of the year. The County of San Diego Guidelines for Hermes Copper (Attachment B of the County Guidelines), does not provide specific dates for conducting the habitat assessment in support of focused surveys.

Focused surveys for pallid bat were not required for the proposed project. The Draft EIR acknowledges that there is suitable roosting and foraging habitat for a number of bat species, including pallid bat, and that those species have a potential to occur within the project Site (see Table 2.4-6 of the Draft EIR, page 2.4-154). A high or moderate potential determination does not necessitate the need for focused surveys for non-listed species or for species that do not have specific survey requirements. Regardless, focused bat surveys only determine the presence of bats and identify the species. Surveys typically include a visual inspection and assessment of the potential roost location for roosting bats and other bat roost signs, including exit count surveys, and active acoustic monitoring at the potential roost location and immediate surrounding area. The active acoustic surveys would provide an indication of the species using the designated survey location for roosting and the adjacent area for foraging. These surveys do not provide additional detail such as distribution or numbers on a site, and therefore would not provide any additional information beyond what the habitat assessment provides. If special-status bat species are present, the proposed project would provide for the preservation of suitable roosting and



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foraging habitat within the open space (M-BIO-8A), as described in Section 2.4.15.1 of the Draft EIR (page 2.4-115).

- O-1-106** The comment states that the Draft EIR relied on inadequate surveys for the presence of fairy shrimp on the project Site, and that the surveys failed to comply with USFWS protocol. The comment suggests that additional surveys be performed under appropriate conditions to determine if they exist on Site.

As an initial matter, it should be noted that CEQA does not require protocol surveys. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1395-1397.) Moreover, Dudek biologists determined that there was a low potential for listed fairy shrimp because of poor soils, topography, and distance from known population areas (see Section 1.3.4.9 of the BTR, Appendix H of the Draft EIR). The Site does not support vernal pool habitat, and all features mapped within the project Site have been categorized as puddles. The Site includes steep hills with dirt roads that exhibit significant off-road-vehicle use and erosion. Soils on Site are predominately sandy loam, and there are no areas of clay soils that would support typical vernal pool habitat. The closest known location of occupied pools are approximately 5 miles southwest of the project Site in San Marcos, with other occurrences 15 miles to the southeast in Ramona and 16 miles northwest within Camp Pendleton (page 1-54 of the BTR, Appendix H of the Draft EIR). Dudek biologists had reviewed the project Site over the last 3 years during the rainy season and never detected any standing water within the area to be developed. Further, during the 2017 season, Dudek visited the Site on a number of occasions until the end of November, and ponding was not observed at any time. Therefore, focused surveys per USFWS protocol were not conducted for the project Site due to the lack of puddles and the low potential for listed fairy shrimp to occur.

The County agrees that a full USFWS protocol survey was not implemented for the proposed project. Previously, no features were found within the project Site that might support San Diego fairy shrimp (*Branchinecta sandiegonensis*). A significant rain events in January 2017 caused low areas within existing dirt roads to pond with enough water to be sustained beyond the 7-day threshold, which would trigger protocol surveys. In response to information provided by USFWS regarding observations of puddles within the project Site, a review of winter puddles and surveys for listed large branchiopods (fairy shrimp) were conducted in January and February 2017 (see Section 1.3.4.9 of the BTR, Appendix H of the Draft EIR). Upon review of the puddles, Dudek biologists determined that none of the puddles were occupied by listed fairy shrimp. Appendix H of the BTR (Appendix H of the Draft EIR) contains a memo titled San Diego Fairy Shrimp Potential on the Newland Sierra Project Site Memorandum, which provides a detailed analysis of the potential for

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listed fairy shrimp to occur within the project Site. For the reasons outlined within the memorandum, including atypical soils, topography, and geography; lack of mimamounds and vernal pools; distance from known populations; difference in habitat between this site and known population sites; record rainfall; and identification of only the common fairy shrimp species, the project Site has only low potential to support listed fairy shrimp, and San Diego fairy shrimp is not expected to occur. Therefore, full protocol surveys were not warranted and, as indicated above, CEQA does not require protocol surveys. 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-1-107** The comment states that the Draft EIR omits the San Marcos Highlands Project from its cumulative project list, which in turn fails to account for cumulative impacts to wildlife connectivity. The County does not agree with this comment. The San Marcos Highlands Project was included in the Draft EIR's cumulative project's list (refer to cumulative project #103 in Table 1-10 of the Draft EIR) and cumulative impact analyses for the various impact areas of the Draft EIR. Therefore, no revisions to the cumulative impact analyses contained in the Draft EIR are required.

**O-1-108** The comment reiterates a statement made in the Draft EIR that the project "is expected to lead to a decrease in human activity in the open areas of the project Site," and the determination that the impact to biological resources from increased human activity would be less than significant. The comment states that the Draft EIR's rationale is that illegal trespassing occurs on Site at present, but the project would "manage" the open space to prevent illegal activities. However, the commenter says that the applicant is the current property owner and that the applicant can take action now to prevent illegal trespassing. The comment further states that the applicant cannot allow deterioration of a baseline condition and then take credit for alleged improvements. In response, the County notes that significant unauthorized human activity currently occurs on and around the project Site in the form of hiking, off-roading, dirt-biking, mountain biking, shooting, camping/camp fires, and other forms of human disturbance, trespass, and indirect impacts to wildlife movement. The project applicant has implemented a number of measures to minimize the impacts of these unauthorized human activities, including gating and fencing of all access points, installing security cameras, providing on-site security patrols, and coordinating with the Sheriff's Office to detain and arrest trespassers when they are caught. In addition, to protect the proposed open space easement from unauthorized entry or disturbance for the project, permanent post-and-rail fencing, walls, and strategic placement of signage would be installed approximately every 200 feet. Illegal trails would be closed and new trail creation (which currently occurs) would potentially stop.

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Therefore, the proposed development is expected to lead to a decrease in human activities in the open areas of the project Site.

**O-1-109** The comment states that the less-than-significant finding from increased human activity is contrary to scientific evidence indicating that adding a human population near open space increases human intervention with wildlife. The comment further states that the Draft EIR provides no evidence to support the conclusion that it can manage the open space in the manner to effectively prevent such intervention. In response, potential increased human activity impacts on special-status wildlife are considered in subsection “Special-Status Wildlife Species” of the Draft EIR (page 2.4-100). In this subsection, the determination of indirect impacts to special-status wildlife species from increased human activity was found to be cumulatively significant (Impact B1-C-1). Impact BI-C-1 would be reduced to less than significant through 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 (page 2.4-35 of the Draft EIR). Impact BI-C-1 would also be mitigated through M-BIO-10 through M-BIO-12. With respect to management activities that 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-1-110** The comment states that the Draft EIR relied on 2013 surveys for coastal California gnatcatcher and that 2013 was a significant drought year and surveys should be done every 2 years. For a complete response, see **Response to Comment O-1-103**. 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-1-111** The comment restates the coastal California gnatcatcher observations that were disclosed in the Draft EIR, and suggests that the Draft EIR be revised to include new focused surveys for coastal California gnatcatcher on all areas with prior observations of gnatcatcher or habitat for gnatcatcher, including observations by community members.

The County disagrees that new focused surveys are required. See **Response to Comment O-1-103**. As an initial matter, CEQA does not require protocol or focused surveys. Second, the surveys that were conducted were performed by permitted biologists who had the qualifications for performing gnatcatcher surveys and properly identifying coastal California gnatcatchers. No further response is required.

**O-1-112** The comment states that the proposed mitigation for gnatcatchers is insufficient because the off-site mitigation property is located 22 miles from the project Site, has no observed gnatcatcher, and is outside the breeding range. The comment also states that the HLP for gnatcatcher is in draft form and missing important components.

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Furthermore, the comment states that number, timing, and location of blasting should be included in the Draft EIR and the County should consider not allowing blasting during the breeding season.

The County acknowledges that the off-site mitigation site does not support coastal California gnatcatcher. The 212 acres of off-site mitigation habitat in Ramona is not intended to serve as mitigation for impacts to coastal California gnatcatcher; rather, the off-site mitigation land would serve to provide like-kind mitigation for vegetation impacts. Impacts to coastal California gnatcatcher would be mitigated through implementation of M-BIO-8A through M-BIO-8E.

The HLP remains in draft form until an action is taken by the County Board of Supervisors on proposed project. As disclosed on the first page of the draft HLP, because a formal application has not been filed, certain dates, findings, and other information is absent from the Draft Form of Decision, and this information would be included in the Final Form of Decision. In addition, for the final HLP, the list of conditions of approval would be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

As stated in Chapter 1, Project Description, of the Draft EIR, all heavy construction activities (which include the blasting referenced in the comment) “are anticipated to be completed by the end of 2022.” Thus, all heavy construction activities, including blasting, are anticipated to be completed within the first 5 years (2018 through 2022). Further, “[i]ndividual blasting or rock-crushing activities during Phases 1 and 2 would occur sequentially and would not overlap” (Draft EIR page 1-20). Appendix A to the project’s Air Quality Technical Report (see Draft EIR Appendix G, Air Quality Technical Report) provides a more detailed construction schedule. This detailed construction schedule shows that, for Phase 1, heavy construction activities (which include blasting) are anticipated to occur from January 10, 2018 to December 1, 2020. For construction of Phase 2, heavy construction activities are anticipated to occur from December 21, 2020 to November 18, 2022. The timeframe for blasting would be more specific (and more limited), since it would occur only during the grading phase of development (Draft EIR page 1-20; see also Draft EIR Appendix G Table 16). Regardless, “[a]ll grading activities, blasting, and rock-crushing operations are anticipated to be completed by the end of 2022 when major earthwork activity would be completed for both phases” (Draft EIR page 1-20).

As to location, 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 timelines, 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 Site and along roads within the project Site (Draft EIR pages 2.6-14 and 2.10-24).

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).

In summary, the County has determined that the Draft EIR contains sufficient information regarding the timing and location of anticipated blasting activities to assess the environmental implications of such activities. 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-1-113** The comment identifies a discrepancy in the project's Resource Protection Plan (RPP), which is Appendix H-2 to the Draft EIR. As noted by the comment, the language on page 5 of the RPP says that the project must be consistent with an RPP in order for the RPO exemption to take effect, and the language on page 34 says that the project must be consistent with an "RMP" for the RPO exemption to take effect. The County acknowledges that there was a typographical error in the RPP on page 34. Page 34 of the RPP has been revised in the Final EIR to state that the project must be consistent with an "RPP" in order for the RPO exemption to take effect.

**O-1-114** The comment states that because the project violates the RPO with respect to at least gnatcatchers and wetlands, mitigation is required. The comment states that impacts are not mitigated by simply exempting the project from the County's RPO Ordinance and that relying on a future approval of the project's proposed RPO exemption constitutes deferred mitigation in order to avoid a significant impact under CEQA.

In response, since the County RPO wetlands are also jurisdictional resources regulated by state and federal agencies, implementation of M-BIO-12, which requires permits from the appropriate federal and state agencies to impact jurisdictional resources, will identify additional mitigation through the permitting process to ensure that impacts to these resources are mitigated in accordance with state and federal laws and regulations. Impacts to coastal California gnatcatcher will be mitigated through measures M-BIO-8A through M-BIO-8E. Therefore impacts to RPO wetlands and coastal California gnatcatcher are not "mitigated by simply exempting the Project

from the County ordinance that applies to such impacts” as the comment implies. Implementation of these mitigation measures would reduce impacts to RPO wetlands and coastal California gnatcatcher to less than significant.

Additionally, the RPP (Appendix H-2 to the Draft EIR) provides information about the proposed project as generally consistent with the RPO, and where not consistent (i.e. impacts to RPO wetlands), it meets the RPO exemption because the project design concentrates the development in the southern portion of the Site to create a biological Preserve in the northern portion of the Site, providing a core habitat block in the Merriam Mountains and required improvements to Deer Springs Road. The RPP includes a discussion of the project’s general consistency with the RPO and how RPO impacts meet the exemption criteria under Section 86.605 of the RPO. 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-1-115** The comment states that neither consistency with an RPP nor consistency with a Resource Management Plan (RMP) is adequate to provide the same protection as the RPO. The comment also states that the RPP sets no requirements and does not include performance standards or prescriptive statements by which it can be determined if the project is consistent.

The County does not agree with the comment. As stated in Section 1.4.1 of the BTR, “the project includes a proposed amendment to the RPO that would exempt the project from the requirements of the ordinance with the implementation of superior regional resource protection. The project’s Resource Protection Plan (RPP) serves as the functional equivalent of the County RPO for the proposed project. The RPP is a comprehensive planning document addressing the preservation, enhancement, and management of sensitive resources (habitat, wetlands, slopes, cultural) within the 1,985-acre project Site. It has been designed specifically for the proposed project as it relates to biological resources. The plan provides assurances and funding for long-term resource protection, management, restoration, and enhancement of the proposed biological open space. As part of the proposed project, the on-site preserve would consist of 1,209.1 acres of habitat into three cohesive, contiguous blocks, and protect the biological open space from future encroachment through organized habitat management and land stewardship in perpetuity” (Draft EIR Appendix H).

Furthermore, the RPP includes a discussion of the project’s general consistency with the RPO (RPP Section 4.3) and how the proposed project can be added to the exemptions listed under Section 86.605 of the RPO.

**O-1-116** The comment states that the “exemption language on page 34 of the RPO requires consistency with a comprehensive RMP [Resource Management Plan].” The comment then states that “no comprehensive RMP for this Project has been made available to the public.” Although M-BIO-8D requires future preparation of an RMP, the comment considers this to be deferred mitigation. The comment also states that the “conceptual” RMPs attached as Appendices L and M to Appendix D of the Draft EIR do not provide any specific or enforceable standards for a comprehensive RMP.

In response, the RMPs are “conceptual” documents until the project is approved and a number of conditions have been met. As stated in M-BIO-8D, a final RMP cannot be approved until the following has been completed to the satisfaction of the Director of the Department of Planning & Development Services (PDS), and, in cases where the Department of Parks and Recreation has agreed to be the owner/manager, to the satisfaction of the Director of the Department of Parks and Recreation. Partial re-statement of M-BIO-8D is as follows (Draft EIR Section 2.4):

1. The RMP shall be prepared and approved pursuant to the most current version of the County of San Diego (County) Biological Report Format and Content Requirements.
2. The habitat land to be managed shall be completely purchased.
3. The biological open space easements shall be dedicated to ensure that the land is protected in perpetuity.
4. A resource manager shall be selected, and evidence provided by the applicant as to the acceptance of this responsibility by the proposed resource manager.
5. The RMP funding costs, including a Property Assessment Record or other equally adequate forecast. The funding mechanism (endowment or other equally adequate mechanism) to fund annual costs for the RMP and the holder of the security shall be identified and approved by the County.
6. A contract between the applicant and County shall be executed for implementation of the RMP.
7. Annual reports shall include an accounting of all required tasks and details of tasks addressed during the reporting period, and an accounting of all expenditures and demonstration that the funding source remains adequate.

RMPs include enforceable standards and all of the items required for an RMP per the County’s Guidelines. The RMPs would be updated with additional information as a condition of approval of the proposed project.

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- O-1-117** The comment states that the Draft EIR identifies temporary and permanent significant impacts to off-site RPO resources (Draft EIR pages 2.4-69 to 2.4-70; Tables 2.4-22 and 2.4-23); however, the proposed RPO exemption would apply to the project Site and not the off-site impacts. The comment suggests that the Draft EIR be revised to consider mitigation pursuant to the County's RPO for off-site RPO impacts.

The RPO exemption would exempt "any project located within the approximately 1,985 acre property known as 'Newland Sierra Specific Plan' if determined to be consistent with a comprehensive Resource Protection Plan (RPP) [that] has been adopted by the Board of Supervisors as the functional equivalent of RPO." Impacts to off-site RPO wetlands total 0.99 acres, 0.92 acres of which are associated with Deer Springs Road which is an essential public facility and is therefore except from the RPO per Section 86.605(c). The remaining 0.07 acre of off-site impact is covered under the Newland Sierra Specific Plan.

- O-1-118** The comment states that the Draft EIR should be revised and recirculated to analyze consistency with the RPO and propose mitigation measures for impacts thereunder.

As stated in Section 1.4.1 of the BTR (Draft EIR Appendix H), "the project includes a proposed amendment to the RPO that would exempt the project from the requirements of the ordinance with the implementation of superior regional resource protection. The project's Resource Protection Plan (RPP) serves as the functional equivalent of the County RPO for the proposed project." The RPO protects sensitive lands and prevents their degradation and loss by requiring an RPP for certain discretionary projects. The RPP provides an analysis of sensitive resources (habitat, wetlands, slopes, cultural) within the 1,985-acre project Site. The preservation, enhancement, and management of those resources is provided in the Conceptual Resource Management Plan (Appendix L of the BTR), which has been designed specifically for the proposed project as it relates to biological resources and other subject areas.

The RPP "provides assurances and funding for long-term resource protection, management, restoration, and enhancement of the proposed biological open space. As part of the proposed project, the on-site preserve would consist of 1,209.1 acres of habitat into three cohesive, contiguous blocks, and protect the biological open space from future encroachment through organized habitat management and land stewardship in perpetuity" (Draft EIR Appendix H). Furthermore, the RPP includes a discussion of the project's general consistency with the RPO (Section 4.3) and how RPO impacts meet the exemption criteria under Section 86.605 of the RPO.

- O-1-119** The comment states that the Draft EIR does not describe the alignment for Deer Springs Road that was used to determine impacts to U.S. Army Corps of Engineers



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jurisdictional wetlands, and that the Draft EIR should analyze impacts resulting from a six-lane alignment for Deer Springs Road because that is the ultimate alignment that was used in the traffic study. The comment further states that the County should perform specific studies to determine other species and resources that would be impacted by the full buildout of Deer Springs Road.

In response, regarding the six-lane alignment of Deer Springs Road, the project proposes two options, Option A and Option B, neither of which propose full buildout of a six-lane roadway as identified in the County's General Plan (see **Response to Comment O-1-95**). The alignment that was used to analyze impacts to jurisdictional wetlands and other resources was Option B, buildout of a four-lane road, which represents the worst-case scenario. 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-1-120** The comment states the Golden Door hired a technical consultant (Spindrift) to prepare a report with recommendations "to preserve cultural resources and potentially mitigate impacts to cultural resources from the proposed widening of Deer Springs Road." The comment states the results of the Spindrift report should be analyzed by the Draft EIR. The County does not concur with this comment for the following reason.

The DEIR does address the pertinent issues mentioned in the referenced document above. The DEIR discusses the Project design efforts and mitigation of impacts to cultural resources, including preservation to the extent feasible. The County, with assistance from archaeologists, the applicant, and the consulting tribes, developed the measures necessary to preserve and mitigate potential impacts on cultural resources. This effort included evaluating resources in the Off-Site Area of Potential Effect (APE), analyzing multiple road construction designs to minimize impacts to resources, and incorporating the ethnographic information regarding the TCP to address impacts and mitigation regarding the TCP. Other recommendations presented in the Spindrift report are not applicable because resources identified by Spindrift are not in the APE and, for that reason, were not required to be analyzed (e.g., GDS-001, GDS-002, Golden Door Spa Resort Historical Designed Landscape).

- O-1-121** The comment states that Section 1.2.1, Environmental Setting, of the Cultural Resources Report (Appendix I to the Draft EIR) did not discuss specific geological deposits, soil deposits and FEMA flood hazard ratings to establish the geo-archaeological context of the Project and the cultural sensitivity of the sediments underlying the Project. The County does not concur with this comment for the following reason.

The sensitivity of the sediments in the Project area was established based on existing conditions and information, including the number and type of archaeological sites that have been documented and consultation efforts with Native American Tribes. The majority of the Project is underlain by granite bedrock which has no potential to contain buried resources. The valleys, which do contain sediments, are considered to have high sensitivity for buried resources, and therefore the Draft EIR requires archaeological and Native American monitors during construction (M-CR-7, Draft EIR, page 2.5-49). Moreover, off-site improvements to Deer Springs Road are partly located in a FEMA 100-year flood hazard zone, and while no cultural resources have been identified in these areas, the Project has been conditioned in the DEIR to require archaeological and Native American monitors during construction. In addition, any inadvertent discoveries must be mitigated if they cannot be avoided. Therefore, a specific geoarchaeological study is not necessary to make these determinations. Nor is there evidence that the absence of a geoarchaeological study impeded the cultural resource impact analysis or resulted in an underreporting of such impacts.

The Draft EIR analyzed Geology and Soils in Section 2.6, Geology and Soils, and FEMA flood hazard in Section 3.2, Water Quality and Hydrology. Specifically pg. 3.2-17 addresses the proposed projects proximity to the 100-year Year Flood Zone, the 100-Flood Hazard Zone is shown on Figure 3.2-2, (DEIR p. 3.2-31) and Appendix CC, Preliminary Floodplain analysis for Stevenson Creek and Twin Oaks Creek, analyzes preliminary designs for off-site improvements.

- O-1-122** The comment lists several existing improvements on the project Site and states that it is not clear whether these structures were evaluated as part of the technical report and whether these resources are historic and require evaluation for eligibility to the CRHR. The comment also states that is also not clear if these resources are part of existing previously recorded resources because the resource identifiers were not provided in the introduction chapter if previously recorded.

In response, Dudek recorded three resources that were more than 45 years in age that fall within the APE: (1) the Granite Quarry, (2) a portion of the Second San Diego Underground Aqueduct, and (3) a portion of North Twin Oaks Valley Road. Each resource was recorded on Department of Parks and Recreation (DPR) 523 series resource records and submitted to the SCIC for assignment of permanent trinomials. None of these resources will be impacted by implementation of the proposed project. Under CEQA, avoidance of impacts is the preferred treatment of cultural resources. Avoidance of impacts to these resources is feasible and thus, no formal significance evaluations of the three resources was completed.

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- O-1-123** The comment states that it is not clear whether the Deer Springs Road off-site impact area was surveyed and if all potential impacts were analyzed in the Draft EIR. The County does not concur with this comment for the following reason.

The entire APE (On-Site and Off-Site) analyzed in the DEIR (described at DEIR pages 2.5-1 to 2.5-2) was surveyed, as shown on Figure 4-1 of the cultural resources technical report and in the DEIR. The archaeologist and a Luiseño monitor resurveyed the Off-Site APE along Deer Springs Road as part of the 2017 survey efforts mentioned on page 65 of the technical report. Appendix I has been revised to state the following:

“During the 2017 field season, off-site areas were resurveyed, including the entire Deer Springs Road Corridor, sewer improvement areas, and the Interstate 15 interchange area (excluding Caltrans ROW that consisted entirely of engineered fill.”

In addition, the Final EIR was also revised to state “The 2017 surveys also included a complete pedestrian re-survey of the entire Deer Springs Road corridor impact area.”

All potential impacts to cultural resources in the APE were addressed in the DEIR and the proposed project was conditioned with mitigation measures to reduce those impacts (See Draft EIR, Section 2.5.6, Mitigation Measures). As a result, the Draft EIR concludes “...all potentially significant impacts on cultural resources can be mitigated to less than significant”. (DEIR, page 2.5-78)

Analyzing the option of widening of Deer Springs Road to six lanes was not required by the County as the proposed project does not require widening to six lanes (See **Response to Comment O-1.16-4**). Nonetheless, the cultural resources survey included the 6-lane General Plan buildout area.

- O-1-124** The comment states this section of the EIR does not provide sufficient information, makes conclusory statements resulting in impact determinations, and proposes inadequate mitigation measures. The comment is an introduction to the comments that follow (O-1-125 through O-1-132). The comment does not raise any specific issue related to the adequacy of any specific analysis of the EIR. Please refer to the following responses (**Response to Comments O-1-125** through **O-1-132**). 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-1-125** The comment states that it is unclear how the proposed project will be consistent with the General Plan’s policies, including Policy S-8.2, and that the EIR is missing

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information to allow the public to determine that the project would “not permit development that could cause or contribute to slope instability.” The County does not concur with this comment.

General Plan Policy S-8.2 prohibits development from causing or contributing to slope instability. The project was analyzed for consistency with this policy (refer to the Land Use Consistency Analysis, Appendix DD to the EIR). As stated in Table 1 of Appendix DD:

General Plan Goal or Policy	Project Conformance	Conclusion
S-8.2 Risk of Slope Instability. Prohibit development from causing or contributing to slope instability.	The project is designed to prohibit causing or contributing to slope instability. For example, slope excavation of cut slopes over 10 feet may require blasting. If rock debris remains on the 1:1 (horizontal to vertical) cut slopes, the cut rock slopes may need to be raked/scaled with proper runoff control measures in-place. Cut slopes located within dense rock areas and free of adverse geologic conditions (jointing, fracturing, and weathering) will have an adequate safety factor for both deep-seated and surficial stability. The project's final geotechnical report(s) and Grading Plans will contain detailed requirements for all cut and fill areas within the project based on the specific geotechnical conditions present in each area.	Consistent

The above consistency finding is based on the analysis contained in Appendix J-1, Preliminary Geotechnical Investigation. As stated above, any loose rock debris that remains on cut slopes would be raked/scaled off of the cut slopes. And, as is standard practice throughout the blasting, grading, and construction process, all grading, blasting, compaction, and raking/scaling off of loose rock material will be observed and inspected throughout the blasting, grading, and construction process by both the Geotechnical Engineer of Record and County inspectors. Further, after cut and fill slopes and areas are completed, they will be monitored by the Geotechnical Engineer of Record to ensure that these areas remain stable. Slope Stability is more specifically addressed in Section 6.7 of the Preliminary Geotechnical Investigation (Appendix J-1 to the EIR). Section 6.7 of Appendix J-1 states that:

“Our previous analysis (Leighton, 2005a) indicates that the proposed cut and fill slopes, at the proposed heights and gradients, have a calculated static factor of safety greater than 1.5 with respect to potential deep-seated failure. In our opinion, the proposed major cut slopes within the dense on site bedrock would be stable to the designed heights and gradients provided slopes are free of adverse geologic conditions. Based on our review of current grading (Fusco, 2015) plans, *the designed cut and fill slopes* are generally similar (i.e., slope gradients and geologic condition) to those on previous site

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development plans, and therefore *are considered stable* provided they are free of adverse geologic conditions.”

Further, Appendix E to Appendix J-1, provides a Slope Stability analysis for various sections across the project Site.

Mitigation Measure M-GE-2 and M-GE-3 also address slope stability. M-GE-2 requires a final soils report (also commonly referred to as a final geotechnical report) which shall include a surficial stability analysis and conclusions and design recommendations. M-GE-3 requires that “if adverse geologic conditions... are encountered during installation of cut slopes, stabilization measures shall be required and implemented during grading. Specific stabilization measures shall include, but not be limited to, removal of loose boulders or displaced rocks, stability fill buttresses, rockbolting, and/or catchment netting.” Accordingly, the proposed project would comply with Policy S-8.2 because it has considered slope stability and requires mitigation to address potentially unstable slopes that may temporarily exist during the blasting and grading process. More generally, as a standard engineering practice for all development entering the grading and construction phase, as part of the preparation of grading plans and the final engineering process, final geotechnical reports will be prepared for the project Site and for offsite improvements to ensure implementation of these mitigation measures and consistency with Policy S-8.2 throughout the grading and construction process. Therefore, blasting and grading activities will not contribute to slope instability with implementation of Mitigation Measures M-GE-2 and M-GE-3 and through adherence to the findings and requirements in the final geotechnical reports.

More broadly, ensuring that grading, blasting, and construction activities follow the recommendations of the final geotechnical/soils report is a standard construction practice applicable to all development and required by the California Building Code, Chapter 18 (Soils and Foundation) and the Health and Safety Code Section 17953. In accordance with these code requirements, which are enforced through the County’s permitting process, all building areas, including lots, roads, and cut and fill slopes, must be inspected to ensure these areas meet the specifications as outlined on the grading plans, tested to ensure these areas meet proper compaction requirements, and all final drainage improvements that pertain to individual lots or graded areas obtaining building permits must be installed and functioning prior to the issuance of building and construction permits for structures, utilities, roads, and other improvements. Therefore, throughout the final engineering and grading and construction processes, from design through completion of grading activities, standard engineering practices and inspection protocols are followed with full

oversight by the County and project engineers to ensure that development neither causes nor contributes to slope instability.

**O-1-126** The comment states that the EIR does not contain proposed blasting locations, thus, it is unclear if such activity may occur on unstable slopes, which would conflict with General Plan Policy S-8.2, and questions if the location of structures or development will change if blasting in the area could contribute to slope stability. A blasting exhibit has been prepared and added as Figure 2.10-11 to Section 2.10, Noise, of the EIR and Section 2.10 has been revised to reference this figure and clarify the criteria used to determine potential blasting locations. Figure 2.10-11 shows the areas on the project Site and along Deer Springs Road that would likely require blasting to remove rock material that is too dense to be removed with conventional grading activities. As shown in the figure, the majority of the potential blasting areas are well within the project Site and substantially separated (several thousand feet away or more) from existing residences. Certain areas along the western boundary of the project Site and in the southeastern corner of the project Site would potentially involve blasting activities within 500 feet of existing residences. In accordance with Mitigation Measure M-N-5, “blasting shall not exceed 1 inch per second peak particle velocity at the nearest occupied residence, in accordance with County of San Diego’s Noise Guidelines, Section 4.3 (County of San Diego 2009a).” As is standard practice with all grading operations that require blasting of rock material, a blasting plan will be required to ensure compliance with this mitigation measure. The blasting plan will include measures such as continuous monitoring of drilling and blasting activities, monitoring and measurement of all individual blasts and reports prepared for each blast event, requirements to overburden blast areas (e.g., cover areas subject to blasting with three to five feet of fill dirt) or cover blast areas with blasting mats to prevent material from being discharged beyond the blast zone and to minimize and control airblast overpressure, a requirement to wet down blast areas to minimize dust, calibration of blasting levels in preparation for blasting activities in areas within 500 feet of occupied residences or public roads (e.g., the blasting along Deer Springs Road), and other standard blasting procedures and protocols to minimize blasting impacts beyond the blast zone and to protect life and property before, during, and after blast events.

Regarding compliance with Policy S-8.2, please refer to above **Response to Comment O-1-125**. The County also notes that the mere presence of or potential presence of existing unstable slopes on a project Site does not make a project inconsistent with Policy S-8.2. Instead, Policy S-8.2 deals with situations where a project would result in unstable slope conditions or add to existing unstable conditions. As explained in **Response to Comment O-1-125**, as part of the normal, County-permitted course of grading and construction activities, no project can result

in either of these outcomes as doing so would be a violation of their permit conditions and state law. Regarding the suggestion that the location of structures or development could be changed, any change to the approved project plans would be subject to additional review, including environmental review to confirm if the change would have the potential to result in potentially new impacts in accordance with CEQA. Further, as it pertains to blasting, Mitigation Measures M-GE-2 and M-GE-3 above would address any temporary slope instability conditions that could result during the course of blasting and/or grading activities, and no change to development areas as a result of blasting would be expected to occur.

- O-1-127** The comment states that the EIR is missing information to determine the extent of soil erosion that may occur as a result of the project's grading and blasting. The comment states that it is unclear if "the BMPs outlined in the SWPPP will be effectively able to mitigate soil erosion impacts because there are no blasting locations provided in the EIR," and that "BMPs may be required to be altered based on site specific constraints that cannot be appropriately determined based on the content of the EIR." The County does not concur with this comment.

Section 2.6.3.6 of the EIR addresses Soil Erosion. As stated in Section 2.6.3.6, and noted in the comment, "a Stormwater Pollution Prevention Plan (SWPPP) would be prepared in accordance with the State Water Resources Control Board (SWRCB) Order No. 99- 08-DWQ NPDES General Permit No. CAS00002 (Construction General Permit) and ... the Project Applicant is required to submit to the SWRCB a Notice of Intent (NOI) and develop a SWPPP describing best management practices (BMPs) to be used during and after construction. The BMPs would provide erosion and sedimentation control through measures such as silt fences, fiber rolls, gravel bags, temporary desilting basins, velocity check dams, temporary ditches or swales, storm water inlet protection, and soil stabilization measures such as erosion control mats, tackifier, hydroseeding and/or vegetation. The SWPPP would be approved prior to the issuance of a grading permit. Maintenance of BMPs will be enforced on a daily basis through County grading and stormwater inspectors on the project Site during the entirety of grading and construction activities. Adjustments, including the installation of additional sediment control and erosion control BMPs, may be required during the construction process as determined by the County.

The project is also required to comply with the County of San Diego Code of Regulations Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE – EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water and wind erosion."

As it pertains to blasting locations, a blasting exhibit has been prepared and added as Figure 2.10-11 to Section 2.10, Noise, of the EIR. Please see the **Response to Comment O-1-126** above. The exact limits of blasting will be further refined as part of the Final Geotechnical Report prepared concurrent with the processing of grading plans, for which a SWPPP will also be prepared and an NOI filed. All erosion controls measures and BMPs identified in the SWPPP and the grading plans, and recommendations from the Final Geotechnical Report, will be implemented in accordance with the County Code of Regulations and maintained throughout the grading and construction process, ensuring that potential impacts related to erosion from grading and blasting would be less than significant.

**O-1-128** The comment states that the EIR assessment of potential impacts related to known active, potentially active, or inactive faults that transect the anticipated location of the I-15 interchange improvements are conclusory because no interchange design plans are included in the EIR. The County agrees that no such design plans are included in the EIR because no such design plans are available at this time. Nevertheless, while the exact scope of the interchange improvements is subject to a separate CEQA/NEPA process with Caltrans as the lead agency, the general location of the interchange improvements is known. Accordingly, the EIR's evaluation of potential impacts due to faults related to the interchange improvements was conducted in accordance with Appendix J, Preliminary Geotechnical Investigation, of the EIR. Appendix J was prepared in reliance upon the following official maps and documents (refer to Appendix A, References, of Appendix J of the EIR) pertaining to known active, potentially active, and inactive faults within the vicinity of the project Site, which includes the area proposed for interchange improvements:

- California Geological Survey (CGS), 2003, The Revised 2002 California Probabilistic Seismic Hazard Assessment Maps, June 2003
- California Geological Survey (CGS), 2007, Fault Rupture Hazard Zones in California, Special Publication No. 42, Revised 2007 (Interim Version).
- Hart, E.W., 1997, Fault-Rupture Hazard Zones in California, Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps: Department of Conservation, Division of Mines and Geology, Special Publication 42.
- Jennings, C.W., 2010, Fault Activity Map of California and Adjacent Areas: California Division of Mines and Geology, California Geologic Map Series, Map No. 6



Based on review of the referenced documents above, no known active, potentially active, or inactive faults exist within the vicinity of the project Site, which includes the location of the proposed I-15/DSR interchange improvements.

Finally, the nearest fault zone to the project Site is the Elsinore-Julian Fault Zone which is approximately 13 miles to the east of the interchange. As a standard engineering requirement, Caltrans requires the construction of new interchanges to meet seismic requirements to withstand earthquakes generated by known active fault zones based on the projected magnitude of an earthquake from that fault zone and the distance between that fault zone and the interchange improvements. The Elsinore-Julian Fault Zone would not be expected to require any unusual or unique seismic requirements applicable to the project's interchange improvements compared to what new and retrofitted Caltrans facilities are typically required to meet. Accordingly, there is sufficient evidence that the I-15 interchange improvements would not be within any known active, or potentially active or inactive faults, Caltrans applies standard engineering requirements to the design and construction of new interchanges to address any seismic risks, and, therefore, the conclusion in the EIR is not conclusory.

The comment concludes that the EIR should include and analyze the design of the interchange improvement to ensure the public may adequately comment on the proposed measure and potential impacts. As explained in **Topical Response TR-2**, there is no Caltrans-approved design for the interchange improvements at this time. The project applicant has initiated a three-phase process to analyze interchange configuration options, conduct environmental analysis with Caltrans as the lead agency, obtain Caltrans approval of an interchange configuration, and prepare and process engineering plans to build the interchange. This process will ultimately lead to the selection of a preferred interchange configuration and design. As explained in Chapter 2 of the EIR, "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," which will ensure the public has the opportunity to review and comment on the improvements.

- O-1-129** The comment states there is not information about the location or extent of blasting and that the EIR only notes that "cut slopes over 10 feet would require blasting to excavate the slope." The comment continues that the proposed mitigation for potential impacts requires "mapping of all cut slopes and stabilization *if necessary*." The comment restates information from the EIR and questions why the information cannot be provided to the public beforehand, and whether and how such information,

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once mapped as required by M-GE-3, will be communicated to the public or if the public will be given the opportunity to comment on the proposed cut slopes.

The County does not agree with this comment. Mitigation measure, M-GE-3 states:

**M-GE-3** *A geotechnical consultant in the field shall perform mapping of all cut slopes during grading. If adverse geologic conditions (e.g., highly fractured and jointed rock, clay-lined fractures, seepage zones) are encountered during installation of cut slopes, stabilization measures shall be required and implemented during grading. Specific stabilization measures shall include, but not be limited to, removal of loose boulders or displaced rocks, stability fill, buttresses, rock-bolting, and/or catchment netting. Prior to approval of final inspection of site grading for each phase of the affected areas of the proposed project, the stabilization measures shall be reviewed and approved by the County Department of Planning & Development Services or its designee.*

The Preliminary Grading Plan identifies project grading, including all cut and fill slopes, and is publicly available on the County's website. Therefore, the project's proposed cut slopes were mapped at the Tentative Map/Preliminary Grading Plan level, were made available for public review and comment during the EIR Public Review Period, and continue to be available for public review through the County's website. Due to the amount of detail contained within the Preliminary Grading Plan, it would not be an effective means of communicating this level of detail by including such detail within the body of the EIR. Instead, the details associated with the project's grading, including cut and fill slopes, is much more effectively presented visually on the Preliminary Grading Plan. In addition to the Preliminary Grading Plan, Plates 1 and 2 of Appendix J-1 to the EIR, Preliminary Geotechnical Investigation, provide the location for the geotechnical investigations performed on the project Site.

The reference to "if necessary" on page 2.6-23 will be deleted in the Final Draft.

**O-1-130** The comment states that the EIR concludes that the project site contains area of potential surficial instability and identifies a potentially significant impact requiring mitigation. The comment notes the required mitigation measure (M-GE-2) which states that mitigation will be implemented on a "case by case basis...based on review of final grading plans and field observations during grading" is deferred mitigation because the EIR provides no information on the location of potential surficial instability. The County does not agree with this comment.

Mitigation Measure M-GE-2 states:

**M-GE-2** A California Certified Engineering Geologist shall complete a final soils report specific to the preliminary design of the proposed development. The final soils report shall include, but not be limited to, a surficial stability analysis. The report shall include conclusions and design recommendations including, but not limited to, buffering areas without structural development, construction of debris walls, catchment basins, or slope buttressing. The final soils report and final grading plans shall be submitted to, and approved by, the County Department of Planning & Development Services or its designee prior to the issuance of grading or construction permits for any phase of the project. The final soils report and final grading plans shall conform to all applicable laws, regulations, and requirements. All geotechnical recommendations provided in the final soils report and final grading plans shall be followed during grading and construction at the project site.

As required by M-GE-2, a Final Geotechnical Report is required to be prepared and include a surficial stability analysis. The Report must include conclusions and design recommendations, and must be reviewed and approved by the County Department of PDS prior to issuance of a grading or construction permit. The recommendations contained therein are required to be followed throughout the grading and construction process and are overseen by the Geotechnical Engineer of Record and County inspectors. Accordingly, the Mitigation Measure provides that the location of potential surficial instability will be identified and design recommendations will be provided to mitigate for any instability prior the impact occurring (i.e., prior to the issuance of a grading permit).

In addition, Appendix J, Preliminary Geotechnical Investigation, discussed potential surficial instability and includes the Geotechnical Map showing potential locations. Per Section 6.7.2 of Appendix J:

“To increase Open Space areas relative to the proposed development, it is occasionally desirable to leave undisturbed natural slopes adjacent to development areas. Natural slopes on-site are subject to surficial instability, as indicated by the presence of slope wash deposits, source area scars, and perched granitic boulder outcrops, as shown on the Geotechnical Map (Plates 1 and 2). Such areas are of particular significance when located above and immediately adjacent to proposed

development (Plates 1 and 2). Mitigative (sic) measures can be applied on a case-by-case basis, and include buffer areas without structural development, construction of debris walls, or catchment basins, or slope reconstruction and buttressing. The need for such mitigation should be based on review of final grading plans and field observations during grading.”

The Geotechnical Maps (Plates 1 and 2) provide locations of potential surficial instability which are required to be further evaluated during the final engineering process and Figure 2.6-2 in the EIR provides locations where rockfall hazards exist. Thus, the EIR does provide information on the location of potential surficial instability.

As to the comment that Mitigation Measure M-GE-2 constitutes deferred mitigation, the preparation of a Final Geotechnical Report in association with the preparation and approval of grading plans is required by state law, and both documents must be prepared consistent with written standards and regulations. California Health & Safety Code Section 17953 states:

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

The Final Geotechnical Report will contain the same findings and recommendations as contained in the Preliminary Geotechnical Report with updated information and graphics related to additional testing (e.g., additional borings and test pits) performed on the project Site as part of the final engineering process and also to reflect the 40-scale grading plans prepared as part of the final engineering process. Therefore, the preparation of such a report related to final engineering documents like grading plans do not constitute deferred mitigation. Further, the fact that the grading permit cannot be issue until both the Final Geotechnical Report and the grading plans are approved reinforces the fact that no aspect of the final engineering process constitutes “deferred mitigation”. In the event that the recommendations in the Final Geotechnical Report and/or the proposed grading plan resulted in new or increased impacts that were not contemplated by the project’s EIR, such an outcome would require new environmental analysis subject to public review, which, depending on the extent and nature of the change in impacts, could require additional mitigation.

- O-1-131** The comment restates that EIR identifies a potential rockfall hazard area near Sarver Lane and proposes a catchment area but that the EIR does not disclose and analyze if

this area disturbs or has the potential to disturb private property. The comment further states that the EIR “does not appear to analyze rockfall impacts to private property located directly adjacent to the Project Site, nor does the Geotechnical Investigation and Rockfall Hazard Report address conditions and proposed improvements along Deer Springs Road.” The County does not concur with this comment.

Specific to the catchment area along Sarver Lane, Table 1 – Rockfall Mitigation Table of Appendix J-3, Geotechnical Evaluation of Rockfall Potential, identifies this area Rockfall Hazard Area RF-7, consisting of 0.2 acre with potentially hazardous boulders. As noted in the comment, the recommended mitigation measure is a catchment area and leaving localized boulders in place. The report notes the feasibility of mitigation that such mitigation is feasible because “(s)ections of flat or negatively sloped ground located directly adjacent to the toe of the potential rockfall slope and proposed Sarver Lane can be utilized.” Table 1 further notes that “(a) trench with a barrier (typically a wall or berm) may need to be installed in the area located directly adjacent to the toe of the potential rockfall slope and proposed Sarver Lane. An excavator or backhoe will be utilized to dig the rockfall ditch to be located directly adjacent to the toe of the potential rockfall slope. It is anticipated that *no more than 0.15 acres* would be disturbed for the installation of the catchment area.” Thus, Appendix J-3 does note the potential for temporary disturbance to property to install the catchment area at the toe of slope. This area will be within the grading footprint for improvements to Sarver Lane, which has a 29-foot shoulder in this area.

Specific to the comment that the EIR does not analyze impacts to private property adjacent to the Project Site or to property along Deer Springs Road, the County does not agree with this comment. Appendix J-3 did consider off-site areas. Figure 2.6-2 in the EIR shows the location of potential rockfall hazard areas outside of the project’s proposed graded areas. Only one area east of Sarver Lane (as discussed above) is within the vicinity of private property and the recommended mitigation measures specific to this location are outlined above. All other areas are internal to the project Site and, in all cases, the rockfall hazard is directionally projected away from offsite private property and toward the project’s graded areas with most of the rockfall hazards being on the edge of proposed graded areas and no additional areas were determined to be subject to potential rockfall. Accordingly, no impacts to offsite private property would occur as a result of rockfall hazards.

- O-1-132** The comment states that the EIR does not analyze potential mudslide or rockfall impacts from widening Deer Springs Road to six lanes. The County agrees the EIR does not analyze the potential impacts of a six-lane Deer Springs Road because neither does the project require nor does the project propose to widen Deer Springs Road to six lanes. Based on the results of the Traffic Impact Analysis, Appendix R to

the EIR, Deer Springs Road would operate at an acceptable Level of Service (LOS) under Existing + Project + Cumulative conditions as a Four-Lane Major Road (4.1B Major Road). Accordingly, there is no necessity or requirement for the project to widen Deer Springs Road to six lanes. For a more detailed response on why the project does not require the widening of Deer Springs Road to six lanes and why the project's EIR is not required to analyze impacts associated with a six-lane-wide Deer Springs Road, please see **Response to Comment O-1-8**, **Responses to Comments O-1-244 through O-1-252**, and **Response to Comment O-1.16-4**.

- O-1-133** The comment states that the Draft EIR's approach for the mitigation of project-related GHG emissions is inconsistent with the San Diego County General Plan, which the comment states requires mitigation within San Diego County. This comment serves as an introduction to comments that follow; therefore, please refer to **Responses to Comments O-1-142 through O-1-147** for responsive information regarding the consistency of the proposed project's GHG mitigation framework with the County General Plan and General Plan Update EIR mitigation measures for GHG emissions. For further responsive information, please refer to **Topical Response GHG-3: County's 2018 Climate Action Plan**. This topical response includes an analysis showing that the project is consistent with the County's Climate Action Plan (CAP), but, nonetheless, it is a separate, stand-alone GHG analysis.
- O-1-134** The comment states that the Draft EIR underestimates the proposed project's GHG emissions and further states that the proposed mitigation measures lack certainty and render GHG emission reductions illusory. The County does not concur with these introductory comments, with more specific comments that follow. Therefore, please see **Responses to Comments O-1-138** (addressing the "true-up" provision), **O-1-162 through O-1-171** (addressing the accuracy of the emissions estimation protocols) and **O-1-172 through O-1-185** (addressing the adequacy of the mitigation).
- O-1-135** The comment states that the proposed project's "net zero" approach "falls well short of the standard set by the Newhall project." The comment is a general introduction to more specific comments comparing the proposed project to the Newhall Ranch project. Therefore, please see **Responses to Comments O-1-136 through O-1-140** for responsive information to more specific comments related to this comparison exercise. Preliminarily, it also is noted that the "standard set by the Newhall project" represented a standard that was determined to be achievable by a project with its own set of unique attributes. For example, the size and scale of the Newhall project – which is considerably larger than that of the Sierra project – made feasible a suite of GHG emission reduction strategies that cannot be feasibly implemented by smaller

projects.<sup>62</sup> That being said, the “net zero” approach proposed by the Sierra project is consistent with the spirit and intent of the Newhall project – both projects are committed to reducing their GHG emissions to net zero. And, in the realm of *global* climate change, where actual reductions of GHG emissions are meaningful irrespective of their location, this commitment is measurable and comparable.

**O-1-136** The comment states that the California Air Resources Board (“CARB”) should review the Draft EIR’s GHG emissions analysis, similar to the Newhall project. The comment states that, without CARB’s assurance that offsets would be sufficient, the Draft EIR should be re-circulated with additional mitigation measures to reduce GHG emissions. The County does not concur with this comment for the following reasons.

First, CEQA does not require that the County condition its discretionary actions on the receipt of CARB’s technical evaluation and input. As the lead agency for the project, the County is authorized to certify the project’s CEQA compliance documentation, provided the analysis contained therein is supported by substantial evidence. For purposes of CEQA, substantial evidence is not limited to assurance from CARB that the project’s GHG emissions analysis is adequate. (CEQA Guidelines §15384). In this respect, the County has determined that the Draft EIR’s GHG emissions analysis and supporting record provide the substantial evidence needed to support the GHG determinations made in the EIR. The substantial evidence includes, but is not limited to: GHG emissions modeling undertaken by a qualified, expert consultant (Dudek); GHG emissions inventory data estimated using the industry standard, expert-endorsed modeling platform (CalEEMod); and, project design features and mitigation measures developed following review and consideration of available literature and recommendations issued by recognized experts (e.g., CARB; CAPCOA).

Second, the County circulated the Draft EIR for a 60-day public review and comment period. The Draft EIR was sent to the State Clearinghouse for distribution to interested State agencies, including CARB. As such, during the public comment period, CARB had an opportunity to review and comment on the proposed project’s GHG emissions analysis. However, no such comment letter was received.

Third, the Newhall project is distinguishable from the Sierra project because the lead agency for the Newhall project was a *State* agency, specifically the California Department of Fish and Wildlife (“CDFW”). Because of the Newhall project’s direct

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<sup>62</sup> As a point of comparison, the Sierra project proposes a total of 2,135 residential units, whereas the Newhall project proposed a total of 21,242 residential units and more than 9 million square feet of non-residential development. Basic principles of economies of scale are at play: reduced costs per unit of GHG reduction arise from increased total output of development.

nexus to a State agency, CARB assisted with the evaluation of the project's GHG emissions. Here, the Sierra project is under the jurisdiction of the County of San Diego, and the EIR is for local permits and authorizations, not State permits and authorizations. Thus, the County has determined that CARB's role in the Newhall project was driven by the size and scale of that project and its need for State permits and authorizations.

Fourth, while CARB has not directly assisted in the review of the Sierra project's GHG emissions analysis, it is noted that one of the preparers of the Newhall project's environmental documentation also assisted the County with the review of the Sierra project's environmental documentation. Specifically, Ascent Environmental, Inc., was under contract with CDFW to assist with the Newhall project (see Section 4.0 of the Newhall project's Additional Environmental Analysis, included herein as Appendix JJ-5 to the Final EIR) and Poonam Boparai, a Senior Air Quality and Climate Change Specialist with Ascent Environmental, Inc. assisted with the analysis. Ascent Environmental, Inc. also is under contract with the County to provide technical expertise on air quality and GHG analyses, and Ms. Boparai assisted with its review of the Sierra project's EIR – see Chapter 6 of the EIR.

Fifth, as described in **Topical Response GHG-1: Use of Carbon Offsets** and discussed further below, the use of carbon offsets as CEQA mitigation is appropriate and supported, and allowed by the Newhall project's mitigation framework. The Sierra project's combination of on- and off-site reduction strategies is consistent with the discretion afforded to the County under CEQA for purposes of mitigating GHG emissions (CEQA Guidelines §15126.4(c)).

- O-1-137** The comment states that the Newhall project's GHG mitigation framework includes a more precise preference system for geographic priority than the Sierra project, and notes that the Newhall project requires "Direct Reduction Activities" in an amount equal to the project's GHG emissions – only "if necessary" will the Newhall proponent seek "Carbon Offsets" for the remaining GHG emissions." The comment concludes by saying that the County's General Plan and related EIR require the County to provide a specific level of reductions within its jurisdiction. The County does not concur with this comment for the following reasons.

First, it is within the discretion of the County, acting as the lead agency for the proposed project, to select the portfolio of mitigation measures it finds are supported by substantial evidence and desirable. As discussed in the referenced response, the CEQA Guidelines do not impose a mandatory hierarchy on allowable mitigation options (see CEQA Guidelines §15126.4(c)), and the California Natural Resources Agency specifically rejected requests from commenters to include such a hierarchy



during the SB 97 rulemaking proceedings that led to adoption of the pertinent CEQA Guidelines provisions.<sup>63</sup> Further, the Newhall project is situated in a different setting, in a different jurisdiction, with State permit requirements and a different scope and scale. As such, this Sierra project can, should, and does stand on its own, based on its project EIR and record.

Second, the County does recognize CARB's support for the prioritization of on-site reduction strategies (CARB, *California's 2017 Climate Change Scoping Plan* (November 2017), page 102). The County also notes, however, that CARB recognizes that, where further project design or regional investments are infeasible or ineffective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits. (Ibid.)

The Draft EIR's Greenhouse Gas Emissions Section (Section 2.7) recommended mitigation measures which, in combination with identified project design features, would reduce the project's GHG emissions to net zero, supporting a determination that project impacts would be less than significant. As discussed in the Draft EIR, the necessary GHG reductions would be achieved through a combination of on- and off-site reduction strategies. To further demonstrate that the project has incorporated appropriate, applicable, and recommended, on-site reduction strategies, Appendix JJ-2 to the Final EIR evaluates the project's consistency with potentially feasible mitigation measures for individual projects undergoing CEQA review identified by CARB in Appendix B of its *2017 Climate Change Scoping Plan*.

Third, regarding geographic preference, please refer to **Response to Comment O-1.4-70**, which includes a revision to M-GHG-1 and M-GHG-2 as follows:

~~Ninth, the County of San Diego Planning & Development Services Department will consider the project applicant or its designee shall demonstrate, to the satisfaction of the Development Services Director, that the following geographic priorities for GHG reduction features, and GHG reduction projects and programs carbon offsets have been met: 1) project design features/on site reduction measures; 12) off-site within the unincorporated areas of the County of San Diego; 23) off-site within the County of San Diego; 34) off-site within the State of California; 45) off-site within the United States; and 56) off-site internationally. As listed,~~

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<sup>63</sup> See also County of San Diego, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, General Plan Amendment, GHG Threshold, and Guidelines for Determining Significance for Climate Change (SCH No. 2016101055), Master Response 12 – Mitigation Hierarchy and Use of Carbon Offset Credits. This information is incorporated by reference and available for public review upon request to the County.

geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide cross-over benefits related to air quality criteria pollutant reductions within the San Diego Air Basin, and to aid in San Diego County jurisdictions' efforts to meet their GHG reduction goals. The project applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such offset projects and programs are financially competitive in the global offset market. The project applicant or its designee shall submit proof to the County that offsets are unavailable in a higher priority category before seeking offsets from the next lower priority category.

Through implementation of the project's Mitigation Monitoring and Reporting Plan (MMRP), the County would have a measured process in place to evaluate the project's compliance with the geographic priority provisions. That being said, the County also notes that implementation of the geographic priority provisions does not influence the effectiveness of the mitigation framework with respect to realizing the necessary reduction in GHG emissions, provided that the identified performance standards relating to the environmental integrity of the carbon offsets set forth in other portions of the mitigation measure are achieved. This is because it is scientifically recognized that GHG emissions result in global environmental impacts – neither the release of a GHG nor the reduction of a GHG has localized consequences.

Fourth, with respect to the distinction drawn by the comment between “Direct Reduction Activities” and “Carbon Offsets,” as defined in the *Newhall Ranch Greenhouse Gas Reduction Plan* (see Appendix 6 of the Final Additional Environmental Analysis for the Newhall project, available at <https://www.wildlife.ca.gov/regions/5/newhall> and included as Appendix JJ-4 to this Final EIR), a “Direct Reduction Activity” is defined to “mean the direct undertaking or funding by the project applicant of an activity or activities that reduce or sequester GHG emissions at a location other than the project site.” A “Carbon Offset” is defined to “mean an instrument issued by an Approved Registry that shall satisfy the performance standards set forth in Section IX.B and represent the past reduction or sequestration of one metric tonne of carbon dioxide equivalent achieved by a Direct Reduction Activity or any other GHG emission reduction activity that is not otherwise required (CEQA Guidelines § 15126.4(c)(3)).” The *Newhall Ranch Greenhouse Gas Reduction Plan* authorizes the applicant of the Newhall project to purchase Carbon Offsets if Direct Reduction Activities are “not reasonably available based on timing, availability, cost constraints, or other relevant information” and,

importantly, draws no distinction between Direct Reduction Activities and Carbon Offsets for purposes of evaluating the effectiveness of the GHG reduction.

The County has determined that it is neither reasonable nor necessary to require project applicants proposing projects under its jurisdiction to exclusively undertake “Direct Reduction Activities,” in part, given the measured distinction in the scale of projects under its jurisdiction as compared to the Newhall project.<sup>64</sup> Notably, the County’s mitigation framework does not preclude project applicants from pursuing Direct Reduction Activities, recognizing that evolving market forces, regulations and changes in those regulations over time, and business-specific factors at the time the GHG reductions are needed are relevant considerations. Further and importantly, the County has determined that the standards contained in the Sierra project’s GHG mitigation framework ensure the high environmental integrity of offsets secured under **M-GHG-1** and **M-GHG-2** (see **Topical Response GHG-1: Use of Carbon Offsets**). For CEQA purposes, the Sierra project’s mitigation framework is in accordance with the requirements of CEQA Guidelines Section 15126.4(c)(3) (For further responsive information, please see **Topical Response GHG-2: Additionality of Carbon Offsets**.)

Fifth, for a showing that the project is consistent with the General Plan and General Plan EIR requirements for GHG emission reductions, please refer to **Responses to Comments O-1-142** through **O-1-147**.

- O-1-138** The comment states the Draft EIR includes a “true up” provision that renders M-GHG-2 illusory because it allows the project to decrease the volume of operational emissions that are offset and because it occurs without additional public input. The comment notes that the Newhall project does not include a similar “true up” provision. However, the inclusion of a “true up” process in GHG reduction plans is not without precedent in San Diego County, as projects such as the Carlsbad Seawater Desalination Project (State Clearinghouse No. 2004041081), the EIR for which was certified in June 2006, included an annual “true up” process as part of its Energy Minimization and Greenhouse Gas Reduction Plan (Poseidon 2008).

In response to this comment, the pertinent component of M-GHG-2 has been revised as shown below. These revisions serve to improve the transparency of the “true up” process, as requested by the comment.

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<sup>64</sup> As a point of comparison, the Sierra project proposes a total of 2,135 residential units, whereas the Newhall project proposed a total of 21,242 residential units and more than 9 million square feet of non-residential development.

**Eighth**, this EIR acknowledges that the project's GHG emissions estimates are conservative because the project's GHG emissions are expected to decrease beyond the estimates presented in the EIR's analysis, in part, due to reasonably foreseeable improvements in fuel efficiency, vehicle fleet turnover, technological improvements related to transportation and energy, and updates to emissions models and methodologies. Thus, subject to County oversight and the processes described below, the operational emission estimates that govern implementation of this project are subject to a "true up" at the election of the project applicant (as defined above) and subject to the approval ~~satisfaction~~ of the County's Board of Supervisors, as considered pursuant to a noticed public hearing process that accords with applicable legal requirements, including those set forth in CEQA for the post-approval modification of mitigation implementation parameters ~~Director of PDS~~.

Specifically, if new technological-advancements, regulatory updates, or model and methodology updates occur at a future date result in greater GHG efficiencies and less impacts from project operations than the information projected in the certified Final EIR for the project and the project applicant elects to process a "true-up" exercise subsequent to the County's certification of the Final EIR and approval of the project is undertaken, the project applicant shall provide an updated operational GHG emissions inventory for of the project's operational emissions for the "true up" operational conditions, including emissions from mobile sources, energy, area sources, water consumption, and solid waste. If updated GHG emission calculations are conducted for the "true-up" exercise at the project applicant's election, s Subject to the satisfaction of the County's Board of Supervisors ~~Director of PDS~~, these calculations shall be conducted using a County-approved model and/or methodology and must validate the continuing adequacy of modeling inputs used in the EIR that are not proposed to be altered as part of the "true-up" exercise. The inclusion of the validation requirement ensures that any updated operational GHG emissions inventories for the project fully account for then-existing information that is relevant to the emissions modeling. Alternatively, the project applicant may purchase all carbon offset credits to reduce operational GHG emissions at issuance of the first building permit.

The "true up" operational GHG emissions inventory, if conducted, will be provided in the form of a project-specific Updated Emissions Inventory and Offset Report to the County's Board of Supervisors ~~Director of PDS (or its designee)~~ prior to the issuance of building permits for the next buildout phase. The subject technical documentation shall be prepared by a County-approved, qualified air quality and greenhouse gas technical specialist.

If the Director of PDS (or its designee) determines that the technical documentation demonstrates that the quantity of project-related greenhouse gas emissions would be lower than the quantity identified in the certified Final EIR for the project, and finds that the technical documentation is supported by substantial evidence, such Planning Director may authorize a reduction in the total carbon offsets value required for the project. In all instances, substantial evidence must confirm that any reduction to the total carbon offsets value as identified in the certified Final EIR for the project is consistent with the project commitment to achieve and maintain carbon neutrality (i.e., net zero emissions) for the 30-year life of the project.

**O-1-139** The comment continues to compare the Sierra project to the Newhall project and is critical of the Draft EIR's inclusion of three mitigation measures, noting that the Newhall project included twelve mitigation measures and a thirteenth mitigation measure for carbon offsets. The comment states that "it is not possible to determine how many emissions are offset by the project design features and how many by offset purchases," and expresses concern regarding the level of certainty associated with the Sierra project's design features. The County does not concur with this comment for the following reasons.

First, while the Sierra project's Draft EIR identifies three mitigation measures, M-GHG-3 is actually a suite of 32 Project Design Features ("PDFs"); thus, there are more than three measures to reduce GHG emissions. The project's 32 on-site PDFs (see Draft EIR, Table 2.7-7) include; (a) a Transportation Demand Management ("TDM") Program (PDF-1 through PDF-20), (b) solar photovoltaic panels on all residences (PDF-22), (c) pre-plumbing for the use of greywater systems where feasible (PDF-26), (d) water efficient landscaping and irrigation equipment to reduce water usage (PDF-24 and PDF-25), (e) energy efficient appliances (PDF-31), (f) installation of electric vehicle chargers in all single-family and multi-family residential garages (PDF-23), and (g) other features to reduce energy usage, water consumption and limit GHG emissions. The Draft EIR conservatively and only accounts for GHG emission reductions from those PDFs, which are readily quantifiable, and thus likely underestimates the amount of GHG emissions reductions achieved by the project. Specifically, GHG emission reductions attributable to PDFs 1 through PDF-20, and PDF-22 are accounted for in EIR Section 2.7; however, GHG emission reductions attributable to PDF-21 and PDF-23 through PDF-32 are not included in the EIR.

As to the project's TDM Program, a technical memorandum quantifying the anticipated VMT reductions (which translate into GHG emission reductions) was prepared by the same transportation engineering firm (Fehr & Peers) used by the

Newhall project. Table 2: TDM Program Performance Metrics and Targets of that memorandum (see Appendix D of DEIR Appendix K) identifies the specific performance measures that the project is committing to that would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2.

Second, as to the claim it is not possible to determine how many emissions are offset by the project design features and how many by offset purchases, Table 2.7-7 calculates the VMT reduction for the TDM Program based on CAPCOA Guidance, which is estimated to be 4,722 MT CO<sub>2</sub>E per year. Table 2.7-7 also has been supplemented to include the emissions reductions credited to PDF-22 for the installation of solar PV panels on all single-family and multi-family units, which is estimated to be 3,453 MT CO<sub>2</sub>E per year.

Table 2.7-8, Estimated Proposed Project Emissions with GHG Reduction Features (2021) calculates the total, remaining GHG emissions to be mitigated through purchase and retirement of offset credits, which is estimated to be 43,498 MT CO<sub>2</sub>E per year. Tables 2.7-9 through 2.7-14 then calculate the proposed project emissions associated with various land uses on a per unit/acre basis. These are the amount of emissions which are required to be offset through the retirement of carbon offsets credits. Per M-GHG-2, prior to issuance of a Site Plan for any of these uses, proof of retirement of carbon offset credits in the appropriate amount is required.

Third, please note that the project's mitigation measures, the project's Mitigation Monitoring and Reporting Program (MMRP), the project's Project Design Features (PDFs), and the project's Tentative Map and Preliminary Grading Plan are implemented through the project's Conditions of Approval. The MMRP is required by CEQA to be adopted in conjunction with approval of the project and is built into the project's Conditions of Approval. The project's Conditions of Approval will be in place through all phases of the project and implementation will be tied to specific future administrative and discretionary actions by the County (e.g., issuance of a Grading Permit, recordation of a Final Map, approval of a Site Plan, etc.) which will ensure that the project's mitigation measures and PDFs are successfully implemented prior to impacts occurring and as outlined in the EIR and Specific Plan (for example, prior to the County's issuance of a grading permit, the project applicant will have to demonstrate that 100% of construction-related GHG emissions have been offset, that the project's fleet of grading and construction equipment meets the Tier IV requirements outlined in the project's mitigation measures, etc.). Accordingly, this

## Comment Letter Responses

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information provides further certainty and clarity regarding the Sierra project's achievement of its "net zero" commitment.

- O-1-140** The comment states the Draft EIR does not provide sufficient certainty for the purchase of carbon offsets if "first tier registries," as defined by the comment to include the Climate Action Reserve, American Carbon Registry, Verified Carbon Standard and CARB-approved registry, are not available. Additionally, the comment states that the Draft EIR "appears to leave registry selection for offset purchase entirely to the developer's discretion."

In response, the pertinent component of M-GHG-1 and M-GHG-2 has been revised as follows:

"Carbon Offset" shall mean an instrument issued by any of the following: (i) the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the State's cap-and-trade program, or (iii) if no registry is in existence as identified in options (i) and (ii), above, then any other reputable registry or entity that issues carbon offsets that is acceptable to the Director of the Planning & Development Services Department. Prior to use of option (iii), it shall be demonstrated that the other reputable registry or entity follows accounting, quantification and monitoring protocols, as well as eligibility and procedural performance standards, that are comparable to those used by the registries identified in option (i).

As demonstrated by the State's approval of the *Newhall Ranch Greenhouse Gas Reduction Plan* (see particularly Section IX.B therein), the Climate Action Reserve, American Carbon Registry and Verified Carbon Standard use accounting, quantification and monitoring protocols, and implement eligibility and procedural performance standards, which CARB has determined achieve an acceptable degree of environmental integrity for the CEQA process. As such, by supplementing M-GHG-1 and M-GHG-2 to require a demonstration of equivalency between option (i) and option (iii) registries, the comment's concern has been addressed.

- O-1-141** The comment concludes that the Draft EIR's "net zero" approach is less defined and less supportable than the approach adopted for the Newhall project, and requests that the Draft EIR be recirculated with a modified mitigation framework for GHG emissions. The County does not concur with this comment for the reasons stated above. Please see **Responses to Comments O-1-135 through O-1-140**.

- O-1-142** The comment states that the Draft EIR conflicts with the County's General Plan, which the comment states requires that all of the project's GHG emissions be reduced

within the geographic boundary of San Diego County. In support of its position, and after providing background information regarding the County's General Plan and litigation concerning its prior Climate Action Plan ("CAP"), the comment cites General Plan Goal COS-20, as well as General Plan EIR mitigation measures CC-1.2 and CC-1.8.

The County does not concur with the comment's interpretation of General Plan Goal COS-20 as exclusively requiring the local reduction of GHG emissions. As originally adopted in 2011, Goal COS-20 state: "Reduction of local GHG emissions contributing to climate change that meet or exceed requirements of the *Global Warming Solutions Act of 2006*."<sup>65</sup> (Emphasis in original.) The comment's interpretation would be supported if the Goal read *local* reduction of local GHG emissions, but it does not. Particularly in the scientific realm of *global* climate change, such an interpretation of the Goal is over-broad and unsupported. In other words, locally-generated GHG emissions must be reduced, and that reduction can occur through several means including through means outside of the region.

In fact, both COS-20 and the 2011 GPU PEIR mitigation specifically refer to AB 32, the Global Warming Solutions Act, and global warming in general (2011 GPU EIR pages S-20, 2.17-1 et seq., and 7-80; 2011 GPU pages 5-31-33, 38). Further, GHG emissions are a global, cumulative impact. This was recently highlighted by the California Supreme Court (see the 2015 *Center for Biological Diversity et al., v. California Department of Fish and Wildlife and The Newhall Land and Farming Company* decision). On page 219, the California Supreme Court stated that: "First, because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself...With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe...Second, the global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that *the impacts to be evaluated are also global rather than local*." (Emphasis added.) Further, as stated on pages 219-220, "[f]or many air pollutants, the significance of their environmental impact may depend greatly on where they are emitted; for greenhouse gases, it does not." Therefore, the use of carbon offset credits to mitigate significant cumulative impacts from the project is

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<sup>65</sup> As part of its development of the 2018 CAP, the County modified the verbiage of Goal COS-20 and General Plan EIR mitigation measures CC-1.2 and CC-1.8. The updated Goal-COS-20 replaces the term "local" with "community-wide (i.e., unincorporated County) and County Operations". This recent change does not affect the substance or conclusions of the analysis in this response to comment.



consistent with the purpose and intent of 2011 GPU Policy COS-20 and 2011 GPU PEIR Mitigation Measure CC-1.2 to address *global* climate change impacts.

As explained in Appendix DD, the project is consistent with Goal COS-20:

“The proposed project would reduce GHG emissions contributing to climate change by exceeding requirements of the Global Warming Solutions Act of 2006 (AB 32). The project has committed to offset all of its greenhouse gas emissions to achieve and maintain carbon neutrality (i.e. net zero emissions) for the life of the project. This initiative would make the project the first large-scale planned community in San Diego County to achieve a 100 percent reduction in the project’s construction and operational GHG emissions through the life of the project.”

Additionally, as for the referenced mitigation measures, General Plan EIR mitigation measure CC-1.2 requires preparation of a CAP and measure CC-1.8 requires the County to revise its CEQA guidelines for determining the significance of GHG emissions based on the CAP. These measures do not require individual projects undergoing CEQA review to limit their mitigation reduction opportunities to San Diego County. More specifically, measure CC-1.2 requires the County to prepare a CAP that would achieve a 17% reduction in emissions from County operations and a 9% reduction in non-governmental, community-wide emissions. Neither mitigation measure is identified as or intended to be a mandate for individual development projects.<sup>66</sup>

Here, the proposed project includes 32 PDFs that would be implemented within the proposed community to reduce local GHG emissions. PDFs 1-20, which comprise the project’s TDM Program, would result in an 11.1% reduction in the project’s vehicle miles travelled, which equates to a reduction in mobile source-related GHG emissions of approximately 4,722 MT CO<sub>2</sub>E per year. In addition, PDF 22 provides for solar panels on all residential units and solar-powered light fixtures along public roads.

EIR Table 2.7-6 shows the annual GHG emissions before implementation of the PDFs and mitigation are approximately 52,986 MT CO<sub>2</sub>E per year. After accounting for implementation of the quantified PDFs discussed in the paragraph above, project emissions would be approximately 43,498 MT CO<sub>2</sub>E per year, as shown in EIR Table 2.7-8. Thus, the combined reduction of PDFs 1-20 and 22 would reduce the project’s

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<sup>66</sup> As part of its development of the 2018 CAP, CC-1.2 was updated to remove the specific emissions reductions, and was replaced with reference to updated Goal COS-20 which includes the emission reduction targets included in SB 32. This recent change does not affect the substance or conclusions of the analysis in this response to comment.

emissions within San Diego County by approximately 15.5% annually. As such, the comment's statement that the project "could conceivably allocate 100% of its emissions reductions to actions taken off-site and even outside of the County" is unsupported and a misrepresentation of the analysis contained in the EIR.

Further, while the General Plan does not require GHG reductions to be exclusively located within the County, it is noted that the project's remaining GHG reductions achieved via implementation of M-GHG-1 and M-GHG 2 shall be subject to a geographic priority system that prioritizes emissions reductions in San Diego County, consistent with Mitigation Measure GHG-1 from the Supplemental EIR prepared for County's Final CAP as adopted in February 2018, as identified in **Response to Comment O-1-137**. This geographic priority system recognizes that the availability of carbon offsets should be determined on a "real time," as-needed basis because the market conditions for carbon offsets are constantly changing and evolving. For more information on the County's Final CAP as adopted in February 2018, please see **Topical Response GHG-3: County's 2018 Climate Action Plan**.

**O-1-143** The comment states that the project would "urbanize rural unincorporated County" and increase VMT. The comment also states the project is not included within the emissions inventory prepared for the County's January 2018 draft CAP, and states that approving this project would "irrevocably frustrate" the County's ability to reduce its GHG emissions. The County does not concur with this comment for the following reasons.

First, with respect to the comment that the project would "urbanize rural unincorporated County," the County notes that the comment expresses the opinion of the commenter but does not raise an issue concerning the adequacy of the Draft EIR. The County also notes that the project Site currently is primarily undeveloped, however, as described in Section 1.4 (Environmental Setting) and illustrated in Figure 1-37 (Aerial Map and Surrounding Land Uses) of the EIR, land uses surrounding the project Site include single-family and semi-rural residential development. Additionally, the existing land use designations in the County's General Plan would allow approximately 99 single-family homes and up to 2 million square feet of office professional and commercial space, along with associated infrastructure (see Section 4.5.1, Existing General Plan Alternative, of the EIR). Further, the project Site is approximately 1 mile from the City of San Marcos, within the spheres of influence of two North County cities, the Cities of San Marcos and Escondido, two cities with substantial suburban and urban development and supporting a combined population of approximately 250,000 people. The vicinity of the project also includes significant existing and planned infrastructure (refer to Appendix JJ-10 to the Final EIR).

Therefore, the General Plan already anticipates the so-called urbanization of this project Site.

Second, with respect to the comment that the project's location would increase VMT, please refer to EIR Section 2.13.10 (VMT Analysis), which analyzes the potential impacts to VMT as a result of the proposed project. For purposes of the GHG emissions analysis that is the subject of these comments, the mitigation framework provided in EIR Section 2.7 ensures that the GHG emissions attributable to VMT are reduced to net zero.

Third, with respect to the comment that the proposed project is not included in the County's 2018 CAP, the CAP is based on the existing land use designations in the County's General Plan (2011) and, thus, the proposed project is not included in the CAP's emissions inventories. However, the CAP does account for some level of development on the project Site and the Sierra project is included in the cumulative analysis of the CAP's Supplemental EIR.<sup>67</sup>

Although the proposed project is not accounted for in the 2018 CAP's emissions inventories, the CAP does not preclude General Plan amendments. Further, because the Sierra project proposes to reduce its GHG emissions to net zero, the project would not impair the CAP's ability to achieve the contemplated emission reductions. For purposes of this analysis, the EIR conservatively requires the project to achieve a no net increase in GHG emissions above existing conditions, even though it would be possible to reduce the emissions reduction obligation by reference to the land use designations associated with the existing General Plan that are accounted for in the CAP's emissions inventories.

For more information on the County's Final CAP as adopted in February 2018, please see **Topical Response GHG-3: County's 2018 Climate Action Plan**. It is noted that the CAP was not discussed in detail in the Sierra project's EIR because the draft version of the CAP was published *after* release of the Draft EIR. Further, CEQA does not require evaluation of a project's consistency with un-adopted, draft plans.

**O-1-144** The comment states that: (i) the "failure to comply with General Plan EIR Mitigation Measure CC-1.2 would result in the County's violation of a prior mitigation

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<sup>67</sup> See County of San Diego, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, General Plan Amendment, GHG Threshold, and Guidelines for Determining Significance for Climate Change (SCH No. 2016101055), Table 1-3, Cumulative Projects List (see, e.g., page 1-74). As demonstrated therein, the Sierra project was considered by the County as a reasonably foreseeable cumulative project in its environmental analysis for the 2018 CAP. This Final Supplement is incorporated by reference and available for public review upon request to the County.

measure,” and (ii) “the County cannot attempt to render conditions of approval ‘meaningless by moving ahead with the project in spite of them.’” The comment does not address the adequacy of the environmental analysis prepared for the Sierra project, but instead addresses the County’s compliance with its own mitigation obligations pursuant to the certified EIR adopted for its General Plan (and specifically measure CC-1.2, which requires the County to prepare a CAP). As such, the comment appears to be conflating two separate projects and processes. The commenter is referred to the County’s website for the 2018 CAP (located at [https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate\\_Action\\_Plan\\_Public\\_Review.html](https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html)) and responses prepared by the County to the commenter’s input on that undertaking.

The County also does not concur with the comment’s implication that the Sierra project has been inappropriately “piecemealed.” The EIR for the Sierra project evaluates the environmental implications of the whole of the action, consistent with CEQA’s requirements. Whether or not the County has complied with its independent, non-Sierra-specific obligations imposed by its General Plan EIR is a question separate and apart from the adequacy and sufficiency of the environmental analysis prepared for the Sierra project. No further response is required.

- O-1-145** The comment states that the Draft EIR fails to discuss the project’s inconsistency with the General Plan and fails to analyze the project’s impact on the County’s ability to achieve its jurisdictional emissions reduction goals. This comment serves as a restatement of prior comments already considered and responded to in **Responses to Comments O-1-141** through **O-1-144**; please see those responses for responsive information. As provided therein, because the project would be required to achieve no net increase in GHG emissions above existing conditions, the project would not conflict with or impair the County’s ability to achieve its own GHG reduction goals. It also is noted that the project’s consistency with the General Plan was analyzed throughout the EIR, including Section 2.7.3.2 (specific to GHG emissions), Section 3.3 (Land Use and Planning), and Appendix DD (Land Use Consistency Table).
- O-1-146** The comment states that the Draft EIR uses thresholds from Appendix G of the CEQA Guidelines, rather than those contained in the 2018 CAP’s implementing documents. The comment states that the project cannot establish consistency with the 2018 CAP because the CAP is not yet approved; nonetheless, the comment notes that any inconsistency with implementation of the CAP would be an inconsistency with the General Plan and thereby trigger a significant impact determination under Appendix G. The County does not concur with the comments.

In response, and as explained in prior responses, the County's CAP was neither adopted nor in draft form at the time of circulation of the Sierra project's Draft EIR. As such, the CEQA analysis prepared for the Sierra project is not linked to the County's separate CAP development processes.

The County agrees that any inconsistency with the CAP or General Plan that has environmental consequences would be an impact under Appendix G. However, as analyzed in the EIR and discussed above in prior responses, the project's analysis indicates that the project would not conflict with applicable General Plan policies for the reduction of GHG emissions.

Please see **Topical Response GHG-3: County's 2018 Climate Action Plan**, which provides additional information regarding the County's 2018 CAP and its relationship to the environmental analysis prepared for the Sierra project. Please also see **Responses to Comments O-1-142** and **O-1-143**, above, which explain that the proposed project would result in net zero GHG emissions and, thus, would not affect implementation of the CAP.

**O-1-147** The comment states that the project conflicts with SANDAG's local goals and plans, and therefore does not provide for proper collaboration between the County and SANDAG in furtherance of General Plan Policy COS-20.3. The comment serves as an introduction to more specific comments that follow; therefore, please refer to **Responses to Comments O-1-149** through **O-1-161** below for responsive information. Please also see EIR Section 2.7.3.2, and specifically Table 2.7-15 therein, which evaluates the project's consistency with applicable policies from SANDAG's RTP/SCS and Appendix DD to the EIR. Finally, it is noted that Policy COS-20.3 does not apply to specific projects, but rather reflects a jurisdictional objective of the County to coordinate air quality planning efforts with other jurisdictions. Coordination between the County and SANDAG occurred as part of the preparation of the traffic modeling prepared for the Traffic Impact Analysis (refer to Appendix R1 to the EIR), and as part of the review process for the Draft EIR (as demonstrated by SANDAG's comment letter on the Draft EIR).

**O-1-148** The comment states the "true up" provision renders M-GHG-2 illusory. Please see **Response to Comment O-1-138** above, which addresses the commenter's objections to the subject provision. Additionally, as stated in **Response to Comment O-1-138** above, the inclusion of a "true up" process in GHG reduction plans is not without precedent in San Diego County, as projects such as the Carlsbad Seawater Desalination Project (State Clearinghouse No. 2004041081), the EIR for which was certified in June 2006, included an annual "true up" process as part of its Energy Minimization and Greenhouse Gas Reduction Plan (Poseidon 2008).

**O-1-149** The comment states that the location of the proposed project in “rural” North County conflicts with the RTP/SCS and is thus “inconsistent with SB 375’s statewide mandate to reduce GHG emissions from the transportation sector.” The comment also states that the project’s Draft EIR failed to discuss whether the project was included in SANDAG’s SCS modeling, for purposes of demonstrating compliance with CARB’s SB 375 reduction targets for the San Diego region. The County does not concur with the comments.

In response to the comment’s characterization of the project vicinity, please see **Response to Comment O-1-143** for information regarding the project’s surrounding land uses and the General Plan’s land use development allowances for the Site. Additionally, while the project Site is located in the unincorporated County, the Site is located within the North County Metropolitan Subregional Plan Area, which includes the communities of Twin Oaks and Hidden Meadows. (EIR p. 1-25 and 1-26.) The Site also is located less than a mile from the municipal boundaries of the cities of San Marcos and Escondido—two cities that support a combined population of approximately 250,000 people. (*Ibid.*) The City of Vista is also 3 miles west of the Site, the City of Oceanside is 5 miles northwest of the Site, and the City of Carlsbad is 7 miles west of the Site. (*Ibid.*)

Next, by way of background, SB 375 required CARB to adopt regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035. Regional metropolitan planning organizations (MPOs), such as SANDAG, are then responsible for preparing a Sustainable Communities Strategy within their Regional Transportation Plan. The goal of the SCS is to establish a forecasted development pattern for the region that, after considering transportation measures and policies, will achieve, if feasible, the GHG reduction targets. In 2010, CARB adopted the SB 375 targets for the regional MPOs. The targets for SANDAG are a 7% reduction in emissions per capita by 2020 and a 13% reduction by 2035.<sup>68</sup> (EIR p. 3.3-5 and 3.3-6.)

SANDAG completed and adopted its 2050 RTP/SCS in October 2011. And, in November 2011, CARB, by resolution, accepted SANDAG’s GHG emissions quantification analysis and determination that, if implemented, the SCS would

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<sup>68</sup> CARB presently is preparing an update to the SB 375 regional reduction targets for year 2035. For purposes of the SANDAG region, CARB is proposing to increase the target from a 13% to 19% reduction in GHG emissions per capita. Based on CARB’s evaluation of SANDAG’s current SCS, the region is anticipated to achieve an 18% reduction in GHG emissions per capita by 2035. As such, and practically speaking, SANDAG would need to achieve 1% in additional reductions by 2035 if CARB proceeds to adopt the current proposal. (See, e.g., CARB’s SB 375 Greenhouse Gas Emission Reduction Targets and Program Performance Reporting public workshop presentation (2018), available at [https://www.arb.ca.gov/cc/sb375/sb375\\_2018\\_workshop\\_slides.pdf](https://www.arb.ca.gov/cc/sb375/sb375_2018_workshop_slides.pdf).) This information is incorporated by reference and available for public review upon request to the County.

achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region. In October 2015, SANDAG adopted *San Diego Forward: The Regional Plan*, which is a combined update of the Regional Comprehensive Plan and the 2050 RTP/SCS. Like the 2050 RTP/SCS, this planning document meets CARB's 2020 and 2035 reduction targets for the region (SANDAG 2015). And, in December 2015, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region.

In accordance with Government Code Section 65080(b)(2)(B), SANDAG's SCS plans have utilized "the most recent planning assumptions considering local general plans and other factors." In this respect, as noted by the comment, the development on the Site that is proposed by the project is not specifically reflected in SANDAG's forecasted development patterns presented in the SCS plans. The SCS plans do, however, account for some level of development on the project Site via reliance on the County's General Plan.<sup>69,70</sup>

For reasons discussed further below, the omission of the project's development proposal does not automatically necessitate a finding that the project is inconsistent with SB 375 or would impair implementation of SANDAG's SCS. In furtherance of this point, **Section 2.7.3.2** and **Table 2.7-15** of the EIR evaluate the project's consistency with SANDAG's RTP/SCS and conclude the project would be consistent with the RTP/SCS. This is because the project would include site design elements and project design features, including features that would be implemented as part of the TDM Program, which were developed to support the policy objectives of SB 375 and SANDAG's RTP/SCS and to reduce the project's VMT. By way of example, implementation of the project's TDM Program is expected to achieve an 11.1 percent reduction in project-generated VMT, due to its utilization of numerous multi-modal

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69 As illustrated in Table 2.7-16 of the Draft EIR, the VMT associated with the proposed project is very similar to the VMT associated with the existing General Plan land uses. Specifically, the proposed project would result in 262,376 VMT, whereas the existing General Plan land uses are estimated to result in 251,116 VMT. As shown therein, while the proposed project would generate more trips than the existing General Plan land uses, those trips would have shorter average trip lengths than those associated with the existing General Plan land uses.

70 It is noted that the proposed Deer Springs Road widening improvements are consistent with the Mobility Element of the County's General Plan. (See Draft EIR, pp. 2.13-100 to 2.13-101; and Draft EIR Appendix R, Technical Appendix R2, pp. 29-30.) The project's proposed road widening improvements to Deer Springs Road, Twin Oaks Valley Road, and the I-15/Deer Springs Road interchange are also incorporated into SANDAG's modeling for the SCS. Thus, the referenced widening improvements were included in SANDAG's Series 12 and Series 13 data and can be viewed on the SANDAG Transportation Forecast Information Center website available at: <http://tfic.sandag.org/> (select either Series 12 or Series 13 Activity Based Model, Deer Springs Roadway Link). This information is incorporated by reference and available for public review upon request to the County.

strategies that are recommended by transportation planning experts to beneficially reduce VMT.

It also is noted that the project applicant coordinated with SANDAG during the preparation of the traffic model for **Appendix R1**. SANDAG also provided a comment letter on the project's Draft EIR, in which it did not object to the Draft EIR's conclusion that the proposed project was consistent with its long-range planning documents.

Finally, it is noted that Government Code Section 65080(b)(2)(K) is express in its declarations that an SCS does *not* regulate the use of land, does *not* supersede the exercise of the County's land use authority, and does *not* require the County's land use policies and regulations (including those set forth in its General Plan) to be consistent with the SCS.

**O-1-150** The comment states that the proposed project was not included in the SCS's land use model for compliance with statewide reductions, and conflates compliance with state reduction targets as compliance with the RTP/SCS. In response, please see **Response to Comment O-1-149** above, addressing consistency with the RTP/SCS.

The comment also contends the Draft EIR does not provide an in depth analysis supporting the conclusion on page 2.7-44 of the Draft EIR that "the overall VMT in the region and at the project level with implementation of the project would be within 4.5 percent of SANDAG-forecasted VMT for the region." The comment states it is "unclear how being within 4.5 percent of SANDAG's forecasted VMT equates to consistency with SANDAG's approved RTP/SCS."

In response, the calculation determining the operational VMT attributable to the proposed project would be within 4.5% of the SANDAG-forecasted VMT for the region is derived from information contained within Table 2.7-16 of the Draft EIR. (See also, **Appendix K**, *Greenhouse Gas Emissions Technical Report*, Table 24.) Table 2.7-16, in turn, presents VMT information that was provided by SANDAG, which is incorporated in the EIR at **Appendix R4 – Transportation Modeling for the Newland Sierra Development**. SANDAG calculated the region-wide VMT and Project (Select Zone) VMT for the "with" and "without" project scenarios. The "with" project scenario VMT was calculated at 294,804 VMT, and the "No Project" scenario VMT was calculated at 251,116 VMT, as presented in **Table 2.7-16**. The "with" project VMT was then reduced by 11.1 percent based on the results of **Appendix R3 – Newland Sierra TDM Program VMT Reduction Evaluation**, for a total of 262,376 VMT. This total is 4.5 percent greater than the No Project VMT total of 251,116. Appendix K has been revised to show this calculation for clarification.



Despite increasing SANDAG's forecasted VMT by 4.5 percent, the project would be consistent with SANDAG's approved RTP/SCS because the project would further the objectives and policies of the RTP/SCS, and would not conflict with or obstruct the plan. (Draft EIR, pp. 2.7-42 through 2.7-44.) In land use decisions, "consistency" does not require perfect, rigid conformity. (*See, e.g., San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678.) Accordingly, the Draft EIR reasoned that the project would be consistent with the RTP/SCS as it would generally be consistent with planned uses and VMT (just a 4.5 percent difference); would provide a balanced mix of uses to allow the project to reduce VMT by offering resident-serving land uses internally; and would combine with an integrated pathway and trail plan and a dense system of internal streets and roads that would promote a pedestrian use and facilitate non-vehicular travel. (Draft EIR, p. 2.7-44.) These attributes are each consistent with SB 375 and the RTP/SCS. (*Ibid.*) Further, Table 2.7-15 evaluated project consistency with the twelve (12) RTP policy objectives and the five (5) SCS strategies outlined in the 2015 RTP/SCS, *San Diego Forward: The Regional Plan*, and found the project would not be inconsistent with any of the seventeen objectives and strategies. See also **Response to Comment O-1-149** above.

It is further noted that, with implementation of the project, the average trip length, would be decreased by approximately 7.2% (from 11.0 miles per trip to 10.21 miles per trip). (Draft EIR, Table 2.7-16.) This is because the project would include a mix of land uses, including 81,000 sq. ft. of retail, which would serve the needs of existing residents in closer proximity than existing retail uses, as well as the future needs of residents within the proposed community. Also, with implementation of the TDM Program, home-based automobile VMT per capita for all three residential use types proposed by the project would be lower than the existing region-wide average. (Draft EIR, p. 2.13-96.) For each of these reasons, the Draft EIR concluded the project would be consistent with SANDAG's approved RTP/SCS.

- O-1-151** The comment states that the Draft EIR does not discuss the omission of the proposed land uses from SANDAG's underlying land use assumptions in the RTP/SCS, and provides background information regarding correspondence exchanged between the County and SANDAG in 2015. See **Responses to Comments O-1-149** and **O-1-150** for relevant information addressing the accounting of project land uses in the RTP/SCS. As discussed therein, the omission of project land uses from SANDAG's SCS-based forecasted development patterns and associated modeling does not mandate a determination that the project is inconsistent with SB 375 or would impair implementation of SANDAG's SCS.

- O-1-152** The comment states that Draft EIR employs an impermissible plan-to-plan analysis to demonstrate its SCS consistency for VMT strategies. The County does not concur with this comment. The Draft EIR's consideration of the project's consistency with the underlying policy objectives of SB 375 and the policies and strategies of SANDAG's RTP/SCS (see, e.g., Table 2.7-15 of the Draft EIR), as well as its provision of information regarding how the project's VMT compares with the VMT associated with the existing General Plan land use allowances (which was considered by SANDAG in preparing its SCS plans in accordance with Government Code Section 65080(b)(2)(B)) (see, e.g., Table 2.7-16 of the Draft EIR), is not an impermissible plan-to-plan analysis. Rather, the type of information and analysis provided accords to operative provisions of the CEQA Guidelines, such as Section 15064.4(b)(3), Section 15125(d), and Appendix G. An impermissible plan-to-plan analysis occurs when an environmental baseline (e.g., quantity of GHG emissions to serve as point of comparison for evaluating significance of proposed emissions) is established by reference to a land use plan with anticipated, not existing land uses. Here, the significance inquiry requires that the project be evaluated in relation to an identified planning framework (i.e., RTP/SCS); as such, the parameters of that planning framework are relevant and appropriate factors.
- O-1-153** Citing another portion of this comment letter (the Traffic and Transportation section), the comment states that the Draft EIR overstates trip reductions from the project's TDM Program. Please refer to **Responses to Comments O-1-176** through **O-1-184** and **O-1-254** through **O-1-256** herein for responses to more detailed comments on this subject. It also is noted that the effectiveness of the TDM Program measures was evaluated using methodologies contained in the California Air Pollution Control Officers Associations' ("CAPCOA") *Quantifying Greenhouse Gas Mitigation Measures* (2010). (See Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017), at pages 3- 4.) All calculations were performed using the CAPCOA report's suburban (not urban) area input and the methodologies were specifically applied to the VMT associated with the user of the TDM measure. (*Id.* at pages 7-20.) To qualify for a VMT reduction due to land-use diversity, the project had to include at least three of the following on-site uses (and/or off-site within ¼ mile): residential, retail, park, open-space, or office. (*Id.* at page 8.) Applying CAPCOA's methodology, which takes into account both the type of land use and the land use area, Fehr & Peers found a percent VMT reduction of 20.5% attributable to land-use diversity. However, for suburban developments like Newland Sierra, CAPCOA limits the VMT reduction attributable to land-use diversity to 5.0%. Accordingly, the Draft EIR limited VMT reductions from mixed use/land use diversity characteristics to 5.0%, but tangible VMT reductions may be far greater.

**O-1-154** After recognizing that the County is not “legally required to make its General Plan conform to the land use assumptions that SANDAG has used for the RTP/SCS,” the comment states that the Draft EIR “must provide environmental information sufficient to allow the public and the Board of Supervisors to determine if the Project will interfere with the attainment of the goals for the San Diego region that have been set by CARB.” As discussed above in **Responses to Comments O-1-147 to O-1-152**, the Draft EIR evaluated and disclosed information relevant to evaluating project consistency with the RTP/SCS, thereby providing the public and decision makers with adequate information to qualitatively assess the effects of the project.

Further, both CARB and SANDAG were provided the opportunity to review and comment on the Draft EIR. This is noted because CARB and SANDAG are the state and regional agencies, respectively, with jurisdictional responsibilities and expertise under SB 375. As previously discussed, the project applicant coordinated with SANDAG during the preparation of the traffic model used for the project’s Traffic Impact Analysis (refer to Appendix R1 to the EIR). SANDAG also commented on the Draft EIR and did not object to the Draft EIR’s conclusion that the proposed project was consistent with its long range planning documents. (See **Response to Comment O-1-149**). Additionally, while the Draft EIR was provided to CARB through the State Clearinghouse, CARB did not provide comments on the Draft EIR.

The comment also states that “the DEIR fails to provide information on whether the approval of the Newland project interfere[s] with the San Diego Region’s required reduction in vehicle miles traveled.” The comment then suggests the County should retain a consultant to re-model using the proposed project’s land use to determine if SANDAG can meet the VMT and GHG reduction targets set by SANDAG and approved by CARB. The County does not agree with this comment.

First, the Draft EIR contains detailed qualitative analysis demonstrating that project implementation would not conflict with the RTP/SCS. (See **Responses to Comments O-1-147 through O-1-152**.) The Draft EIR reasoned that the resulting VMT in the region with the project would be similar to the expected VMT if the project Site was developed with the underlying land uses anticipated by the County’s General Plan and SANDAG modeling (Draft EIR Table 2.7-16 as informed by Appendix R including Appendix R1, Traffic Impact Analysis prepared by LLG and Appendix R3, Newland Sierra TDM Program - VMT Reduction Evaluation prepared by Fehr & Peers contained therein). The Draft EIR also reasoned that the project and its TDM Program (which attains an approximate 11 percent reduction in VMT) would be consistent with the RTP/SCS policies and objectives. Accordingly, the Draft EIR concluded that the project would have a less-than-significant impact with respect to the RTP/SCS. (Draft EIR, pages 2.7-42 through 2.7-44.) Neither CEQA nor the

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RTP/SCS require that the quantitative analysis requested by the commenter be prepared to evaluate project consistency (see, e.g., CEQA Guidelines Section 15064.4(a)).

Second, the project was evaluated for consistency with the RTP/SCS policy framework (refer to Appendix DD to the EIR), the project's mitigation in the form of off-site road improvements is consistent with the County's General Plan Mobility Element and the road and highway network planned within the RTP/SCS (refer to **Responses to Comments O-1.4-42 through O-1.4-45**), and SANDAG did not object to the determination that the project would be consistent with the RTP/SCS (see **Comment Letter A-8**).

Third, the County notes that, while SANDAG is responsible for the preparation of regional planning reports and projects, land use authority to implement regional planning is vested in the County and the 18 incorporated cities. If this project is approved by the County, SANDAG will include the project in the next RTP/SCS update (as required by Government Code Section 65080(b)(2)(B)) and will address progress towards meeting its GHG reduction targets at that time quantitatively and qualitatively, as appropriate. If VMT growth occurs at an undesired rate from a regional perspective (*i.e.*, at a rate that is not consistent with SANDAG's estimates and reduction targets), SANDAG would be required to address that consequence as part of its air quality conformity analysis for its RTP, and via compliance with regional GHG reduction targets set for the SCS. Subsequent actions or mitigation developed by SANDAG for the RTP/SCS that would be applicable in unincorporated San Diego County would apply to the project's future residents, workers, and visitors.

This is not to say that the County does not consider the VMT implications of projects under its jurisdiction. To the contrary, the County's General Plan contains multiple provisions that recognize and advance sustainability principles that consider the relationship between land use location and VMT, and this project's Draft EIR considered the environmental implications of project-generated VMT under the emerging, and not yet adopted framework for implementation of SB 743 (see Draft EIR Section 2.13.10, VMT Analysis).

Fourth, the project's proposed mitigation in the form of offsite road improvements was separately evaluated for the potential for the added road capacity to result in induced VMT. Two different methodologies were used for this evaluation, OPR's elasticity methodology (addressed in the *Newland Sierra VMT Analysis to Respond to SB 743*, Appendix R2 to the EIR) and separately a travel demand model (*Addendum to Newland Sierra VMT Analysis to Respond to SB 743*, Appendix JJ-9 to the Final EIR). Using OPR's elasticity methodology, the project's mitigation in the form of

offsite road improvements to the I-15/Deer Springs Road interchange, to Deer Springs Road, and to Twin Oaks Valley Road were found to result in near-term and long-term induced VMT impacts, however, in contrast to the results using the elasticity methodology, use of a travel demand model found that the same improvements would reduce Regional VMT. Appendix J-9 explains these results in more detail and addresses why the results differ from results obtained using OPR's elasticity methodology and why use of an elasticity methodology does not necessarily capture the VMT reducing benefits associated certain road improvements.

Lastly, as to concerns whether the project will impact SANDAG's ability to meet its CARB-adopted regional GHG reduction targets, the proposed project would offset 100% of its GHG emissions for the life of the project.<sup>71</sup> Specifically, with Mitigation Measure M-GHG-2 and implementation of its 32 PDFs, the project would not result in any net additional GHG emissions. CARB has already determined that implementation of mitigation requirements that are comparable to those established in Mitigation Measure M-GHG-2 would enable another project to not result in any net additional GHG emissions. (See CDFW, Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (SCH No. 2000011025) (June 2017); CARB, California's 2017 Climate Change Scoping Plan (November 2017); and, Letter from CARB to CDFW re: "[CARB] Review of the [GHG] Analysis in the Final Additional Environmental Analysis for the Newhall Ranch [RMDP/SCP]" (June 7, 2017).) CARB has also recognized the appropriate use of carbon offsets through approval of AB 900 projects throughout the State of California. With this mitigation, the project would result in a greater *reduction* in GHG emissions compared to the analysis performed by SANDAG as part of its regional planning.

- O-1-155** The comment provides information from a June 2015 CARB staff report and asks the County to confirm whether the conclusions presented therein "are still true, by using all the existing assumptions and modeling performed by SANDAG in 2015, the County changes its General Plan to allow new urban development at the Newland site and other potential cumulative locations on the Interstate 15 corridor." The comment also states that the County should consider how additional GHG emissions caused by the project will be mitigated or avoided.

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<sup>71</sup> See County of San Diego, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, General Plan Amendment, GHG Threshold, and Guidelines for Determining Significance for Climate Change (SCH No. 2016101055), Comment Letter L4 (SANDAG), Master Response 2 – CAP and SB 375, and Section 2.7.5.2. As illustrated therein, SANDAG's comment letter on the County's CAP did not identify any conflict between the County's proposal and its SCS. This information is incorporated by reference and available for public review upon request to the County.

The County notes the comment provides factual background information from 2015 concerning implementation of SB 375 targets for the San Diego region. As discussed in connection with **Response to Comment O-1-149** above, CARB presently is working on an update to its SB 375 reduction targets. As provided on Slide 10 of its recent workshop materials (from January/February 2018),<sup>72</sup> CARB is proposing to amend SANDAG's 2035 reduction target by increasing it from a 15% to 19% reduction. SANDAG's SCS currently achieves an 18% reduction in 2035; as such, if CARB proceeds as presently proposed, SANDAG will need to identify mechanisms to achieve an additional 1% reduction by 2035. Slide 16 of the referenced workshop materials illustrate that MPO achievement of the SB 375 reduction targets is not solely exclusively attributable to land use strategies, which is the focus of this commenter. Instead, Slide 16 notes that achievement of SB 375 reduction targets is influenced by demographics, the price of fuel, socioeconomic factors, land use strategies and transportation strategies. This is mentioned because the modeling requested by the commenter is not simply a land use-driven undertaking, but rather reflects a complex compilation of numerous factors and attributes.

Notably, the targets provided by the commenter were established by CARB for SANDAG to achieve compliance for purposes of SB 375—they are not CEQA thresholds. Under CEQA, the County, as the lead agency, retains discretion to establish appropriate thresholds of significance (see, e.g., CEQA Guidelines Section 15064.4). The County has considered, as discussed in the responses above, whether the project would conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHGs. Under that threshold, the County has determined the project would be consistent with SANDAG's SCS.

The EIR also already contains a detailed analysis of the project's GHG emissions and mitigation strategy. As described in **Response to Comment O-1-154**, above, the proposed project would not cause additional GHG emissions but would offset 100% of its GHG emissions for the life of the project. The project would thus reduce GHG emissions compared to the proposed land uses currently allowed under the General Plan, which were the land uses considered by SANDAG when evaluating its ability to achieve the CARB-adopted regional GHG reduction targets..

As concerns the evaluation of impacts attributable to the development of other “potential cumulative locations on the Interstate 15 corridor,” cumulative GHG impacts were evaluated in the Draft EIR as, “[d]ue to the global nature of the

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<sup>72</sup> The referenced workshop materials are available online at [https://www.arb.ca.gov/cc/sb375/sb375\\_2018\\_workshop\\_slides.pdf](https://www.arb.ca.gov/cc/sb375/sb375_2018_workshop_slides.pdf). This information also is incorporated by reference and available for public review upon request to the County.

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assessment of GHG emissions and the effects of global climate change, impacts can currently only be analyzed from a cumulative impact context; therefore, this EIR's analysis includes the assessment of both project and cumulative impacts." (Draft EIR, page 2.7-46.) The commenter does not state which other potential I-15 corridor location projects should have been considered. Accordingly, no more specific response can be provided.

- O-1-156** The comment states SANDAG has not planned for transit or improved transportation infrastructure in this area, and has not planned for growth on the project Site. The comment contends "the proposed development will overwhelm SANDAG's modeling because there is no other way to bypass the congestion the project proposes on I-15 and there are no plans to accommodate the increased trips and density." The County does not concur with this comment.

First, SANDAG based its growth forecast on the then-current adopted land use plans of local jurisdictions. While the project Site currently is primarily undeveloped, as described in Section 1.4 (Environmental Setting) and illustrated in Figure 1-37 (Aerial Map and Surrounding Land Uses), the existing land use designations in the County's General Plan would allow approximately 99 single-family homes and more than 2 million square feet of office professional and commercial space, along with associated infrastructure (see Section 4.5.1 (Existing General Plan Alternative) of the Draft EIR). SANDAG's planning thus accounted for use of the project Site.

Second, while the traffic generated by the project would exceed the traffic generated by the existing General Plan land uses by 1,240 Average Daily Trips (ADTs), 6% more than the existing General Plan land uses, the project would generate 36% and 18% fewer trips in the morning and evening peak periods, respectively, compared to the existing General Plan land uses. Therefore, the project would have a net positive effect on the congestion along I-15 compared to what SANDAG modeled for the project Site in the Regional Plan.

Third, even with this population growth, implementation of the proposed project would be within 4.5% of the SANDAG-forecasted VMT for the region, as discussed above in **Response to Comment O-1-150**. (Draft EIR, pp. 2.7-42 through 2.7-44.) In addition, the project would be consistent with SANDAG's approved RTP/SCS. (*Ibid.*)

Fourth, as to whether there are any planned improvements to the transit and transportation infrastructure in the project area, the proposed Deer Springs Road/Twin Oaks Valley Road widening improvements are included in the County's General Plan and SANDAG's regional planning forecasts. Specifically, the widening was included in the North County Metro Mobility Element of the County's General Plan as ID, 13 Deer Springs Road (SF 1414) and incorporated into SANDAG's

planning efforts. See **Response to Comment O-1-149** above for additional information on this point.

Additionally, SANDAG's Regional Plan identifies Bus Rapid Transit Service and managed/toll lanes along the I-15 corridor between the SR 78 interchange and the Riverside County Line as future transportation projects that will be funded, in part, by the existing Transnet sales tax increment, which remains in place until 2048. The Regional Plan also identifies Old Highway 395/Champagne Boulevard/N. Centre City Parkway as part of the Regional Bike Network. Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road are arterials that are part of the Regional Arterial System (RAS) and planned as six- and four-lane arterial roadways in the Regional Plan, the County's General Plan Mobility Element, and the City of San Marcos General Plan. These future road improvements are planned to accommodate increased trips and will be funded by a combination of development impact fees, Transnet sales tax funding, and other local and state funding sources.

- O-1-157** The comment states the proposed project is an unplanned proposal that is not considered by the SANDAG RTP/SCS and, therefore, SANDAG's calculations of GHG emissions reduction from mobile source emissions in the region are inconsistent with the analysis provided in the Draft EIR. The County does not concur with this comment.

As discussed in **Responses to Comments O-1-149** through **O-1-156** above, the Draft EIR determined that the project would not conflict with the RTP/SCS. Moreover, as discussed in **Responses to Comments O-1-154** and **O-1-155**, above, with the recommended mitigation incorporated, the project would offset 100% of its GHG emissions for the life of the project. Accordingly, the project would not adversely impact SANDAG's GHG emissions calculations.

It also is noted that the relevance of the comment's discussion of LOS levels along I-15 is not clear; LOS metrics generally are not germane to consideration of SB 375.

- O-1-158** The comment again states that the proposed project was omitted from SANDAG's regional plans for mobile source GHG reductions, and states the Draft EIR does not provide sufficient information to evaluate whether the project would conflict with SANDAG's SCS. The comment also describes the project's distance to nearby cities, and is critical of the Draft EIR's description of the region – stating that the project area is without transit and is not urbanized. The County does not concur with this comment.



Regarding the portion of the comment addressing the project's relationship to SANDAG's regional planning for mobile source GHG reductions, please see **Responses to Comments O-1-149 to O-1-157** above, which address these issues.

Second, regarding the DEIR's description of the region, the distances cited by the commenter are incorrect. As detailed in Section 1.3, Project Location, of the Draft EIR, the project is:

[l]ocated within the inland area of North San Diego County, ... close to several North County cities. The cities of Escondido and San Marcos are approximately 1 mile south of the project Site, the city of Vista is approximately 3 miles west of the project Site, the city of Oceanside is approximately 5 miles northwest of the project Site, and the city of Carlsbad is approximately 7 miles southwest of the project Site, as shown in Figure 1-35, Regional Location Map. The project Site is bound by I-15 on the east, Deer Springs Road on the south, and Twin Oaks Valley Road on the west, with a small portion of the northwestern edge of the Site traversed by Twin Oaks Valley Road. Gopher Canyon Road is approximately 1.5 miles north of the Site's northern boundary and approximately 2.5 miles north of the development area, as shown in Figure 1-36, Vicinity Map.

Accordingly, the Draft EIR adequately describes the location of the project within the region.

Third, as to the portion of the comment stating that the project area is without transit and should not be considered an "urbanized" area, please see **Responses to Comments O-1-149, O-1-153, O-1-154, and O-1-156**.

- O-1-159** The comment states the Draft EIR does not support the conclusion that the project is consistent with the RTP/SCS and requests that the County recirculate the EIR with an assessment of how the project "will affect the region's goals and the per capita VMT levels and GHG emissions as they pertain to the region's inventory of emissions." The County disagrees that the Draft EIR does not support the conclusion the proposed project is consistent with the RTP/SCS. Please see **Responses to Comments O-1-147 through O-1-156** above, detailing project consistency with the RTP/SCS. Please also see **Responses to Comments O-1-154 and O-1-156**, which explain that the project would offset 100% of its GHG emissions for the life of the project and, therefore, not impact regional GHG inventories. Recirculation is not required by CEQA Guidelines Section 15088.5 as the Draft EIR adequately evaluated and disclosed project consistency with the RTP/SCS.

The comment also implies, without support, that the purchase of carbon offsets is inadequate to mitigate for on-site emissions. The County does not concur, particularly in the scientific realm of *global* climate change. Please see **Topical Response GHG-1: Use of Carbon Offsets** and **Response to Comment O-1-137** above.

Finally, the comment continues that the project and “the opening of the I-15 corridor in North County to more development” could lead to regional effects that must be assessed in the Draft EIR. Indeed, the Draft EIR evaluated and disclosed project impacts, including the project’s potential to induce growth in the area. Please refer to **Response to Comment O-1-161** below, which summarizes the Draft EIR’s evaluation and disclosure of project-related growth inducing impacts. It also is noted that any additional development proposed along the I-15 corridor would be subject to independent CEQA evaluation, to the extent required by law.

- O-1-160** The comment states that the Draft EIR fails to analyze the project’s consistency with the General Plan EIR requirement for a CAP and related significance thresholds. In response, the General Plan’s EIR is a document required by CEQA to assess the potential environmental effects of that Plan; the EIR is not itself an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions under CEQA Guidelines Section 15064.4(b)(3) for purposes of this project’s CEQA compliance requirements. Accordingly, the comment is correct in its assertion the Draft EIR does not analyze the project’s consistency with the General Plan’s *EIR*. The Draft EIR does, however, evaluate consistency with the County of San Diego *General Plan*; see EIR page 2.7-44 and **Table 2.7-17**.

The Draft EIR also discloses, at page 2.7-26, that the County was in the process of developing a CAP, which was anticipated to be completed by winter 2018. The CAP was approved by the Board of Supervisors on February 14, 2018. As noted by the commenter, a draft of the CAP was released *after* publication of the Draft EIR. As concerns consistency with the draft CAP, please refer to **Responses to Comments O-1-142** and **O-1-144**, as well as **Topical Response GHG-3: County’s 2018 Climate Action Plan**. These responses evidence that the CAP does not preclude General Plan amendments. Further, because the project proposes to reduce its GHG emissions to net zero, the project would not impair the CAP’s ability to achieve the contemplated emission reductions. Accordingly, the project will not impact the County’s CAP, which the County is required to adopt pursuant to mitigation measure CC-1.2 in the County’s General Plan EIR.

- O-1-161** The comment states the approval of the proposed project would signify a larger policy shift within the County opening the North County I-15 corridor for development and speculates that the project would “open the floodgates to potential

future development along the rural I-15 corridor.” The County does not concur with this comment.

The County notes that the comment expresses opinions and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR.

As to potential growth inducing impacts of the project, the Draft EIR evaluates such impacts in both Section 1.8, Project Description and Section 2.12, Population and Housing. In Section 1.8, the Draft EIR discusses the ways in which the proposed project could “foster economic or population growth, or the construction of additional housing, directly or indirectly, in the surrounding environment,” including through removing obstacles to population growth. Additionally, Section 2.12, Population and Housing, further discusses potential growth inducing impacts. The discussion of growth inducing impacts includes analysis of impacts in terms of regional growth forecasts compared to SANDAG estimates, as well as potential effects from increasing roadway capacity, among other things. As concluded therein:

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

However, the EIR also notes that there are no known intensity-increasing development applications pending in the immediate vicinity at this time. (See EIR, p. 1-36.)

An EIR is not required to provide a detailed analysis of the project’s effects on growth but only a general analysis of projected growth. (CEQA Guidelines Section 15126.2(d)(2); *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369.) Further, while an EIR must analyze the growth-inducing impact of a project, including reasonably foreseeable consequences, it is not required to evaluate “speculative effects.” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265.) As no known intensity-increasing development applications pending in the immediate vicinity at this time, the County cannot provide further analysis of potential impacts without engaging in undue speculation about the timing, rate, amount, and scope of such development, if any, which is not required by CEQA.

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The comment also states that SANDAG must be involved in consideration of future urban development on the I-15 corridor in North County, as development will impact SANDAG's regional plans. The County, as the agency with land use planning authority, will continue to consider consistency with SANDAG's guiding plans for the region in its land use and planning and transportation decisions. The County will also continue to coordinate with SANDAG as may be appropriate. As there are no known intensity-increasing development applications pending in the immediate vicinity at this time, no more specific response can be provided. 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.

Lastly, as to the presence of transit, please see **Response to Comment O-1-156** detailing planned transit in the project area.

- O-1-162** The comment states that the Draft EIR omits and underestimates sources of GHG emissions. The comment is an introduction to more specific comments that follow, and serves to summarize technical comments offered in an attachment to the commenter's letter. Therefore, the comments are addressed in the responses that follow, and at **Responses to Comments O-1.4-13** through **O-1.4-72**.
- O-1-163** The comment, referencing an attachment to the commenter's letter, states the Draft EIR overstates the benefits of the TDM Program. The County does not concur with this comment. Please see **Responses to Comments O-1.4-46** through **O-1.4-51**, which explain: the methodology for quantifying TDM benefits was based on CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* (2010); all calculations were performed using the CAPCOA report's suburban area input; and, the methodologies were specifically applied to the VMT associated with the user of the TDM measure (Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017), at pages 3-4 and 7-20).
- O-1-164** The comment states the Draft EIR omits emissions associated with the demolition and reconstruction of the I-15/Deer Springs Road interchange. Please see **Responses to Comments O-1.4-34** through **O-1.4-38**. As detailed therein, construction specifications and assumptions for the construction emissions modeling, which included improvements to the I-15/Deer Springs Road interchange, was prepared in consultation with the Project's engineers (Fusco Engineering). Construction inputs for the project included the off-site roadway improvements' schedule, equipment mix and number of pieces of each type of equipment, worker and vendor vehicles, haul trucks and vehicle distances driven. Consequently, a separate analysis of construction emissions was not performed for the off-site roadway improvements or utility

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improvements – rather, the emissions were calculated as part-and-parcel of the project analysis. Accordingly, the construction emission estimates are disclosed adequately in Appendix G (Air Quality Technical Report), Appendix K (Greenhouse Gas Emissions Technical Report) and the applicable Draft EIR sections.

- O-1-165** The comment states the Draft EIR underestimates emissions from on-site electricity use because the Draft EIR does not detail roof design and position for homes, and does not explain the assumptions relied on to conclude solar will feasibly offset 100 percent of residential structural demand. The comment questions the feasibility of 100 percent solar electricity for residential units based on the limited roof space on multi-family housing, and states that backup batteries are needed. Please see **Responses to Comments O-1.4-59, O-1.4-60 and O-1.4-96**, which address these issues and confirm that the applicant has committed to achieve the required level of solar installations through a mechanism that is fully enforceable by the County.
- O-1-166** The comment states the Draft EIR underestimates emissions from water use, both during the construction and operational phases. Please see **Responses to Comments O-1.4-53 through O-1.4-57**, detailing GHG emissions calculations associated with water use.
- O-1-167** The comment states the Draft EIR underestimates emissions from wastewater treatment and disposal. Please see **Response to Comment O-1.4-58**, explaining that CalEEMod independently calculates wastewater GHG emissions based on the amount of indoor water use by a project, and reports GHG emissions associated with both water supply and wastewater as “Water.” The CalEEMod output shows “Water,” but this designation *does include* both water supply and wastewater. This descriptor has been revised in the Final EIR to indicate “Water Supply and Wastewater” for clarity.
- O-1-168** The comment states the DEIR underestimates emissions from vegetation removal by improperly categorizing the entire project Site as “scrub.” Please see **Responses to Comments O-1.4-22 through O-1.4-24**, explaining that the emission factor for vegetation removal was sourced from the industry standard model—CalEEMod—and that the “scrub” designation may be applied appropriately to the chaparral vegetation community that covers the majority of the project Site for purposes of CalEEMod.
- O-1-169** The comment states the DEIR also underestimates the emissions from construction worker trips. Please see **Response to Comment O-1.4-25** explaining that the commenter has misinterpreted the Appendix K information addressing the number of worker trips contained in Appendix B, Calculation Construction Schedule and Information and Appendix C, CalEEMod Output. As reflected in Appendix B, the “# of workers per day” “[a]ssumes 2 one-way trips per each worker, haul truck, and vendor truck.” The construction schedule and the CalEEMod emissions calculations

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thus both consistently assumed 2,260 worker roundtrips per day for a total of 4,520 one-way trips per day.

Please also refer to **Response to Comment O-1.4-26**, which addresses the comment concerning the length of worker and vendor trips, and details why the distance is reasonable and well-supported given the project location near several North County cities and major population centers. See also **Responses to Comments O-1.4-25 through O-1.4-29** responding to other comments raised concerning construction trips.

**O-1-170** The comment states the Draft EIR underestimates emissions from construction equipment by assuming use of Tier 4 engines for all construction equipment, but allowing for engines with lower Tier levels and, therefore, with higher emissions. Please see **Responses to Comments O-1.4-30 through O-1.4-33 and O-1.4-106**, detailing the effectiveness and enforceability of mitigation measure M-AQ-2(a) in requiring Tier 4 equipment.

**O-1-171** The comment states that the Draft EIR analysis is flawed because the Draft EIR notes that emissions from mobile sources may be considered conservative as future regulatory programs may serve to further reduce GHG emissions. Please refer to **Response to Comment O-1.4-41**, which explains that the Draft EIR does not rely on future regulations that have not been adopted in modeling and evaluating the project's GHG emissions.

**O-1-172** The comment states M-GHG-1 and M-GHG-2 are insufficient because the Draft EIR underestimated the project's GHG emissions, thus underestimating the required offsets. As explained in **Responses to Comments O-1-163 through O-1-171** above, and the responses referenced therein, the Draft EIR did not underestimate the project's GHG emissions. Accordingly, the quantity of required offsets has not been underestimated.

**O-1-173** The comment states that, without CARB concurrence, the County cannot provide "adequate assurance" that M-GHG-1 and M-GHG-2 will be effective. Please refer to **Response to Comment O-1-136** above, which explains that CEQA does not require that the County condition its discretionary actions on the receipt of CARB's approval. As the lead agency for the project, the County is authorized to certify the project's CEQA compliance documentation, provided the analysis contained therein is supported by substantial evidence. For purposes of CEQA, substantial evidence is not limited to assurance from CARB that the project's GHG emissions analysis or mitigation is adequate (see CEQA Guidelines Section 15384).

**O-1-174** The comment restates that M-GHG-1 and M-GHG-2 are inadequate under the requirements the County placed on itself in its General Plan and General Plan EIR.

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Please refer to **Responses to Comments O-1-137, O-1-142 and O-1-144**, above, for responsive information.

**O-1-175** The comment restates that the “true-up” provision renders M-GHG-2 illusory. Please refer to **Response to Comment O-1-138**, above, for responsive information.

**O-1-176** The comment states that the PDFs required by M-GHG-3 do not meet CEQA requirements for certainty and enforceability. The comment requests that the Draft EIR “include a detailed analysis of the effectiveness and likely implementation for each PDF.

In response, the County has reviewed the measures identified in the TDM Program, which are the focus of the commenter, and disagrees with the comment’s implication the measures do not require that specific actions be taken to ensure the measures’ implementation. For example, PDF-5 requires the applicant “coordinate” with a car-share organization “to install three car-share stations with one car each (for a total of three cars) in the commercial area of the project Site, available to residents on an on-demand basis.”

Further, at a global level, PDF-20 serves to facilitate the overall implementation of the TDM Program’s through the requirement to designate a transportation coordinator to monitor, develop, market, implement, and evaluate the TDM Program. To clarify the duties of the Transportation Coordinator, PDF-20 states:

To ensure that the TDM Program strategies are implemented and effective, a transportation coordinator (likely as part of a homeowner’s association (HOA)) would be established to monitor the TDM Program, and would be responsible for developing, marketing, implementing, and evaluating the TDM Program.

The Newland Sierra TDM Program technical memorandum, and specifically “Table 2: TDM Program Performance Metrics and Targets” therein (refer Appendix R3 to the EIR), identifies the specific performance measures that the project is committing to that would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2.

Moreover, as addressed in **Response to Comment O-1-139** above, the project’s Conditions of Approval as adopted in conjunction with approval of the proposed project will be in place through all phases of the project development and will ensure the TDM Program is successfully implemented.

With respect to the comment that the CAPCOA reductions are not appropriate in the project area, the County does not concur with the comment for the reasons detailed in **Response to Comment O-1.4-48** and in the evaluation provided in Appendix R3 to the EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers. As detailed in **Appendix R3**, Fehr & Peers worked with the California Air Pollution Control Officers Association (CAPCOA) to develop the transportation section of the report *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA Report). This report is now used as a set of guidelines for quantifying the environmental benefits of mitigation measures, such as the Project’s TDM Program. Fehr & Peers also developed a quantification tool based on the research performed for its work with CAPCOA, named “TDM+,” which quantifies the effects of TDM programs on VMT reduction.

Based on their expertise, experience, TDM+ tool, and review of case studies, Fehr & Peers recommended strategies and calculated in detail the effectiveness of each of the TDM strategies recommended for this Project. Notably, due to the Project’s semi-rural location, the TDM program centered on land use strategies (i.e., including land use diversity onsite to encourage residents to walk, bike, or take transit within the Project area) to achieve a 4.7% VMT reduction. Combined, all commute services to provide travel options other than private auto trips to destinations outside the Project site would achieve the remaining 6.4% reduction. The TDM program thus acknowledges that strategies which may be highly effective in urban communities (i.e., encouraging biking and walking to access areas outside the Project site) would be less effective for this community. Nevertheless, some reduction on the reliance on driving alone can be achieved through these strategies.

- O-1-177** The comment challenges the land use diversity credit for PDF-1 because: (1) the project phasing does not include the addition of commercial development until Phase 2, resulting in an interim period without “mixed use,” (2) the topography of the project Site and the distance between some residential uses and the Town Center limits transportation options, (3) the park use is already assumed in residential areas, and (4) there is not a firm commitment for a school.

First, regarding the phasing of project land uses, the *Newland Sierra TDM Program* technical memorandum is intended to calculate the TDM Program’s effectiveness at project build-out, consistent with the manner in which the significance of the project’s GHG emissions is evaluated. TDM Program measures will be implemented, as applicable, as the proposed project is constructed; however, the full TDM effectiveness – as calculated and presented in the Draft EIR – will be achieved at build-out.



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Second, based on their expertise, experience, TDM+ tool, and review of case studies, Fehr & Peers recommended strategies and calculated in detail the effectiveness of each of the TDM Program strategies recommended for this Project. Notably, due to the Project's semi-rural location, the TDM Program centered on land use strategies (i.e., including land use diversity on site to encourage residents to walk, bike, or take transit within the Project area) to achieve a 4.7% VMT reduction. Combined, all commute services to provide travel options, other than via private auto trips, to destinations outside the project Site would achieve the remaining 6.4% reduction. The TDM Program thus acknowledges that strategies which may be highly effective in urban communities (i.e., encouraging biking and walking to access areas outside the project Site) would be less effective for this community. Nevertheless, some reduction on the reliance on driving alone can be achieved through these strategies.

- O-1-178** The comment states that PDF-2 and PDF-3 are inadequate for the same reasons described in conjunction with PDF-1. Therefore, please see **Response to Comment O-1-177** above for responsive information.
- O-1-179** The comment states PDF-4 through PDF-8 “are unlikely to be funded and are illusory and unenforceable.” The comment also requests that the Draft EIR include a feasibility study “to determine the potential effectiveness of such measures and a cost comparison against other methods of transportation to determine whether such measures will even meet the threshold level to be funded and implemented by the residents.” The County does not concur with this comment. The potential effectiveness of the subject TDM strategies was studied by Fehr & Peers (see Appendix D of Draft EIR Appendix K), and the comment identifies no perceived deficiency in that analysis. In addition, CEQA does not require the preparation of feasibility studies and cost comparison studies. In this instance, the project is required to implement the identified TDM strategies – as such, funding will be provided by the project applicant (or its designee) in a quantity that is sufficient to ensure the effective and successful implementation of the strategies, as overseen by the Transportation Coordinator and the County.
- O-1-180** The comment states that PDF-9 lacks specificity associated with the subsidy funding source, subsidy value, and the imposition of eligibility limitations (if any) on subsidy use. The comment also states that the nearest transit station is six miles away. In response, please refer to Appendix R3 – *VMT Reduction Evaluation of the Draft EIR*, which states the following and – in doing so – addresses the estimated subsidy value and eligibility percentage:

“CAPCOA associates certain levels of transit fare subsidy with corresponding levels of commuter participation in transit based on locational context

(CAPCOA TRT-4). Although the CAPCOA methodology is applied to subsidies for employees, the same methodology can be used for the Newland Sierra residents (CAPCOA page 232). For the Suburban context, CAPCOA provides that a subsidy of \$2.98 per person per day incentivizes a 7.9% reduction in commute VMT when residents are given a subsidy at their place of employment.

The CAPCOA Report provides the following formula for calculating the percent VMT reduction associated with resident transit fare subsidies of \$2.98 per person per day based on the methodology for CAPCOA TRT-4:

$$\% \text{ VMT Reduction} = (\% \text{ residents eligible to participate}) * (7.9\% \text{ reduction in commute VMT}) * (\text{adjustment from commute VT (vehicle trips) to overall VMT}) * (\% \text{ Home based Work VMT})$$

The transit fare subsidy will be offered in conjunction with the Local Shuttle Service program previously discussed. Based on the above equation, the following are the inputs and resulting percentage reduction for this category:

- % residents eligible to participate = 50% (CAPCOA suggests an eligibility rate of 20-100%; for Newland Sierra 50% is used)
- reduction in commute VMT = 7.9% (CAPCOA page 231)
- adjustment from commute VT (vehicle trips) to VMT = 1 (CAPCOA Appendix C)
- % home based work VMT = 24.2%
- % VMT Reduction =  $50\% * 7.9\% * 1 * 24.2\% = 0.96\%$

At the level of \$2.98 per day, which equates to between 60% and 100% of an existing round trip NCTD fare, depending on service class, a transit subsidy corresponds to a 0.9% VMT reduction (CAPCOA TRT-4)."

The Final EIR has been revised to clarify the anticipated source of funding per the comment.

**O-1-181** The comment states PDF-10 through PDF-13 are not eligible for an independent VMT reduction because the TDM Program measures they will be marketing are ineffective. Because the comment is based on concerns advanced above, please refer to **Responses to Comments O-1-177 through O-1-180**. In addition, as stated in **Appendix R3** to the EIR:

“To ensure that residents are aware of all alternative transportation mode options available, ‘new resident’ information packets will be distributed to all new residents. A website also will be created with the same information so that this information is always accessible. These sources will include information regarding the shuttles, bike share kiosks, iCommute, Park-and-Ride lots, and all other alternative transportation options.

The continued expansion and utilization of iCommute, SANDAG’s TDM program, also would support the successful dispensation of transportation choice information. Using ‘new resident’ information packets, a transportation information website, and iCommute to dispense transportation information falls under CAPCOA standard TRT-7: Commute Trip Reduction Marketing. This strategy focuses on reducing the commute trips of the residents of Newland Sierra. The CAPCOA Report provides the following equation to calculate the VMT reduction percentage:

$$\% \text{ VMT Reduction} = (\% \text{ reduction in commute trips}) * (\% \text{ population eligible}) * (\text{adjustment from commute VT (vehicle trips) to VMT}) * (\% \text{ Home based Work VMT})$$

- % reduction in vehicle trips = 4% (CAPCOA page 241)
- % population eligible = 50% (CAPCOA suggests an eligibility rate of 20-100%; for Newland Sierra 50% is used)
- adjustment from VT to VMT = 1.0 (CAPCOA page 241)
- % home based work VMT = 24.2%
- % VMT Reduction =  $4\% * 50\% * 1.0 * 24.2\% = 0.5\%$

By utilizing progressive and effective strategies to spread information, implementation of a TDM marketing program is expected to result in a 0.5% VMT reduction.”

**O-1-182** The comment states that PDF-14 fails for the same reason as PDF-9. Please refer to **Response to Comment O-1-180** above for responsive information.

**O-1-183** The comment states that PDF-15 through PDF-19 fail for the same reason as PDF-10 through PDF 13. Please refer to **Response to Comment O-1-180** above for responsive information.

**O-1-184** The comment states there is no PDF-20 listed in **Table 2.7-7** of the Draft EIR. In response, PDF-20 requires the implementation of the TDM Program through the retention of a TDM Program Coordinator. This is stated on page 1-14 of Section

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1.2.1.7 (Transportation Demand Management) of the Draft EIR and is included in **Table 2.7-7**, in the row which begins with “PDF-10-13, 20”.

- O-1-185** The comment states that further discussion of the TDM Program is included elsewhere in the comment letter. The comment also asserts that, because PDFs 21-32 were not credited with any GHG emissions reduction, “any attempt to quantify emissions reductions from PDFs 21-32 would require recirculation of the DEIR for the public to analyze the effectiveness of such PDFs as mitigation measures under M-GHG-3.” The County does not concur with this comment.

First, PDF-22, which requires the installation of solar photovoltaic panels, would reduce GHG emissions and was credited accordingly in the GHG reduction calculations. As stated in **Response to Comment O-1-142**, “installation of solar technology on all single-family and multi-family housing units would reduce overall GHG emissions generated from electricity by 3,453 MT CO<sub>2</sub>E per year.” (See also EIR page 2.7-41.)

Second, while no further emission reductions are presented in this Final EIR, recirculation of the Draft EIR would not be triggered by the addition of emission reductions for other PDFs under CEQA Guidelines Section 15088.5(a).

- O-1-186** The comment states the Draft EIR, in an appendix, contains an efficiency metric threshold, which it then characterizes as a “crucial part” of the County’s analysis. The comment states that, because the County did not release the unlocked, excel spreadsheets used to calculate the proposed projects emissions, the public was not able to determine how or whether the efficiency metric was used. The County does not agree with this comment.

First, Section 2.7 of the Draft EIR does not rely upon the efficiency metric contained in Appendix A to Appendix K to evaluate the significance of the project’s GHG emissions. There is no mention of efficiency metrics in Section 2.7, which is clear that Appendix G of the CEQA Guidelines was used to establish the thresholds of significance for the project’s analysis. (Draft EIR page 2.7-33.) As such, the availability of unlocked, excel spreadsheets is not relevant to the determination of whether an efficiency metric was used.

Second, Appendix A to Appendix K was included in error and has been removed from the Final EIR.<sup>73</sup> The removal of this appendix document is not a material change to the

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<sup>73</sup> As noted in the comment, the County’s efficiency metric was challenged in court. Appendix A was prepared before the resolution of those judicial proceedings and at a time when the County was directing projects to use an efficiency-based threshold. When it became clear that use of such a threshold would be subject to legal

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Draft EIR triggering recirculation because the Draft EIR did not rely upon this metric to make a significance determination. Appendix G of the CEQA Guidelines was used for the purposes of determining significance for impacts relating to GHG emissions.

- O-1-187** The comment suggests that the DEIR's analysis is flawed because it did not consider goals for fire safety and design of the project such that it is "as fire safe as possible given conditions that present themselves 85% of the time;" and has the capability to stand-alone without first responders.

The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

Nonetheless, the County disagrees with the assertion that the Newland Sierra project did not consider fire safety in the design. As detailed in the Appendix N-1, Newland Sierra Fire Protection Plan (Dudek 2017), Section 2.0 through 6.2, the proposed Project was designed to a higher safety level than typically required, which in San Diego County and Deer Springs Fire Protection District, are already some of the most fire safe requirements in use due to (1) California Building Code requirements, (2) Deer Springs Fire Protection District Ordinances and San Diego County Building Code, (3) San Diego Fire Authority requirements for Fire Protection Plans, and (4) sensitivities to wildland fires based on previous fire events in San Diego County and southern California. Appendix N-1 analyzes the "typical" condition, which is the normal weather through the year, occurring at least 85% 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 ignitions burn the most acres.

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:

- 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 code-required 20 feet width.

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challenge, the project's Draft EIR developed an alternative approach to evaluate and mitigate GHG emissions through the achievement of no net increase in the GHG emissions level.

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In addition, the proposed Project is required to utilize 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 and 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, including multiple lanes on primary streets, fire flow, and other standard requirements in wildland urban interface developments.

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 hazard. Although the comment's significance threshold is not considered applicable and has no basis in CEQA, the Project also exceeds that level.

The County further disagrees with the comment's suggestion that proposed Project needs to be designed to be a stand-alone project without first responders. There is no CEQA basis for this threshold level. Although, the Project, as designed, would be considered to be as stand-alone as any project in the County, as detailed in Appendix N-1 and as described above.

**O-1-188** The comment states “the draft evacuation plan is deficient because it does not evaluate daily static traffic flows in conjunction with accelerated evacuation traffic flows,” and that “the evacuation plan does not account for existing and new residents leaving under duress while first responders are attempting to gain entry.” The comment quotes the evacuation plan regarding estimated evacuation times and the importance of phased evacuations. It indicates that the DEIR evaluated only the Project's fire hazard and evacuation impacts in the context of the project Site and Project's residents, and not the rest of the community and that this analysis is inadequate.

The County does not concur with the comment's supposition that Appendix N-2, Wildland Fire Evacuation Plan, is deficient. The County further disagrees with the comment's recommendation that a more conservative analysis should be performed and that the completed analysis is inadequate. Please refer to **Response to Comments O-1.13-3** through **O-1.13-13** for more discussion regarding the Project's Evacuation Plan's conservative approach to evacuation planning, including considerations for delays and bottlenecks, and the contingency plan that is available should an early evacuation not be possible. It should also be noted that the County does not have standards or requirements for evacuation plans, and this plan is similar to other evacuation plans required for large master-planned communities.

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- O-1-189** The comment states that the evacuation plan did not consider impacts of evacuation traffic on existing public roads and whether choke points could occur. The comment further states that the evacuation plan only evaluates whether the Project could be evacuated onto adjacent roads, but provided no assessment of whether Project residents or existing residents could evacuate the area within a safe timeframe. The comment indicates that evacuating Project residents onto Deer Springs Road and Twin Oaks Valley Road will not provide safety for existing residents who would be using these same roads.

The County does not concur that the evacuation plan did not consider potential impacts on evacuations from regional evacuations and potential choke points. Please refer to **Response to Comments O-1.13-3** through **O-1.13-13** for more discussion regarding the Project's Evacuation Plan's conservative approach to evacuation planning, including considerations for delays and bottlenecks, and the contingency plan that is available should an early evacuation not be possible.

- O-1-190** The comment states that the evacuation plan did not consider potential impacts of left-hand turns and difficult road geometry on fire evacuation and provides two examples.

The County disagrees with the comment that the evacuation plan did not adequately consider potential bottlenecks or other evacuation scenarios that may include evacuation traffic congestion or delays. Please refer to **Response to Comments O-1.13-6, O-1.13-7, O-1.13-9, and O-1.13-19** for responses to left-hand turn potential impacts and how the Project's evacuation plan approaches potential bottlenecks from anticipated and unanticipated impediments.

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.

- O-1-191** The comment indicates that the DEIR did not analyze the impacts on evacuation if the Project is completed before the proposed road improvements are completed. The comment requests a condition on the Project that restricts build out until adjacent roads are improved to the level assumed in the evacuation analysis.

The County does not agree with this comment. Section 2.13, Traffic and Transportation, includes mitigation measures with identified Equivalent Dwelling Unit (EDU) triggers for necessary improvements to the project's roadways to avoid direct traffic impacts. These mitigation measures and thresholds are detailed in Section 2.13.12 of the Draft EIR and include the following threshold relative to the widening of Deer Springs Road, which is specifically noted in the comment:

**M-TR-9** If Option A is approved, prior to the issuance of the certificate of occupancy for the **58<sup>th</sup> EDU**, the Project applicant, or its designee, shall widen Deer Springs Road between Sarver Lane and Mesa Rock Road to a San Diego County 2.1B Community Collector with a two-way center turn lane standard.

Or,

If Option B is approved, prior to the issuance of the certificate of occupancy for the **58<sup>th</sup> EDU**, the Project applicant, or its designee, shall widen Deer Springs Road to San Diego County 4.1B Major Road standards between Sarver Lane and Mesa Rock Road.

Accordingly, the proposed project is required to widen Deer Springs Road prior to the issuance of a certificate of occupancy for the 58<sup>th</sup> EDU. It should be noted that the existing conditions on Deer Springs Road is a failing level of service, therefore, upon the completion of improvements to Deer Springs Road prior to completion of 2.7% of the proposed Project.

In addition, Section 2.13 requires mitigation measures M-TR-2 and M-TR-3, which require intersection improvements on Deer Springs Road, at Mesa Rock Road (M-TR-2) and Sarver Lane (M-TR-3), prior to the 900<sup>th</sup> and 350<sup>th</sup> EDU, respectively, further confirming that improvements will be in place prior to build out of the community.

The mitigation measures required in Section 2.13, Transportation and Traffic, address the suggestion in the comment that the community could include a condition that the proposed project may not be built out until adjacent roads are improved. No further response is required as the proposed project already includes mechanisms to ensure improvements are in place which will effectuate fire evacuation as analyzed in the DEIR.

**O-1-192** The comment states that Appendix N-1 does not adequately discuss or mitigate problems associated with gated access. The comment then refers to Appendix N-2's description of the existing gated North Twin Oaks Valley Road. The comment inaccurately states that there is no direction provided for future residents regarding use or avoidance of the gated road to Gopher Canyon Road. The comment refers back to Appendix N-1 and its statement on page 48 that private driveways may include gates. The comment then refers to a County of San Diego comment regarding automatic gate opening and strobe light activation and states that the comment appears to have been completely ignored.



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The County disagrees with the comment that the Project's FPP does not adequately discuss gates. Because there are no access gates proposed for the Project, the FPP indicates in Section 4.2 Gates, that "Access gates are not proposed for this project". Existing gates along North Twin Oaks Valley Road are not part of the Newland Sierra project and are not appropriate to be addressed in the Project's FPP. The Project's evacuation plan addresses evacuation without a reliance on North Twin Oaks Valley Road to Gopher Canyon Road. The evacuation plan (Appendix N-2 of the DEIR) on pages 2, 3 (Newland Sierra Fire Evacuation Map), 16, 18, and 27 that travel along North Twin Oaks Valley Road is not advised due to the gates but that it is possible that in some specific emergency scenarios, law enforcement may open the gates and direct traffic to Gopher Canyon Road.

As indicated in the Project's FPP (Appendix N-1 of the DEIR), any gates that may be proposed within Newland Sierra would need to be approved by DSFPD and would need to include automatic opening devices to the specifications of DSFPD and Consolidated San Diego County Fire Code.

- O-1-193** The comment claims that the proposed project is inconsistent General Plan Goal (M-1) and Policy M-1.2. The comment also states that the project does not appear to incorporate a 2014 request that North Twin Oaks Valley Road be improved from Camino Mayor to Gopher Canyon Road.

With respect to the claim that the proposed project is inconsistent with General Plan Pol M-1 and Policy M-1.2, the County does not concur. Appendix DD, Land Use Consistency Table, analyzes the proposed projects consistency with this goal and policy. Per the analysis in Table DD-1:

<p>M-1 Balanced Road Network. A safe and efficient road network that balances regional travel needs with the travel requirements and preferences of local communities.</p>	<p>The proposed project's off-site circulation plan provides access to the Community from Deer Springs Road, a Mobility Element Road, which connects to Mountain Meadow Road on the east and Twin Oaks Valley Road to the south. Primary Community access is at two points off Deer Springs Road, Mesa Rock Road on the east and Sarver Lane on the west. The Community will dedicate and construct one of the two scenarios for Deer Springs Road: Option A or Option B as shown on the project's tentative map. The Community also proposes to dedicate and install a Community Trails segment along the north side of Deer Springs Road from Mesa Rock Road to the city of San Marcos limits. This public trail will be built as a Type D – Pathway (Typical).</p> <p>The proposed project's on-site mobility network plays an important role in the functional aspects and visual character of the Community (see Figure 14, Road Sections Key Map, of the Specific Plan). Street character is intended to be semirural in nature, reflecting the greater community, while addressing fire and traffic safety. This design must minimize road widths where possible, incorporating stormwater features, and respond to existing Site topography.</p> <p>The Specific Plan provides the following standards and guidelines for road design</p>	<p>Consistent.</p>
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	<p>and layout:</p> <ul style="list-style-type: none"> <li>• Road design must accommodate a range of mobility options, including vehicular, bicycle, equestrian, and pedestrian options and reduce pavement widths to the minimum allowed.</li> <li>• Road sections are to be designed with cross slopes to drain into basins and swales that act as neighborhood landscape design features where possible.</li> <li>• Streetscapes throughout the Community are to be designed using consistent elements such as landscaping, street furniture, lighting, and signage to create a unified aesthetic— these elements should be appropriately scaled according to the street hierarchy.</li> <li>• Enhanced paving details are to be used at significant intersections and important pedestrian crossings such as stamped concrete or unit pavers.</li> </ul>	
<p>M-1.2. Interconnected Road Network. Provide an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies.</p>	<p>The proposed project provides an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies.</p> <p>For example, the project would have two primary access roads along Deer Springs Road at Mesa Rock Road and Sarver Lane, with an additional access point at Camino Mayor off Twin Oaks Valley Road to the north. The primary access road at Mesa Rock Road would be a four-lane entry road with a median that transitions into a four-lane undivided road, then a two-lane undivided road farther into the project Site, and then to a three-lane road. On-site roadways would be constructed within and between the different planning areas where development would occur. Primarily, these roadways would consist of main roads with a pavement width of 34 feet that travel between the planning areas, residential streets approximately 32 to 40 feet wide that traverse within a planning area, and private paseo roads that typically end at smaller clusters of residential units within a planning area. The roadways would accommodate safe emergency services access. A planned electric bike-share program would link the neighborhoods to each other and would reduce motorized vehicle trips. Additionally, the project would include bike lanes, an extensive trail system consisting of roadside pathways within the linear greenbelts, and multi-use trails. Incorporating the internal circulation features would provide project residents the opportunity to access employment, education, and recreational and commercial uses via multiple modes of transportation. Refer to Figures 14 through 30 and 28 and 83 of the Specific Plan.</p>	Consistent.

The Draft EIR found the proposed project would not conflict with policies that are intended to protect the environment and would comply with Goal M-1 and Policy M-1.2.

Regarding the request to improve North Twin Oaks Valley Road from Camino Mayor to Gopher Canyon Road, the comment does not raise an issue within the meaning of CEQA, nor is there any requirement for the proposed project to accommodate such request because there is no nexus to an identified significant impact under CEQA. As analyzed by Appendix R, Traffic Impact Analysis, no project impacts are identified on this portion of North Twin Oaks Valley Road requiring improvements or mitigation. Further, the FPP indicates that North Twin Oaks Valley Road would not

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be relied upon for evacuating the Newland Sierra project, as the Project has three ingress routes to the south and the available contingency option of on-site sheltering.

- O-1-194** The comment states that most fatalities occur as people are trying to escape fast moving fires. It suggests that a localized emergency notification system should be designed to quickly prompt residents of an emerging fire and that the evacuation plan does not appear to provide for a localized system. The County acknowledges the comment and notes that it discusses an emergency warning/notification system specific to the proposed project, that does not appear to relate to any physical effect on the environment.

Nonetheless, the County disagrees with the statement that most fatalities occur as people are trying to escape fast moving fires. It is more accurately summarized that most fatalities occur as people are attempting a late evacuation. Fast moving wildfires that do not allow time to evacuate, and where no contingency options exist, would be considered very difficult evacuations. This situation has been addressed at the proposed project because there are on-site sheltering contingency options available that would not mandate that persons were evacuated in a “late” scenario where it would be considered unsafe.

The County agrees that the evacuation plan does not propose a new, localized emergency notification system. The evacuation plan details that there are already three layers of notification systems, including a localized DSFPD system. Please refer to Appendix N-2, specifically pages 2 and 22 for discussion of the County’s Reverse 911 system, Alert San Diego and the local DSFPD system.

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-1-195** The comment states that the DEIR and its technical studies did not adequately discuss fire flow and water availability in a multiple fire event. The County disagrees with the comments supposition that the DEIR does not address water flow necessary to respond to the types of fires that may occur at the project site, including multiple fire scenarios. Page vii of Appendix N-1, Newland Sierra Fire Protection Plan, states that water capacity and delivery provide for a reliable water source for operations and during emergencies requiring extended fire flow.” This statement covers structural or wildfires that require extended flow, indicating scenarios where a large structure, multiple structures, or a large wildfire is occurring. Further, Appendix F of the Fire Protection Plan (Appendix N-1) indicates that the Vallecitos Water District’s evaluation concluded that the existing system would not be able to serve the proposed

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project, including fire flows, without necessary upgrades, which were listed as conditions. Those conditions, once constructed, enable the water district to provide the required fire flow, including extended flow events. Therefore, no further response is required or necessary.

- O-1-196** The comment states that the DEIR does not disclose whether the evacuation plan has been reviewed and approved by local law enforcement. It quotes an unnamed “fire protection expert” regarding law enforcement responsibilities during evacuations and requests that the County not consider the Newland Sierra project until law enforcement agencies provide a review and approval of the evacuation plan.

The County disagrees that the evacuation plan requires review, input and approval by law enforcement agencies. Law enforcement agencies will be provided a copy of the evacuation plan, on which they can provide input that, if substantially changing resident procedures, will be incorporated. There is not requirement in County code for an evacuation plan to be prepared or reviewed for individual projects. Therefore, there is no evaluation standard that could be applied in the event it was required. The evacuation plan was reviewed by the DSFPD and the SDCFA and found to be complete. Lastly, evacuation Plans are not required by CEQA or subject to approval by any agency.

Precise specifics and simulation regarding timing of evacuation during fire events are wholly speculative and beyond the requirements of an EIR because they are wholly determined by the fire event, the direction the fire is moving, and directions issued by emergency fire personnel at the time. Wildfires and evacuations are fluid events that require situational awareness, scenario pre-planning, and contingencies. Evacuation plans provide situation awareness information that can be incorporated into operational pre-plans, but are primarily used to inform residents of particular areas of basic evacuation procedures, travel routes, and contingency options.

For these reasons, the County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

- O-1-197** The comment indicates that the DEIR does not evaluate whether the road system can handle both existing and future residents departing the area during a fire evacuation, focusing only on future Project residents.

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The County appreciates the comment regarding evacuation traffic on the areas road system. Please refer to **Responses to Comments O-1.13-3** through **O-1.13-13** for details on the Newland Sierra Evacuation Plan's approach to wildfire evacuations, as well as **Global Response GR-HAZ-1**. In summary, early evacuations would be the focus when time allowed. When time did not allow, and evacuations were considered unsafe, such as if Deer Springs Road were already experiencing heavy traffic from evacuating residents from other nearby areas, then contingency options are available to emergency decision makers that would enable the community's residents to remain in the community. Because evacuation impedances have been contemplated and provided mitigation through evacuation contingency options, the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

- O-1-198** The comment quotes San Diego County's Code of Regulatory Ordinances regarding Defensible Space and Removal of Fire Hazards. It states that the DEIR failed to specify the County's success rate for program compliance and that a 90% compliance rate is a good benchmark to assess whether the requirements achieve their intended purposes.

The County acknowledges the comment and notes it expresses the opinions of the commentator regarding a 90% compliance rate with no supporting data or analysis. Further, the Newland Sierra project's Fire Protection Plan (Appendix N-1) defines in great detail in Section 4.6 how the Project will exceed the County's defensible space and fire hazard removal requirements and provide a funded entity with responsibility to provide the mandated defensible space maintenance and annual monitoring inspections. Because the defensible space is placed in Homeowner Association control, program compliance will be 100%, exceeding the arbitrary 90% compliance suggested by the comment. This compliance will be evaluated annually by a 3<sup>rd</sup> Party FMZ inspector and enforced by the HOA. DSFPD and County of San Diego also have enforcement mechanisms if the FMZ is not maintained as required.

The comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

- O-1-199** The comment suggests that the DEIR lacks detail as to landscape design criteria. It discusses the DEIR referenced Landscape Plan and states that there is no detail on its content, timing, or review. It suggests that this landscape plan is post-project approval

and therefore represents deferred mitigation under CEQA. It states that the fire protection plan's Guidelines for Planting in Fuel Modification Zones are only guidelines and that nearly every requirement is couched in non-mandatory language that can be ignored without potential for enforcement.

The County disagrees with the comment's assertion that there is no enforceable requirement for landscaping design criteria and fuel modification zones or that landscape reviews would be deferred mitigation. The landscape design review is a project design feature that is specifically being required based on the Project's fire protection analysis. The Guidelines for Planting in Fuel Modification Zones is a County of San Diego publication that is being used to provide guidelines for the type of plant species that would be approvable for these areas. The list is not all-encompassing.

The Project's Fire Protection Plan (Appendix N-1) in Section 1.2 indicates that the FPP is compliant with applicable fire and building codes, which are requirements for project approval. Section 4.6.2 – Fuel Modification Zone Requirements (see Sections 4.6.2.1 through 4.6.7), clearly indicates what will be required within each of the required fuel modification zones, along trails, roadsides, greenspaces and parks, vineyards, in terms of prohibited plants, plant spacing and densities, maintenance, inspections, as well as a list of plant species that would be appropriate for these areas (Appendix J). The Appendix J is considered a Guideline, because the FPP's requirements supersede Appendix J and it focuses on plant species appropriate for fuel modification zones, but is not an exhaustive list. Landscape plans prepared for the Project will be required to fully consider and design to the standards set forth in the Fire Protection Plan and the Fire Protection Plan will be used, along with DSFPD and SDCFA Fire Codes, as the basis for reviewing and approving such plans.

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-1-200** The comment refers to an independent fire protection specialist's opinion that heat deflector walls are not widely proven and do not minimize ember spotting potential in wildland fires. The comment quotes from the DEIR regarding spotting potential and requests additional information and justification for the use and potential success for heat deflector walls.

The County disagrees with the commenter's opinion that heat-deflecting walls are not widely proven. As indicated in the Project's Fire Protection Plan in Section 6.1, heat deflecting walls are a valid form of protection when terrain supports deflection at top of slopes. As discussed, non-combustible walls are included in the National Fire

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Prevention Association's (NFPA 2005) guidelines. The NFPA is a global nonprofit organization, established in 1896, devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. NFPA is the leading authority on fire prevention and protection and most of its fire prevention and safety standards are adopted in fire and building codes throughout the United States.

The County notes that the purpose of heat deflecting walls is not intended to prevent embers. The heat deflecting walls are designed to direct heated air/gasses and flames upward or to provide a barrier between burning fuels and the landscape closer to a given structure. Embers are addressed in Appendix N-1, Section 5.1, which lists project design features including “#4. Ember resistant vents (recommend BrandGuard, O’Hagin, or similar vents).”

- O-1-201** The comment raises issue with the DEIR’s discussion of the water supply and the fire protection impacts. Particularly, the comment requests analysis and discussion of the fuel modification buffer and whether water will be available to irrigate the irrigated zones in perpetuity.

As discussed in DEIR Section 2.14.1 and Appendix S, the project will be served by Vallecitos Municipal Water District and sufficient water supplies will be available to serve the project from existing entitlements and resources.

The County agrees that the fuel modification zone buffers are important components of the fire protection system. The Zone 1, irrigated zone is essential for providing conditions that reduce fire spread rates and intensity, directly adjacent to Project structures. Although not specifically stated in the FPP, all Zone 1 fuel modification buffers will be required to maintain irrigation for the life of the proposed project. Alternatively, Zone 1 areas can be converted to non-irrigated areas with even lower fuel densities, use of ignition resistant succulent plantings, and considered by fire professionals at DSFPD and SDCFA to function at least as well as an irrigated Zone. The project’s Fire Protection Plan and Final EIR have been revised to include language indicating that regardless of water availability, the Zone 1 fuel modification zones will be maintained to result in a low fuel, reduced fire hazard buffer to the approval of the DSFPD and SDCFA.

- O-1-202** The comment suggests that the DEIR relies on HOA enforcement of various measures for many of its conclusions and fails to provide for County or government agency enforcement. The comment describes the proposed 3<sup>rd</sup> party fuel modification zone inspector and post-inspection reporting to DSFPD. The comment assumes that there is no penalty or enforcement mechanism to ensure the plan’s standards are implemented. Further, the comment purports that there is no requirement that the HOA implement any of the Fire District’s feedback on the inspection report.

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The County disagrees with the comment. Please see Response to Comment O-1-203. With respect to the role of the HOA, it is common practice for these organizations to contract for these types of work as part of their budget and operations. The County and DSFPD have enforcement mechanisms including annual inspections to ensure fuel modification is occurring. Additionally, San Diego County has standard conditions of project approval that landscaping be maintained which provides another layer of enforcement.

- O-1-203** The comment indicates that the DEIR does not provide for enforceable, effective mitigation. It also suggests that there is no requirement that the Project even comply with its own Fire Protection and Evacuation Plans.

The County disagrees with the comments assertion that the DEIR does not provide enforceable mitigation. The DEIR does not identify mitigation measures related to wildfire because the project does not trigger an impact under the applicable thresholds. Specifically, with respect to Threshold (a), the proposed Project will comply with all applicable fire codes, as demonstrated by Appendix N-1. From Section 4.4.1 of Appendix N-1:

*“All new structures will be constructed to DSFPD and SD 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.*

In addition to achieving construction standards, “structure setbacks from top of slope can help separate structures from wildfires” even though this setback is not required by DSFPD. Where the proposed project does not comply with the 30-foot setback, these lots will be provided additional protections, included heat deflecting walls. The project also includes a 250 feet fuel modification zone. Three lots are not able to achieve the FMZ, but these lots are located on the side furthest from the wind-exposed edges and were determined to be sufficiently protected with the additional measures provided. Appendix N-1 provides for “additional analysis and measures that will be implemented to compensate for potential fire related threats to these lots. These measures are customized for this site based on the analysis results and focus on providing functional equivalency as a full fuel modification zone,” including a heat deflecting wall.

With respect to Threshold (b), the proposed Project has prepared, and the County of San Diego, Deer Springs Fire Protection District, have reviewed and accepted the Fire Protection Plan for Newland Sierra (Appendix N-1).



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Lastly, with respect to Threshold (c), Appendix N-1, Figure 4 – Fire Station 12 Five Minute Travel Time Exhibit, demonstrates the proposed Project achieves the emergency response objectives, most notably emergency travel time, identifies in the Public Facilities and Safety Elements of the County General Plan. In addition, please refer to Appendix DD, Land Use Consistency Table, for a summary of how the proposed Project complies with General Plan goals and objectives.

Regarding compliance with the provisions of Appendix N-1 and N-2, the County will require compliance with these reports through Conditions of Approval.

- O-1-204** The Comment states that the DEIR does not discuss or account for the Project’s three-story residential units, suggesting that a ladder truck is necessary for response. The comment continues that the DEIR does not discuss or evaluate limitations of DSFPD response and that the DEIR must be recirculated after being revised to consider this issue.

The County disagrees with the comment. Appendix N-1, Figure 4 – Fire Station 12 Five Minute Travel Time Exhibit, demonstrates the proposed Project achieves the emergency response travel time requirement of five minutes. With respect to the provision of a ladder truck for three-story homes, the proposed project applicant does not anticipate the 3 three-story homes exceeding 35 feet in height, therefore firefighting response with a standard DSFPD Type I engine would be adequate. However, the proposed project applicant anticipates entering in a Fire Service Agreement with the DSFPD to “provide funding that will augment the DSFPD’s capabilities for continued provision of high-level service to its primary jurisdictional area, including the Newland Sierra project.” This could include a ladder truck if determined necessary by DSFPD.

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

- O-1-205** The comment suggests that the FlamMap modeling outputs are misleading and need to be revised and republished. It specifically questions the scale and color usage in the graphics. It also states that Appendix D is misleading by showing the developed areas without flame lengths.

The County disagrees with the comment. The color schemes and scaling of the Fire Protection Plan maps presenting flame lengths and fire spread rates for a summer fire

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(Appendix C-1) and a fall fire (Appendix C-2) were used to provide sufficient detail to understand the variability of these variables across the project site. The legends for the maps presented in Appendices C-1 and C-2 are clear and accurate.

The presentation of post-project flame lengths included in Appendix D of the Fire Protection Plan does include flame length values designated as “n/a” for the portion of the project that would be converted to developed uses (roads, structures). Flame length values calculated for these areas was zero (0), based on the assigned fuel model value. As presented in Table 4 of the Fire Protection Plan (page 31, Section 2.2.2.1), urban/developed areas were assigned a fuel model value of zero (0) as much of this area would be converted to non-combustible surfaces (roads, paved areas). While structures can burn, the standard vegetative fuel models available for use in FlamMap (as well as BehavePlus and FARSITE) do not include any that represent houses, buildings, or structures. The flammability of structures is addressed in Section 4 of the Fire Protection Plan (Fire Safety Requirements – Infrastructure, Building Ignition Resistance, and Defensible Space).

- O-1-206** The comment indicates that the Fire Protection Plan does not include any appendices regarding fire spread rates under current conditions as compared to post-project conditions and that the DEIR must be revised to incorporate this information and be recirculated.

Appendices C-1 and C-2 of the project’s Fire Protection Plan present fire spread rates for current site conditions resulting from the FlamMap modeling analysis. A map presenting fire spread rates for post-development conditions is not presented. This analysis was completed in response to this comment and the Fire Protection Plan has been revised to include a map showing this comparison. As with the reduction in flame lengths for the post development condition (Fire Protection Plan Appendix D), a similar reduction in spread rates is observed within the project’s proposed fuel modification zones. Post project fire spread rate analysis is not a requirement for analyzing the effectiveness of fuel modification zones, but can provide graphical illustrations of the spread rate reductions that are proportional to the flame length reductions.

- O-1-207** The comment states that because of the uncertainty in wildfire and human behavior the only conclusion that can be supported in the DEIR is significant and unavoidable. The comment lists limitations of the FlamMap modeling, particularly that it will not display spatial variations caused by backing or flanking behavior. The comment presumes that FlamMap is most appropriate for forested areas, not the shrublands characteristic of the Project site. The comment further quotes the DEIR regarding other FlamMap limitations such as weather and topography assumptions, it suggests

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that software programs were mixed and matched and that the methods used to model fire behavior were “concocted out of thin air”. The comment suggests that the DEIR should be revised to include modeling with the FARSITE fire spread model.

The County disagrees with the comment. FlamMap is a static representation of fire behavior without a temporal component. An analysis of backing/flanking would require use of a modeling system that incorporates a temporal component, such as FARSITE. The commenter states that FlamMap is most appropriate for forested areas, but does not provide data to support this statement. In fact, FlamMap is used extensively to model fire behavior in all fuel types, utilizing the standard 13 (Anderson) fuel models and the newer 40 models (Scott/Burgan) which include representations of all fuel types (grass, shrub, grass/shrub, timber understory, and slash).

No justification is provided for the statement that FlamMap is more appropriate for forested areas. As described in the Fire Protection Plan, FlamMap evaluates fire behavior based on numerous inputs (Fire Protection Plan Section 2.2.2.1), one of which is the assigned fuel model. Of the 53 standard fuel models available for use in FlamMap (Fire Protection Plan Section 2.2.1), 29 models (55%) represent non-forest vegetation types (grass, grass-shrub, and shrub). The use of FlamMap for modeling fire behavior in non-forested vegetation type and this fire behavior modeling software package is therefore appropriate.

**O-1-208** The comment purports that the DEIR’s fire modeling contains no meaningful analysis of the effect of ember rains on fire risk and spread. The County disagrees with the comment.

As described in Response to Comment O-1-207, the FlamMap software was utilized to evaluate potential worst-case fire behavior for the project site and does not include a temporal component, which would be necessary for evaluating ember contribution to fire spread. However, as described, the fire behavior modeling effort using FlamMap software presents a more conservative approach in that it assumes that a fire will occur on site and presents worst-case fire behavior characteristics for all areas of the project site. The BehavePlus fire behavior modeling analysis in the project’s Fire Protection Plan (Section 2.2.3) does evaluate ember spotting distances and the project’s Fire Protection Plan does consider the effect of wildfire-generated embers on the proposed project. As described in Sections 1.2 (Applicable Codes/Existing Regulations), 4.6.2 (Fuel Modification Zone Requirements), and 4.4.1 (Ignition-Resistant Structural Requirements) of the project’s FPP, proposed fuel modification zones (including maintenance and monitoring components) and

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structural hardening requirements will be implemented to minimize the effect of ember-related ignitions on site.

- O-1-209** The comment states that the evacuation plan's reliance on Camino Mayor renders the DEIR analysis deficient because property rights needed to provide access and provide general public access have not been demonstrated. The comment further indicates that a Newland representative indicated that the real estate and easement rights to Camino Mayor were in process and that the evacuation plan assumption that Camino Mayor is available is an error.

The County disagrees with the opinion of the commenter that feasible access along Camino Mayor or via an alternative route that connects to Camino Mayor (as discussed on page 45 of the Fire Protection Plan) is not analyzed and access rights demonstrated. Please refer to **Response to Comment O-1.13-4** and **Response to Comment Letter O-1.11** for further details regarding Camino Mayor. Should real estate and access rights along Camino Mayor not be secured, then the alternative route north of Camino Mayor would be implemented and has been adequately analyzed in the DEIR.

- O-1-210** The comment states that the existing private access easement for the private, unpaved roadway only contemplates limited access to one parcel, not the entire 2,000+ unit project. The comment states that the use of Camino Mayor for emergency access to serve the entire project is not permitted the County must analyze the project's impacts if the project applicant is not able to obtain the appropriate property rights for the Camino Mayor access. The County does not concur with this comment. First, the County notes that Appendix N-2 does not state that the entire project would use the Camino Mayor in the event of an evacuation; rather, only 10% of the evacuation trips would use Camino Mayor. The County further notes that the comment raises property rights issues not related to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue

- O-1-211** The comment states that the lack of design information for the Deer Springs Road/I-15 interchange makes it impossible to determined how vehicles will access the freeway to leave the area under an evacuation. The comment states the DEIR should include and analyze this information, or the County should delay consideration of the project until this information is gathered. The County does not agree with this comment. The County notes the comment expresses the opinion of the commenter and does not raise a specific issue or offer substantial evidence to support that the analysis contain in the DEIR is inaccurate. The County further notes that, as stated in

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Global Response TR-2, the improvement in question is a mitigation measure to the proposed project and; therefore, under CEQA, is not required to be analyzed at the same level as the proposed project.

- O-1-212** The comment states the County raised issues in a May 7, 2015 letter to the project Applicant regarding fire protection and asked if those issues have all been addressed.

The County acknowledges the comment does not raise an environmental issue within the meaning of CEQA because the letter in question was prepared in May, 2015, has been addressed between the County and the project applicant, and does not raise an issue with the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- O-1-213** The comment states “there will be an unusually high amount of horse trailers” in an evacuation which will “be hard to navigate some of the steep roads and will cause extra congestion.” The comment states that neither the DEIR nor the draft evacuation plan address this issue” and that each of these need to be revised to incorporate information and analysis on this issue and recirculated for public review and comment.”

The County does not concur with this comment. First, with respect to the assertion that there will be an unusually high amount of horse trailers, the County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR.

Second, the County notes that even if the premise of the comment is correct, these would fall under the Existing Conditions as horse-keeping is not permitted within the proposed project due to the animal designator and lot sizes proposed under the Specific Plan and Tentative Map. Further, see the **Response to Comment O-1.13-15** for additional discussion of the fire evacuation issues relating to animal evacuations

Third, the routes for evacuation are predominately along major arterial roadways, which are not steep roads as the comment implies because these are Mobility Element roads which are designed to minimize steep road grades and facilitate traffic movement. The comment does not provide any substantial evidence to suggest alternate evacuation routes which would be subject to steep grades and congestion due to horse trailers.

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Fourth, as noted in **Response to Comment O-1-191**, improvements to Deer Springs Road would be in place prior to occupancy of 3% of the proposed project, which would address the existing conditions of horse trailers.

- O-1-214** The comment states that a separate technical analysis has been prepared and provided by an experienced fire protection and fire evacuation specialist (**Comment letter O-1.13**). The comment opines that if the DEIR is not revised to address these concerns, the conclusions regarding fire safety and fire hazards are not supported by substantial evidence and that “this Project will have a significant and unavoidable impact on fire hazards.” The comment concludes that the DEIR does not contain enough information or adequate analysis to be adequate under CEQA and must take into account the comments above and be re-circulated for public review and comment.

The County acknowledges the comment and refers the commenter to **Response to Comment Letter O-1.13**. Please also refer to **Responses to Comments O-1-187** through **O-1-213**, above, for responses to each of the stated inadequacies of the DEIR. The remainder of the comment expresses the commenters opinion regarding the analysis of fire hazards contained in the DEIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- O-1-215** The comment states that the proposed project will cause noise impacts associated with construction for 10 years and operational traffic in perpetuity. The comment claims that the Draft EIR’s analysis of noise impacts and mitigation are insufficient under CEQA, and cites a report from dBF Associates.

The County acknowledges the comment as an introduction to the comments that follow. Further, the County notes that the comment restates information regarding the duration of construction and operational traffic that were included and analyzed in the Draft EIR, Section 2.10, Noise. The commenter is also referred to **responses to Comment Letter O-1.15**, wherein the County has provided responses to the comments included in the report from dBF Associates. As the comment does not raise any specific issue regarding that analysis, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1-216** The comment states that the Draft EIR does not disclose locations or schedules of blasting activities. The comment states that blasting is an acute impact, and location and timing are critical information for understanding the impacts of specific

properties. The comment also states that, in addition to blasting, property owners in the adjacent Deer Springs Oaks Mobile Home Park could experience vibration that may impact the foundations of their homes. The County does not concur with this comment for the following reasons.

Section 2.10.3.2 of the Draft EIR analyzes impacts due to project-generated airborne noise from all foreseeable sources of construction noise, including noise impacts from construction equipment (page 2.10-16); 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 pile driving. In addition, Section 2.10.3.3 of the Draft EIR evaluates potential impacts from ground-borne vibration, including vibration impacts as a result of blasting (Draft EIR page 2.10-24).

The Draft EIR also identifies the project's incorporated Project Design Features (PDFs), listed in Section 1.2.1.9, which are designed to reduce construction-related noise impacts. Relevant PDFs are as follows:

- 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 Leq 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.

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. Although 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 would be 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 also analyzes noise impacts from impulsive noise sources, including rock drilling, blasting, and pile driving. For 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, with implementation of 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 of 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 has the following explanation (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<sub>max</sub> at a distance of 50 feet (Appendix Q). Given a typical work cycle, this would equate to 78 dBA L<sub>eq</sub> 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 guides prepared by the U.S. Bureau of Mines. The Draft EIR concludes that, “[w]hen explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass” and even though modern practices mean air-blast overpressure rarely reaches damaging levels, there is a risk that air-blast overpressure levels can reach levels that could feasibly cause some damage to nearby structures. However, because specific details necessary to determine whether blasting noise impacts may occur, such as precise location of



blasting and blast-charge weights, are not yet known, the Draft EIR conservatively concluded that noise impacts/airblast impacts from blasting are potentially significant.

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 would ensure 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.

Note also that Section 2.6 of the Draft EIR, Geology, Soils, and Seismicity, provides further information about the potential use of blasting as can be reasonably predicted at this time.

As to blasting effects attributable to ground-borne vibration, the Draft EIR reasons 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).

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

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Draft EIR Section 2.10, Noise, thoroughly evaluates the noise impacts of the project's construction-related activities, including blasting. Based on the analysis contained therein, the project's construction-related noise impacts would result in potentially significant impacts. Therefore, the Draft EIR recommends the adoption of mitigation measures and implementation of PDFs to reduce such impacts to less than significant.

- O-1-217** The comment states that the proposed blast drilling monitoring plan is deferred mitigation because insufficient information is known at this time and the plan fails to incorporate specific standards for noise, dust, and other impacts. The County does not concur with this comment. Please see **Response to Comment O-1-216**, above.

Draft EIR Section 2.10, Noise, thoroughly evaluates the noise impacts of the project's construction-related activities, including blasting. Based on the analysis contained therein, the project's construction-related noise impacts would result in potentially significant impacts. Therefore, the Draft EIR recommends the adoption of mitigation measures and implementation of PDFs to reduce such impacts to less than significant. The Draft EIR incorporates M-N-5 to reduce these potentially significant construction noise/airblast and vibration impacts from blasting activities to less than significant (Draft EIR pages 2.10-32 through 2.10-33). M-N-5 requires that, prior to approval of a grading permit, the applicant or contractor prepare a blast drilling and monitoring plan. The plan would include noise levels, air-blast overpressure levels, and ground-borne vibration levels at each residential property line within 1,000 feet of the blast location. Where potential exceedences 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, Section 36.409 and 36.410, and vibration-level limits of 1 inch per second peak particle velocity. The County's Noise Ordinance details specific standards for noise (Draft EIR, pages 2.10-6 and 2.10-12 through 2.10-13). In addition, each blast would be performed by a licensed blast contractor and monitored outside the closest residence to ensure that adequate reductions result in blasts that are below established limits. The Draft EIR concludes that blasting impacts will be reduced to below significance with this mitigation incorporated (Draft EIR page 2.10-37). This is not improperly deferred mitigation, because M-N-5 includes performance standards by its references to the County Noise Ordinance.

- O-1-218** The comment states that the County should either withdraw the application until the proposed project develops its planned blasting schedule and information, or hire an independent blasting consultant to estimate the blasting program that the project may use, and the Draft EIR should be revised and recirculated with this blasting information and associated analysis. The County does not concur with this comment.

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The County has reviewed all of the proposed project's technical analysis and Draft EIR analysis as required by CEQA.

Reiterating **Responses to Comments O-1-216** and **O-1-217**, above, Draft EIR Section 2.10, Noise, thoroughly evaluates the noise impacts of the project's construction-related activities, including blasting. Based on the analysis contained therein, the project's construction-related noise impacts would result in potentially significant impacts. Therefore, the Draft EIR recommends the adoption of mitigation measures and implementation of PDFs to reduce such impacts to less than significant. The County does not need to hire an independent consultant, since the Draft EIR contains sufficient information regarding the proposed project's blasting schedule and locations.

With respect to air toxics and air quality, Section 2.3, Air Quality, and particularly Section 2.3.5, Impact Analysis, therein, of the Draft EIR comprehensively evaluates the project's construction-related air quality impacts, including those attributable to blasting. The County refers to **Global Response AQ-1, Blasting Impacts**. As summarized in Global Response AQ-1, Draft EIR Section 2.3, Air Quality, considered and evaluated the air quality impacts of the project's construction-related activities, which included emissions from general construction activities, blasting, and rock crushing (Draft EIR page 2.3-22). Based on that analysis, the project's construction-related emissions would significantly impact conformance with federal and state ambient air quality standards; therefore, the Draft EIR recommended the adoption of mitigation measures—including M-AQ-4, which specifically addresses blasting activities—to reduce such impacts to the extent feasible. The project's construction-related activities would not result in significant impacts attributable to crystalline silica exposure, carbon monoxide (CO) hotspots, or toxic air contaminants (TACs).

- O-1-219** The comment states that the Draft EIR considers mitigation measures for impacts along Deer Springs Road to three off-site receptors, including noise barriers, road surface improvements, regulatory measures, and traffic-calming, but concludes that such measures are infeasible and characterizes the impacts as significant and unavoidable. The comment restates information contained in Section 2.10 of the Draft EIR. Please see also **Response to Comment O-1.5-12**, providing further detail concerning why noise barriers were deemed infeasible at these locations.

The comment further states that the Draft EIR's reasons for the infeasibility finding are speculative and do not support the conclusion. The comment specifically notes the Draft EIR's finding that noise barriers may not be effective because of the need to have access to the impacted properties. The comment then calls out two locations—

Golden Door Properties LLC and Deer Springs Oaks Mobile Home Park—that the comments claims do not have access points that would preclude a barrier’s effectiveness. The County notes that the Draft EIR analyzed impacts to both Golden Door Properties LLC and Deer Springs Oaks Mobile Home Park, and concluded that impacts to the properties would not be significant. Specifically, off-site model receivers O-1 and O-2 were modeled at the locations of Golden Door Properties LLC and Deer Springs Oaks Mobile Home Park. As shown in Tables 2.10-12 and 2.10-19 in Section 2.10 of the Draft EIR, the noise level increases at the sites were determined to be less than significant, thus, the comment regarding noise barriers at these locations does not apply, since no mitigation is required for impacts that are less than significant.

The comment also states that the Draft EIR concludes that mitigation measures may not be desired by the local residents due to visual or traffic impacts, and notes that this is speculative and unsupported by evidence, and that under CEQA case law, such unwillingness by a property owner to take action does not render mitigation infeasible. Specific to the locations identified for off-site traffic noise impacts (O-5, O-10, and O-11), all three of these single-family residences are located on the north side of Deer Springs Road, are elevated relative to Deer Springs Road (and, thus, have a clear view of the roadway), and have driveways taking direct access from Deer Springs Road, which would preclude construction of a continuous noise barrier without substantial design/engineering work and which would exceed the County’s height limits for front yard walls. Accordingly, noise barriers at these locations were deemed infeasible. See, **Response to Comment O-1.5-12**.

- O-1-220** The comment states that the Draft EIR is required to analyze the indirect impacts of a six-lane configuration on Deer Springs Road. The County does not agree with this comment. The project does not propose construction and operation of six lanes on Deer Springs Road. As evidenced in Appendix R, Traffic Impact Analysis, of the Draft EIR, the proposed project would achieve an acceptable level of service under the cumulative condition with a four-lane improvement to Deer Springs Road. There is not additional obligation for the project to analyze the potential impacts of a future road widening on Deer Springs Road that is not required by the proposed project as a mitigation measure. 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.

Nevertheless, as explained in **Response to Comment O-1.16-4**, the traffic volumes in Appendix R were based on traffic from a six-lane Deer Springs Road. Thus, the noise level outputs in the Draft EIR reflect both the proposed geometry and traffic volumes of a six-lane Deer Springs Road.

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- O-1-221** The comment states that the traffic study relies on six lanes for Deer Springs Road to avoid significant traffic impacts; thus, the project must analyze the impacts of the construction of six lanes on Deer Springs Road.

The County does not concur that Appendix R relies on a six-lane configuration to avoid significant traffic impacts. Refer to **Response to Comment O-1.16-4** regarding the traffic analysis' treatment of Deer Springs Road. As explained in **Response to Comment O-1.16-4**, Appendix R, Traffic Impact Analysis, does not require, nor anticipate, widening of Deer Springs Road to six lanes to mitigate any potential impacts of the proposed project or cumulative projects. Accordingly, the widening of Deer Springs Road to six lanes is not required to be analyzed in Section 2.10, Noise, of the Draft EIR, nor is the Draft EIR required to analyze the potential hillside blasting, streambed and wetlands filling, private land condemnation, or any other issue cited in the comment as potentially necessary to build six lanes on Deer Springs Road. 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-1-222** The comment states that the Draft EIR does not adequately analyze noise impacts to existing uses on Sarver Lane. The comment states that traffic volumes would increase from 500 ADT to 6,300 ADT, and the increase would result in a noise level increase of 11 dBA, which would be a significant impact.

The County does not concur with this comment. Please refer to **Responses to Comments O-1.15-6 and O-1.15-7**, discussing the Draft EIR's evaluation of impacts to existing uses on Sarver Lane and traffic volume inputs along Sarver Lane. Increased traffic on Sarver Lane would increase noise levels, but the predicted noise level increase would be 9 dBA, which is below the County's threshold of 10 dBA. Although this noise level increase is greater than 3 dBA, overall noise levels would not equal or exceed the County's Noise Compatibility Guidelines and Standards for the underlying land uses; thus, the impact remains less than significant, as concluded in the Draft EIR.

- O-1-223** The comment states that two religious institutions on Sarver Lane are afforded additional protections under state and federal law. The comment cites CEQA Guidelines Section 15131(b), and concludes that the Draft EIR must be revised to analyze the potential impacts to St. Mark's Catholic Church and the Hidden Valley Zen Center. The County does not concur with this comment for the following reasons.

CEQA Guidelines Section 15131 states that, "[e]conomic or social information *may* be included in an EIR or may be presented in whatever form the agency desires"

(emphasis added). Inclusion of such a discussion in an EIR is, accordingly, not required.

The Noise Technical Report (Appendix Q) and Section 2.10 of the Draft EIR models noise impacts at receiver O9, which is St. Mark's Catholic Church. Per the County's Noise Ordinance and noise guidelines, uses such as churches would be impacted if noise levels exceeded 65 dBA. Table 2.10-12 of the Draft EIR shows that at receiver O9, the modeled noise level would be 57 dBA in the Existing + Project scenario, which is under the 65 dBA threshold. Further, as shown in Table 2.10-19, receiver O9. and 61 dBA in the Cumulative Plus Project scenario; which is also under the 65 dBA threshold.. Off-site noise contours include Sarver Lane, where these facilities are located. Please see, Table 2.10-11, Off-Site Future Noise Contours; Figure 2.10-5A, Off-Site Traffic Noise Contours (Option A: Four-Lane Deer Springs Road); and Figure 2.10-6A, Off-Site Traffic Noise Contours (Option B: Six-Lane Deer Springs Road).

Off-site receivers at noise-sensitive land uses along Sarver Lane, including the Hidden Valley Zen Center, were modeled for the response to **Comment Letter O-1.15**. This supplemental modeling confirms that the County's thresholds would not be exceeded in these locations.

Please also refer to **Response to Comment O-1.15-6**, which explains that additional modeling was performed to isolate potential noise-sensitive land uses farther north on Sarver Lane. Based on this modeling, the predicted noise level increases are less than the County's threshold of 10 dBA. Although these noise level increases would be greater than 3 dBA, they would not equal or exceed the County's Noise Compatibility Guidelines and Standards for the underlying land uses; thus, the impact would remain less than significant, as concluded in the Draft EIR.

**O-1-224** The comment states that the Draft EIR must consider the particular religious worship activities that occur on the St. Marks Catholic Church and Hidden Valley Zen Center sites. The comment cites the case, *Christward Ministry v. Sup. Ct.* (1986) 184 Cal.App.3d 180, 196–198. Without substantial evidence presented regarding an impact on the particular religious workshop activities that occur on the St. Marks Catholic Church and Hidden Valley Zen Center sites, the County can only look at its own analysis which follows the County Noise Guidelines.

The County has considered the noise level above which a significant impact would result at religious institutions, and the County Noise Guidelines includes a noise threshold for religious institutions of 65 dBA. As analyzed in the Draft EIR and stated in the above **Responses to Comments O-1-222** and **O-1-223**, the modeled noise levels at St. Mark's Catholic Church and the Hidden Valley Zen Center are predicted

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to be below the County's threshold for religious locations. Accordingly, the proposed project would not result in a noticeable difference in the sound level at these locations, and would not interfere with religious activities.

- O-1-225** The comment states, "The DEIR, therefore, should provide site-specific noise impacts thresholds of significance for each of St. Mark's Catholic Church and the Hidden Valley Zen Center that take into account the particular religious activities that occur on those sites and the level of noise that would significantly impact such activities."

The County does not agree with this comment. Please refer to **Response to Comment O-1-224**. As stated above, the operational traffic noise impacts to these facilities would amount to a 1 dBA increase (Draft EIR, Table 2.10-19). Accordingly, the proposed project would not result in a noticeable difference in the sound level at these locations, and would not interfere with religious activities.

- O-1-226** The comment states that the Draft EIR "should analyze whether the approval of the Project would impose a substantial burden on the Hidden Valley Zen Center's silent meditation practice and on St. Mark's Catholic Church's religious worship," under the federal Religious Land Use and Institutionalize Persons Act. The County acknowledges the comment and notes that it raises economic, social, or political issues that do not appear to relate to any physical impact on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1-227** The comment states that potential impacts to paleontological resources due to the I-15 interchange improvements were not analyzed because there is no design included in the Draft EIR. The County does not concur with this comment.

The County's Draft EIR provides environmental analysis of the interchange project as *mitigation* for the proposed project. Specifically, the interchange is one of the mitigation measures set forth in the Draft EIR, Section 2.13, Transportation and Traffic (see mitigation measure M-TR-1, page 2.13-105). Under CEQA, if a mitigation measure would cause one or more significant effects, in addition to those that would be caused by the project as proposed, the effects of the mitigation measure must be discussed, but in less detail than the significant effects of the project as proposed (see CEQA Guidelines Section 15126.4(D)).

The Draft EIR provides the requisite analysis of the interchange improvements by disclosing all that can reasonably be disclosed at the time of writing regarding the

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environmental effects associated with such improvements. Page 2.11-6 of the Draft EIR states the following:

The I-15 interchange improvements are anticipated to occur in an area that is identified as ‘None’ on the San Diego County Paleontological Resources Potential and Sensitivity Map; however, the interchange improvements are adjacent to the southeast corner of the Project near the Town Center, and as such may be underlain by sedimentary alluvial formations that have the potential to yield paleontological resources.

The Draft EIR further includes mitigation measure M-PR-2, “to ensure potential impacts to paleontological resources remain less than significant.”

In addition, the California Department of Transportation (Caltrans) will conduct its own independent environmental review of the interchange project, including feasible alternatives and mitigation. In 2014, at the applicant’s (Newland Sierra) request, Caltrans entered into a Cooperative Agreement, effective April 16, 2014 (2014 Agreement), which initiated the process of evaluating alternative I-15/Deer Springs Road interchange improvements (interchange) to mitigate the project’s impacts to the interchange within the state highway system. This process includes the development of a Project Initiation Document consisting of a Project Study Report–Project Development Support (PSR-PDS) that establishes the framework and project objectives for the next two phases of the interchange project.

After completion of the PSR-PDS, the County understands that Caltrans and Newland Sierra will enter into the next phase: the Project Approval and Environmental Document (PA&ED) phase. The PA&ED phase will involve preparation of the appropriate environmental documents for the interchange project, along with the selection of a range of reasonable alternatives and feasible mitigation in accordance with the National Environmental Policy Act (NEPA) and CEQA, and that Caltrans, as the lead agency under CEQA, will oversee and approve or deny the joint NEPA/CEQA environmental document for the interchange project. If approved, Caltrans will implement the interchange improvements. The Caltrans PA&ED phase will evaluate the potential impacts of each interchange alternative/configuration, select the preferred interchange configuration (a Caltrans decision), and develop the final mitigation for the chosen interchange configuration.

- O-1-228** The comment states that the Draft EIR did not analyze potential impacts that grading may have on off-site sedimentary alluvial formations on private properties along Sarver Lane or propose mitigation measures. The County does not concur with this comment. The Draft EIR states on page 2.11-6, “some portions of the project Site are underlain by sedimentary alluvial formations that have the potential to yield



paleontological resources. The affected portions of the project Site are ... and Sarver Lane.” Further, the Draft EIR concludes, “excavation in areas underlain by Quaternary older alluvium and younger alluvial deposits (Town Center, the Valley, Sierra Farms Park, and Sarver Lane) would result in **potentially significant impacts** to paleontological resources (**Impact PR-1**).”

To mitigate for this impact, the Draft EIR recommends M-PR-1, which calls for paleontological resource monitoring in geologic units of high or moderate paleontological potential, including Sarver Lane. With implementation of M-PR-1, impacts to paleontological resources, including on Sarver Lane, would be mitigated to less than significant.

Beyond the potentially significant impacts stated above, no significant paleontological impacts would result to private properties on Sarver Lane because no “project-related grading or excavation will disturb the substratum or parent material below the major soil horizons” on those properties (Draft EIR page 2.11-6).

**O-1-229** The comment states that the EIR “discusses impacts from growth inducement from population and housing in both section 1.8 and section 2.12,” and that “separating the discussion makes it difficult to evaluate and review the totality of impacts discussed.” The comment states the opinion that “it does not seem appropriate to make impact determinations in the Project Description section of the EIR; instead such determination should be included in the analysis sections that follow.” The County does not concur with the comments.

The comment restates information contained in the EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary, but the following is provided for information purposes.

The County agrees with the commenter that growth inducement is discussed in both Chapter 1, Project Description, and Section 2.12, Population and Housing, but disagrees with the opinion that providing this analysis in both locations is inappropriate. Section 1.8 of the Project Description includes the required discussion per CEQA Guidelines Section 15126.2(d) concerning the proposed project’s potential growth-inducing effects, which is consistent with the County’s EIR Format and General Content Requirements. After discussing the potential growth-inducing impacts of the project, including from the General Plan Amendment and the extension of roads, utilities, and public services, Section 1.8 concludes the following (EIR page 1-38):

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

Section 2.12, Population and Housing, further discusses potential growth-inducing impacts in terms of impacts to population and housing pursuant to the CEQA Guidelines Appendix G threshold of whether the project would “[i]nduce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure” (EIR page 2.12-9). The EIR discusses the project’s potential growth-inducing impacts and concludes the following (EIR Section 2.12.7):

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

The EIR discussed growth-inducing impacts per CEQA in both Section 1.8 and Section 2.12, and determined that the proposed project would result in significant, unavoidable impacts due to inducing substantial population growth. Hence, as requested by the commenter, the impact determination is indeed “included in the analysis section[] that follow[ed],” that is, within Section 2.12. Since the comment fails to identify any issue related to the accuracy or adequacy of these sections, the County can provide no more specific response to this comment.

- O-1-230** The comment states that the EIR inaccurately describes the existing regulatory environment concerning what could be developed on the site when the EIR states that more than 2 million square feet of commercial development could be built. The comment states that, “the EIR appears to use this erroneous description of the regulatory environment as an editorial about why the Project land uses are not as impactful as the existing ones. This plan to plan analysis is not permitted under CEQA, and provides the public and decision makers with a distorted and incomplete description of the true regulatory setting.” The County does not concur with the comments.

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In response, page 2.12-1 of the EIR correctly describes the existing land use designation and zoning conditions for the project area, as follows: “the North County Metropolitan Subregional Plan area currently has four land use designations: General Commercial (4.6 acres), Office Professional (53.6 acres), Semi-Rural 10 (19.6 acres), and Rural Land 20 (1,810.8 acres).” In addition, the 97 acres in the Bonsall Community Plan area are designated as Rural Lands 20. As detailed in the EIR in Table 1-11 in Chapter 1, these existing land use designations would “allow for 99 dwelling units and 2,008,116 square feet of commercial” (C-1 and C-2) space (EIR page 2.12-9). The intensity of development under the existing General Plan designations is further summarized in **Topical Response LU-1: General Plan Consistency**, and in the **Responses to Comment Letter O-1.9 (DELANE Commercial Memo)**, addressing the EIR’s calculation of the existing permitted land uses allowing for more than 2 million square feet of commercial and professional office uses. Table 1-11 in Chapter 1 of the EIR is repeated below for informational purposes.

**Table 1-11**  
**Commercial and Residential Yield Analysis (Existing Land Use Regulations)**

Land Use	Acres	Allowable Density per General Plan	Number of Units/ Square Feet
SR-10 (0%–25% slope)	19.6	1 dwelling unit/10 acres	5*
SR-10 (25%+)	0.0	1 dwelling unit/20 acres	0
RL-20	1,907.8	1 dwelling unit/20 acres	94
C-1	4.6	0.70 floor area ratio	140,263 square feet
C-2	53.6	0.80 floor area ratio	1,867,853 square feet
Total	1,985 acres	—	99 dwelling units and 2,008,116 square feet

\* One dwelling unit per parcel per existing legal lot  
SR-10 = Semi-Rural 10; RL-20 = Rural Land; C-1 = General Commercial; C-2 = Office Professional

Accordingly, the EIR accurately describes the uses on the project’s property permitted by the existing land use designations; thus, the analysis therein is not erroneous as the comment suggests.

Responding to the claim that the EIR uses the existing land use designations as an “editorial about why the Project land uses are not as impactful as the existing ones,” to the contrary, Section 2.12.3.1 of the EIR identifies that the proposed project would result in a potentially significant impact by inducing substantial population growth compared to existing conditions and existing General Plan land use designations. Reasons given for this conclusion are that the project would exceed the population growth currently contemplated under the adopted General Plan and subregional plans; introduce approximately 2,135 residential units; potentially result in commercial growth; and implement roadway improvements (EIR page 2.12-9). This significant

and unavoidable impact would exist with the proposed project and with the existing General Plan land use designations that allow for residential, commercial, and professional office development. Therefore, it was concluded that “the project has the potential for growth-inducing effects, which may result in subsequent adverse environmental effects as a result of such growth” (EIR page 2.12-10).

**O-1-231** The comment states that the EIR finds significant and unavoidable impacts to population and housing, but questions how this conclusion is consistent with “the findings of no impact in the Land Use Section and Agriculture Section of the DEIR.” The comment states it is “illogical ... to find in the Land Use section that the Project will not be in conflict with the General Plan and the Subregional Plan” when the project adds 5,782 more people to the area and will “exceed the planned population growth allowed under the General Plan and Subregional Plan.” The comment continues that the growth-inducement findings conflict with the Agricultural Resources section of the EIR that “[t]he proposed project is not anticipated to change the existing environment, and would not result in the indirect conversion of off-site agricultural resources to a non-agricultural use.” The County does not concur with the comments.

In response, the County considered the project’s potential growth-inducing impacts in Section 1.8 of the EIR, and found that the project, “has [the] potential for growth inducement, which *may result in subsequent adverse environmental effects as a result of such growth*. Such adverse environmental effects could include impacts to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources.” (EIR page 1-38, emphasis added.) The EIR thus acknowledges that the project would result in significant growth-inducing impacts. However, an EIR is not required to provide a detailed analysis of a project’s effects on growth, and is not required to engage in speculation (CEQA Guidelines Section 15126.2(d)(2); *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369; *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265). As stated in the EIR, “[t]here are no known intensity-increasing development applications pending at the County in the immediate project vicinity at this time” (EIR page 1-38). Therefore, the County cannot provide a more detailed analysis of potential growth-inducing impacts at this time without engaging in undue speculation regarding the location, rate, amount, timing, and scope of any such development, which is not required by CEQA.

In addition, the comment questions the conclusion that the project will result in a less-than-significant impact to land use and planning, since the project will “exceed the planned population growth allowed under the General Plan and Subregional Plan.” The EIR, Section 3.3, Land Use and Planning, evaluates the project’s potential for

impacts to land use and planning and determined that such impacts, including cumulative impacts, would be less than significant. As stated in the EIR, the project would require a General Plan Amendment to develop as proposed. Nevertheless, the project would result in less-than-significant land use and planning impacts under the guidelines provided in the EIR on page 3.3-21. This conclusion is founded in the detailed analysis in Section 3.3.3.2 of the EIR, which evaluates the proposed project's consistency with all applicable plans, policies, and regulations, and EIR Appendix DD, Land Use Consistency Analysis, which discusses the project's consistency with each of the applicable General Plan policies. Thus, while the project may exceed the population growth planned in the General Plan, if approved, it nevertheless would be consistent with the General Plan and not conflict with the County's goals, objectives, policies, or programs of the General Plan, as amended.

At the cumulative level, although the proposed project would result in an increase in population due to the proposed General Plan Amendment and increase in housing on the project Site, EIR Section 3.3.4.2 notes the following:

Build-out of a project, formerly known as the Merriam Mountains Project, was included in the County's General Plan Update Cumulative Impacts Analysis (see General Plan Update EIR Table 1-11). This project was proposed at the same location as the proposed project; however, the proposed project includes 565 fewer residential units (i.e., 2,700 units compared to the 2,135 units proposed by the Newland Sierra project). Therefore, the General Plan Update Cumulative Impact Analysis already accounted for development of the project Site with approximately 20 percent more residential units than proposed by the proposed project.

As a result, Section 3.3 concluded that "the proposed project would not contribute to a cumulatively considerable impact concerning conflicts with applicable plans, policies, and regulations."

With respect to the comment that the growth-inducing impact finding is inconsistent with the less-than-significant impact findings in Section 2.2, Agricultural Resources, the EIR notes that "CEQA cautions against assuming that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." As noted in Section 1.8, while "expansion of off-site roadways would accommodate higher capacities and improve accessibility, such improvements would be consistent with the existing General Plan's Mobility Element. The increase in water and sewer infrastructure would not remove barriers to growth because such infrastructure is sized to serve the project Site." Thus, while the proposed project may result in growth-inducing effects, the off-site growth-inducing effects would be limited, and

the off-site roadway expansions were previously planned and contemplated as part of the County's Mobility Element of the General Plan.

Furthermore, to the extent reasonably foreseeable, Section 2.2.3.2, Indirect Impacts to Agricultural Resources, of the EIR considered impacts related to the potential conversion of farmland from changes to the existing environment (see, for example, EIR page 2.2-14 and page 2.2-17). The EIR noted that "the closest proposed non-agricultural land use lots would be located approximately 150 feet from the nearest active agricultural use. This and many of the other existing agricultural operations in proximity to the project are orchards, which have a lower degree of potential land use conflicts with residential uses" (EIR page 2.2-14). Considering the proposed project development, improvements, and land uses; distance to existing agricultural uses; and type of agricultural use, the EIR concluded that indirect impacts from the proposed project would be less than significant. The EIR also considered potential cumulative impacts, again to the extent reasonably foreseeable, in Section 2.2.4, Cumulative Impact Analysis, and found that such impacts would be less than cumulatively considerable.

Lastly, the comment states, "[i]t is farcical to find both direct and indirect growth inducement impacts, but refuse to recognize that that growth inducement will change community character and land uses of the surrounding area." The County does not concur with the comments.

In response, the EIR acknowledges that the project may change the land uses of the surrounding area and requires a General Plan Amendment for the project Site (see, **Response to Comment O-1-230** and EIR Section 1.8 in Chapter 1 and Section 3.3, Land Use and Planning). As to "community character," please see **Responses to Comments O-1-39 and O-1-40**. The County does not concur that the project area is in a "rural community" due to the surrounding development and proximity to the incorporated cities of San Marcos, Vista, and other North County cities.

- O-1-232** The comment provides background on the "Great Recession," and states that the EIR "appears to purposely leave out a discussion of the economic downturn that began in 2007." The comment suggests that the EIR is misleading for stating that the General Plan provides adequate housing capacity to meet the Regional Housing Needs Assessment (RHNA), and that the County has not permitted, nor developers constructed, adequate housing to fill the need. The comment states that the lack of housing growth was due to the recession, not land use policy. The County does not concur with the comments.

The County also notes that it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. Nonetheless, the EIR

accurately describes the General Plan and Land Use Plan on pages 1-36 and 2.12-8, and accurately describes permitting and development in the past 12 years. As stated in the comment, Section 2.12.2 describes that the worst of the Great Recession for the County was in 2009 and 2010. Attachment 29 to the comment letter, which is a Federal Reserve history addressing the Great Recession, also states that the housing market “bottomed out” in mid-2009 and that the Federal Reserve’s response included large-scale asset purchase programs that included the purchase of U.S. agency mortgage-backed securities and the debt of housing-related U.S. agencies (Fannie Mae, Freddie Mac, and Federal Home Loan banks). These programs “provided support for the housing market, which was the epicenter of the crisis and recession, and helped improve broader financial conditions.” (Attachment 29, p. 2-3.) The Attachment 29 article also was prepared in 2013, approximately 5 years ago. The EIR’s analysis that the County had only permitted 3,175 housing units in the 5-year period coming out of the recession is accurate, and the EIR provides context for meeting the San Diego Association of Government’s (SANDAG) RHNA for the unincorporated area. The EIR notes that “[a]t this rate, the County would fail to meet the RHNA’s 2020 target by 18,180 units.” The EIR also does not suggest that the County’s land use policy triggered the Great Recession. Importantly, the point of the EIR’s discussion is not to identify the “reasons” for the the lack of housing growth in the San Diego region; instead, it is to show there is a significant need for new housing and that this project helps to accommodate the housing shortage that exists in San Diego County.

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 requiring further analysis under CEQA.

- O-1-233** The comment questions why the County’s General Plan Housing Element is not being amended by the proposed project to reduce the total number of units needed or to replace units shown in the Housing Sites Inventory. The comment states that the County is “required to maintain consistency between its Housing Element and other elements of the County General Plan.” The County notes that the comment does not appear to relate to any physical effect on the environment or any specific issue regarding the adequacy of the EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue requiring further analysis under CEQA.

Nonetheless, the County does not update its General Plan Housing Element with every project; rather, consistent with state law, the County updates its Housing

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Element every 8 years, or when a complete update to the General Plan is prepared. It is anticipated that if the proposed project is approved, the next Housing Element (2021 to 2028) would include the project Site's inventory, and corresponding changes would be made to the Housing Sites Inventory, consistent with County policy.

**O-1-234** The comment states that, by not amending the Housing Sites Inventory for the North County Metropolitan Subregion to designate the project as adequate for housing, the proposed project is “not in compliance with Housing Element Policy H-1.1 to, ‘maintain an inventory of residential sites that can accommodate the RHNA.’” The County does not concur with this comment. Housing Element Policy H-1.1 applies to the County and is not applicable to a proposed development project. Please refer to the above **Response to Comment O-1-233** regarding the County's update cycle for the Housing Element whereby it ensures consistency with Housing Element Policy H-1.1. Therefore, the proposed project is not inconsistent with Housing Element H-1.1, suggested in the comment.

**O-1-235** The comment notes that the project does not propose housing that would be categorized as “affordable housing” by the Department of Housing and Urban Development, and states that this is inconsistent with County General Plan Housing Element Policy H-1.9, which requires, “developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.” The comment states, “it is legally permissible for the developer to provide an affordable housing component to the Project.” The comment states that the proposed project must amend the General Plan to comply with Policy H-1.9 or risk being inconsistent with the General Plan. Finally, the comment suggests that the County look at other locations as better sites for the same amount of additional housing. The County does not concur with this comment.

The County has determined that the proposed project is consistent with General Plan Policy H-1.9. The County has not adopted an inclusionary affordable housing ordinance and it is therefore not legally permissible to require affordable housing units or an in-lieu fee pursuant to an ordinance. The County also cannot impose an ad hoc affordable housing requirement or in-lieu fee for the project: it is not County practice to require ad hoc affordable housing requirements, and the County has no reason to treat this project differently than other projects by imposing such a requirement; the County has not studied the nexus between general housing development and the need for affordable housing or in-lieu fees, nor has the County studied such a nexus for this particular project; and the County does not have data suggesting how much of an affordable housing requirement should be required or whether in-lieu fees should be allowed. Instead, the County relies on its General Plan



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requirements for new development to provide a broad range of housing for a mix of income levels.

Further, Table 1 of Appendix DD, Land Use Consistency Table, of the EIR states the following:

The County does not presently have or enforce a requirement that projects include an affordable housing component when proposing a General Plan Amendment; however, the project's various neighborhoods have been planned to accommodate the housing needs of a wide range of consumer life stages and income levels. For example, the project would include 325 age-qualified housing units, 15% of the total housing proposed in the project, in its Sierra Mesa neighborhood. In addition to these age-qualified units, the project would include 762 multi-family townhome and row townhome-style units in its Town Center, Terraces, and Valley neighborhoods and 173 units in family clusters in its Valley, Knolls, and Summit neighborhoods. Finally, the project's Hillside neighborhood will include age-targeted housing units, including single-story units and units with the master living space on the ground floor. In combination, these housing types constitute over 60% of the project's proposed units, providing an important housing type for young professionals, first-time homebuyers, growing families, empty-nesters, retirees, and seniors. The balance of the project's housing would be in the form of more traditional single-family homes and accommodate many of these same demographic groups. Collectively, the project's mix of housing types includes sufficient housing options for a wide range of consumer life stages and income levels.

Because the County does not have or enforce an affordable housing requirement due to the lack of an adopted inclusionary affordable housing ordinance, it does not have a legally permissible mechanism to impose an affordable housing on the proposed project. Based on the above, the EIR determined that the proposed project is consistent with Policy H-1.9 of the Housing Element. (In this regard, the County's interpretation of the General Plan also is entitled to be given great weight, as it is the author of its own General Plan.)

In addition, the proposed project does not preclude the future development of affordable housing units. The typology described above, including the 762 multi-family townhome, row townhome-style units, 173 cluster units, and 325 age-qualified units, creates a diversity of housing types that would be viewed as affordable to households with a range of incomes.

As to the comment's suggestion to find other sites to accommodate the same amount of housing, the County notes that it expresses an opinion and does not raise an issue related to the adequacy of any specific section or analysis of the EIR. Nonetheless, to the extent that the comment is suggesting that the County consider alternative site locations, the following is stated in Section 4.3.1.1, Alternative Site Location Alternatives, of the EIR:

[T]he project applicant assessed other potential alternative locations within the County that currently possess a Village designation that could feasibly meet most of the project objectives. This assessment of alternative project sites did not yield any other locations that would meet most of the project objectives, specifically by being a site that includes a Village designation and of sufficient size to provide a range of housing opportunities and in close proximity to a major transportation corridor and job centers. The project is the closest location that includes a Village designation to existing jobs, services, and infrastructure in proximity to a major transportation corridor.... Therefore, Alternative Site Location Alternatives were rejected from further consideration.

Accordingly, the EIR did consider other sites to accommodate the same number of housing units, including site NC 2-1, as suggested in the comment. No other sites were identified that would meet the primary project objectives.

- O-1-236** The comment states that even if the project is approved, an economic downturn could result in the site sitting dormant for many years before housing is constructed. The County notes that it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment continues that, “[a]mending the General Plan to add the need for more housing would be in conflict with growth trends determined by SANDAG.” The comment cites changes in growth since 1999 and states, “[t]he need for housing in the unincorporated County is being reduced, because the incorporated cities have increased their capacity for housing near transit and job centers, as has been the policy direction in San Diego County.”

The County notes that it does not appear to relate to the project as proposed—which would not amend the General Plan to “add the need for more housing”—but rather it relates to the commenter's request in **Comment O-1-233**. The County further notes that the comment provides information and does not raise an environmental issue within the meaning of CEQA. The County will therefore 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, but no further response is required.

Notwithstanding, the County notes that SANDAG indeed collects land use data and tracks regional growth trends, and prepared a 2050 Regional Growth Forecast, as discussed in the EIR on page 2.12-5. However, “[t]he SANDAG forecasts are meant to help decision-makers prepare for the future and, according to SANDAG, are ‘not an expression for or against growth’” (EIR page 2.12-5). Moreover, SANDAG’s 2050 Regional Growth Forecast does *not* regulate the use of County land, does *not* supersede the exercise of the County’s land use authority, and does *not* require the County’s land use policies and regulations (including those set forth in its General Plan) to be consistent with the regional projections. Although SANDAG is responsible for preparing regional planning reports, land use authority remains vested in the County and the 18 incorporated cities.

The County further does not concur with the comment’s implications concerning growth in the unincorporated North County project area. As described in the EIR, the project is close to several North County cities: Escondido and San Marcos are approximately 1 mile south, Vista is approximately 3 miles west, Oceanside is approximately 5 miles northwest, and Carlsbad is approximately 7 miles southwest of the project.

Referring to SANDAG’s growth forecasts and trends since 2012, the EIR, Section 2.12.1 states, “the North County Metropolitan Subregional Plan area is forecasted to grow at a faster rate than both the County unincorporated areas and the entire County (incorporated and unincorporated). This planning area also is anticipated to experience larger growth rate in employment.” (See EIR page 2.12-3, and EIR Table 2.12-2). Therefore, projected growth in San Diego County is *not* limited to the areas identified by SANDAG, as suggested in this comment.

In addition, as noted in Section 1.2.2 of the EIR:

A jobs/housing market analysis prepared for the project by MarketPointe Realty Advisors shows that 124,251 jobs exist within the State Route (SR) 78 Corridor Submarket, encompassing the cities of Escondido, San Marcos, and Vista, and certain portions of the unincorporated County. The MarketPointe Study shows that 63 percent of these jobs are commuting into these cities from outside the SR-78 Corridor Submarket. Of these jobs commuting into the Submarket, 58 percent are coming from other parts of San Diego County and the balance (42 percent) are coming primarily from the Riverside, Orange, and Los Angeles counties.

The SANDAG growth forecasts account for new units within San Diego County. However, the proposed project, in addition to being located near many cities included in the SANDAG growth forecasts, also would serve as new housing for commuters currently coming from Riverside, Orange, and Los Angeles counties. This would, in turn, reduce vehicle miles travelled, which is an important goal of the County, the region, and the State of California.

- O-1-237** The comment states that the project’s traffic impacts are “unprecedented” and will forever change the quality of life in Twin Oaks Valley and along the Interstate (I) 15 corridor. The comment then restates general information contained in the EIR and references a map prepared on behalf of Golden Door Properties LLC by the firm STC Traffic Inc. The comment states that the project provides inadequate mitigation and does not contribute funding toward the I-15 mainline. The comment states that the project’s impacts are compounded by a lack of planned transportation improvements for the area. The comment concludes that the traffic analysis should be revised and recirculated. The County does not agree with this comment for the following reasons.

There is nothing unprecedented about the proposed project’s traffic generation, and, in fact, the project would generate less AM and PM peak-hour trips than the maximum number of trips that would be generated by the General Plan land uses previously planned and approved for the Site. As shown in the EIR, although the proposed project would generate approximately 6 percent more (1,240) average daily traffic (ADT) than the land uses allowed under the existing General Plan, it would generate 36 percent (895) and 18 percent (441) less AM and PM peak hour trips, respectively, compared to the existing approved General Plan land uses for the project Site. Therefore, the project would actually generate less traffic than the uses allowed under the existing General Plan during those peak periods of the day when traffic congestion occurs.

The EIR identifies feasible mitigation that would fully mitigate all of the project’s direct and cumulative significant impacts with the limited exception of impacts to the I-15 mainline, and impacts to a closely spaced double intersection at Robelini Drive—S. Santa Fe—Buena Creek Road located approximately 6 miles from the project Site.

In the case of the I-15 mainline, the project would mitigate the identified impacts to the extent feasible. Specifically, mitigation includes construction of a new interchange with acceleration and deceleration lanes, ramp meters, and park and ride improvements at the I-15/Deer Springs Road interchange (“interchange improvements”), the net effect of which will improve the performance of the I-15 mainline. Additionally, the project’s proposed improvements to Deer Springs Road

and Twin Oaks Valley Road would serve to reduce daily traffic on the I-15 mainline by approximately 1,100 ADT in the near-term as the improvements would provide a shorter, more direct route for certain travelers to destinations otherwise reached via I-15 and SR-78 (refer to the *Four-Lane Deer Springs Road Traffic Memo*, prepared by LLG , Appendix JJ-7 to the EIR).

In addition, the proposed project includes a Transportation Demand Management (TDM) Program that would assist in reducing project-generated vehicle trips, including trips on I-15. The TDM Program includes a Community-sponsored shuttle service, transit subsidies, and support for car-share and ride-share programs, each of which would potentially reduce I-15 trips. Although not specific to freeway trips, the TDM Program also includes a Community-sponsored electric bike share program, and the project would provide 6 miles of new Class II bike lanes and 19 miles of trails and multi-use pathways to reduce vehicle trips within the project Site and along Deer Springs Road and Twin Oaks Valley Road. In sum, the project's proposed interchange improvements, in conjunction with improvements to Deer Springs Road and Twin Oaks Valley Road, and implementation of the TDM Program, would partially reduce the project's impacts to the I-15 mainline, thereby serving as partial mitigation for the project's significant impacts.

The California Department of Transportation (Caltrans) acknowledges that complete mitigation of the project's impacts to I-15 is not feasible as mainline improvements that would add additional capacity to the freeway and fully mitigate the impacts are not planned until 2050, many years after buildout of the proposed project (See October 22, 2014, letter from Jacob Armstrong, Caltrans, Chief, Development Review Branch, to County of San Diego, Mark Slovick, submitted on Lilac Hills Ranch project, which states, "Caltrans recognizes that no mitigation program, which the EIR could rely upon, is currently in place to implement such improvements. It is also understood based on the current SANDAG [San Diego Association of Governments] Regional Transportation Plan (RTP), that improvements are not planned to be in place until sometime between 2040 and 2050.") A copy of the letter is included as Appendix JJ-14 to EIR For additional information responsive to this comment, please see Global Responses to Comments, GR-TR-1 (I-15/SR-78).

As to the double intersection of Robelini Drive—S. Santa Fe Avenue—Buena Creek Road, construction of the improvements necessary to mitigate the project's significant direct impacts to the intersection would adversely affect private property, including residences, and these improvements would be interim/temporary only. This is because the County's Traffic Impact Fee (TIF) Program identifies planned improvements that would realign and widen the roadways intersecting in that same area, resulting in Buena Creek Road and Sycamore Avenue being directly connected in a new and

relocated intersection and Robelini Drive being closed to through traffic. These ultimate improvements would also potentially require the removal of certain interim improvements and the abandonment of other interim improvements and ROW acquisition at the Robelini Drive/S. Santa Fe/Buena Creek Road intersection. In furtherance of the ultimate improvements, the County has initiated preliminary engineering and design of these improvements, and the project would financially contribute to these improvements in a manner that is proportional to the project's impacts through participation in the County TIF Program. In total, the project proposes between approximately \$50 and 60 million in road, intersection, and interchange improvements. Thus, consistent with CEQA's requirements, the EIR includes all feasible mitigation measures to reduce the project's identified significant traffic-related impacts.

Furthermore, contrary to the assertion made in the comment of a lack of planned transportation improvements for the project area, both the County and City of San Marcos General Plans include plans for substantial road improvements to the roads located within the vicinity of the project Site. Deer Springs Road, presently a 2.3-mile-long two-lane road, is planned at County buildout as a six-lane prime arterial in the County's General Plan Mobility Element. Twin Oaks Valley Road, presently a 3.5-mile long road that is a combination of two lanes and four lanes with the 0.8 mile-long two-lane portion closest to the project Site, is planned to become a four-lane Major Arterial under buildout of the City of San Marcos's General Plan. Buena Creek Road, presently a 3.9-mile-long two-lane road, is planned to become a four-lane Major Road under buildout of the County's General Plan. S. Santa Fe Avenue, currently a 1.4-mile-long two-lane road from near the City of Vista into to the City of San Marcos, is planned and already designed as a four-lane Major Road with substantial intersection improvements proposed to directly connect Buena Creek Road and Sycamore Avenue and eliminate the Robelini Drive—S. Santa Fe. Avenue—Buena Creek Road double intersection as previously noted. Finally, Mountain Meadow Road, presently a 1.4-mile-long four-lane road that becomes Deer Springs Road at the I-15 interchange, is planned to connect to the community of Valley Center in the County's General Plan.

In total, the County General Plan includes the planned widening to four or six lanes for approximately 8.4 miles of roads within a 4.5-mile radius of the project Site. Additionally, although Caltrans has no plans to add all-purpose lanes to the I-15 mainline within the vicinity of the project Site, SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy adopted in October 2015 ("San Diego Forward: The Regional Plan" or "2015 RTP/SCS") includes the construction of toll lanes between SR-78 and the Riverside County Line and managed HOV lanes along SR 78 between I-5 and I-15. These various road and freeway

improvements within the vicinity of the project Site constitute substantial planned improvements consistent with the long-term growth anticipated in the County General Plan and in the nearby Cities of San Marcos, Escondido, and Vista. For additional supportive information, refer to the *Summary of Existing and Planned Infrastructure in the Project Vicinity* prepared by Fuscoe Engineering describing the various existing and planned infrastructure within the vicinity of the project Site (refer to Appendix JJ-10 to the EIR).

**O-1-238** The comment states that the project would add 5,600 ADT to Deer Springs Road and that the additional trips would result in the road operating at level of service (LOS) F. The comment then summarizes the two mitigation options, Options A and B, identified in the EIR to mitigate the proposed project's direct and cumulative impacts to Deer Springs Road. The County acknowledges the comment as restating information contained in the EIR and notes further that Deer Springs Road operates at LOS F today and, with implementation of the project's mitigation under Option B, the road would operate at LOS C in the Existing Plus Project Traffic scenario and LOS D in the Existing Plus Project Traffic Plus Cumulative Projects Traffic scenario (refer to Table 2.13-42 of the EIR).

**O-1-239** The comment states that the EIR's conclusion that Option B would mitigate the impacts to Deer Springs Road is not based on substantial evidence, that the conclusion in the EIR that Mitigation Measure M-T-9, Option B, would fully mitigate the project's direct and cumulative impacts to Deer Springs Road is unsupported because the Traffic Impact Analysis (TIA, Appendix R1 to the EIR) did not model Deer Springs Road as a four-lane major road when conducting the analysis of direct and cumulative impacts. The County does not agree with the comment. Chapter 10 of Appendix R1, Analysis of Existing Plus Project and Cumulative Scenarios, includes a detailed analysis of the project's direct and cumulative significant impacts, including to Deer Springs Road, and the mitigation necessary to mitigate those impacts to less than significant in compliance with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, Transportation and Traffic ("County Traffic CEQA Guidelines"). This analysis of impacts and mitigation, which is also presented in Section 2.13.9.3 and 2.13.9.4 of the EIR, constitutes substantial evidence showing that Deer Springs Road would operate at an acceptable level of service under the Option B scenario. EIR Table 2.13-42 illustrates the results of the mitigation analysis under the Existing Plus Project Plus Cumulative Projects scenario. As shown in the table, under this scenario, the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road, when improved to a 4.1B Major under the Option B scenario, would operate at acceptable LOS D (see also TIA Table 16-6). Accordingly, the EIR's conclusion that Option B would

mitigate the project's cumulative impacts to Deer Springs Road is supported by substantial evidence and no further modeling or analysis is required.

Nevertheless, in response to this comment and **Comments O-1.16-4 through O-1.16-6**, the traffic engineer conducted additional modeling using the SANDAG Series 12 model with Deer Springs Road as a four-lane road in order to forecast the effect the improvements would potentially have on the distribution of traffic on the road network within the vicinity of the project Site.

As explained in **Responses to Comments O-1.16-4 and O-1-237** above, the model was run with Deer Springs Road and the uncompleted two-lane portion of Twin Oaks Valley Road widened to four lanes all the way into the City of San Marcos with project traffic excluded (refer to Appendix JJ-7 to the EIR). The SANDAG modeling shows that under this scenario, approximately 1,200 ADT would be diverted onto Deer Springs Road (i.e., widening Deer Springs Road and Twin Oaks Valley Road to four lanes results in 1,200 more ADT using these two roads in lieu of staying on the I-15 and SR 78 freeways compared to existing conditions). The modeling also shows a near equal reduction of approximately 1,100 ADT along the segment of I-15 south of Deer Springs Road.

Similar results were found for segments of SR-78 that would receive project traffic and analyzed in the EIR. Under the scenario where Deer Springs Road and Twin Oaks Valley Road are widened to four lanes, traffic volumes along the five segments of SR 78 analyzed by the project (Mar Vista Drive to Sycamore Avenue, Sycamore Avenue to Rancho Santa Fe Road, Rancho Santa Fe Road to Los Posas Road, Los Posas Road to San Marcos Boulevard, and San Marcos Boulevard to Twin Oaks Valley Road) would decrease by between 500 ADT and 1,600 ADT, with the decreases roughly equal to or greater than the addition of the project's trips for the four segments between Sycamore Avenue and Twin Oaks Valley Road (refer to Appendix JJ-7 to the EIR). Consequently, the model results demonstrate the project's proposed improvements to Deer Springs Road and Twin Oaks Valley Road would have the residual effect of reducing vehicle trips on the I-15 and SR 78 freeways. These results make sense in that the Deer Springs Road/Twin Oaks Valley Road route is approximately 3.1 miles shorter compared to the route using I-15 and SR-78 to get to the same point, i.e., the intersection of Twin Oaks Valley Road and SR-78. The SANDAG modeling shows that the shortened distance combined with the improved Level of Service along Deer Springs Road and Twin Oaks Valley Road after these roads are improved are forecasted to make this route a more attractive option for certain drivers. As it relates to the project's analysis of direct and cumulative impacts with Deer Springs Road and Twin Oaks Valley Road improved to four lanes, the additional 1,200 ADT would not change the significance determination or the



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required mitigation as presented in the EIR. When widened to four lanes as proposed under Option B, Deer Springs Road would continue to operate at LOS C in the Existing Plus Project scenario and LOS D in the Existing Plus Project Plus Cumulative Projects scenario.

**O-1-240** The comment states that the TIA's only forecasted traffic volumes under Option B are shown in Table 16-6 and that this table shows the volumes under Option A and Option B to be the same. The comment states that the TIA offers no support for the conclusion that a four-lane major road alignment under Option B would result in the exact same volume as a two-lane community collector alignment as proposed under Option A. As explained in **Response to Comment O-1-239**, based on the SANDAG model run requested by the commenter, Deer Springs Road under Option B is forecasted to carry approximately 1,200 additional ADT, however the additional traffic would not change the significance determinations or required mitigation as reported in the EIR.

**O-1-241** The comment states that added capacity on Deer Springs Road would attract additional vehicle trips on the road not generated by the project and refers to a report prepared by STC Traffic, Inc., on behalf of the commenter that concludes that adding capacity to Deer Springs Road would attract more trips. The comment also refers to a license plate survey prepared by Linscott, Law & Greenspan in May 2014 that demonstrates a significant portion of existing I-15 trips use Deer Springs Road to reach more distant destinations in Twin Oaks Valley. The comment states that adding capacity to Deer Springs Road would result in an additional 11,500 ADT and refers Table 4 of the Newland Sierra Parkway Feasibility Study (Appendix HH of the EIR). The County acknowledges the potential for additional capacity along Deer Springs Road to result in additional/induced trips on the road. This potentiality is addressed in **Response to Comment O-1-239** above. Nevertheless, the comment incorrectly uses information from Table 4 of the Newland Sierra Parkway Feasibility Study by conflating the long-term/General Plan buildout induced traffic modeling results associated with two roads serving the same area, Deer Springs Road and a hypothetical Newland Sierra Parkway, with what would be forecasted to happen related to induced traffic in the near term with just widening Deer Springs Road to four lanes. Therefore, in the context of forecasting induced traffic, the induced traffic results for the former scenario involving the addition of Newland Sierra Parkway to the road network are not applicable to the latter scenario of just widening Deer Springs Road because the model forecast years and network assumptions are fundamentally different between the two scenarios. Please also see **Responses to Comments O-1.16-4 and O-1.16-5** for more information responsive to this comment.

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- O-1-242** The comment states that if added capacity attracts more trips, then it is impossible to support the TIA's portrayal in Table 16-6 of exactly equal trip volumes for Deer Springs Road under Option A and Option B, concluding that the TIA's traffic modeling omission of a four-lane alignment fails to account for the conditions under Option B. The County does not agree with this comment. Please refer to **Response to Comment O-1-239** above.
- O-1-243** The comment states that information in the DELANE Offsite Memo indicates that the EIR may overstate Option B's capacity because the project's grading plans do not adequately depict the center turn-lane on all portions of the alignment, concluding that any modeling of Deer Springs Road as a four-lane road should account for no more capacity than shown on the grading plans. The County does not agree with this comment. The project's grading plans correctly depict the configuration of Deer Springs Road as a 4.1B Major Road with Intermittent Turn Lanes (refer to Preliminary Grading Plan Sheets 16 and 17 which were included with the Public Review Package for the EIR). The road has been designed to comply with the County's Public Road Standards. Therefore, the capacity of the road as a 4.1B Major Road as presented in the TIA and EIR is correct.
- O-1-244** The comment states that the EIR relies on the capacity of Deer Springs Road built as a six-lane prime arterial to mitigate the project's impacts. The County does not agree with this comment as the EIR does not rely on a six-lane Deer Springs Road to mitigate the project's impacts. As discussed in the EIR, under the Existing Plus Project scenario, the project would result in significant direct impacts at the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road, which is identified as Impact TR-10. Under the cumulative scenario (i.e., Exist plus Project plus Cumulative Projects), the project would result in significant cumulative impacts to this same segment of Deer Springs Road, Impact TR-30. As mitigation for the significant direct impact, the EIR proposes two mitigation options – Option A and Option B (see mitigation measure M-TR-9). Under Option A, the project applicant would widen the impacted segment of Deer Springs Road to the San Diego County 2.1B Community Collector with Continuous Left Turn Lanes classification. Under Option B, the project applicant would widen the impacted segment to the San Diego County 4.1B Major Road with Intermittent Turn Lanes classification. As reported in the EIR, under Option A, the significant impact would not be fully mitigated and the impact would remain significant and unavoidable. Under Option B, the impact would be mitigated to less than significant. With respect to the significant cumulative impact identified at this segment (Impact TR-30), as reported in the EIR, the improvements under Option B set forth in Mitigation Measure M-TR-9 to mitigate the project's direct impacts to this segment also would mitigate the identified significant cumulative impact to less than significant. However, if Option A is selected, the

identified cumulative impact would remain significant and unavoidable as is the case regarding the significant direct impact. Therefore, to mitigate the identified significant impacts to this segment of Deer Springs Road, the EIR proposes mitigation to widen the segment to either a two-lane Community Collector or a four-lane Major Road; the EIR does not rely on a six-lane Deer Springs Road as such widening is not necessary to mitigate the project's significant direct or cumulative impacts – widening to four lanes would fully mitigate the project's significant impacts.

The comment appears to conflate information contained in Chapter 11 of the Traffic Impact Analysis (TIA, Appendix R1 to the EIR), which presents a General Plan consistency analysis under General Plan buildout conditions and the related traffic volumes and road classifications under General Plan Buildout conditions with the road classifications assumed under the project's direct and cumulative impact analysis and proposed mitigation. As previously explained, the project does not require or propose widening Deer Springs Road to six lanes to mitigate the project's direct and cumulative impacts. The purpose of the analysis presented in TIA Chapter 11, and corresponding EIR Section 2.13.9.5, is to determine whether the project's proposed land uses are consistent with the buildout classification of the County's roadway network as established by the County's General Plan Mobility Element. As stated in the EIR, the analysis presented in this section "is for the determination of General Plan Mobility Element consistency and is not used by the County for a determination of significant impacts under CEQA" (EIR page 2.13-76).

Accordingly, the volumes shown in Chapter 11 of the TIA and in Section 2.13.9.5 of the EIR (and corresponding Tables 2.13-32, 2.13-33, and 2.13-34) are long-term buildout volumes that assume complete buildout of all General Plan land uses, as well as the County's road network (with adjustments for Deer Springs Road Option A and the Mountain Meadow Road connection noted) based on the County General Plan Mobility Element. As this scenario is a long-term scenario that would not occur until many years following buildout of the proposed project, neither the traffic volumes nor the road classifications shown in Tables 2.13-32 through 2.13-34 of the EIR relate to the EIR's cumulative impact analysis or proposed road improvement mitigation (e.g., widening Deer Springs Road to four lanes to mitigate the project's direct and cumulative impacts), which is based on cumulative conditions at project buildout. Therefore, the proposed project does not rely on the capacity created by the road network analyzed under this scenario as mitigation for either the project's direct or cumulative impacts.

Finally, as is the case with many of the County's roads, the General Plan Mobility Element classification of Deer Springs Road as a 6.2 Prime Arterial is best understand

in relation to buildout of other Mobility Element road segments and buildout of the County's General Plan. In the case of Deer Springs Road, it is the extension of Mountain Meadow Road into Valley Center, the widening of Buena Creek Road to four lanes and the extension of other road segments such as Los Posas Road in combination with General Plan buildout traffic volumes that ultimately have the potential to add sufficient traffic on Deer Springs Road to necessitate widening the road to six lanes. As demonstrated by the Existing Plus Project Plus Cumulative Projects with the Mountain Meadow Road Connection Cumulative Scenario (refer to Chapter 10 of Appendix R-1 to the EIR), the extension of Mountain Meadow Road alone does necessitate the widening of Deer Springs Road to six lanes. Whether Mountain Meadow Road is connected or not, Deer Springs Road still operates at an acceptable Level of Service when widened to four lanes under the cumulative traffic scenarios analyzed.

A comparison of the results from the two City of San Marcos Horizon Year 2035 scenarios (refer to Chapter 12 of Appendix R1 to the EIR) further illustrates this point. The Horizon Year 2035, Full Road Network Buildout scenario assumed full buildout of the road network (in the County as well as in San Marcos). Under both of the Horizon Year scenarios, Mountain Meadow Road is again assumed connected, however in the Horizon Year 2035, Modified Road Network Buildout scenario, Buena Creek Road is not widened to four lanes (but kept at two lanes) and Los Posas Road is not connected through to Buena Creek Road. Comparing the daily volume along Twin Oaks Valley Road between the two scenarios, the volume under the modified road network scenario drops dramatically compared to the scenario based on full buildout of the road network (e.g., from 45,600 ADT to 36,300 ADT along the segment of Twin Oaks Valley Road between Deer Springs Road and Buena Creek Road; refer to Tables 12.2 and 12.4 in Chapter 12 of Appendix R1). Under the modified road network scenario, the volume on the segment of Deer Springs Road between Mesa Rock Road and Sarver Lane is only 34,000 ADT, a daily volume that is still within the range of an acceptable level of service for a road built to the County's 4.1B Major Road standard (LOS D Range: 30,800 ADT to 34,200 ADT, refer to Table 1 of the County Public Road Standards). This further demonstrates that, even with SANDAG Series 12 Year 2035 traffic volumes, absent expansion and completion of other major County Mobility Element road facilities, Deer Springs Road can accommodate horizon year traffic volumes as a four lane road.

In summary, the extension of Mountain Meadow Road into Valley Center, the widening of Buena Creek Road to four lanes and the extension of other road segments such as Los Posas Road in combination with County General Plan buildout traffic volumes are the catalysts for the ultimate widening of Deer Springs Road to six lanes, not any traffic condition related to or caused by the project. More broadly, the

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- improvements necessary to accommodate a County General Plan buildout scenario or San Marcos Horizon Year scenario should not be conflated with the required improvements to Deer Springs Road to accommodate existing plus project plus cumulative projects traffic volumes.
- O-1-245** The comment states that because the project does not propose to pay for construction of a six-lane alignment for Deer Springs Road and no other funding source is identified, the six-lane alignment as mitigation lacks the certainty required under CEQA. The County does agree with the comment. As explained in **Response to Comment O-1-244**, the project neither proposes nor requires the widening of Deer Springs Road to six lanes to mitigate the project's significant direct and cumulative impacts. Please see the **Response to Comment O-1-244** above for information responsive to this comment.
- O-1-246** The comment states that the omission of analysis of other impacts from Deer Springs Road as a six-lane arterial results in a failure under CEQA and the EIR's analysis of Deer Springs Road is inconsistent throughout the document. The comment states that the EIR relies on Deer Springs Road as a six-lane prime arterial as mitigation for the project's impacts under Option B. The County does not agree with the comment. As explained in **Response to Comment O-1-244**, the EIR does not rely on Deer Springs Road as a six-lane prime arterial to mitigate the project's impacts as this level of widening is not required to mitigate the project's impacts. Because the EIR is not proposing to widen Deer Springs Road to a six-lane prime arterial, CEQA does not require that the EIR analyze the potential environmental effects associated with such widening. Please see the **Response to Comments O-1-244** for additional information responsive to this comment.
- O-1-247** The comment states that widening Deer Springs Road to six lanes could result in additional biological, air quality, noise, geological, cultural, and other impacts, adding that the EIR cannot rely on six lanes to mitigate traffic impacts but ignore indirect impacts caused by the six-lane footprint. The County does not agree with the comment. As explained in the preceding responses to comments, the EIR does not propose or rely on Deer Springs Road as a six-lane prime arterial to mitigate the project's impacts as this level of widening is not required to mitigate the project's direct and cumulative impacts. Accordingly, CEQA does not require that the EIR analyze the environmental impacts associated with a six-lane alignment. Please see the **Responses to Comments O-1-244** and **O-1-246** above for additional information responsive to this comment.
- O-1-248** The comment states that analysis of the indirect impacts of Deer Springs Road as a six-lane prime arterial is required and relies on two court cases in support of its

position, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396, and *San Joaquin Raptor Rescue Ctr. v. City of Merced* (2007) 149 Cal.App.4th 645, 660. However, the County does not agree with this comment as the two cases are readily distinguished from the present circumstances. As the comment points out, under *Laurel Heights*, an EIR must include analysis of future expansion “if it is a reasonably foreseeable consequence of the initial project.” However, as explained in **Response to Comment O-1-244** above, widening Deer Springs Road to a six-lane Prime Arterial is neither proposed by the project nor necessary to mitigate the project’s significant impacts under direct or cumulative conditions and, therefore, such widening is not a “reasonably foreseeable consequence” of the proposed project. The *San Joaquin Raptor* case simply recites the *Laurel Heights* test outlined above and does not alter the analysis. Accordingly, neither case requires EIR analysis of Deer Springs Road as a six-lane Prime Arterial in this case. Please also see the **Response to Comment O-1-246** above for additional information responsive to this comment.

**O-1-249** The comment states that eventual buildout of Deer Springs Road to six lanes is reasonably foreseeable because Deer Springs Road is designated as a six-lane prime arterial in the County’s General Plan Mobility Element. The comment states that the need for six lanes is more important when considering that the EIR’s horizon year analysis underestimated added trip volumes on Deer Springs Road by failing to consider trips from the surrounding communities of Vista, San Marcos, and Escondido, referring to separate comments submitted by STC. The County does not agree with this comment. As explained in **Response to Comment O-1.16-16**, the EIR correctly analyzed the project’s direct and cumulative traffic impacts and correctly modeled existing and future forecasted traffic volumes along Deer Springs Road from surrounding communities. Moreover, as described in **Response to Comment O-1-248 above**, the relevant test is not whether widening is reasonably foreseeable, but rather whether it is a reasonably foreseeable consequence of the proposed project, which it is not. Finally, as explained in **Response to Comment O-1-244**, it is the extension of Mountain Meadow Road into Valley Center, the widening of Buena Creek Road to four lanes and the extension of other road segments such as Los Posas Road in combination with County General Plan buildout traffic volumes that are the catalysts for the ultimate widening of Deer Springs Road to six lanes, not any traffic condition related to or caused by the project. More broadly, the improvements necessary to accommodate a County General Plan buildout scenario should not be conflated with the required improvements to Deer Springs Road to accommodate existing plus project plus cumulative projects traffic volumes.

**O-1-250** The comment states that a six-lane alignment for Deer Springs Road could result in additional impacts to biology, cultural resources, and soils/geology. As stated in

previous responses, the six-lane alignment is not required to mitigate the project's direct and cumulative impacts and it is not part of the project. Therefore, CEQA does not require analysis of the potential impacts associated with construction of a Deer Springs Road as a six-lane Prime Arterial.

- O-1-251** The comment also states that the need to analyze the Deer Springs Road six-lane alignment is provided in the Newland Sierra Parkway Feasibility Study, stating that the Feasibility Study indicates the potential need for six lanes or at least initial grading for six lanes to accommodate eventual capacity. The comment concludes that the EIR should provide a full analysis of the impacts of a six-lane prime arterial alignment on Deer Springs Road because the alignment is reasonably foreseeable and would potentially increase the scope of the project's impacts. The County does not agree with this comment as a six-lane Deer Springs Road is not a reasonably foreseeable consequence of the proposed project.

To begin with, it is important to clarify that the Newland Sierra Parkway Alternatives were proposed by Golden Door Properties LLC as an alternative to widening and improving Deer Springs Road. Rather than identify the need for a six-lane alignment, the Newland Sierra Parkway Feasibility Study demonstrated the engineering limitations, the significant increase in environmental and private property impacts, and the general impracticality and counter-productive aspects of all three of the Newland Sierra Parkway Alternatives proposed by Golden Door Properties LLC.

Secondly, it is misleading to extrapolate the results and findings of the Newland Sierra Parkway Feasibility Study to draw conclusions about the need to widen Deer Springs Road to six lanes. Doing so incorrectly conflates the traffic modeling results of the Feasibility Study with the Traffic Impact Analysis prepared for the project EIR.

Thirdly, the Feasibility Study did not indicate the potential need for six lanes of travel on Deer Springs Road. Rather, the Newland Sierra Parkway Feasibility Study explains how a hypothetical four-lane Newland Sierra Parkway, in conjunction with existing two-lane Deer Springs Road, would effectively provide six lanes of travel, thereby inducing demand otherwise not present:

SANDAG's Series 12 Model results show that, in addition to only diverting about half of the non-project traffic, building Newland Sierra Parkway as a four-lane Major Road would induce additional regional traffic demand ("induced demand"). This is due to the fact that effectively six lanes of travel would be provided, including the existing two lanes of travel on Deer Springs Road and four lanes on the hypothetical Newland Sierra Parkway.

The Feasibility Study further concluded that:

Deer Springs Road presently is designated as a six-lane Prime Arterial in the County's General Plan. Although widening Deer Springs Road to a four-lane Major Road as proposed by this Project under Option B will accommodate Project buildout and future cumulative traffic volumes, it is possible the County will still proceed with widening Deer Springs Road to its ultimate General Plan classification as a six-lane Prime Arterial. Likewise, if one of the Newland Sierra Parkway Alternatives was to be selected by the County, it is possible that the County would require Newland Sierra Parkway to be built, or at least graded, to a 122- foot-wide right of way to ultimately accommodate a six-lane Prime Arterial.

Therefore, the Newland Sierra Parkway Feasibility Study does not support or conclude there is a need to widen Deer Springs Road to six lanes to accommodate existing, project, and cumulative traffic volumes. Instead, the Feasibility Study notes that, in the context of the County selecting one of the Newland Sierra Parkway Alternatives, the County may require that the project applicant at least grade the parkway alternative (not Deer Springs Road) to six lanes,.

The comment also repeats a prior comment by stating that the EIR should provide a full analysis of the environmental impacts associated with Deer Springs Road as a six-lane Prime Arterial, relying on the *Laurel Heights* and *San Joaquin Raptor* cases referenced in Comment O-1-248. Please see **Response to Comment O-1-248** for information responsive to this comment.

- O-1-252** The comment states that the EIR should provide an analysis of impacts from a six-lane buildout configuration of Deer Springs Road because, due to the existing steep natural topography and creek along the existing road, the selection of the four-lane alignment potentially would limit the alternatives possible for the eventual six lane alignment. Once these choices are made, and the four-lane center line is set the comment continues, it will be more difficult to later select a different alignment for a six-lane configuration. The comment states that it would be reasonable to analyze impacts under two different scenarios, one scenario where two lanes are added along the north side and a second where two lanes are added along the south side. The comment concludes that by analyzing these two scenarios, the EIR would be better able to identify and analyze the full range of reasonably foreseeable environmental impacts. The County does not agree with the comment that the EIR should analyze either a six-lane alignment or a range of four-lane alignments for Deer Springs Road.

To begin with, as addressed in **Responses to Comments O-1-244, O-1-248, and O-1-250**, the project neither proposes nor requires the widening of Deer Springs Road to six lanes and is, therefore, not required to analyze the potential environmental effects



of six lane alignments as described in this comment. The County acknowledges that under the County's current Public Road Standards, widening the road to six lanes could potentially result in additional environmental impacts, however, as explained in **Response to Comment O-1-244** above, in light of the fact that the ultimate widening of Deer Springs Road would be necessitated by buildout of the County General Plan Mobility Element in conjunction with General Plan buildout traffic volumes, a buildout scenario which is expected to be many decades into the future where road standards and transportation modes may be different, it is both speculative and unnecessary for CEQA purposes at this stage to analyze the potential environmental effects of such widening. Finally, it is worth noting that the County General Plan Update Program EIR ("County General Plan Update — Final Program EIR, August 3, 2011") analyzed the environmental effects of buildout of the County's Mobility Element, including the ultimate widening of Deer Springs Road to six lanes. Impacts to cultural resources, biological resources, air quality, etc. were appropriately analyzed at the programmatic level for buildout of the entirety of the County's Mobility Element.

- O-1-253** The comment states that the project overstates trip reduction credits, that the project is not located near existing or planned infrastructure, and that the project is not a smart growth project. The comment further states that the project will pay zero dollars for 25 miles of I-15 mainline freeway impacts and that the nearest transit station is six miles from the project Site. The comment also states that the 81,000 square feet of commercial retail uses is insufficient to meet the needs of the project's residents and that the Site's steep topography make walking and bicycling unlikely. The County does not agree with these comments.

As to overstating trip reduction credits, the project's internal capture rates for its non-residential uses (the retail, the school site, and the parks) are consistent with SANDAG's 2002 Trip Generation Guide entitled the "*Not So Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*". Additionally, although the project's non-residential uses are analyzed as if they are creating new trips on the road network, in reality non-residential uses are predominantly trip attractors/trip destinations. For example, a new grocery store or other retail use to be provided on the project Site would not generate a significant number of new trips on the area road network. Instead, a new grocery store, for example, predominantly diverts existing trips already on the road network away from an existing grocery store (e.g., a grocery store farther away). Therefore, adding all of the project's non-residential trips to the already existing traffic on the road network as if the project trips are all new trips, as was done in the EIR, overstates the project's impacts. Additionally, no downward adjustments were made to the project's trip generation totals to account for the project's TDM Program measures. Specifically, no

reductions in vehicle trips were applied based on the project's shuttle services, network of trails and bicycle lanes, electric bike-share program, or other single-occupancy vehicle trip reducing measures despite the likelihood that these strategies would reduce both internal vehicle trips, as well as external trips to and from the project Site. Considering that the EIR analysis did not take any trip reductions for its TDM Program measures, the project's traffic generation and corresponding impacts on both the internal road network and external road network are likely overstated.

As to the comment that the project would not be located near existing and planned infrastructure, please refer to **Response to Comment O-1-237** above.

As to the comment regarding the I-15 mainline, the comment mischaracterizes the project's impacts to the freeway. The project has direct impacts to the portion of I-15 mainline between Deer Springs Road and Pomerado Road. The project's impacts to the mainline north of Deer Springs Road are limited to cumulative impacts. As it pertains to mitigation for the project's impacts to the mainline, as stated previously, the project's proposed improvements at the Deer Sprints Road/I-15 interchange, in conjunction with the improvements to Deer Springs Road and implementation of the project's TDM plan, would mitigate the project's impacts to the I-15 mainline to the extent feasible; full mitigation would require additional capacity on the mainline although there are no plans to provide additional capacity within the project's buildout horizon year. Please see the **Topical Response TR-1**, **Response to Comment O-1-237**, and **Response to Comment O-1.16-7** for additional information responsive to this comment.

As to the comment that the nearest transit station is six miles away, the proposed project's TDM program would provide project residents with opportunities to more readily access area transit opportunities, such as a Community-sponsored shuttle service, transit subsidies, and support for car-share and ride-share programs; these opportunities are lacking in the vicinity of the project Site today. Additionally, the project's proposed 81,000 square feet of commercial uses would provide retail services to project residents, thereby reducing the need for long-distance travel for many daily retail services. Lastly, as to the comment that the Site's steep topography make walking and bicycling unlikely, the comment is speculative and cannot serve as the basis for a wholesale dismissal of walking and bicycling as alternative modes of transportation with the project Site, particularly as a convenient way to commute within and between the project's neighborhoods. Furthermore, the project proposes 541 multifamily units within a ½ mile of the project's school site and retail uses. Please also see **Responses to Comments O-1.16-7, O-1.16-8, and O-1.16-22**.

**O-1-254** The comment states that many of the project's TDM measures are illusory, relying on future funding and use from residents, adding that there is no evidence that property owners will pay for shuttle or car service to a transit center six miles away. The comment concludes that the project's TDM measures should not be counted for trip reductions. Preliminarily, as noted in **Response to Comment O-1-253**, aside from the interaction between the residential and non-residential land uses, no trip reductions were taken based on the project's TDM measures; the trip reductions that were applied to the project's net external traffic generation comply with SANDAG's Trip Generation Guide.

As to the comment that the TDM measures are illusory, the transportation engineering firm Fehr & Peers conducted an analysis of the TDM measures to determine their effectiveness in reducing vehicle miles traveled (VMT). The analysis was based on standards developed by the California Air Pollution Control Officers Association (CAPCOA) and other case studies and, as such, the County disagrees with the comment that its results are "illusory." A copy of the analysis, *Newland Sierra TDM Program – VMT Reduction Evaluation* is included in Appendix R3 to EIR.

As part of Fehr & Peers analysis, each element of the TDM program was evaluated by comparing the element to the standards developed by CAPCOA and other case studies to determine the expected VMT reduction. Fehr & Peers worked with CAPCOA to develop the transportation section of the CAPCOA report *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA Report), which is the report widely used to quantify the environmental benefits of mitigation measures such as the proposed project's TDM program. The CAPCOA Report and associated guidelines were developed by conducting a comprehensive literature review of studies documenting the effects of TDM strategies on reducing VMT. Fehr & Peers developed a quantification tool based on the research performed for its work with CAPCOA, the TDM+ tool, which quantifies the effects of TDM programs on VMT reduction. To determine the amount of VMT reduction that would be attributable to the proposed project's TDM program, Fehr & Peers compared the program to CAPCOA standards and utilized the TDM+ tool. For those measures not addressed by the CAPCOA standards, Fehr & Peers utilized case studies to estimate VMT reduction. The detailed VMT reduction calculations for each of the proposed project's TDM measures are presented in the Fehr & Peers Memo.

The TDM program proposed by the project is organized into three main types of strategies: Land Use Strategies, Commute/Travel Services for Residents, and Commute Services for Employees. Specific to the comment, the Commute/Travel Services for Residents would provide residents with travel options other than private

auto for trips to destinations inside and outside of the project area. These strategies include the development of a comprehensive trails network, facilitating bicycle travel, implementing an electric bikeshare program, coordinating with a carshare organization to install carshare stations, coordinating with SANDAG's iCommute program, and coordinating a ride share or shuttle system that would connect the various project neighborhoods to the Town Center area and to external transit facilities and resources such as the Park-and-Ride lots and the Escondido Transit Center.

To ensure the TDM program strategies are implemented and effective, a Transportation Coordinator is to be established to monitor the program, likely as part of a homeowner's association. The Coordinator's duties would include: assisting with rideshare matching for employees commuting to the project and residents commuting from their homes; acting as an information source such as conducting transportation alternatives orientation for new employees and residents; and coordinating the TDM program monitoring by administering surveys and coordinating data collection.

Specific to the comment, as explained in the Fehr & Peers memo, the TDM program includes the provision of local shuttle service through coordination with the local transit operator (NCTD) or a private contractor. A local shuttle service, whether privately operated or public operated, would function as a transit network expansion such that it would connect the proposed project to existing transit stations in the surrounding areas. As a result, CAPCOA classifies the addition of shuttle services as a transit network expansion that results in a VMT reduction.

For the proposed project, the proposed shuttle service would cover the entire development area and provide service to transit hubs, Park-and-Ride lots, commercial areas, parks, and residential communities. Although NCTD does not currently have plans to expand service to this area, the proposed shuttles would take users from the residential areas and commercial center to the Escondido Transit Center, approximately 10 miles away, where the Sprinter light rail and Breeze bus lines are available. Based on the applicable CAPCOA formula, which reasonably assumes an existing transit mode share of 1.3 percent, Fehr & Peers determined that this TDM component would result in a VMT reduction of 1.2 percent (Fehr & Peers Memo pages 12–14).

- O-1-255** The comment states that the EIR should not double count trip reductions from alleged mixed use and TDM credits and should not double count credits that were already accounted for in the trip distribution mechanism. The comment states that the EIR's conclusions regarding trip reductions lack evidentiary support and rely on mismatched authority tailored to urban infill and reference separate comments

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submitted by STC (see **Responses to Comments O-1.16-7, O-1.16-8, and O-1.16-22** for responses to the specific comments raised by STC). The comment concludes that the EIR should be revised to decrease the trip reduction credits and provide an accurate assessment of the project's trip generation so that the project's traffic impacts and mitigation can be evaluated. The County does not agree with this comment.

As previously explained in **Response to Comment O-1-253**, the only trip reductions that were applied relate to the interaction between the project's residential and non-residential uses, and the "pass-by" trips generated by the project's proposed neighborhood serving retail uses. These adjustments are consistent with SANDAG's Trip Generation Guide and do not constitute double-counting relative to the project's mixed land uses or trip distribution mechanism. Furthermore, also as explained in **Response to Comment O-1-253**, no trip reductions were applied to the traffic analysis trip generation based on the project's TDM Program measures. This includes no trip reductions taken for the project's 6 miles of new bike lanes and 19 miles of trails and multi-use pathways, no trip reductions for the project's proposed Community-sponsored shuttle service, transit subsidies, or support for car-share and ride share programs, and no trip reductions for the project's proposed Community-sponsored electric bike-share program.

- O-1-256** The comment states that any credit for the project's mix of uses should account for the 1,800 plus homes planned for Phase 1 that would be built prior to the project's commercial uses in Phase 2. The County does not agree with this comment. The TIA analyzes the buildout scenario of the project (with all of the project's proposed uses fully built and occupied), as this scenario results in the greatest impact to the surrounding road network. Further, it is worth noting that all of the project's traffic mitigation for direct impacts would be implemented before this partial buildout scenario occurs. Therefore, it is not necessary to analyze interim scenarios that result in less impacts. Please see the **Response to Comment O-1.16-8** for additional information responsive to this comment.
- O-1-257** The comment states that the increase in traffic along Sarver Lane is more than minimal and the EIR should be revised to accurately describe the impacts. The County does not agree with the comment. The EIR fully analyzed all impacts associated with the project's use of Sarver Lane as a primary access point. Please also see the **Responses to Comment O-1.16-20 and O-1.16-21** for additional information responsive to this comment.
- O-1-258** The comment states that the EIR incorrectly describes a portion of Sarver Lane as only 24 feet in paved width whereas a 2.2 Light Collector is between 28 and 54 in

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paved width. The County does not agree with the comment. The comment is restating an incorrect comment made in the STC Memo (**Comment Letter O-1.16**). The paved width is correctly described in the EIR as 34 feet. Please also see the **Response to Comment O-1.16-20** for additional information responsive to this comment.

- O-1-259** The comment states that Camino Mayor is a private road to which the applicant has no property rights. The comment states that there are three possible alignments for Camino Mayor, that adequate property rights are not disclosed for any of the proposed alignments, that access should not be permitted to the entirety of the Newland project Site, and the project's use of Camino Mayor would overburden the easement and cannot be relied upon. Please see **Response to Comment I-405-22**.
- O-1-260** The comment states that the EIR traffic analysis should not rely on access to Camino Mayor because property rights for its use have not been disclosed, adding that the traffic analysis should be revised to redistribute trip to rely solely on Mesa Rock Road and Sarver Lane for ingress and egress. The County does not agree with this comment. Please see the **Response to Comment I-405-22**.
- O-1-261** The comment states that, a minimum, the County should disclose any and all documentation of adequate property rights to allow the proposed ingress and egress or analyze the use of eminent domain to acquire such rights pursuant to County Policy J-33. The documentation related to the project applicant's property rights associated with the Camino Mayor easements are delineated and described on Sheet 14 of the Tentative Map, which was released as part of the Public Review package for the EIR. No use of eminent domain is anticipated, therefore there is no need to analyze the application of County Policy J-33. Please also see the **Response to Comment I-405-22** for additional information responsive to this comment.
- O-1-262** The comment states that the Traffic Impact Analysis should disclose and account for dangerous conditions on North Twin Oaks Valley Road for project traffic using Camino Mayor as an access point and refers to the DELANE Engineering Independent Assessment of Camino Mayor. The comment also states that the EIR should describe the potential for improvements within an irrevocable offer of dedication for N. Twin Oaks Valley Road and analyze whether such improvements should be made part of the project for traffic and safety purposes. The County does not agree with this comment. The project's proposed access at Camino Mayor and N. Twin Oaks Valley Road would not create a significant traffic hazard and the project would not result in any significant direct or cumulative traffic impacts to N. Twin Oaks Valley Road. Therefore, no modifications to the alignment of or improvements to N. Twin Oaks Valley would be necessitated by the project and, consequently, no

additional Right-of-Way dedications would be required. Please see the **Responses to Comments O-1.11-3 and O-1.11-4**.

**O-1-263** The comment states that the EIR should include mitigation for impacts to the I-15 mainline. The comment states that the EIR violates CEQA because it does not examine any potential mitigation measures to reduce or eliminate the project's impacts to the mainline. The comment references a June 24, 2014, Caltrans letter to the County pertaining to the Lilac Hills Ranch Project Revised EIR and cites text in that letter stating that "it is the lead Agency's responsibility to determine and disclose under CEQA the feasibility of implementing a mitigation measure. Stating that Caltrans does not have an identified project a location identified to have an impact as justification for not mitigating does not meet the intent of CEQA. Furthermore, Caltrans does have a mechanism or program to collect fair-share contributions for cumulative impacts." The County does not agree with the comment for the following reasons:

To clarify the record, Caltrans issued a follow-up letter to the one relied upon by the comment, dated October 22, 2014, which was submitted on the Lilac Hills Ranch Revised EIR. The subsequent letter acknowledged that no mitigation program is currently in place to implement improvements to I-15 that the EIR could rely on:

With respect to capacity enhancing improvements to Interstate 15 (I-15) between State Route 78 and the Riverside County boundary, Caltrans recognizes that no mitigation program, which the EIR could rely upon, is currently in place to implement such improvements. It is also understood based on the current SANDAG Regional Transportation Plan (RTP), that improvements are not planned to be in place until sometime between 2040 and 2050.

Since the October 2014 letter, no program or mechanism has been established that the proposed project or other development projects with direct and/or cumulative impacts to the I-15 mainline could contribute to and rely upon as a form of mitigation. Therefore, the EIR appropriately acknowledged the lack of a program or mechanism in place to fund and construct the necessary improvements.

In light of the fact that the capacity enhancing improvements necessary to mitigate the project's impacts to the I-15 mainline will not be in place until sometime between 2040 and 2050 and, as such, are infeasible and cannot be relied upon as mitigation, the EIR has included all feasible mitigation measures to reduce the project's impacts. As discussed in **Response to Comment O-1-237**, mitigation relative to the I-15 includes construction of a new interchange at Deer Springs Road with acceleration and deceleration lanes, ramp meters, and park and ride improvements, the net effect of which will improve the performance of the I-15 mainline. Additionally, the

project's proposed improvements to Deer Springs Road/Twin Oaks Valley Road would serve to reduce daily traffic on the I-15 mainline by approximately 1,100 ADT as the improvements would provide a shorter, more direct route to destinations otherwise reached via I-15.

In addition, also as discussed in **Response to Comment O-1-237**, the proposed project includes a TDM program that would assist in reducing project-generated vehicle trips, including trips on I-15. The TDM program includes a Community-sponsored shuttle service, transit subsidies, and support for car-share and ride-share programs, each of which would potentially reduce I-15 trips. Although not specific to freeway trips, the TDM program also includes a Community-sponsored electric bike share program, and the project would provide 6 miles of new bike lanes and 19 miles of trails and multi-use pathways to reduce vehicle trips within the project Site.

In sum, the project's proposed interchange improvements, in conjunction with improvements to Deer Springs Road/Twin Oaks Valley Road, and implementation of the TDM program, would reduce the project's impacts to the I-15 mainline to the extent feasible, thereby partially mitigating the project's significant impacts.

Furthermore, the EIR has disclosed both impacts to the I-15 mainline and the required improvements to mitigate its impacts. In EIR Section 2.13.1.3, Significant Direct Impacts to Freeway Segments, the project states that the project's impacts to the mainline would be mitigated by providing additional mainline capacity along I-15, as follows:

The project would have a significant direct impact to the freeway segment listed below.

- **I-15 Mainline from Deer Springs Road to Pomerado Road (Caltrans):** These impacts would be mitigated by providing additional mainline capacity along this stretch of I-15. However, there is no Caltrans program in place to implement the necessary improvements into which the project could contribute a fair share and, thus, there is no feasible mitigation that would reduce the identified impact to less than significant. Therefore, these impacts are considered significant and unavoidable.

Likewise, with respect to project's cumulative impacts from Old Highway 395 to Pomerado Road, EIR Section 2.13.16, Significant Cumulative Impacts to Freeway Segments, states the following:



The project would have significant cumulative impacts to each of the freeway segments listed below. The mitigation for each impact is also listed, as well as the significance conclusions after implementation of mitigation.

- **I-15 Mainline from Old Highway 395 to Pomerado Road:** These impacts would be mitigated by providing additional mainline capacity along this stretch of I-15. However, there is no Caltrans program in place to implement the necessary improvements into which the project could contribute a fair share and, thus, there is no feasible mitigation that would reduce the identified impacts to less than significant. Therefore, these impacts are considered significant and unavoidable.

Therefore, the project has identified its direct and cumulative impacts to the I-15 mainline and has identified additional freeway mainline capacity as the mitigation for these impacts. Further, as demonstrated by the “DELANE Fair Share Memo” (Comment Letter O-1.10-1) prepared on behalf of Golden Door Properties LLC, the cost of mainline improvements to I-15 between Old Highway 395 and Pomerado Road, the section of I-15 where the proposed project has direct and cumulative impacts, is over \$1 billion (to be precise, \$951,086,957 in 2010 dollars, or approximately \$1,074,728,000 in 2017 dollars, which is over \$500,000 per home when applied to the proposed project with the 2,135 homes). Therefore, at over \$500,000/home, the cost of the improvements necessary to fully mitigate the project’s direct and cumulative impacts to the I-15 mainline between Old Highway 395 and Pomerado are infeasible, setting aside the fact that there is no plan or program in place to implement the improvements prior to the 2040-2050 timeframe. For additional information responsive to this comment, please see Topical ResponseTR-1 (I-15/SR-78).

- O-1-264** The comment states that in numerous other projects throughout San Diego County and the State of California, major development projects which have freeway mainline impacts have contributed funds for freeway mainline improvements or taken other steps as mitigation for the project’s impacts, implying the project should do the same here. In support of the comment, the commenter relies on two court decisions – *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807 and *City of San Diego v. Board of Trustees* (2015) 61 Cal.4th 945. The County disagrees with the comment as the two cases are distinguishable from the present circumstances. Moreover, as explained in the preceding responses, the proposed project is taking other steps to mitigate the project’s impacts to the freeway mainline.

In *Friends of Lagoon Valley*, the issue was whether payment equal to the City of Vacaville's TIF to mitigate identified freeway impacts was adequate. In the case, the City and Caltrans were cooperating to prepare a project study report for the impacted Caltrans facilities and, as such, there was a reasonable plan for mitigation in place. In the present circumstances, however, there is no such plan in place, and in cases as these where there is no enforceable plan in place that would ensure that required mitigation funds would actually go toward mitigation, the payment of mitigation fees is not required (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 936–939).

As to the City of San Diego case, the issue was whether California State University could rely on a mitigation payment for road improvements that was contingent upon the funds being appropriated by the legislature. The court ruled it could not, and as there is no contingent payment proposed here, the case is not supportive of the comment's claim.

Please also see **Responses to Comments O-1-237, O-1-239, and O-1-263** for additional information responsive to this comment.

**O-1-265** The comment states that the type of freeway mitigation analysis contained in the EIR is strikingly similar to the analysis rejected by the Court of Appeal in the case *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, and cites language in that court decision pertaining to a City of Fresno policy of approving projects despite unmitigated freeway impacts, a policy apparently arising from the city's dissatisfaction with information provided to it by Caltrans. The court went on to state that the policy is "illegal because CEQA does not allow agencies to approve projects after refusing to require feasible mitigation measures for significant impacts. If the project went ahead without any freeway traffic mitigation, the driving public would be left 'holding the financial bag.'"

The County disagrees with the comment as the facts presently before it are readily distinguishable from the facts of *Woodward Park* as the proposed project in this case includes all feasible mitigation measures to reduce the identified significant impacts to the I-15 mainline (see, for example, **Response to Comment O-1-237**). Moreover, as there is no plan or program in place to fund and implement the improvements, which are not planned until 2040–2050, the law does not require funding because there is no enforceable plan in place that would ensure that mitigation funds would actually go toward mitigation and Caltrans has no formal means of collecting fair share contributions from individual projects for the subject freeway facilities.

The comment also references the DELANE Fair Share Memo, which estimated freeway mainline, HOV, and toll lane improvement costs and attempted to calculate a fair-share amount for the Newland Sierra Project. The comment concludes that the

County should require \$214 million in fair-share mitigation payments to Caltrans as mitigation for the project's impacts to the I-15 mainline. The County does not agree with the analysis prepared by DELANE of the project's fair share calculation. Please see the **Responses to Comments O-1.10-1 through O-1.10-5**.

- O-1-266** The comment states that the EIR fails to adequately disclose long term buildout impacts on I-15, stating that the EIR long-term analysis only analyzes three segments from Gopher Canyon Road to El Norte Parkway and references STC Report, **Comment Letter O-1.16**). The comment states that some of the segments where the project has identified cumulative impacts are omitted from the TIA's long-term analysis, adding that the omission of these volumes precludes adequate analysis of long-term buildout traffic impacts on I-15. The County does not agree with this comment. The California Environmental Quality Act (CEQA) and the County's Traffic Guidelines require analysis of an Existing Plus Project scenario, and a cumulative conditions scenario, in this case identified as the Existing Plus Project Plus Cumulative Project scenario. Each of these analyses was conducted (see EIR Sections 2.13.9.3 and 2.13.9.4) and, as the comment notes, the EIR determined that the proposed project would result in significant cumulative impacts on the I-15 from Old Highway 395 to Pomerado Road (**Impact TR-41**).

As explained in **Response to Comment O-1-244**, the purpose of the long-term General Plan buildout analysis presented in TIA Chapter 11, and corresponding EIR Section 2.13.9.5, is to determine whether the project's proposed land uses are consistent with the buildout classification of the County's roadway network as established by the County's General Plan Mobility Element. As stated in the EIR, the analysis presented in this section "is for the determination of General Plan Mobility Element consistency and is not used by the County for a determination of significant impacts under CEQA" (EIR page 2.13-76). Thus, as it pertains to the County General Plan Buildout scenario, the County does not identify significant impacts under this long-term/buildout scenario, but instead uses the results to validate or adjust its planning of the ultimate road network required to accommodate buildout of the General Plan, a timeframe that would extend well beyond buildout of the proposed project.

The Long-Term County General Plan Buildout analysis assumes complete buildout of the County's road network consistent with the Mobility Element and complete implementation of the SANDAG 2015 RTP/SCS. Further, as the Long-Term General Plan Buildout analysis is not an impact analysis but a General Plan consistency analysis, the EIR is not relying on any of the ultimate road classifications, freeway mainline improvements, or other road improvements to assess or mitigate the

project's impacts. As such, the EIR project does not need to analyze the impacts associated with the ultimate classification of these road and freeway facilities.

In this regard, and notwithstanding the change in the classification of Deer Springs Road that would be required by Option A under the proposed project, no roadway classification adjustments to the County's road network would be required by the proposed project, as illustrated in the General Plan buildout scenario analysis. Specific to the comment, for these scenarios, freeway segment operations were provided only for those portions of the freeway where the volumes would change as a result of the proposed project's Deer Springs Road mitigation Option A—which would change the General Plan Mobility Element classification of Deer Springs Road—compared to maintaining the General Plan Mobility Element classification of Deer Springs Road as a 6.2 Prime Arterial. Please also see the **Response to Comment O-1.10-3** and **Responses to Comment O-1.16-16 and O-1.16-17** for additional information responsive to this comment.

**O-1-267** The comment states that the omission of a long-term General Plan buildout analysis of the I-15 freeway between Old Highway 395 and Pomerado Road is compounded by the TIA's underrepresentation of trips for the proposed Lilac Hills Ranch project which would add up to 2,500 trips to I-15 and references Comment Letter O-1.16 (STC Report). The comment states that the TIA's failure to provide long-term volumes for all segments of I-15 prevents adequate impact determination and mitigation proposals for all segments of I-15 and surface streets throughout the I-15 corridor in North County. The County does not agree with this comment. The Lilac Hills Ranch project is included on as project number 170 on the cumulative projects list used for the TIA (refer Table 9-1, page 93, of Appendix R1 to the EIR). Please also see the responses to the STC comment letter, including **Response to Comment O-1.16-11**, and **Response to Comment O-1-266** above for additional information responsive to this comment.

**O-1-268** The comment states that the TIA's long-term analysis assumes added capacity on the I-15 from a new proposed freeway lane and that the addition of this lane capacity is inconsistent with the EIR's claim that mainline freeway impacts to I-15 cannot be mitigated because no project is planned. The County disagrees with this comment. As noted above, the consistency analysis timeframe is long-range buildout of the County's General Plan, which is not expected to occur for many years in the future. Therefore, it is entirely consistent with the long-term analysis that the additional I-15 capacity be included (based on the RTP, the improvements are expected during the 2040-2050 timeframe), and also consistent with the EIR's conclusion that mitigation is infeasible given the projected project buildout year of 2027, which is some 13-23 years earlier.

The comment goes on to state that this inconsistency is similar to the EIR's approach to mitigating impacts to Deer Springs Road in which it assumes the added capacity of a six-lane road but only analyzes the impacts of a four-lane road. The comment states that the EIR cannot rely on the added capacity of road improvements on the one hand while avoiding the analysis of that capacity's indirect environmental impacts or payment obligations on the other. The County does not agree with the claims made in this comment. As with the comment regarding the I-15 additional capacity, the consistency analysis timeframe is long-range buildout of the County's General Plan, including Mobility Element, which includes Deer Springs Road as a 6-lane Prime Arterial. Therefore, it is appropriate for the consistency analysis to include Deer Springs Road with that configuration. On the other hand, and as explained in the preceding comments (see, for example, **Response to Comment O-1-244**), the proposed project neither proposes to widen Deer Springs Road to six lanes, nor is widening to six lanes required to mitigate the project's impacts; a 4-lane Deer Springs Road would fully mitigate the project's significant direct and cumulative impacts. Therefore, it is entirely consistent with the long-term analysis that a 6-lane Deer Springs Road be included, and also consistent that the EIR analyze a 4-lane Deer Springs Road for mitigation purposes.

Thus, the comment is improperly conflating the Long-Term General Plan Buildout analysis contained in EIR Section 2.13., both as it relates to the I-15 freeway and Deer Springs Road, with the required direct and cumulative impact analysis performed for the project's traffic and cumulative project traffic.

As explained in **Response to Comment O-1-266**, EIR Section 2.13.9.5, County General Plan Buildout Analysis, states the following (*emphasis added*):

The purpose of the General Plan Buildout Analysis is to determine whether the project's proposed land uses and alternate scenarios for Deer Springs Road are consistent with the buildout classification for the County's roadway network as established by the County's General Plan Mobility Element. *The analysis presented in this section is for the determination of General Plan Mobility Element consistency and is not used by the County for a determination of significant impacts under CEQA.* As such, no significance determinations are provided for these scenarios analyzing buildout of the County's General Plan with and without the project.

The Long-Term County General Plan Buildout analysis assumes complete buildout of the County's road network and complete implementation of the SANDAG 2015 RTP/SCS. Further, as the Long-Term General Plan Buildout analysis is not an impact

analysis but a General Plan consistency analysis, the EIR is not relying on any of the ultimate road classifications, freeway mainline improvements, or other road improvements to assess or mitigate the project's impacts. As such, the EIR does not need to analyze the impacts associated with the ultimate classification of these road and freeway facilities. As it pertains to the improvements required to mitigate the project's direct and cumulative impacts, such as the widening of Deer Springs Road to four lanes and improvements to the Deer Springs Road/I-15 interchange, the EIR adequately analyzes the potential environmental impacts of the proposed mitigation consistent with CEQA's requirements.

**O-1-269** The comment states that these flaws in the long-term and cumulative analyses on I-15 could result in an inadequate scope of analysis. The comment states that with the added congestion on I-15, it is likely that some vehicles will use surface streets as cut-through routes, adding that this occurs today on Deer Springs Road and Gopher Canyon Road. The comment states that by failing to disclose volumes on all freeway segments, omitting cumulative trips, and relying on phantom capacity, the EIR fails to provide a complete picture of traffic on I-15 and may be neglecting impacts on a broader scope of surface streets. The County does not agree with this comment. Please see the **Responses to Comments O-1-266, O-1-267, and O-1-268** above for information responsive to this comment.

**O-1-270** The comment states that M-TR-1, the project's proposed improvements to the I-15/Deer Springs Road interchange, is deferred mitigation because M-TR-1 provides for improvements to the interchange but delays any decisions regarding the interchange design and defers them to Caltrans. The comment, relying on *Sundstrom v. Cty. of Mendocino* (1988) 202 Cal.App.3d 296, 306, states that CEQA requires mitigation measures to provide adequate performance standards if not implemented immediately, but that M-TR-1 provides no performance standards and defers all decision-making to Caltrans, adding that this constitutes improper deferred mitigation under CEQA. The County does not agree with this comment.

In *Sundstrom*, a use permit condition required preparation of a study that evaluates "potential effects of the proposed development upon soil stability, erosion, sediment transport, and the flooding of downslope properties and contains recommended measures to minimize such impacts... Mitigation measures recommended by the study shall be incorporated as requirements of the use permit." 202 Cal.App.3d at 306. The court ruled that the requirement that the applicant adopt mitigation measures recommended in a future study is inadequate under CEQA.

In contrast, in this case the evaluation of potential effects of the proposed development have been evaluated, significant impacts have been identified, and

specific mitigation (Mitigation Measure M-TR-1) is proposed requiring the project applicant to implement improvements to the I-15/Deer Springs Road interchange (interchange improvements or interchange project) by the issuance of the 370<sup>th</sup> EDU in the project. In response to comments from Caltrans on the EIR, M-TR-1 has been revised to include this threshold (refer to EIR Section 2.13, page 2.13-105).

As it relates to performance standards, Tables 16-11 and 16-13 in the TIA (Appendix R-1 to the EIR) establish Equivalent Dwelling Unit (EDU) thresholds for when the project's direct and cumulative impacts to intersections would become significant. Accordingly, these EDU thresholds serve as the point by which the project's mitigation for significant direct and cumulative impacts must be implemented to mitigate the project's impacts to less than significant. Tables 16-11 and 16-13 identify the occupancy of the 370<sup>th</sup> EDU and the 640<sup>th</sup> EDU in the project the points by which the project's direct and cumulative impacts to the Deer Springs Road/I-15 Southbound Ramps and the Deer Springs Road/I-15 Northbound Ramps, respectively, would become significant. As the interchange improvements would need to be completed as a single set of improvements, the earlier of the EDU thresholds would apply. Therefore, as shown above, M-TR-1 has been revised to establish the 370<sup>th</sup> EDU the point by which the interchange improvements would need to be completed and to clarify that the improvements would need to be sized and configured to mitigate the project's direct and cumulative impacts. Thus, unlike the applicant in *Sundstrom*, M-TR-1 requires the applicant to implement improvements to the Interstate 15/Deer Springs Road interchange, as selected by Caltrans, to mitigate the project's direct and cumulative impacts. There is no improper deferral as in *Sundstrom*.

- O-1-271** The comment states that the approach under M-TR-1 is to separate the CEQA review of the project and the interchange, which constitutes improper piecemealing, relying on *Berkeley Keep Jets over the Bay Com. v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358. The County does not agree with this comment. .

In the Berkeley case, the project proponent of an airport development plan did not include in the EIR's project description the construction of a new runway, new high-speed taxiway, and a runway extension, which, petitioners contended, were part of the project. Because these activities were not included in the EIR's project description, the EIR included no analysis of the potential environmental effects associated with their development. For that reason, petitioners contended improper "segmentation," or "piecemealing," in which an agency spits a large project into small pieces in order to avoid detailed environmental review. The court rejected petitioners claim.

There is no improper segmentation or piecemealing here. First, the EIR does not “segment” the interchange improvement project from the scope of the EIR, since it is included in the EIR as a mitigation measure, M-TR-1. Second, the interchange improvement project will not be approved by the agency approving the underlying project (the County of San Diego) but, instead, will be approved by a separate, state agency, Caltrans, the agency with jurisdiction over the interchange facilities. Third, as a separate project to be approved by a separate agency, Caltrans will be required to conduct its own, independent environmental review under CEQA prior to approving the interchange project. In fact, the interchange project’s environmental effects are currently under consideration as part of Caltrans’s PID-PSR-PDS process, and Caltrans will be the lead agency under CEQA and NEPA for the environmental compliance required for that project.

Lastly, and in any case, the County’s EIR provides environmental analysis of the interchange project as *mitigation* for the project. Under CEQA, if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure must be discussed, but in less detail than the significant effects of the project as proposed (see 14 California Code of Regulations Section 15126.4(D)).

The EIR provides the requisite analysis of the interchange improvements by disclosing all it reasonably can at this time regarding the environmental effects associated with such improvements. For example:

- **Aesthetics.** The EIR, Section 2.1, evaluates potential impacts to aesthetics and visual resources of the proposed project, and includes an evaluation of the visual impacts of the interchange improvements (see EIR Section 2.1, Aesthetics, pages 2.1-27 and 2.1-42, and Figures 2.1-4 and 2.1-6).
- **Agricultural Resources.** The EIR, Section 2.2, analyzes potential significant impacts to agricultural resources resulting from implementation of the Sierra project, including off-site improvements such as the interchange improvements (see EIR, Section 2.2, Agricultural Resources, pages 2.2-10 through 2.2-11 and 2.2-18).
- **Air Quality.** The EIR, Section 2.3, analyzes the potential air quality impacts resulting from the proposed project, including impacts associated with the construction and operation of the interchange improvements (see EIR, Section 2.3, Air Quality, pages 2.3-22-23, 2.3-26, 2.3-37).



- **Biological Resources.** The EIR, Section 2.4, evaluates biota impacts of the proposed project, including the interchange improvements (see EIR, Section 2.4, Biological Resources, pages 2.4-46-48, 2.4-69-70, 2.4-123).
- **Cultural Resources.** The EIR, Section 2.5, evaluates the potential impacts to cultural resources resulting from the proposed project, including the interchange improvements (see EIR, Section 2.5, Cultural Resources, pages 2.5-39, 2.5-41, 2.5-56).
- **Geology, Soils, and Seismicity.** The EIR, Section 2.6, analyzes the potential geology, soils, and seismicity impacts of the proposed project, including the interchange improvements (see EIR, Section 2.6, Geology, Soils, and Seismicity, pages 2.6-11, 2.6-18, 2.6-22).
- **Greenhouse Gas Emissions.** The EIR, Section 2.7, evaluates the proposed project's potential global climate change and GHG emissions impacts, and addresses the construction and operational impacts of the interchange improvements (see EIR, Section 2.7, Greenhouse Gas Emissions, pages 2.7-34, 2.7-36).
- **Hazards and Hazardous Materials.** The EIR, Section 2.8, evaluates potential significant wildfire hazards, hazardous materials, emergency response plans, and vector impacts of the proposed project, including those associated with the interchange improvements (see EIR, Section 2.8, Hazards and Hazardous Materials, pages 2.8-21, 2.8-26, 2.8-31, 2.8-36).
- **Mineral Resources.** The EIR, Section 2.9, evaluates the potential for significant impacts to mineral resources associated with the proposed project, including those associated with the interchange improvements (see EIR, Section 2.9, Mineral Resources, pages 2.9-9).
- **Noise.** The EIR, Section 2.10, evaluates potential noise and vibration impacts resulting from development of the proposed project, including off-site construction associated with improvements to the interchange (see EIR, Section 2.10, Noise, pages 2.10-19-20, 2.10-33-34).
- **Paleontological Resources.** The EIR, Section 2.11, analyzes the proposed project's potential impacts to paleontological resources, including those associated with the interchange improvements (see EIR, Section 2.11, Paleontological Resources, pages 2.11-6, 2.11-10).

- **Population and Housing.** The EIR, Section 2.12, analyzes the project's physical impacts with regard to increases in population levels and the housing stock with implementation of the proposed project, and addresses the I-15 interchange improvements (EIR, Section 2.12, Population and Housing, pages 2.12-9-11).
- **Utilities and Service Systems.** The EIR, Section 2.14, evaluates the proposed project's potential significant impacts on utilities and service systems resulting from implementation of the project, and addresses the interchange improvements (see EIR, Section 2.14, Utilities and Service Systems, pages 2.14-48-49, 2.14-52, 2.14-59, 2.14-65).
- **Energy.** The EIR, Section 3.1, analyzes the proposed project's potential energy impacts, and includes the construction of the interchange improvements in its analysis (see EIR, Section 3.1, Energy, pages 3.1-11-12).
- **Hydrology and Water Quality.** The EIR, Section 3.2, evaluates the proposed project's potential impacts on hydrology and water quality, and addresses the interchange improvements (see EIR, Section 3.2, Hydrology and Water Quality, pages 3.2-18, 3.2-23).
- **Land Use and Planning.** The EIR, Section 3.3, evaluates the proposed project's potential land use impacts, and analyzes the interchange improvements (see EIR, Section 3.3, Land Use and Planning, pages 3.3-20, 3.3-27, 3.3-45).
- **Parks and Recreation.** The EIR, Section 3.4, analyzes the proposed project's potentially significant on- and off-site recreational opportunities, and addresses the interchange improvements (see EIR, Section 3.4, Parks and Recreation, pages 3.4-11 through 3.4-12).
- **Public Services.** The EIR, Section 3.5, evaluates changes to the environment resulting from the provision of public services to the proposed project, and addresses the interchange improvements (see EIR, Section 3.5, Public Services, page 3.5-19).

Caltrans will conduct its own independent environmental review of the interchange project, including all such feasible alternatives and mitigation, as part of its PA&ED phase. The Caltrans PA&ED phase will evaluate the potential impacts of each interchange alternative/configuration, select the preferred interchange configuration (a Caltrans decision), and develop the final mitigation for the chosen interchange configuration.

**O-1-272** The comment states that the design information for the interchange is necessary for analysis of the project's TDM measures and VMT and GHG analysis as the footprint could impact the Caltrans Park and Ride facility, adding that, without knowing the design of the interchange, no trip reductions should be taken for the Park and Ride facility. The comment also states that the interchange design should accommodate the eventual buildout of Deer Springs Road to six lanes and any future transit plans because, without accounting for these future plans, a re-design may be required. Lastly, the comment states that the EIR should not take credit for either (1) added six-lane capacity on Deer Springs Road, including the segment that connects to the interchange, or (2) any proposed transit access to the Site because freeway ingress and egress options for buses and other mass transportation options are an important piece of analyzing the functionality and effectiveness of such a proposal. The County does not agree with this comment for the following reasons.

The project's TDM Program does not rely on the interchange project or the Park and Ride facility, and, therefore, no trip or VMT reductions are taken relative to the Park and Ride facility. Therefore, from the standpoint of operation impacts, the project's VMT and GHG analysis would not be affected by the ultimate design of the interchange project approved by Caltrans. From the standpoint of GHG emissions resulting from construction of the new interchange, to the extent that impacts could be assessed, these impacts have been included in the project's analysis of GHG impacts (please see **Topical Response TR-1**).

One of the objectives of the interchange improvements is to expand and enhance the existing park and ride facility to the extent that the park and ride would roughly double in size compared to its current size. The additional area needed for this expansion will be created with the realignment of Mesa Rock Road internal to the project Site. Therefore, although the configuration and ingress/egress into the Park and Ride at Deer Springs Road may change, the eventual buildout of Deer Springs Road to six lanes would not be affected by the interchange design. Additionally, whether the interchange will be sized and configured to accommodate the ultimate buildout of Deer Springs Road as a six-lane road is a Caltrans decision that will be based on long-term forecasts of future volumes through the intersection. As it pertains to Deer Springs Road, as addressed in **Responses to Comments 244 through 252**, the proposed project is not required to widen Deer Springs Road to six lanes to mitigate the project's direct or cumulative traffic impacts, nor is the project relying on Deer Springs Road as a six-lane road to mitigate the project's traffic impacts.

As it relates to future transit service at or through the interchange, to the Park and Ride facilities, and/or to the project's Town Center neighborhood, it is reasonable to assume that such accommodations will be made for transit bus and shuttle access

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through the interchange in the same or similar way that truck and trailer access is accommodated. Therefore, no restrictions or impediments to these types of transit services are foreseeable. Further, the project's Town Center includes space for a transit bus or shuttle stop that would be located immediately outside an expanded Park and Ride.

- O-1-273** The comment states that the EIR's analysis of traffic volumes under the existing General Plan is flawed because the EIR overstates the commercial and office development allowed under the existing General Plan and refers to the DELANE Commercial Memo (**Comment Letter O-1.9**) and the Cushman & Wakefield analysis (**Comment Letter O-1.8**). The comment states that the analysis in the EIR constitutes an improper plan to plan analysis. The County does not agree with this comment. Please see the **Responses to Comments O-1-385 through O-1-389** for information responsive to this comment. Also, it is worth noting that the Cushman and Wakefield analysis (**Comment Letter O-1.8** prepared on behalf of Golden Door Properties LLC) of the commercial and office development allowed under the existing General Plan agrees with the analysis presented in the EIR. Finally, whether 2 million square feet of office and commercial development or no office and commercial development were to be built on the project Site, Deer Springs Road would still require widening to four lanes to mitigate the traffic impacts associated with the 99 estate homes to less than significant.
- O-1-274** The comment serves as an introduction to the comments that follow, which contend the EIR's VMT analysis is inadequate. The comment acknowledges that the VMT analysis is not required, but states that such an analysis is important for a project like Newland Sierra. For the reasons provided in the responses that follow, the County does not agree the EIR's VMT analysis is inadequate.
- O-1-275** The comment states that the project's mixed use and TDM credits are overstated and should be reduced before being applied as a VMT reduction. The County does not agree with this comment. Please see the **Responses to Comments O-1-253 through O-1-256** for information responsive to this comment.
- O-1-276** The comment states that the EIR's VMT analysis compared the project's residential-based per capita VMT to the regional average, as well as to the project's North County Inland subregion and that, because the project is not proposing to amend the County General Plan Housing Element and because it exceeds the housing inventory for the North County Metro area, the project's VMT should be compared only against the regional average. The comment adds that the higher VMT in the North County Inland subregion as compared to the whole County is indicative that the project is

proposed in a rural area requiring longer car trips. The County does not agree with this comment for the following reasons.

The VMT analysis contained in the EIR was prepared consistent with OPR's *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* prepared by the Governor's Office of Planning and Research, January 20, 2016 (OPR Draft Guidance), and, as correctly pointed out in Comment O-1-274 above, is not a required analysis. Subsequent to release of the EIR, OPR issued revised guidance on November 27, 2017, and on January 26, 2018, the California Natural Resources Agency issued proposed CEQA Guidelines revisions for public review, which closes March 15, 2018. Following the close of the public comment period, the Resources Agency will consider further revisions to the proposed guidelines and is expected to adopt the revised guidelines later this year, although lead agencies will have until January 1, 2020, before they will be required to include VMT analyses in their CEQA documents. As of this writing, the County of San Diego as a lead agency does not require VMT analyses as part of an EIR's transportation analysis.

Although OPR's Draft Guidance issued January 20, 2016, and revised November 27, 2017 recommends use of a "regional VMT per capita" for the purposes of establishing a threshold of significance, the proposed Guidelines make clear that lead agencies have "discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled" (Proposed Guidelines, Section 15064.3(b)(4)). The Draft Guidance recognizes that "CEQA generally defers to lead agencies on the choice of methodology to analyze impacts. This section provides *suggestions* to lead agencies regarding methodologies to analyze VMT associated with a project" (Draft Guidance, Technical Advisory, November 2017, pages 2–3 [emphasis added]). The Draft Guidance further recognizes that "context matters in a CEQA analysis and that lead agencies have discretion in the precise methodology to analyze an impact" and may perform an analysis that incorporates the technical approaches "best suited to the unique land use/transportation circumstances and specific facility types they are evaluating." (Draft Guidance, Technical Advisory, November 2017, pages 4–5). Moreover, to date, no significance threshold has been formally established for the San Diego Region.

In the case of the unincorporated area of San Diego County, which includes 36 distinct communities spread across 3,572 square miles, there is a wide range of communities with varied housing needs, many of which are expected to experience significant population and housing growth over the next several decades. Due to the geographic location of many of these communities relative to the region's major job centers, virtually all of these communities are expected to have residential-based per

capita VMT averages that exceed the regional average. This is because the regional average is heavily influenced by the more densely populated incorporated cities and more urban areas of the County. For example, the City of San Diego encompasses only 8 percent of the region's land area but supports 44 percent of the region's housing stock. The City of San Diego also supports 46 percent (nearly half) of the region's jobs. Therefore, the City of San Diego is a major factor driving the region's average residential-based per capita VMT. Forcing the rest of the region, incorporated and unincorporated areas alike, to effectively conform to the City of San Diego's housing density when the City also supports so much of the region's jobs would put an undue burden on the rest of the region in the context of VMT analysis. This issue is not unique to San Diego County and is being raised in other parts of the state as it relates to OPR's recommended threshold based on a regional average.

In the North County East Subregion, the subregion in which the project lies and the subregion that was the basis for the project's subregional analysis, there are 7 communities, including Twin Oaks, Bonsall, Hidden Meadows, Rainbow, Fallbrook, Valley Center, and Pala Pauma, the larger North County Metropolitan Area, and the Cities of San Marcos, Vista, and Escondido supporting a population over 400,000 people. The 78 Corridor, which includes the five Cities of Oceanside, Vista, Carlsbad, San Marcos, and Escondido and which is substantially encompassed by North County East Subregion, supports over 280,000 jobs within six to twelve miles of the project Site. Therefore, the County does not agree that the project's VMT analysis is indicative that the project is in a rural area. Instead, the fact that the project's home-based VMT per capita is below its subregional average indicates the project is appropriately located in relation to job centers within its subregion.

- O-1-277** The comment states that the EIR fails to describe whether the project is in compliance with the VMT reduction strategies of SANDAG and Caltrans. Preliminary, the OPR Draft Guidance does not require a compliance, or consistency, analysis with SANDAG or Caltrans VMT reduction strategies as the comment suggests. However, as discussed in **Response to Comment O-1-254**, the transportation engineering firm Fehr & Peers conducted an analysis to evaluate the VMT reductions that would result from implementation of the proposed project's TDM program, which includes multiple VMT reduction strategies. Based on that analysis, Fehr & Peers determined that the project's TDM program would result in an overall VMT reduction of 11.1 percent (refer to EIR Appendix R-3, Newland Sierra TDM Program – VMT Reduction Evaluation, dated February 7, 2017). As the comment does not refer to any specific VMT reduction strategies, no more detailed response can be provided.
- O-1-278** The comment states that the EIR errs in its description of Caltrans' "Local Development—Intergovernmental Review Program Interim Guidance" dated

September 2, 2016, and revised on November 9, 2016 (“Interim Guidance”), adding that the Interim Guidance accelerates the implementation of SB 743. The comment states that the Interim Guidance requires Caltrans to implement a VMT analysis rather than a LOS traffic impact analysis for CEQA review, and references a letter exchange between Golden Door Properties and Caltrans on the this subject. The comment also states that the EIR mischaracterizes the Caltrans Interim Guidance as a “desk reference” and that the EIR, therefore, does not give proper weight to the Interim Guidance. The comment states that the Interim Guidance makes clear that, until the Governor’s Office of Planning and Research (OPR) develops new CEQA Guidelines in response to SB743, local districts should use the Interim Guidance for the preparation of traffic impact studies. The comment states that the Interim Guidance states that “[t]hough SB743 clarifies requirements for transportation analysis, a VMT analysis is already needed to meet other CEQA requirements.”

The County acknowledges the comment and notes that the Interim Guidance applies to local Caltrans district offices commenting on EIRs prepared by other agencies. As to the statement in the EIR referring to the Interim Guidance as a “desk reference for Caltrans staff,” the quote, as well as the other quotes appearing at EIR pages 2.13-90 to 2.13-91, is taken from a letter authored by the Chief, Development Review Branch, of the Caltrans San Diego District office, District 11, and is an accurate quote. (Please refer to Appendix JJ-17, for the Caltrans, District 11, letter from Jacob Armstrong, Chief, Development Review Branch, dated March 21, 2017, concerning the proposed project.) As to the comment that the Interim Guidance “accelerates the implementation of SB 743, as noted in **Response to Comment O-1-276**, the revised CEQA Guidelines that will require preparation of a SB 743 analysis and have not yet been adopted by the Resources Agency and, in any event, once they are, lead agencies like the County will have until January 1, 2020 before they are required to prepare a SB 743 VMT analysis as part of their CEQA documentation. Finally, regarding the statement as to VMT analysis already required to meet other CEQA requirements, as the Interim Guidance notes, these other CEQA requirements regard the analysis of greenhouse gas emissions and transportation energy use, not a VMT per capita analysis as would be required under the proposed guidelines.

Lastly, the Interim Guidance also makes clear that it is the Lead Agency’s responsibility to perform a CEQA analysis, set local thresholds of significance, analyze potential impacts, determine significance, and identify, implement, and monitor any required mitigations. Page 4 of the Interim Guidance states the following:

We also continue to recognize that under the California Environmental Quality Act (CEQA), it is ultimately the Lead Agency’s responsibility to

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perform a CEQA analysis, set local thresholds of significance, analyze potential impacts, determine significance, and identify, implement, and monitor any required mitigations.

**O-1-279** The comment states the Interim Guidance is particularly relevant to the project because it provides specific guidance for “rural fringe” projects and cites text from the Interim Guidance pertaining to the types of comments Caltrans should make on traditional suburban and rural fringe projects. The comment concludes that the EIR errs in its contention that the Interim Guidance is inapplicable and states that the EIR should be revised to correct this inaccuracy and request specific review of the EIR’s VMT analysis from Caltrans. The County disagrees with this comment. As accurately reported in the EIR, the Interim Guidance is “a first step in the evolving Caltrans [Local Development, Intergovernmental Review] program in anticipation of SB 743 implementation,” recognizing that required SB 743 implementation is not yet here. Moreover, the EIR did not ignore the Interim Guidance and, instead, included a VMT per capita analysis consistent with present guidance on the subject. Please see **Responses to Comments O-1-276 through O-1-278** for additional information responsive to this comment.

**O-1-279** The comment from Golden Door Properties LLC (Golden Door) states it has previously raised numerous issues/questions regarding the project with the Vallecitos Water District (District or VWD) and that VWD, rather than addressing those issues/questions, approved the project’s Water Supply Assessment (WSA) “on the grounds that the District was not a land-use agency.” Additionally, the comment states that the WSA is currently subject to Golden Door’s appeal after Golden Door did not prevail at the trial court level in Golden Door’s litigation against the County of San Diego (County), VWD, and the project applicant challenging the adequacy of the WSA. Citing the litigation, the comment states the County should review, explain, and fix the flaws noted in the WSA and that the County should not rely upon it “due to the uncertainty of the WSA’s legality.”

The County does not concur with this comment for the reasons set forth below.

The County is aware that Golden Door, through its counsel Latham & Watkins LLP, has raised numerous issues and questions with the VWD regarding the project’s water demand and supply. It is aware because (1) Golden Door filed suit against VWD challenging its approval of the project’s WSA (*Golden Door Properties, LLC v. Vallecitos Water District, et al.*, San Diego Superior Court No. 37-2016-00037559-CU-WM-NC); (2) the County and the project applicant were named as real parties in the lawsuit; (3) the trial court sustained the project applicant’s demurrer to the complaint, joined by the County and VWD, which resulted in dismissal of Golden



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Door's lawsuit; and (4) Golden Door filed an appeal currently pending in the Fourth District Court of Appeal, Division One (San Diego).

The County also is aware because after the litigation was dismissed, Latham & Watkins sent a letter to the County, dated May 15, 2017, which summarized the issues raised by Golden Door in the litigation and throughout VWD's administrative process regarding the project's WSA. Latham & Watkins also provided the County with an electronic disk containing the "administrative record and pleadings" from the litigation. The May 15, 2017, letter and the disk and documents are part of the administrative record for this project.

The above litigation background does not raise any particular issue regarding the adequacy of the Draft EIR; thus, no further response is required or needed. However, the following is provided for information purposes.

Based on review of pertinent information, the County does not concur that the VWD approved the project's WSA "on the grounds that the District was not a land-use agency." Instead, VWD's underlying administrative proceedings show that the VWD Board of Directors considered the project's WSA at its regular meeting held on November 16, 2016, reviewed the report from staff, received written documentation, heard testimony, and unanimously approved the project's WSA pursuant to Water Code Section 10631.<sup>74</sup>

Additionally, the County does not concur with the comment that the County "should not" rely on the project's WSA due to uncertainty over its "legality."

First, the County acknowledges that the project's WSA is the subject of a pending appeal, but the WSA withstood Golden Door's legal challenge at the trial court level. The appeal is expected to be concluded by July 2018.

Second, as stated in the Draft EIR, Section 2.14, Water Supply and Service, the County did not rely *solely* on the project's WSA. Instead, as required by law, the County, acting as lead agency under CEQA, included the WSA as an appendix to the publicly circulated Draft EIR (see Draft EIR, Appendix S) and used the WSA (and other water planning documents and technical reports) to make its own determination

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<sup>74</sup> Please see VWD's Resolution No. 1501 titled, "Resolution of the Board of Directors of the Vallecitos Water District Approving a Revised Water Supply Assessment Report for the Newland Sierra Project." In addition, please see VWD's Resolution No. 1500 titled, "Resolution of the Board of Directors of the Vallecitos Water District Rescinding the Revised WSA&V for the Newland Sierra Project." The resolutions are incorporated by reference and available for public review upon request to the County.

of the sufficiency of the project's projected water demand and supplies, along with the demand and supplies of other related cumulative development.

Third, in the Draft EIR, the County pointed out that the WSA's "role in the EIR process is akin to that of other informational documents concerning potential environmental impacts, such as traffic or air quality. Like those other documents, the WSA is an advisory and informational document. (See *California Water Impact Network v. Newhall County Water District* (2008) 161 Cal.App.4th 1464.)" (See Draft EIR, Section 2.14, page 2.14-28.)

Fourth, the Draft EIR, page 2.14-2, makes clear the County did not rely *solely* on the WSA, but also based the project's water supply and demand analysis on regional and local water supply documents adopted by water agencies, and information provided by experts on engineering and water resources — all of which was provided as technical appendices to the Draft EIR (see EIR, Appendices S through V) (EIR, Section 2.14, page 2.14-2):

The section is based on regional and local water demand and supply information from the Metropolitan Water District of Southern California (MWD), the San Diego County Water Authority (Water Authority), and the Vallecitos Water District. In addition, other experts that provided data used or referenced in this section include (a) HDR, an engineering/architectural firm specializing in water resources management, (b) Dexter Wilson Engineering Inc. (Dexter Wilson), a water, wastewater, and recycled water engineering firm, and (c) GSI Water Solutions Inc. (GSI), a water resources firm with expertise in hydrogeology, hydrology, engineering, and environmental science. State and local laws and regulations are the sources for the water conservation regulatory standards referenced in this section.

Lastly, the Draft EIR makes clear that the County itself makes the ultimate water supply determination, not the urban water supplier, and that the County's determination is based on its review of the *entire* record, not just the WSA (EIR, Section 2.14, page 2.14-2):

The County of San Diego (County) must determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to the demand associated with the existing and other planned future land use uses within the Vallecitos Water District potable water service area.

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Based on its review of the WSA, the County also does not concur with the comment that the County must “fix the flaws noted in the WSA.” The County did not note “flaws” in the WSA.

- O-1-280** The County does not concur with the comment, but acknowledges it as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the decision makers prior to a final decision on the project. In addition, the responses that follow provide responsive information. The County also considers the comment to be general in nature and does not provide evidentiary or other support. Given that the comment is general, this general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).
- O-1-281** Please see **Response to Comment O-1-280**, above.
- O-1-282** Please see **Response to Comment O-1-280**, above.
- O-1-283** Please see **Response to Comment O-1-280**, above.
- O-1-284** Please see **Response to Comment O-1-280**, above.
- O-1-285** Please see **Response to Comment O-1-280**, above.
- O-1-286** Please see **Response to Comment O-1-280**, above.
- O-1-287** Please see **Response to Comment O-1-280**, above.
- O-1-288** Please see **Response to Comment O-1-280**, above.
- O-1-289** Please see **Response to Comment O-1-280**, above.
- O-1-290** Please see **Response to Comment O-1-280**, above.
- O-1-291** The comment states that “drastic mandatory rationing” must be imposed on “District customers ... as much as 36 percent ... so that the County can approve a single developer’s unplanned development proposal” and that such rationing would be “infeasible, unfair, and inconsistent with the District’s approved planning documents and decisions and the community.” The County does not concur with this comment for the reasons set forth below.

The Twin Oaks Valley Property Owner’s Association made the same or similar comment in a newspaper ad, noting that “36% cuts to resident’s water supply” would be required so as to serve the proposed project. The VWD responded by posting on its website a “Correction of Misinformation.” According to this correction, VWD is not

mandating the rationing of its water supplies to existing VWD customers (by 36 percent or any percentage), so as to be able to serve any proposed new development, including the Newland Sierra project. For that reason, VWD considered the Twin Oaks' statement to be "false," requiring correction.

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

Recently, the Twin Oaks Valley Property Owner's Association published a newspaper ad noting "36% cuts to resident's water supply" in relation to a proposed Newland Sierra housing project. *This statement is false.* The Vallecitos Water District is not in a drought emergency and therefore is not imposing any mandatory water-use cuts (reductions). *In addition, the District would never impose water-use reductions to any customers to allow for any proposed development, including the Newland Sierra project.*

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

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

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Regardless of development in our community, we encourage all residents to continue to make water conservation a permanent way of life. Click on the links for more information about conservation or the District's Master Plan or contact us at (760) 744-0460.”<sup>75</sup> (Italics added.)

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

And I, too, wanted to make it perfectly clear - we've mentioned this a number of times. I know there are some out there that still come up and tell us that they're concerned about that the existing rate payers are going to pay for some portion of the new water. That's absolutely false. That's absolutely wrong. Every new home that is going to be built is going to pay its own way. There is [no] burden on any of the existing rate payers, whether it's one home or 600 homes. It makes no difference. The developers have to pay for all of the new development and the capacity that is required.”

Further, the comment refers to the project as an “unplanned development proposal.” Another comment (**Comment No. O-1-297**) describes the project as “the unplanned intensification of use proposed” by the project applicant. The County does not concur with these comments.

That the project is not reflected in the County's current General Plan does not mean it is inappropriate. Indeed, if deemed to be in the public interest, the County's Board of Supervisors may amend all or part of an adopted general plan. Additionally, general plans are mandatory elements permitted by law to be amended four times per year under Government Code Section 65358(b). This provision, however, does not reflect the fluidity of a general plan because the County, like other public agencies, can and do “group” General Plan amendments for various projects quarterly, consistent with the other provision in Section 65358(b), stating that each “amendment may include more than one change to the general plan.” Thus, a general plan is not intended to be a static document, but rather a dynamic one allowing for adaptability. Thus, a general plan may change as the community may change over time. The County also has undertaken an independent review of the project and its planning; thus, it is not considered inappropriate.

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<sup>75</sup> The VWD's “Correction of Misinformation” is incorporated by reference and available for public review upon request to the County. It is also available for review at VWD's website: <http://www.vwd.org/Home/Components/News/News/2358/18>.

**O-1-292** Based on the incorrect claim that the VWD has imposed “drastic mandatory rationing” on its customers, by as much as 36 percent, so as to serve the project, the comment requests that the County take a series of actions set forth in the comments below, including rejecting the project “due to insufficient water supply, among other reasons.” As stated in **Response to Comment O-1-291**, the County concurs with VWD. In summary, VWD is not cutting existing customers’ water supply to accommodate the proposed project. Additionally, VWD is not imposing any mandatory water cuts or “rationing” to serve the proposed project (or any other development). Thus, the County agrees that this misinformation requires correction as noted in **Response to Comment O-1-291**, above.

Further, the comment is general in nature and does not provide any evidentiary or other support for the claim that the County “should reject the Project due to insufficient water supply, among other reasons.” Given that the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).

The comment also does not raise any substantiated claim regarding the adequacy of the information presented in the Draft EIR; thus, no further response is required or needed.

**O-1-293** Based on the incorrect “water rationing” in **Response to Comment O-1-291**, above, this comment states that the County “should delay consideration of the Project until the District has revised its previously adopted District-wide planning documents,” as indicated. As stated in **Response to Comment O-1-291**, the County concurs with the VWD. In summary, the VWD is not cutting existing customers’ water supply to accommodate the proposed project. Additionally, VWD is not imposing any mandatory water cuts or “rationing” to serve the proposed project (or any other development). Thus, the County agrees that this misinformation requires correction as noted in **Response to Comment O-1-291**, above.

The County also does not concur with the comment. As discussed in more detail in the responses below, the County has determined that there are sufficient, available, and reliable water supplies to meet the water demand of the project in addition to the planned and other future land uses in VWD’s service area during normal/average years, a single dry-year, and multiple-dry years over a 20-year planning horizon (see also Draft EIR, Section 2.14.1, Water Supply and Service).

Additionally, the comment is general in nature and does not provide any evidentiary or other support for the claim that the County “should delay consideration of the Project until the District has revised its previously adopted District-wide planning documents,” as indicated. Given that the comment is general, a general response is all

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that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47–52).

Further, the comment does not raise any substantiated claim regarding the adequacy of the information presented in the Draft EIR; thus, no further response is required or needed.

**O-1-294** Based on the incorrect “water rationing” in **Response to Comment O-1-291**, above, this comment states that the County “should revise the analysis in the DEIR” to address unspecified “inconsistencies between the WSA and the District’s planning documents, and recirculate the DEIR for public review.” As stated in **Response to Comment O-1-291**, the County concurs with the VWD. In summary, VWD is not cutting existing customers’ water supply to accommodate the proposed project. Additionally, VWD is not imposing any mandatory water cuts or “rationing” to serve the proposed project (or any other development). Thus, the County agrees that this misinformation requires correction as noted in **Response to Comment O-1-291**, above.

The County also does not concur that the Draft EIR should be revised to address unspecified “inconsistencies” between the WSA and the unspecified planning documents of the District. Without further information, the County cannot provide any further response to this comment.

Additionally, the comment is general in nature and does not provide any evidentiary or other support for the claim that the County “should revise the analysis in the DEIR” to address unspecified “inconsistencies between the WSA and the District’s planning documents, and recirculate the DEIR for public review.” Given that the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).

Further, the comment does not raise any substantiated claim regarding the adequacy of the information presented in the Draft EIR; thus, no further response is required or needed.

**O-1-295** Based on the incorrect “water rationing” in **Response to Comment O-1-291**, above, this comment states that the County “should change its conclusion regarding the project’s potential impact on water supply to ‘significant’ and consider and require appropriate mitigation.” As stated in **Response to Comment O-1-291**, the County concurs with the VWD. In summary, VWD is not cutting existing customers’ water supply to accommodate the proposed project. Additionally, VWD is not imposing any mandatory water cuts or “rationing” to serve the proposed project (or any other

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development). Thus, the County agrees that this misinformation requires correction as noted in **Response to Comment O-1-291**, above.

Further, the comment provides no valid information to support why the Draft EIR's significance determination with regard to water supply should be changed, nor any reason for considering and requiring mitigation beyond that already provided in the Draft EIR (see Draft EIR, Section 2.14.1.8, Mitigation Measures, pages 2.14-51 through 2.14-52).

Additionally, the comment is general in nature and does not provide any evidentiary or other support for the claim that the County "should change its conclusion regarding the Project's potential impact on water supply to 'significant' and consider and require appropriate mitigation." Given that the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).

Further, the comment does not raise any substantiated claim regarding the adequacy of the information presented in the Draft EIR; thus, no further response is required or needed.

**O-1-296** Based on the incorrect "water rationing" in **Response to Comment O-1-291**, above, this comment states that the County "should specify the District-wide conservation measures that will be required to resolve the District's projected supply deficit." As stated in **Response to Comment O-1-291**, the County concurs with the VWD. In summary, VWD is not cutting existing customers' water supply to accommodate the proposed project. Additionally, VWD is not imposing any mandatory water cuts or "rationing" to serve the proposed project (or any other development). Thus, the County agrees that this misinformation requires correction as noted in **Response to Comment O-1-291**, above.

In any case, as stated by VWD, there is no "projected supply deficit" (see **Response to Comment O-1-291**, above).

Additionally, the comment is general in nature and does not provide any evidentiary or other support for the claim that the County "should specify the District-wide conservation measures that will be required to resolve the District's projected supply deficit," including specifying information about such measures. Given that the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).



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Further, the comment does not raise any substantiated claim regarding the adequacy of the information presented in the Draft EIR; thus, no further response is required or needed.

- O-1-297** The comment provides background information regarding Golden Door, its water use, and its agricultural operations. This background information does not raise an environmental issue concerning the adequacy 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. Thus, no further response is required or necessary.

Additionally, the comment mentions the “unplanned intensification of use” by the project applicant. For information responsive to this comment, please see **Response to Comment O-1-291**.

Further, the comment refers to “mandatory rationing” requirements, but as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its water supplies from any of its customers; and it is not requiring rationing to serve the proposed project.

- O-1-298** The comment refers to the Water Code and the California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434-435, and states that a “WSA cannot rely on a UWMP [Urban Water Management Plan] if the UWMP did not analyze water supply for the project.” In a footnote, the comment is also critical of the WSA on the same grounds.

The County does not concur with this comment. As explained in detail below, the 2015 UWMP and the WSA account for the Newland Sierra project’s projected water demand based on County-approved General Plan land uses and zoning maps and VWD’s water demand factors in compliance with Water Code Sections 10910(c)(2) (see, e.g., 2015 UWMP, pages 4-2 through 4-3). Additionally, as shown above, the WSA provides its own discussion of VWD’s projected water supplies and demand during long-term variable water years to determine if there are sufficient water supplies to meet the projected water demand of the Newland Sierra project, in addition to existing and planned uses in VWD’s service area in compliance with Water Code Section 10910(c)(3). As shown below, the County, as lead agency, may use the 2015 UWMP and the project’s WSA (see Draft EIR, Appendix S).

### Background

As stated by the Supreme Court in *Vineyard*, 40 Cal.4th at p. 434, “CEQA ... does not require a city or county, each time a new land use development comes up for

approval, to reinvent the water planning wheel.” Instead, “[e]very urban water supplier is already required to prepare and periodically update an ‘urban water management plan,’ which must ... describe and project estimated past, present, and future water sources, and the supply and demand for at least 20 years into the future,” citing Water Code Sections 10620 and 10631.

The Supreme Court further stated that “[w]hen an individual land use project requires CEQA evaluation, the urban water management plan’s information and analysis may be incorporated in the water supply and demand assessment required by both the Water Code and CEQA ‘[i]f the projected water demand associated with the proposed project was *accounted for* in the most recently adopted urban water management plan,’” citing Water Code Section 10910(c)(2), italics added (*Vineyard*, 40 Cal.4th at page 434).

Conversely, if the “projected water demand associated with the proposed project was not *accounted for* in the most recently adopted urban water management plan ... the water supply assessment for the project shall include a discussion with regard to whether the public water system’s total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system’s existing and planned future uses, including agricultural and manufacturing uses” (Water Code section 10910(c)(3)).

### The WSA Accounted for the Water Demand

The term “accounted for” is not defined in the referenced Water Code provisions. However, the plain meaning of the term “account for” is to “take into consideration; allow for” (*The American Heritage Dictionary of the English Language*, 3rd ed., 1992, page 12). Here, the 2015 UWMP and WSA account for the Newland Sierra project’s projected water demand by using County-approved General Plan land uses and zoning maps, along with VWD’s water demand factors (see 2015 UWMP, pages 4-2 through 4-3).

Said differently, if a new land use development comes up for approval, the water supply-related question is whether the local and regional water supply planning documents have considered or allowed for the demand (i.e., taken it into account); if so, a county need not “reinvent the water planning wheel.” Instead, a county, as lead agency under CEQA, may use or incorporate information from an urban water management plan in conducting the project’s water supply and demand assessment.

The VWD’s 2015 UWMP has attributed water demand to the project Site based on the site’s County-approved General Plan land uses and zoning. This is VWD’s

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practice as evidenced by its earlier 2008 Master Plan and the most recent 2015 UWMP (see 2008 Master Plan, pp. 5-16 through 5-17, and 2015 UWMP, pp. 4-2 through 4-3). Thus, VWD has considered or accounted for the project Site's water demand in its water planning documents.

Additionally, the Draft EIR's WSA (Appendix S) confirms the following information:

- Dating back to 2006, the VWD Board of Directors approved a Water Supply Assessment and Verification (WSA&V) report for the Merriam Mountains Specific Plan project, situated roughly on the same site (see Draft EIR, Appendix S [WSA, page 40]). The proposed Newland Sierra project forecasts *less* water demand than the amount that VWD considered and approved for roughly the same/similar site in 2006.<sup>76</sup>
- VWD used current General Plan/zoning land uses to estimate the future water demands for the project Site in its water master planning documents, given that the Newland Sierra project is not yet adopted by the County (Draft EIR, Appendix S). Specifically, VWD's 2008 Master Plan used the 1979 General Plan/zoning to estimate the future water demand and arrived at 1.74 million gallons per day (mgd) or 1,945 acre-feet per year (afy) (see Draft EIR, Appendix S, p. 48).
- Also, VWD's updated 2014 draft Master Plan used the 2011 County General Plan Update land use and revised unit water demand factors for a decreased water demand projection of 1.63 mgd or 1,825 afy (Draft EIR, Appendix S, p. 48). These two projected water demands for the project Site (or study area) are shown in the WSA, Table 3.3, reproduced below.
- Both the former zoning and the current zoning for a No Project Alternative would require a higher water demand from the 1,985.6-acre project Site than the Newland Sierra project is currently proposing.

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<sup>76</sup> The Merriam Mountains project site consisted of approximately 2,281 acres, and the proposed Newland Sierra project Site is comprised of slightly less acreage (approximately 1,985 acres) in roughly the same project Site area. According to the July 5, 2006, VWD-approved WSA&V report, the Merriam Mountains project's projected water demand was 1.31 mgd) of average annual demand (or 1,468 afy) (WSA&V, pages 4-5). The proposed Newland Sierra project's projected water demand is *less than* the amount that the VWD approved for the same/similar site in 2006. The Merriam Mountains WSA&V report is incorporated by reference and available for public review upon request to the County.

Table 3.3. No Project Alternative Water Demand Projections

2011 General Plan Update				1979 General Plan			
Land Use	Study Area (Acres)	2014 Unit Water Demand (gpd/acre)	Total Water Use (gpd)	Land Use	Study Area (Acres)	2008 Unit Water Demand (gpd/acre)	Total Water Use (gpd)
Rural Lands (RL-20)	1,907.8	800	1,526,240	Hillside Residential	1,566.6	1000	1,566,600
Semi-Rural Residential (SR-10)	19.6	800	15,680	Rural Residential	89.7	600	53,820
General Commercial	4.6	1500	6,900	Public Facility	1.0	1400	1,400
Office Professional	53.6	1500	80,400	Office Professional	28.1	1500	42,150
Agricultural/Residential	0.0	800	0	Agricultural	21.2	800	16,960
Open Space/Vacant	0.0	200	0	Open Space	279.0	200	55,800
<b>Total</b>	<b>1,985.6</b>		<b>1,629,220</b>		<b>1,985.6</b>		<b>1,736,730</b>
<b>Total (AFY)</b>			<b>1,825</b>				<b>1,945</b>

As noted in the WSA, under the rezoning proposed on site, the Newland Sierra project is estimated to have an average annual demand of 1.45 mgd (1,624 afy) without conservation (i.e., before considering current water conservation measures that were promulgated by the state after 2014), and 0.93 mgd (1,196 afy) with current conservation measures (i.e., accounting for the most current [2015 and 2016] state-mandated water conservation measures) (Draft EIR, Appendix S [WSA], page 48)).

As reported in the WSA, “this level of conservation represents a 35% reduction in water use compared with the 2011 General Plan ... of 1.63 mgd (1,825 afy) that the District has planned for in its draft 2014 Master Plan and 2015 UWMP” (Draft EIR, Appendix S).

While the comment concedes that VWD’s 2015 UWMP is “based on the County’s adopted General Plan” land uses, it nonetheless contends that VWD’s UWMP did not “account for” the “new residents and other amenities” in the UWMP. The comment misunderstands the point of VWD’s planning of future water demand on the project Site. The point is not to replicate the precise land uses or “residents” proposed by a development proposal. The point is to provide a projection of water demand for long-term water planning purposes. In this instance, VWD accounted for a future water demand of 1,825 afy on the project Site in VWD’s 2014 draft Water Master Plan Update and the 2015 UWMP. The WSA accurately described this projected water demand as the “No Project Alternative” because it estimates future water demand based on the approved “2011 General Plan land use for the property, given that the proposed Newland Sierra Specific Plan is not yet adopted” (Draft EIR Appendix S [WSA], page 42). The WSA also accurately points out that “The projected water

demand of 1,825 AFY for the No Project Alternative for the study area was accounted for in projecting future supply requirements in the 2015 UWMPs for the District, the Water Authority, and Metropolitan” (page 42).

Thus, whether the uses are residential, agricultural, or other land uses, the point is that VWD accurately and responsibly planned for the future projected water demand for the site of the proposed Newland Sierra project; and the project’s water demand is *less* than projected by VWD. In summary, according to the WSA (Draft EIR, Appendix S [WSA], page 43, italics added):

1. The No Project Alternative water demands (1,825 AFY) *are accounted for* in the District’s 2014 Draft Master Plan and 2015 UWMP documents.
2. The Newland Sierra Project estimated water demands (1,624 AFY) are *less* than the No Project Alternative projected demands that the District has planned for in its 2014 Draft Master Plan and 2015 UWMP.
3. *With water conservation measures*, the Newland Sierra Project will *reduce* the estimated water demand of 1,624 AFY by at least 26%, to 1,196 AFY. This Project demand represents a 35% reduction from the No Project Alternative that is currently planned for (1,825 AFY). As such, the Project’s demand projection incorporates water conservation savings that fall within the 26 to 36% range needed to help the District achieve its water conservation target to meet future demands.
4. The planning documents referenced herein indicate that *there is sufficient supply over a 20-year planning horizon to meet the projected demand and associated water conservation measures of the proposed Project and the existing and planned development projects within the District’s service area.*

### In any Event, the WSA Discusses VWD’s Projected Supplies and Demand Relative to the Project and Other Uses

Lastly, the comment claims that the Draft EIR is in error because it relied “on a WSA that is based solely on the District’s 2015 UWMP, which fails to provide a separate analysis of normal, single dry, and multiple dry water years for the Project during a 20-year projection.” The County does not concur with this comment.

First, the Draft EIR’s water supply and service section (Section 2.14.1.1) is not based solely on the WSA. As stated in the Draft EIR, page 2.14-2, the County made its water supply and demand determinations based on the Draft EIR’s “entire record” and that record includes the WSA (Draft EIR, Appendix S), the GSI Water Conservation Demand Study (Draft EIR, Appendix T), the Dexter Wilson Water

Master Plan (Draft EIR, Appendix U), and numerous local and regional water planning documents (Draft EIR, Appendices V-1 through V-8) (see Draft EIR, pages 2.14-1 through 2.14-3 and pages 2.14-14 through 2.14-20).

Second, as reported in the Draft EIR, the WSA is “akin to that of other informational documents concerning potential environmental impacts,” and like those other documents, “the WSA is an advisory and informational document,” and pursuant to the Water Code, the County, as the lead agency under CEQA, “evaluates the information included in the WSA and makes the final determination on the sufficiency of a project’s water supply, not the urban water supplier” (Draft EIR, page 2.14-28). The County has given due consideration to the WSA, among other water planning documents, and the County has summarized and included the WSA as an appendix to the publicly circulated Draft EIR (see Appendix S).

Third, the comment overstates the legal requirements in Water Code Section 10910(c)(3). The law does not require a WSA to “provide a *separate analysis* of normal, single dry, and multiple dry water years for the Project during a 20-year projection,” as stated in the comment (*italics added*). Instead, Section 10910(c)(3) states only that if the water demand was not “accounted for” in the UWMP, the WSA “*shall include a discussion* with regard to whether the public water system’s total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system’s existing and planned future uses” (*italics added*). There is no legal requirement for a “separate analysis,” as stated in the comment.

Fourth, the comment wrongly states that the Draft EIR “errs” in relying on a WSA “that is based solely on the District’s 2015 UWMP which fails to provide a separate analysis of normal, single dry, and multiple dry water years for the Project during a 20-year projection.” The WSA did not rely *solely* on the 2015 UWMP Tables 7-2 through 7-4, which provide VWD’s normal, single-dry, and multiple dry-year supply and demand comparisons from 2020–2035. Instead, the WSA used the VWD UWMP tables as “sources,” but also (1) discussed information from the San Diego County Water Authority and Metropolitan, and (2) quantified the water conservation.

In doing so, the WSA included *its own discussion* with regard to whether VWD’s total projected available water supplies during long-term variable water conditions (i.e., normal, dry-year, and multiple dry-years) would meet the projected water demand associated with the project Site, in addition to existing and planned future uses in VWD’s service area. That discussion by VWD in the WSA included three tables in the

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WSA that are different than the tables provided in the 2015 UWMP, as shown below (Draft EIR, Appendix S [WSA], pages 64–65], italics added):

Table 7.1 demonstrates that with implementation of the project’s discussed and planned water conservation efforts within the District, there will be adequate water supplies to serve the proposed Newland Sierra Project development along with existing and other future planned uses under normal year conditions.

**Table 7.1. District Projected Water Supply and Demand During Normal Year (AF)**

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	21,219	24,586	26,989	28,229
Demand Totals <sup>2</sup>	32,666	34,333	35,505	37,841
Conservation Required	11,447	9,747	8,516	9,612
Estimated Demand with Conservation	21,219	24,586	26,989	28,229
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
1. Supply includes future recycled water and potable water supply from storage available. These numbers differ from the Water Authority’s 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority’s assumptions for passive and active water conservation. 2. Demand includes the recycled water demand as well as the potable and raw water demand. Source: Vallecitos Water District 2015 UWMP				

The single dry-year scenario, assessed in the District’s 2015 UWMP, is shown in Table 7.2. *The Water Authority’s supply sources include existing and planned supplies from the Imperial Irrigation District transfer, canal lining projects and seawater desalination, which are considered “drought-proof” supplies and are essentially unaffected in a dry year scenario.* According to models used during preparation of the Water Authority’s 2015 UWMP, water demand in a dry year is expected to increase 7% above normal-year demands. *If Metropolitan, Water Authority and District supplies are developed as planned, along with achievement of conservation targets, then no shortages are anticipated within the District’s service area in a single dry-year through 2035.*

**Table 7.2. District Projected Water Supply and Demand During Single Dry Year (AF)**

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	22,594	26,206	28,723	30,073
Demand Totals	34,984	36,782	38,049	40,588
Conservation Required	12,390	10,576	9,327	10,514
Estimated Demand with Conservation	22,594	26,206	28,723	30,073
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Source: Vallecitos Water District 2015 UWMP 1. These numbers differ from the Water Authority’s 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority’s assumptions for passive and active water conservation.				

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Similar to the single dry-year assessment, the Water Authority estimated multiple dry-year demands in 5-year increments from 2020 through 2035. According to models used during preparation of the Water Authority's 2015 UWMP, water demand in multiple dry years is expected to increase above normal-year demands as follows:

- 7.0% for the 1st dry year
- 9.2% for the 2nd dry year
- 12.3% for the 3rd dry year

Multiple dry-year scenarios, assessed in the District's 2015 UWMP, are shown in Table 7.3.

**Table 7.3. District Projected Water Supply and Demand During Multi Dry Year Period (AF)**

Year Supply	Description	2020	2025	2030	2035
First Year Supply	Supply Totals <sup>1</sup>	22,585	26,188	28,692	30,018
	Demand Totals	34,953	36,736	37,991	40,489
	<b>Conservation Required</b>	<b>12,368</b>	<b>10,548</b>	<b>9,299</b>	<b>10,471</b>
Second Year Supply	Supply Totals <sup>1</sup>	22,999	26,673	29,211	30,561
	Demand Totals	35,671	37,491	38,771	41,321
	<b>Conservation Required</b>	<b>12,672</b>	<b>10,818</b>	<b>9,560</b>	<b>10,760</b>
Third Year Supply	Supply Totals <sup>1</sup>	23,604	27,382	29,963	31,353
	Demand Totals	36,684	38,556	39,872	42,496
	<b>Conservation Required<sup>2</sup></b>	<b>13,080</b>	<b>11,174</b>	<b>9,910</b>	<b>11,144</b>

Source: Vallecitos Water District 2015 UWMP  
 1. These numbers differ from the Water Authority's 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority's assumptions for passive and active water conservation.  
 2. In the third year, conservation required is 36% (13,088/36,684 AFY) of demand in 2020 and 26% (11,144/42,496 AFY) of demand in 2035.

This table also demonstrates that *if Metropolitan, Water Authority and District supplies are developed as planned, along with achievement of conservation targets, then no shortages are anticipated within the District's service area during multiple dry-years through 2035.*

In summary, the WSA accounted for the projected water demand associated with the project Site based on the site's approved General Plan land uses and zoning in VWD's 2015 UWMP—all in compliance with Water Code Sections 10910(c)(2). Additionally, the WSA takes into account current water conservation requirements and provides its own discussion of VWD's projected water supplies and demand during long-term



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variable water years to determine if there are sufficient water supplies to meet the projected water demand of the Newland Sierra project, in addition to existing and planned uses in VWD's service area in compliance with Water Code Section 10910(c)(3).

Importantly, the Draft EIR *also* included the County's *own independent discussion* with regard to whether VWD's total projected available water supplies during long-term variable water conditions (i.e., normal, dry-year, and multiple dry-years) will meet the projected water demand associated with the project, in addition to existing and planned future uses in VWD's service area. These tables, which are derived from information in VWD's 2015 UWMP and the WSA, but are nonetheless different than those provided in the 2015 UWMP, are shown below (see also Draft EIR, pages 2.14-70 through 2.14-71):

**Table 2.14-6**  
**Projected Water Supply and Demand During Normal Year (acre-feet)**

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	21,219	24,586	26,989	28,229
Demand Totals <sup>2</sup>	32,666	34,333	35,505	37,841
Conservation Required	11,447	9,747	8,516	9,612
Required Percent Reduction in Demand	35.0%	28.4%	24.0%	25.4%
Is the Required Reduction 35% or Less?	Yes	Yes	Yes	Yes
Is the Required Reduction 52% or Less?	Yes	Yes	Yes	Yes
Estimated Demand with Conservation	21,219	24,586	26,989	28,229
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Source:** EIR Appendices V and S (Vallecitos Water District 2015 UWMP and HDR WSA, respectively). Table is revised to reflect County evaluation and independent review.

<sup>1</sup> Supply includes future recycled water and potable water supply from storage available. These numbers differ from the Water Authority's 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority's assumptions for passive and active water conservation.

<sup>2</sup> Demand includes the recycled water demand as well as the potable and raw water demand.

**Table 2.14-7**  
**Projected Water Supply and Demand During Single-Dry Year (acre-feet)**

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	22,594	26,206	28,723	30,073
Demand Totals	34,984	36,782	38,049	40,588
Conservation Required	12,390	10,576	9,327	10,514
Required Percent Reduction in Demand	35.4%	28.8%	24.5%	25.9%
Is the Required Reduction 35% or Less?	Within 1%	Yes	Yes	Yes
Is the Required Reduction 52% or Less?	Yes	Yes	Yes	Yes
Estimated Demand with Conservation	22,594	26,206	28,723	30,073
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Source:** EIR Appendices V and S (Vallecitos Water District 2015 UWMP and HDR WSA, respectively). Table is revised to reflect County evaluation and independent review.

<sup>1</sup> These numbers differ from the Water Authority's 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority's assumptions for passive and active water conservation.

**Table 2.14-8  
Projected Water Supply and Demand During Multiple-Dry Year Period (acre-feet)**

Year Supply	Description	2020	2025	2030	2035
First Year Supply	Supply Totals <sup>1</sup>	22,585	26,188	28,692	30,018
	Demand Totals	34,953	36,736	37,991	40,489
	<b>Conservation Required</b>	<b>12,368</b>	<b>10,548</b>	<b>9,299</b>	<b>10,471</b>
	Required Percent Reduction in Demand	35.4%	28.7%	24.5%	25.9%
	Is the Required Reduction 35% or Less?	Within 1%	Yes	Yes	Yes
	Is the Required Reduction 52% or Less?	Yes	Yes	Yes	Yes
Second Year Supply	Supply Totals <sup>1</sup>	22,999	26,673	29,211	30,561
	Demand Totals	35,671	37,491	38,771	41,321
	<b>Conservation Required</b>	<b>12,672</b>	<b>10,818</b>	<b>9,560</b>	<b>10,760</b>
	Required Percent Reduction in Demand	35.5%	28.9%	24.7%	26.0%
	Is the Required Reduction 35% or Less?	Within 1%	Yes	Yes	Yes
	Is the Required Reduction 52% or Less?	Yes	Yes	Yes	Yes
Third Year Supply	Supply Totals <sup>1</sup>	23,604	27,382	29,963	31,353
	Demand Totals	36,684	38,556	39,872	42,496
	<b>Conservation Required<sup>2</sup></b>	<b>13,080</b>	<b>11,174</b>	<b>9,910</b>	<b>11,144</b>
	Required Percent Reduction in Demand	35.7%	29.0%	24.9%	26.2%
	Is the Required Reduction 35% or Less?	Within 1%	Yes	Yes	Yes
	Is the Required Reduction 52% or Less?	Yes	Yes	Yes	Yes

**Source:** EIR Appendices V and S (Vallecitos Water District 2015 UWMP and HDR WSA, respectively). Table is revised to reflect County evaluation and independent review.

<sup>1</sup> These numbers differ from the Water Authority's 2015 UWMP assessment of supply totals available to VWD, as they include 3,500 AFY of desalinated water supply provided by the Water Authority and they do not include the Water Authority's assumptions for passive and active water conservation.

<sup>2</sup> In the third year, conservation required is 36% (13,088/36,684 AFY) of demand in 2020 and 26% (11,144/42,496 AFY) of demand in 2035.

**O-1-299** The comment states that the project's demand "exceeds" the projected demand accounted for in the "No Project Alternative" referenced in the WSA. However, this argument is built on a claim whereby Golden Door/Latham adds the project's water conservation to the "No Project Alternative," and then asserts the No Project Alternative's demand in 2020 is 28 afy *less* than the project demand in 2020 (after considering the project's water conservation). The comment then claims there is an "inconsistency" in the Draft EIR requiring correction and recirculation.

The County does not concur with this comment, and there is no inconsistency in the EIR or the WSA. In summary, neither the Draft EIR nor the WSA "added" the project's water conservation to the "No Project Alternative;" and, thus, there is no "inconsistency" requiring correction. Additionally, the project's water conservation was not "added" because that was not the purpose of the "No Project Alternative" assessment.

As shown in **Response to Comment O-1-298**, above, the "No Project Alternative" was used in the WSA to show that VWD took into account a projected future water demand for the subject property site in its master water planning (i.e., 2014 draft Master Plan) and its urban water planning (i.e., 2015 UWMP) and that the project's projected water demand is actually *less* than the amount planned for by VWD.

This is reflected in the WSA's detailed findings and conclusions regarding projected demands and supplies. The WSA provides as follows (Draft EIR, Appendix S [WSA], pages 42–43):

This WSA Report demonstrates that, with development of the resources identified, there will be sufficient water supplies over a 20-year planning horizon to meet the projected demand of the proposed Project and the existing and other planned development projects within the District's service area.

Our Findings include the following:

### Projected Demands for District and Newland Sierra Study Area

1. The District's 2014 Draft Master Plan and 2015 UWMP forecast an increase in demand for the District from 13,300 acre feet per year (AFY) in 2015 to 21,219 AFY in 2020 and 28,229 AFY in 2035, under normal year conditions.
2. A projected demand of 1,825 AFY for a No Project Alternative was included in the District's 2014 Draft Master Plan future demand forecast for the Project study area. The No Project Alternative refers to the 2011 General Plan land use for the property, given that the proposed Newland Sierra Specific Plan is not yet adopted.
3. The projected water demand of 1,825 AFY for the No Project Alternative for the study area was accounted for in projecting future supply requirements in the 2015 UWMPs for the District, the Water Authority and Metropolitan.
4. Under rezoning and densification of portions of the Project study area, defined in the Newland Sierra Draft Specific Plan, the proposed Project is estimated to have an annual average demand of 1,624 AFY. This represents an 11% decrease in water demand compared to the 1,825 AFY demand that the District has planned for in its Draft 2014 Master Plan and 2015 UWMP.
5. The Newland Sierra Water Conservation Demand Study (GSI, 2016) estimates that the incorporation of Cal Green Building Code standards and Water Efficient Landscaping will reduce the estimated water demand of 1,624 AFY by at least 26% to 1,196 AFY. This is 35% [36%] less than the No Project Alternative demand (1,825 AFY) that is currently planned for in the local and regional water supply planning documents.

### Projected Reliable Supply for District and Newland Sierra Study Area

1. The District's 2015 UWMP demonstrates that if Metropolitan, Water Authority and District supplies are developed as planned, along with achievement of conservation targets, then no shortages are anticipated within the District's service area in a normal, single dry or multiple dry-year through 2035.
2. Conservation is an important component of the District's water supply plan to meet future demands, fulfilling as much as 13,080 AF (approximately 36% of the demand requirements) to meet 2020 demands under multi-dry year conditions, but lessening over time to 11,114 AFY (approximately 26% of the demand requirements) in 2025 through 2035.
3. If the study area were to share equally in the conservation requirement, the previously projected No Project Alternative demand of 1,825 AFY would need to be reduced by 26% to 36%, to between 1,402 and 1,168 AFY.
4. The Newland Sierra Project is projected to have a demand of 1,624 AFY, without conservation measures, and 1,196 AFY with intended water conservation savings. This Project demand, with conservation measures, represents a 35% reduction from the No Project Alternative that is currently planned for and incorporated into the District's planning documents.
5. With the implementation of water conservation measures, Newland Sierra Project will sufficiently contribute toward the District's intent to use water conservation to meet 26% to 36% of its future demand projections under multi-dry year conditions through 2035.

### Conclusions

1. The No Project Alternative water demands (1,825 AFY) are accounted for in the District's 2014 Draft Master Plan and 2015 UWMP documents.
2. The Newland Sierra Project estimated water demands (1,624 AFY) are less than the No Project Alternative projected demands that the District has planned for in its 2014 Draft Master Plan and 2015 UWMP.
3. With water conservation measures, the Newland Sierra Project will reduce the estimated water demand of 1,624 AFY by at least 26%, to 1,196 AFY. This Project demand represents a 35% reduction from the No Project Alternative that is currently planned for (1,825 AFY). As such, the Project's demand projection incorporates water conservation savings that fall within the 26 to 36% range needed to help the District achieve its water conservation target to meet future demands.

4. The planning documents referenced herein indicate that there is sufficient supply over a 20-year planning horizon to meet the projected demand and associated water conservation measures of the proposed Project and the existing and planned development projects within the District's service area.

The Newland Sierra project's water demand was then reduced further in the Draft EIR and WSA to account for implementation of the project's water conservation measures, which are necessarily based on the project's proposed land uses and acreages, and on current state-mandated requirements for indoor and outdoor water use that were promulgated in 2015 and 2016—i.e., after VWD developed its 2014 water duty factors (see EIR, Appendix T [GSI Water Conservation Demand Study for the Newland Sierra Specific Plan, and EIR, Tables 17 and 18]).

There is no reason or purpose behind also adding water “conservation” reductions to the “No Project Alternative,” because it was used to show the water demand accounted for in VWD's planning (see above); it is not used to implement a planned development on site. Accordingly, there is no need to correct the Draft EIR or the WSA; and based on this response, no need to recirculate the Draft EIR.

**O-1-300** The comment states that the Draft EIR cannot rely on VWD's 2015 UWMP because it shows supply “deficits” in normal, single-dry, and multiple dry-years from 2020 through 2035. The comment cites Tables 7-2 through 7-4 from the 2015 UWMP to show the “deficits.” The comment concludes that because VWD's “2015 UWMP does not project sufficient water supply to meet demand, the County cannot find sufficient supply exists to serve the Project based on the UWMP.” The County does not concur with the comment.

The comment misstates VWD's 2015 UWMP in two important ways by (1) contending it “admits” to water supply deficits, and (2) citing only Tables 7-2 through 7-4 from the 2015 UWMP. According to VWD, there are no such deficits. Instead, as reported in Section 7 of the 2015 UWMP, there are potential water supply shortages for VWD over the 20-year planning horizon in normal, dry-year, and multiple dry-years, and those shortages are shown in Tables 7-2 through 7-4; at the same time, however, for each water year scenario, Section 7 *also* makes clear the following:

To mitigate for these projected water supply shortages, VWD will need to implement demand-reduction actions and conservation measures.” These actions are further described in Sections 8 and 9 (Draft EIR, Appendix V-1 [2015 UWMP], page 7-3).

...

Sections 8 and 9 further describe the demand-reduction actions and conservation measures that VWD plans on implementing to balance supplies and demands (Draft EIR, Appendix V-1 [2015 UWMP], page 7-5).

...

The [San Diego County Water Authority's] assessment includes existing and planned supplies from the Imperial Irrigation District transfer, canal lining projects and seawater desalination, which are considered 'drought proof' supplies. With the previous years leading up to the single dry-year being wet or average hydrologic conditions, [San Diego County Water Authority] should have adequate supplies in storage to cover potential shortfalls in core supplies to its member agencies" (Draft EIR, Appendix V-1 [2015 UWMP], page 7-3).

The above comment makes *no* mention of the above text in Section 7 of the 2015 UWMP. Indeed, the comment infers that there are water supply "deficits" only—without any mention in the 2015 UWMP of plans to "balance" supplies and demand primarily through (a) conservation actions by VWD, and (b) the actions taken by San Diego's wholesale water agency (the San Diego County Water Authority, of which VWD is a member agency)—to balance water supply and demand projections for the San Diego region. In fact, however, Section 7 shows that VWD has implemented conservation plans, and anticipates implementing such plans in the future. Additionally, as a member agency, VWD will continue to rely on and support the regional efforts of the San Diego County Water Authority.<sup>77</sup> The 2015 UWMP describes those actions in more detail in Section 8 (Water Shortage Contingency Planning) and Section 9 (Demand Management Measures) of the 2015 UWMP. The comment, however, also makes *no* mention of Sections 8 and 9 of the 2015 UWMP.

To clarify any confusion over this topic, and because the comment quotes Table 7-2 through Table 7-4 *without* the explanatory text, the County quotes from Section 7 of the 2015 UWMP below (Draft EIR, Appendix V-1 [VWD 2015 UWMP, pp. 7-3 through 7-5], italics added):

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<sup>77</sup> The Draft EIR describes the relationships between Metropolitan and its member agencies, and the San Diego County Water Authority and its member agencies "because those relationships define and establish the water supplies available to the Vallecitos Water District" (see Draft EIR, pages 2.14-15 through 2.14-23).

If VWD water demands develop as called for in its Draft 2014 Master Plan, *there will be a significant shortfall in projected supplies*. The comparison of total VWD normal year supplies and demands, in units of million gallons, is given below in Table 7-2.

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

*To mitigate for these projected water supply shortfalls, VWD will need to implement demand-reduction actions and conservation measures. These actions are further discussed in Sections 8 and 9.*

In addition to a normal water-year, an assessment is required to compare the total water supply available to VWD with the total projected water use under single dry year and multiple dry year scenarios over the next 20 years, in 5-year increments. *The SDCWA's assessment includes existing and planned supplies from the Imperial Irrigation District transfer, canal lining projects and seawater desalination, which are considered "drought-proof" supplies. With the previous years leading up to the single dry-year being wet or average hydrologic conditions, SDCWA should have adequate supplies in storage to cover potential shortfalls in core supplies to its member agencies.*

SDCWA estimated single dry-year demands in 5-year increments from 2020 through 2035. According to models used during preparation of the SDCWA's 2015 UWMP, water demand is expected to increase in the dry years above normal-year demands by 7 percent. However, note in Table 6-9 that VWD also anticipates having future recycled water and potable water supply from storage available. These supplies are not expected to increase in dry years.

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Table 7-3 shows, in units of million gallons, VWD's single dry-year assessment in five-year increments through the year 2035.

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

Similar to the single dry-year assessment, SDCWA estimated multiple dry-year demands in 5-year increments from 2015 through 2030. According to models used during preparation of the SDCWA's 2015 UWMP, water demand is expected to increase in the multiple dry years above normal-year demands as follows:

- 107.0 percent for the 1st dry year
- 109.2 percent for the 2nd dry year
- 112.3 percent for the 3rd dry year



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Table 7-4 shows, in units of million gallons, VWD's multiple dry water year assessments in 5-year increments through the year 2035.

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

As shown in Tables 7-3 and 7-4, single dry and multiple dry year scenarios *present potential water supply shortages for VWD over the 20-year planning horizon. If these shortfalls occur as projected, additional conservation measures will be necessary to balance supply against the demands in the VWD's service area. Sections 8 and 9 further describe the demand-reduction actions and conservation measures that VWD plans on implementing to balance supplies and demands.*

*VWD continues to work closely with the SDCWA for future water supply planning. Based on the information provided by the SDCWA, the water supply available to VWD is considered to be reliable."*

Additionally, in October 2016, at VWD's Board of Directors' public meeting, the Board considered whether to approve the water supply assessment report for the Newland Sierra project. At that meeting, Golden Door, through Latham & Watkins, asserted that VWD's 2015 UWMP showed water supply deficits *without* any mention of the text provided in Section 7 of the 2015 UWMP, and *without* any mention of the water contingency planning and water conservation measures described in Sections 8 and 9 of the 2015 UWMP.

Further, during the November 16, 2016 VWD Board of Directors' meeting to consider and approve the WSA, the subject of the so-called "deficit" was raised, and Director Hernandez rejected the notion (see VWD Board of Directors' meeting transcript, November 16, 2016, page 31, italics added):

So, that *deficit* that is being pointed to is *not correct*. Again, we *balance* ours by virtue of what's going to take place in our [c]onservation. ... And the one speaker - Peter Goch - absolutely. I'm in a total agreement. This is not "a drought." This is the New Normal. ... We are going to be conserving water for the rest of our days. So, this discussion about whether the [c]onservation is going to work or not - it's mandatory. We are going to be conserving."

Relatedly, comments assert VWD has not shown that the conservation referenced in the 2015 UWMP is "feasible." In the earlier October 2016 VWD Board public meeting addressing WSA issues, VWD's engineering staff refuted claims regarding "infeasible" conservation measures, stating (VWD Transcript, October 5, 2016, page 18):<sup>78</sup>

So, what is happening here ... some of this information that you're getting is ... stopping at ... Section 7 [of the 2015 UWMP]. It's not getting into the conservation, which is going to basically balance the projected demands with what was being proposed by our wholesaler for supply....

Now we know what happened in 2015 – the District conserved over 25 percent ..., nearly 26 percent – so, taking that 26 percent here, that we've conserved district wide, and then also ... you see that the Newland Sierra project is proposing 11 percent less than what our drought 2014 master plan has assumed for that same land ... here. You can get to 35 percent here pretty simply actually. Not that difficult.

...

What this is trying to do in the water supply assessment is show a range of conservation that needs to be met there. [T]his 26 to 36 percent range needs to be met in order to basically balance our supply and demand here.

Additionally, the Newland Sierra project's professional engineer clarified the enforceability concerns over the water conservation measures,<sup>79</sup> noting (VWD Transcript, October 5, 2016, page 23):

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78 The VWD Board of Directors' meeting transcript, dated October 5, 2016, is part of the Newland Sierra's record of proceedings and incorporated by reference. It is available for public review upon request to the County.

79 Both the 2015 UWMP, page 1-7, which is found in Appendix V-1 of the Draft EIR, and the Draft EIR itself, page 2.14-42, describe the mandatory SBX 7-7 water conservation measures.

Those conservation measures come right out of the State law – the Cal-Green code and the Model Water Landscape Efficiency Ordinance, which were updated in 2015. We’re talking about those ordinances and applying them to a modern home with efficient appliances and efficient fixtures and efficient outdoor landscaping and further prohibiting front yard turf in the [Newland Sierra] development.

Plus, I’d just like to point out there is SBX 7-7, which is a separate state ordinance on all the water districts that by 2020, [they must] achieve a 20 percent reduction [in urban per capita [per person] water use.

The WSA also relied on a report by the California Homebuilding Foundation, prepared in 2010, to show the *feasibility* of current water conservation efforts. Based on the cited report, “a new three-bedroom single-family home in California with four occupants uses *38% less* indoor water than a similar-sized home built in 2005 and more than *50% less* water than a home built in 1980 (assuming no retrofitting) (Draft EIR, Appendix S [WSA], page 44, italics added). These dramatic reductions in indoor water usage are “primarily due to the availability of residential grade water saving devices and state-wide required plumbing code changes” (Draft EIR, Appendix S [WSA], page 44.

In addition, the GSI Conservation Demand Study for the Newland Sierra Specific Plan and EIR, appended to the Draft EIR as Appendix T, provides a detailed description of the new state and local regulatory water conservation measures. The description is found in Section 2.0 of the GSI study, which was part of the Draft EIR.

Importantly, the Draft EIR also includes the County’s detailed independent assessment of the sufficiency of Newland Sierra project’s water supplies (see Draft EIR, pages 2.14-37 through 2.14-43). As stated in the Draft EIR, “the analysis is based on the regional UWMPs completed by the MWD and the Water Authority, the local 2015 UWMP completed by [VWD], HDR’s SB 610 Water Supply Assessment, GSI’s Water Conservation Demand Study, the County’s General Plan water supply policies, and other adopted regional reports from MWD and the Water Authority,” and the supporting documents were appended to the Draft EIR as Appendices S, T, U, and V (Draft EIR, page 2.14-37).

The Draft EIR also identifies the water conservation regulatory compliance measures dating back to 2006, and grounded in state law and local programs (see Draft EIR, pages 2.14-37 through 2.14-38, and Draft EIR, Appendix T [GSI report, Table 6, State and Local Laws, Codes, and Other Requirements for Water-Use Efficiency Enacted since 2006]). The programs that implement these laws ensure enforcement of the project’s feasible water conservation measures.

In addition, the Draft EIR analyzes VWD's water shortage contingency planning and water demand management/conservation measures, as set forth in Sections 8 and 9 of the 2015 UWMP, and demonstrates that VWD "can and will achieve water savings/reductions of between 20 and 25 percent minimum" (Draft EIR, pages 2.14-38 through 2.14-42). For example, from April 2015 and through May 1, 2016, "VWD surpassed its mandated water conservation target by achieving a 25.6 percent reduction in water usage within its service area" (Draft EIR, page 2.14-39).

Additionally, the project, if approved, must comply with VWD's best management practices, which are a framework for VWD's water conservation program and a vital part of VWD's overall reliability strategy (Draft EIR, pages 2.14-40 through 2.14-42). VWD's "strategy is similar to the Water Authority's regional strategy, which has projected that conservation will account for 17 percent of the San Diego region's overall water diversification program by 2020," a percentage that VWD already exceeded in 2015-2016, in response to this most recent drought (Draft EIR, page 2.14-40).

The Draft EIR states that implementation of VWD's best management conservation practices also assists VWD in meeting the state requirement to achieve a 20 percent reduction in urban per-capita water use by 2020 in accordance with Water Code Section 10608.16 (Senate Bill [SB] X7-7) (Draft EIR, page 2.14-42). VWD's 2020 mandated target is 159.4 gallons per-capita per-day, and for fiscal year ending 2015, VWD's *actual* per capita daily water use was 117 gallons per-capita per-day, which is already *less* than the 2020 target (Draft EIR, page 2.14-42). In summary, the Draft EIR states the following (Draft EIR, pp. 2.14-42 through 2.14-43):

In sum, Vallecitos' contingency planning and water demand management measures, as set forth in Section 8 and 9 of its 2015 UMWP, demonstrate that Vallecitos can and will achieve water savings/reductions of between 20 and 25 percent minimum. In addition, these measures do not account for project-related conservation measures [identified as project design features in the Draft EIR]."

Lastly, the project applicant has developed design standards for indoor and outdoor development inside Newland Sierra to achieve the applicant's stated goal of turning Newland Sierra into "one of the most water-efficient communities ever built in San Diego County." The County notes that Golden Door acknowledges that this statement has been made by the applicant (see **Response to Comment O-1-348**). The County concurs with the Draft EIR's fundamental conclusion that the project is planned so as to be implemented and constructed in a manner that minimizes per-capita water use so as to cause water demands to be below those in other communities that currently

exist in VWD's service area (which have a lesser percentage of its infrastructure built to the current [2015/2016] design standards for water conservation than will be the case for the Newland Sierra project).

**O-1-301** The comment claims the Newland Sierra project's "density" was not included in the 2015 UWMP, pointing to the current General Plan and the VWD's 2008 Master Plan. In addition, the comment states that "[p]rojections for 2020, 2025, 2030, and 2035 'were developed by applying the SANDAG Regional Growth Forecast Series 13 Update coverage to these ultimate demand projections,'" citing the 2015 UWMP at page 4-3. The comment also represents that the land uses were not included in the 2015 UWMP and that VWD's 2008 Master Plan shows primarily "spaced rural residential designations" and "agricultural uses," while the project is "proposing to drastically increase density on much of the Project site." The comment also calls into question VWD's draft 2014 Master Plan. Alternatively, the comment claims that "even if the District had previously planned for ... providing water for agricultural uses on the Newland Sierra Project Site, the provision of water for residential, commercial, and educational uses is a fundamentally different obligation." The County does not concur with the comment.

First, much of the comment repeats claims made in **Comment O-1-298**; thus, please see **Response to Comment O-1-298** for responsive information. In summary, the project's projected water demand was accounted for through year 2035, using the County-approved General Plan land use and zoning maps for the site, and assigning demand projections based on VWD's water demand factors; and the project's water demand is *less* than that projected by VWD. Thus, the project Site's water demand was included in both the WSA and the 2015 UWMP (see **Response to Comment O-1-298**, above).

Second, the comment does not fully disclose VWD's 2015 UWMP methodology for projecting future water demand through the planning horizon year 2035. Specifically, VWD's methodology was not limited to the use of SANDAG data. Instead, VWD's methodology for projecting future water demand was described in detail in the 2015 UWMP (Draft EIR, Appendix V-1 [2015 UWMP], pages 4-2 through 4-3). In summary, VWD:

1. used the County-approved General Plan land use and zoning maps;
2. entered all parcels within its service area into VWD's database;
3. assigned all parcels their approved land uses;
4. estimated demand projections by applying VWD's "unit water demands" (i.e., water demand factors) to each parcel within its service area; and

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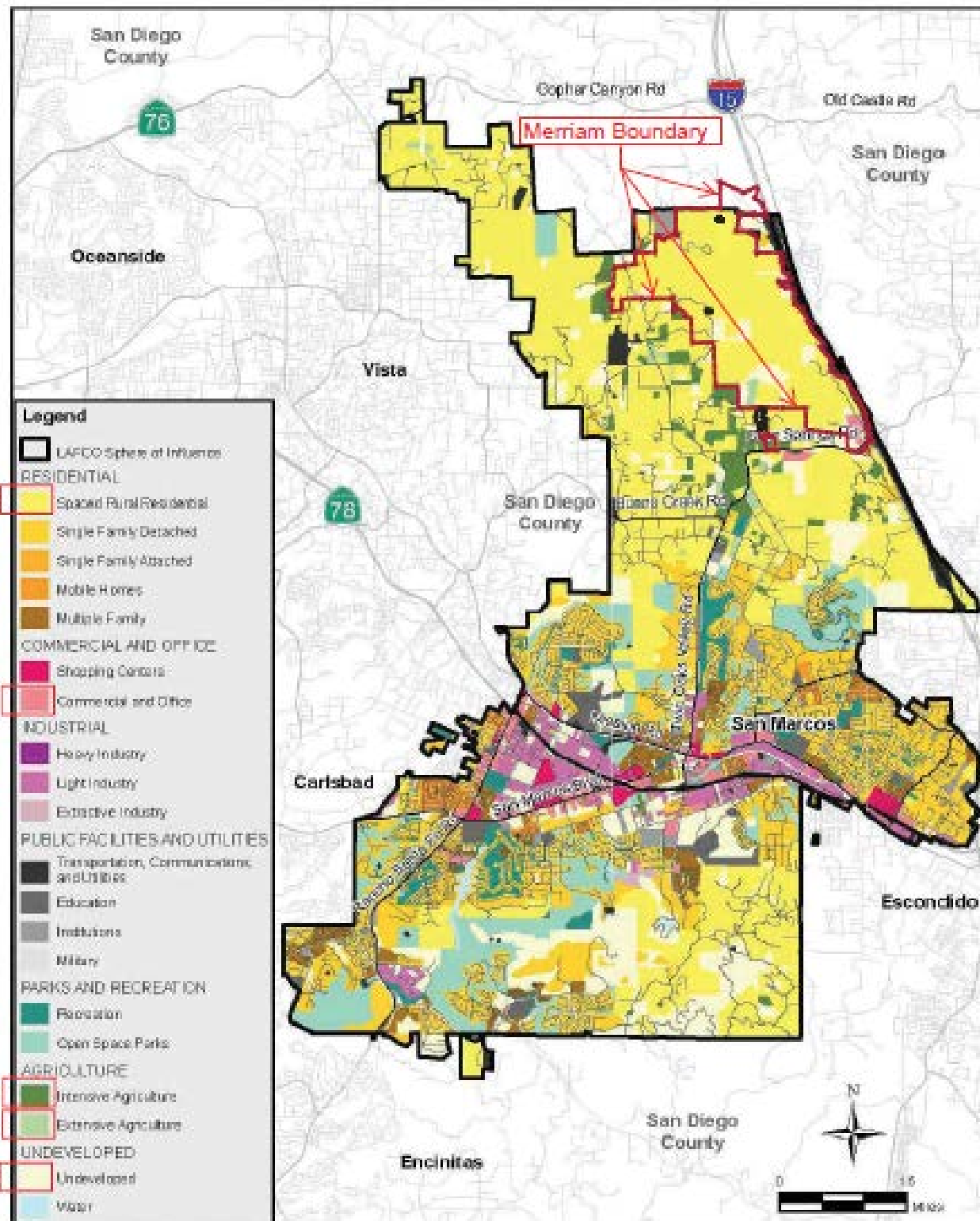
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5. developed interim period demand projections for years 2020, 2025, 2030, and 2035 by applying SANDAG's Series 13 regional growth forecast data to the projections.

Third, the comment misstates the purpose for projecting water demands by the water agency. The purpose is not to define or predict precisely the proposed land uses of a development proposal, but rather to determine whether a project's projected water demand was considered or accounted for in the most current UWMP. (See **Response to Comment O-1-298**, above, and Water Code Sections 10910(c)(2) and (c)(3).)

Fourth, in any case, the comment misstates the assumed land uses for the project Site by reference to the 2008 Master Plan. The comment infers very little projected water demand was assigned to the project Site because it was primarily designated "spaced rural residential" and "agriculture." This is not correct.

Under the 2008 Master Plan, all parcels within the site were assigned their approved land uses/zoning based on the older 1979 County General Plan (including adopted amendments through 2007). The 1979 County General Plan land uses/zoning for the site consisted of "Spaced Rural Residential," "Commercial and Office," "Intensive Agriculture," "Extensive Agriculture," and "Undeveloped." The future planned land use coverages for the project Site are shown in the 2008 Master Plan, Figure 2-2. Figure 2-2 is shown below, along with the former Merriam Mountains project boundary, and it depicts the multiple future approved land uses on site.



**FUTURE LAND USE**

FIGURE 2-2

According to the WSA, the older 1979 General Plan's multiple approved land uses for the project Site generated a total water demand of 1.74 mgd or 1,945 afy, which would require a much higher water demand than currently proposed by the Newland Sierra project (1.45 mgd or 1,624 afy without conservation and 0.93 mgd or 1,196 afy with conservation) (see Draft EIR, Appendix S [WSA], page 48 and Table 3.3). In short, even under the 2008 Master Plan, VWD used the County's 1979 General Plan-approved future land uses for the project Site to appropriately plan for projected water demands within its service area.

The comment is also critical of VWD's 2014 draft Master Plan, claiming the draft was not available for public review and that it was "impossible" to determine if the Newland Sierra project was included in the underlying land uses considered in that plan. The County does not concur with this comment.

The project's WSA, which is found in Appendix S to the Draft EIR, included its own appendix (Appendix B), which is VWD's draft "2014 Master Plan, Water and Wastewater Duty Factors." This draft: (1) explained the status of the 2014 Master Plan process and schedule; (2) assigned approved land use information from all land use agencies served by VWD, including the County; (3) obtained updated data from SANDAG; (4) assigned water duty factors to various land use categories; (5) compared those factors to, among other things, previous VWD master plans; (6) identified projected versus actual water demands by land use category; and (7) found "very few changes" between the 2008 Master Plan water duty factors and the recommended 2014 draft Master Plan water duty factors. In short, VWD's 2014 draft Master Plan data was available, understandable, and the 2014 water duty factors as a whole (i.e., considering all land uses together) are similar to VWD's previously adopted 2008 water duty factors.<sup>80</sup>

The WSA also explained that VWD's revised water demand factors used to develop the Newland Sierra demand projections were "documented in the District's Draft 2014 Water, Wastewater, and Recycled Water Master Plan" and that "the District's unit water demand factors were presented to the District Board in a public workshop on July 5, 2016 and approved on September 21, 2016," with the "workshop presentation included in Appendix B" to the WSA (Draft EIR, Appendix S [WSA], page 44).

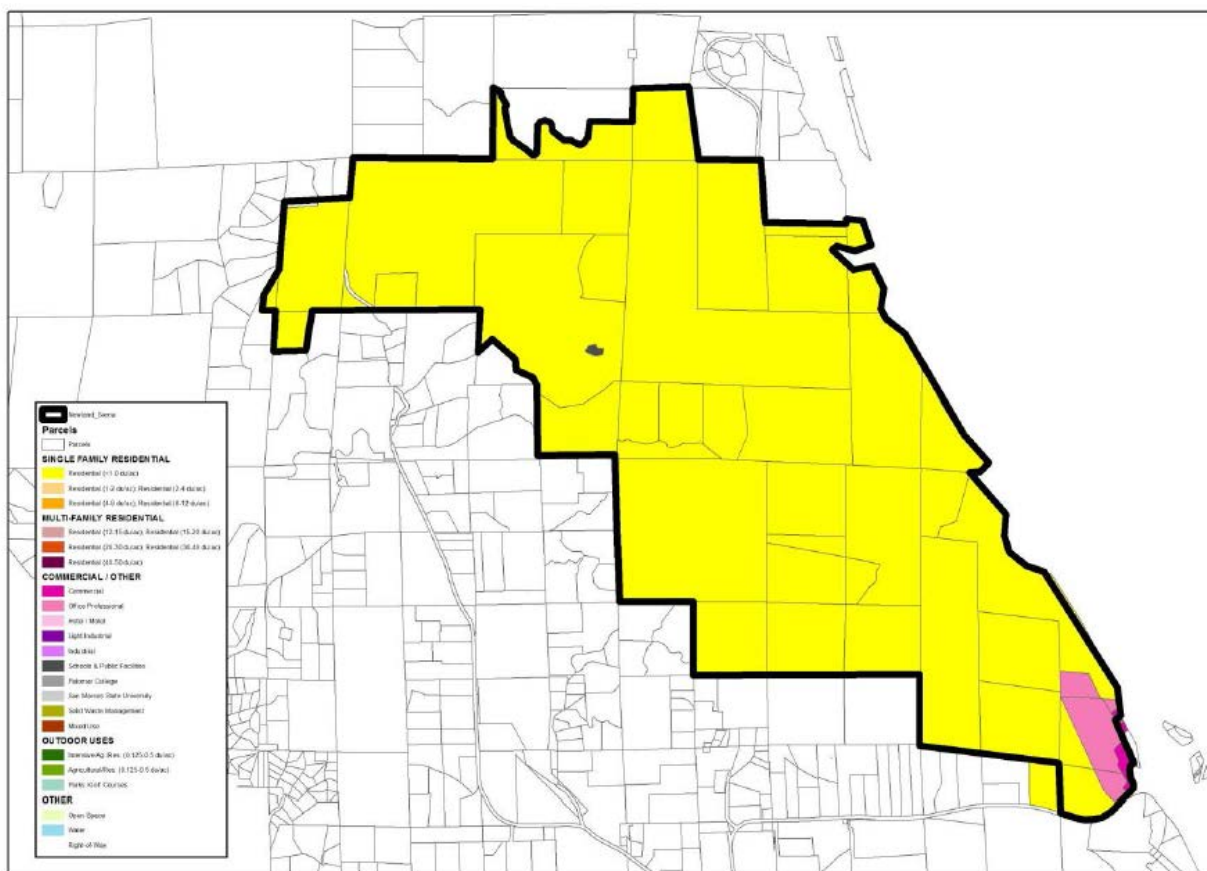
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<sup>80</sup> Per GSI calculations, of the 19 land use categories for which VWD defines water duty factors, 11 (58%) had no change in the water duty factor value in 2014 (compared with 2008), while 3 (16%) reflected an increase in their duty factors and 5 (26%) saw a decrease in their duty factors. Thus, 42% of the land uses reflect a change in the 2014 duty factors compared with the 2008 duty factors.



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In any case, as stated above, the WSA accurately reported that VWD’s 2014 draft Master Plan’s water duty factors also were used and applied to develop future water duty projections in the 2015 UWMP (Draft EIR, Appendix S [WSA], page 54)]. The WSA disclosed that the 2014 draft Master Plan used the updated 2011 County General Plan land uses/zoning and VWD’s revised water duty factors, which showed a *decreased* water demand projection for the proposed Newland Sierra project Site (Draft EIR, Appendix S [WSA], p. 48). The WSA also depicted the County-approved General Plan land uses for the Newland Sierra project Site as “Residential,” “Commercial,” and “Office Professional” as shown in the following figure:



Newland Sierra Development  
VWD Planned Land Use

Date: 8/4/2016

Further, the WSA explained VWD’s practice of using General Plan-approved land uses/zoning to project future water demand, given that the proposed Newland Sierra project was not yet adopted (Draft EIR, Appendix S [WSA], page 42).

In addition, in November 2016, VWD’s staff report for the public meeting to consider approval of the WSA provided the following tables breaking down the projected

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buildout water demands per land use for the project Site based on the current General Plan land uses and the project's land uses. The breakdown is shown below.

Table 1: Newland Sierra Project Area Water Demands  
County 2011 General Plan Update Land Uses

Land Use Type	Area (acres)	Water Duty Factor (GPD/acre)	Average Water Demand (GPD)
Rural Residential (<1.0 du/ac)	1,907.8	800	1,526,240
Semi-Rural Residential (<1.0 du/ac)	19.6	800	15,680
Commercial	4.6	1,500	6,900
Office Professional	53.6	1,500	80,400
<b>Total</b>	<b>1985.6</b>		<b>1,629,220</b>

Table 2: Proposed Newland Sierra Project Water Demands

Land Use Type	Area (acres)	Water Duty Factor (GPD/acre)	Average Water Demand (GPD)
Residential (2-4 du/ac)	50.3	1,800	90,540
Residential (4-8 du/ac)	197.5	2,500	493,750
Residential (8-12 du/ac)	6.1	2,800	17,080
Residential (12-15 du/ac)	31.0	4,500	139,500
Residential (15-20 du/ac)	28.4	5,000	142,000
Parks	35.9	1,500	53,850
Commercial	7.4	1,500	11,100
School	3.6	1,000	3,600
Public Facilities	4.2	1,000	4,200
Open Space	1209.0	200	241,800
Roads / Right-of-Way	34.0	200	6,800
Fuel Modification – Irrigated	131.0	1,500	196,500
Fuel Modification – Non-Irrigated	247.2	200	49,440
<b>Total</b>	<b>1985.6</b>		<b>1,450,160</b>

The WSA report estimates that the Newland Sierra project development will require *less* water than the current land use (the 2011 General Plan Update) estimated for the project Site. The 2011 General Plan Update land uses also include “Commercial” and “Office Professional,” a fact *not* mentioned in the comments.

Finally, the comment is critical of VWD for not specifically considering the provision of water for “Residential,” “Commercial,” or “Educational” uses, particularly with the prospect of so-called “mandatory rationing.” The County does not concur with this comment.

In fact, VWD’s General Plan-approved land use methodology encompasses “Residential” and “Commercial” uses, though it was not required to do so, because the purpose behind the methodology was to project future water demand within its

## Comment Letter Responses

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service area (not to identify precise land uses). In addition, as stated in **Response to Comment O-1-291**, VWD is not “rationing” its water supplies to accommodate the Newland Sierra project.

- O-1-302** The comment states that the WSA “relies upon an improper baseline,” contending that the project Site is undeveloped at the time the WSA was prepared and that it should not have assessed the project based on VWD’s projected water demand from the 1979 and 2011 County-approved General Plan land uses/zoning designations. The comment cites CEQA Guidelines Section 15125(a) to support the claim. The County does not concur with this comment.

The comment’s challenge to the WSA’s so-called baseline does not violate any law or regulation, and the cited section from the CEQA Guidelines does not apply to WSAs. The WSAs work in relation to CEQA, but are governed by Water Code Section 10910, *not* CEQA. Relatedly, the WSA’s reference to VWD’s practice of assigning future water demand to project sites within its service area for purposes of estimating future water demands is responsible water planning, *not* a violation of CEQA (see **Responses to Comments O-1-298 and O-1-301**, above).

- O-1-303** The comment states that the Draft EIR did not provide its own independent “baseline” and instead relied on VWD’s 2015 UWMP, citing Table 5-1. The County does not concur with this comment.

The Draft EIR discloses the “baseline” of the project Site. According to the Draft EIR, page 2.14-36, the “proposed project would increase overall water demand compared to existing undeveloped conditions.” Thus, the Draft EIR acknowledges that the site is currently undeveloped, with no notable water usage, and that the project, if approved, would increase overall water demand compared to the project’s existing physical condition. The Draft EIR also analyzes the project’s forecasted water demand based on four different methodologies (see Draft EIR, pages 2.14-45 through 2.14-48). All four water demand methodologies show an overall increase from the existing property’s water use condition, which is essentially zero. Thus, the County, its decision-makers, and the public are fully informed of a projected increase in water demand at the project area from zero to a range of 1,825 afy, 1,624 afy, 1,196 afy, and 870.3 afy, depending on the methodology identified in the Draft EIR (see Draft EIR, Tables 2.14-1 through 2.14-5).

The comment also states that the Draft EIR “does not provide its own independent baseline for the ‘Conservation Required’ District-wide demand projections, but instead continues to rely on the District’s 2015 UWMP” and specifically, UMWP Table 5-1. This comment is incorrect, and it confuses the legal requirements of the 2015 UWMP with the EIR.

First, as stated above, the Draft EIR conducted its own independent assessment of the project's water demand in relation to the project in its existing condition and based on four different water demand methodologies supported by water documents used and referenced in the EIR (see Draft EIR, pages 2.14-36, and 2.14-45 through 2.14-48; see also Tables 2.14-1 through 2.14-5).

Second, the Draft EIR did not “rely” on Table 5-1 of the 2015 UWMP. Table 5-1 serves a specific purpose in preparing UWMPs in California. In 2009, Governor Brown enacted SB X7-7 into law (Water Code Section 10608.12), which requires urban water suppliers to establish conservation targets of 10 percent by 2015 and 20 percent by 2020 on a gallons-per-capita-per-day water use basis (see Draft EIR, Appendix V-1 [2015 UWMP], page 5-1). To demonstrate compliance, retail water agencies are required to complete the SBX7-7 verification forms provided by the California Department of Water Resources (DWR) and submit the standardized forms with their UWMPs (Draft EIR, Appendix V-1 [2015 UWMP], pages 5-1 through 5-10).

Importantly, the new law (Water Code Section 10608.12) also mandates the use of two “baseline periods.” The law requires that a supplier that used less than 10 percent recycled water in 2008 must use a 10-year baseline period for measuring its SBX7-7 compliance that ends no earlier than December 31, 2004, and no later than December 31, 2010. Since VWD did not use recycled water within its service area in 2008, as required, VWD used calendar years 1999 and 2008 for its 10-year baseline period—a period that resulted in the “highest average baseline water usage by VWD customers” (Draft EIR, Appendix V-1 [2015 UWMP], page 5-2).

The law also requires that a supplier calculate water use on a per-capita basis for a 5-year baseline period that ends no earlier than December 31, 2007, and no later than December 31, 2010. This 5-year period covers the requirement in Water Code Section 10608.22 that a supplier's per-capita daily water use reduction shall be no less than 5 percent of base daily per-capita water use. As required, VWD used a 5-year baseline period between 2004 and 2008.

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The 2015 UWMP shows VWD's compliance with baselines and conservation targets in Water Code Section 10608.12 (Draft EIR, Appendix V-1 [VWD 2015 UWMP], pages 5-9 through 5-10, italics added):

Table 5-1: Baselines and Targets Summary					
Baseline Period	Start Year	End Year	Average Baseline GPCD*	2015 Interim Target *	Confirmed 2020 Target*
10-15 year	1999	2008	199	179	159
5 Year	2004	2008	198		
*All values are in Gallons per Capita per Day (GPCD)					

[California Water Code] §10608.16 mandates that VWD achieve a 20 percent reduction from baseline usage by 2020 and an incremental reduction of 10 percent by 2015. VWD has calculated the 2015 target (90 percent of baseline per capita water usage) at 179.3 gpcd, and the 2020 target (80 percent of baseline per capita water usage) at 159.4 gpcd. *Table 5-1* summarizes the baseline periods used by VWD and the 2015 and 2020 usage targets that were calculated in Section 5.1.

The actual capita daily water use for the fiscal year ending in 2015 is 117 gpcd, which is already below the 2020 target, as shown in Table 5-2. Under the State Water Resources Control Board's (SWRCB) Emergency Regulation for Statewide Urban Water Conservation, VWD has achieved a cumulative savings from June 2015 through March 2016 of 25.2 percent from the 2013 baseline established under the regulation. Although the 2015 actual includes implementation of extraordinary conservation measures and water use restrictions due to the drought, these restrictions have effectively provided the reduction necessary to comply with SB7. Demand management measures delineated in Section 9 present VWD's plan to maintain its emphasis on conservation to ensure that the demands do not increase again to previous levels when drought alert levels are decreased and water awareness wanes.

**Table 5-2: 2015 Compliance**

Actual 2015 GPCD*	2015 Interim Target GPCD*	Optional Adjustments to 2015 GPCD					Did Supplier Achieve Targeted Reduction for 2015?
		Extraordinary Events*	Economic Adjustment*	Weather Normalization*	TOTAL Adjustments*	Adjusted 2015 GPCD*	
117	179	0	0	0	0	117	Yes

*\*All values are in Gallons per Capita per Day (GPCD)*

Thus, contrary to the comment, the Draft EIR did not rely on Table 5-1 of the 2015 UWMP; it also did not rely on “old” data, as the baselines and conservation targets are required by law (Water Code Sections 10608.12 and 10608.22); and the required state law baselines do not “contradict” or “violate” CEQA.

In summary, then, for CEQA purposes, the Draft EIR compared the existing property condition without the project (i.e., existing, undeveloped condition) to the project condition (i.e., with its proposed land uses generating water need/demand). Further, the Draft EIR identified four different water demand methodologies to determine the total water demand to be generated by the project (over and above its existing, undeveloped condition) and the four methods were supported by the water documents used and referenced in the EIR. (See EIR, pages 2.14-36, and 2.14-45 through 2.14-48; *see also* Tables 2.14-1 through 2.14-5.)

**O-1-304** The comment states that the Draft EIR “improperly relies on unspecified ‘conservation’ that must involve mandatory rationing requirements to be adopted by the District.” Based on information provided by VWD, the County does not concur with this comment. The comment refers to “mandatory rationing” requirements, but as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its water supplies from any of its customers; and it is not requiring rationing to serve the proposed project. In addition, there is no “unspecified” conservation (see **Response to Comment O-1-305**, below).

**O-1-305** The comment repeats the claim of a water supply deficit in VWD’s 2015 UWMP. The comment states that the WSA resolves this supply deficit when it “concocts an entirely new ‘factor’ called ‘Conservation Required’—but this ‘Conservation Required’ factor does not appear in the UWMP,” concluding that the project, therefore, must require “District-wide cuts in demand in order to facilitate this ‘Conservation Required’ factor.” The County does not concur with this comment.

**Response to Comment O-1-291**, above, provides VWD’s response to the claim that VWD must require mandatory rationing to serve the proposed project. Additionally, for further information regarding the claim that the 2015 UWMP shows water supply deficits (see **Response to Comment O-1-300**).

The comment also takes issue with the WSA projected water supply and demand tables, contending that the tables add required conservation that “does not appear in the UWMP.” This is incorrect.

WSA Tables 7.1 through 7.3 show the available water supply and demand based on VWD’s 2015 UWMP, along with the conservation required to balance projected water supply and demand during normal, single-dry, and multiple-dry years from 2020 through 2035 in Sections 8 and 9 of the 2015 UWMP. For further responsive information, see **Response to Comment O-1-298**, above.

In summary, the 2015 UWMP makes clear that if projected water supply shortfalls occur as projected, “additional conservation measures will be necessary to balance supply against the demands in the VWD’s service area” and that “Sections 8 and 9 further describe the demand reduction actions and conservation measures that VWD plans on implementing to balance supplies and demands,” including “working closely with the San Diego County Water Authority for future water supply planning” (Draft EIR, Appendix V-1 [2015 UWMP], page 7-5; see also pages 7-3 through 7-4). As such, the 2015 UWMP factored in required conservation.

Nonetheless, the comment states that the Draft EIR relied on “unspecified” conservation. This comment is not correct. The Draft EIR specified the water conservation-related project design features (Draft EIR, pages 2.14-42 through 2.14-43), as follows:

As a result of the water conservation regulatory laws and regulations and technological advances in the water fixture industry, homes constructed today are using dramatically less water than homes built a few years ago. For example, according to a report by the California Homebuilding Foundation, a new three-bedroom single-family home in California with four occupants uses 38 percent less indoor water than a similar-sized home built in 2005, and more than 50 percent less water than a non-retrofitted home built in 1980 (California Homebuilding Foundation 2010). This is primarily due to mandated restrictions in residential toilets (flushing volumes), shower and faucet rates, clothes washer volumes, leak reductions, and other devices (e.g., baths and dishwashers) (Water Research Foundation 2016).

Against this backdrop, and recognizing California's water challenges and drought conditions, the project applicant has proposed water conservation design features to make the project a water-efficient community.

Indoor water conservation features include high-efficiency clothes washers and dishwashers, water-efficient toilets, faucets, and showerheads.

Outdoor water conservation features would include low-water-use landscaping in residential and non-residential landscapes, prohibitions of turf grass in residential front yards and within the street rights-of-way, and prohibitions on outdoor water use in dedicated open space (1,209 acres) and non-irrigated fuel modification areas (272.2 acres). The project also requires all single family homes to be plumbed for grey water systems, if feasible, to capture domestic water for reuse as outdoor landscaping irrigation.<sup>81</sup>

The Draft EIR also appended GSI's Water Conservation Demand Study for the Specific Plan and EIR (Appendix T). The purpose of the GSI study was to calculate and substantiate the reductions in water usage (compared with the current water demand forecasts) that can be achieved for the project by implementing current indoor and outdoor water conservation measures required by state and local laws, regulations, and the water conservation plans and programs of the San Diego County Water Authority and VWD, as outlined in their 2015 UWMPs. The "current" indoor and outdoor water conservation measures include state laws and codes enacted after 2014 (i.e., after VWD had developed its 2014 water duty factors, which were used to develop the demand projections contained in the WSA and the 2015 UWMP).

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<sup>81</sup> The project's proposed grey water systems could reduce sewage flow by 70 percent and could include installation of in-ground collection tanks as a certified grey water treatment system. However, as is the case with the project's WSA demand calculations, the project's Water Conservation Demand Study calculations of irrigation water demands assume that potable water supplies will be necessary for all residential landscape irrigation. If, at a future time, the County has permitting mechanisms in place to allow activation of the plumbed grey water systems, then irrigation water demands could be lower than assumed in the demand calculations presented in both the project's SB 610 WSA and the project's Water Conservation Demand Study prepared by GSI (Draft EIR, Appendices S and T).



GSI's study also substantiates the water savings that can be achieved in the project's design of new buildings, landscaping, and other infrastructure that will be constructed as the Newland Sierra planned community is developed over time. These water savings will reduce the project's water demands below the demands estimated in the WSA (see Draft EIR, Appendix S). GSI's study, page 7, includes the analysis of the water savings that can be achieved by the project by implementing current (post-2014) regulatory water conservation measures for the following:

- Indoor water uses in single-family and multi-family residential homes and in non-residential facilities
- Outdoor water uses that include landscape irrigation and non-landscape outdoor uses in public and private spaces

GSI's water conservation findings are summarized in the Executive Summary on page 1 and in Section 6.0 on pages 18 and 19 (see GSI report in the EIR, Appendix T).

### Total Project Water Demand Reductions (i.e., Water Savings) Compared with WSA

In the GSI study, total project water demand reductions achieved by implementing current (2015/2016) water conservation standards are compared to the WSA. In summary, compared with the WSA's project water demand estimate of 1,450,160 gallons per day ([gpd] or 1,624 afy), the following would occur:

- With imposition of the current (2015/2016) water conservation regulatory requirements, the project's water demand will be reduced by 26 percent (when compared to the WSA's water demand estimate).
- By implementing these required water conservation measures, the project's total water demand would be reduced to 1,068,220 gpd (or 1,196 afy) through water conservation alone.

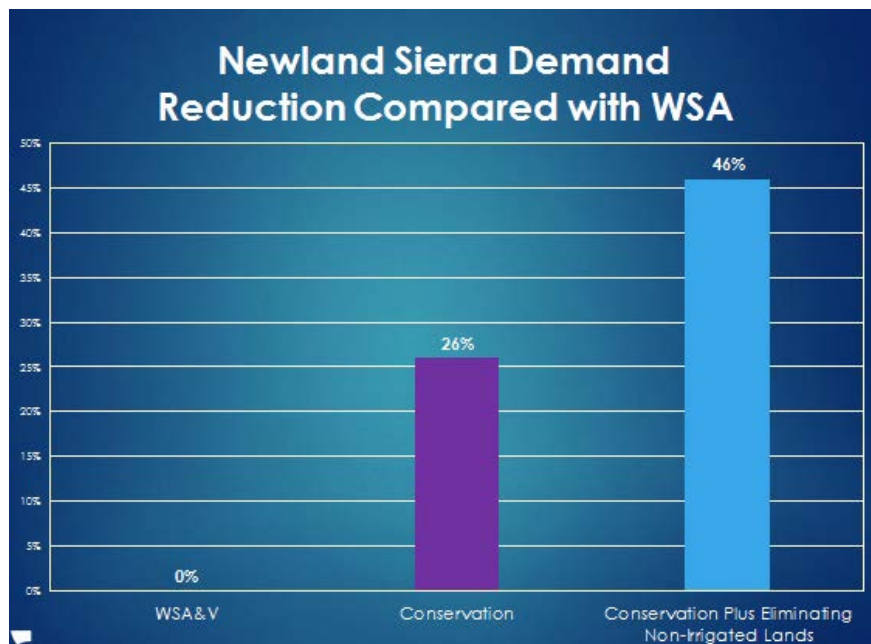
In addition, GSI took into account the County's Landscape Design Manual, which prohibits irrigation of native landscaping in fuel management zones within projects. The Newland Sierra Specific Plan also includes a prohibition on irrigation within the project's open space preserve and its Zone 2 fuel modification areas. This prohibition is consistent with the wildlife agencies' Multi-Species Conservation Program preserve planning. For these reasons, GSI eliminated from the project's water demand irrigation water in open space and non-irrigated fuel management zones precisely because of these biota-related prohibitions.

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By taking into account both the current (2015/2016) water conservation standards and the elimination of the project's water demand from irrigation in open space and non-irrigated fuel management zones, the GSI study substantiates that the project's water demand will be reduced by approximately 46 percent when compared to the WSA's project water demand estimate.

By accounting for the additional open space water reductions, the project's water demand would be further reduced to 776,980 gpd (or 870 afy) compared to the WSA project water demand estimate (see Draft EIR, Appendix T [GSI Study], pages 1 and 18 through 19). The graphic below specifies the conservation (in gallons per day):

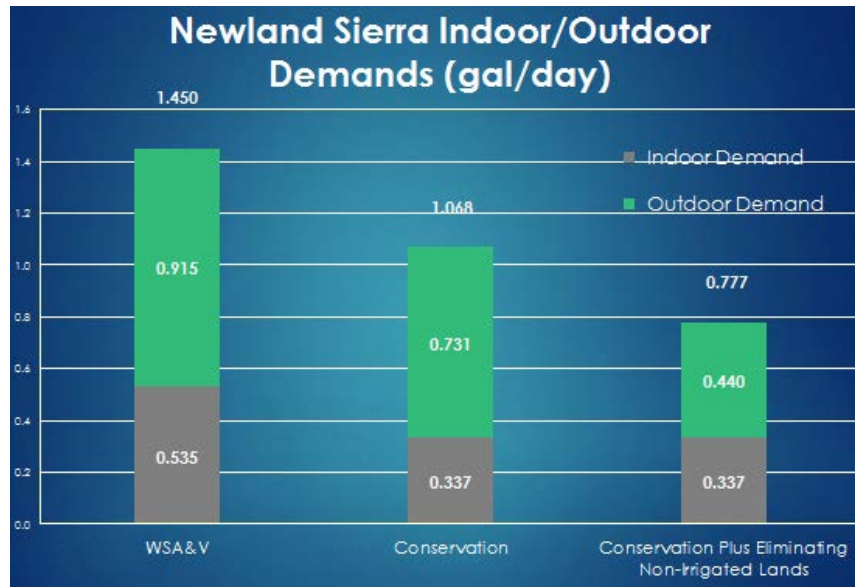


Based on GSI's study, this graphic depicts the reductions in the project water demand when compared with the WSA. Specifically, through water conservation, the purple bar shows that the project can achieve a 26 percent reduction in water demand when compared to the WSA.

By additionally eliminating irrigation in the open space and non-irrigated fuel management zones, the blue bar shows that the project can achieve a 46 percent reduction in water demand when compared to the WSA.

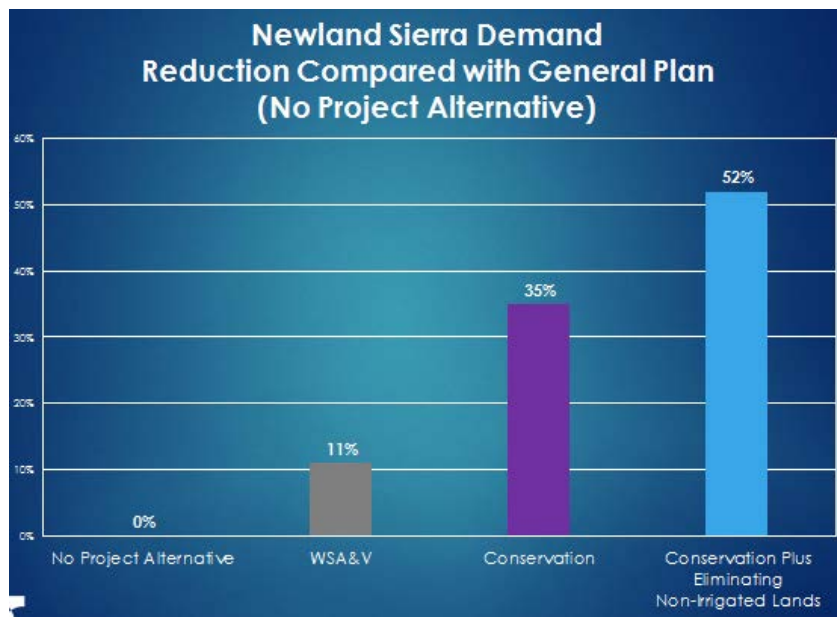
## Comment Letter Responses

Further, the graphic below shows the very same project water demands (in gallons per day) broken down by indoor and outdoor water demand. This is because the GSI study broke down the project's indoor and outdoor water demands.



### **Total Project Water Demand Reductions (i.e., Water Savings) Compared with General Plan**

The GSI study also evaluated the project's total water demand reductions (arising from 2015/2016 water conservation standards) and compared those reductions to the County's 2011 General Plan land use/zoning-based projected water demands (which do not account for these more current conservation standards) (see Draft EIR, Appendix T [GSI Study], pages 1 and 18 through 19). Total project water demand reductions by percentage compared with the General Plan are shown below.



As reflected in the WSA, the brown bar shows that the project's water demand will be 11 percent lower than the water demand already projected for this same project area based on the County's General Plan.

Using the conservation measures described by GSI, including state-mandated 2015/2016 conservation laws and regulations, the purple bar shows that the project's water demand will be 35 percent lower than the water demand already projected for this same project area in the County's General Plan.

By also eliminating irrigation in the project's open space and the non-irrigated fuel management zones, the blue bar shows that the project's water demand will be 52 percent lower than the water demand already projected for this same project area in the County's General Plan.

The GSI study demonstrates that, through water conservation efforts that incorporate the state's most up-to-date standards, including standards developed after VWD developed its 2014 water duty factors, the Newland Sierra project will be a water-efficient planned community in San Diego County.

The WSA also documents the projected water demands for VWD and the project Site. Based on that data, the WSA has determined that there is sufficient supply over a 20-year planning horizon to meet the projected demand of the Newland Sierra project, in addition to the existing and planned land uses within VWD's service area.

**O-1-306** The comment states that even in normal years, VWD projects a "substantial supply deficit," which cannot be absorbed in normal/average years. Based on the information

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provided by VWD, the County does not concur with this comment. For further responsive information, please see **Responses to Comments O-1-298** through **O-1-300**, and **O-1-304** through **O-1-305**.

**O-1-307** The comment states that “to accommodate this Project, the County now asks District customers to implement drought-level conservation measures they implemented on a temporary basis in past years, *on a permanent basis in the future.*” Further, the comment states that the Draft EIR contains no explanation or discussion as to whether permanent rationing of up to 36 percent is feasible for residents and customers. Based on information provided by VWD, the County does not concur with this comment.

First, as stated above, there is no “permanent rationing” of up to 36 percent by existing VWD customers to accommodate the proposed project. **Response to Comment O-1-291**, above, refutes the claims that (a) VWD is requiring “mandatory rationing” to serve the proposed project and (b) VWD is cutting existing customers’ water supply to accommodate the proposed project.

Second, the County has independently determined that the conservation required District-wide (based primarily on the WSA), and the conservation required by the project (based primarily on the GSI study) is feasible and will result in the reductions (i.e., water savings) projected in the Draft EIR and the reports appended to the Draft EIR (Appendix S [WSA] and Appendix T [GSI study]). For further responsive information, please see **Responses to Comments O-1-304** and **O-1-305**.

Third, the County finds nothing improper about requiring water conservation. For example, the Draft EIR, page 2.14-7, states that since the San Diego County Water Authority declared an end to drought conditions in the San Diego region due to record-setting winter precipitation in the Northern Sierra, coupled with regional investments in supply reliability, heavy local rainfall, and significant snowpack in the upper Colorado River basin (and since Governor Brown issued an order declaring an end to the drought in all California counties except Fresno, Kings, Tulare, and Toulumne counties),<sup>82</sup> the Water Authority has reported the following (see Draft EIR, page 2.14-7, and citations to the San Diego County Water Authority’s 2017 Water Supply Update [<https://www.sdcwa.org/sites/default/files/watersupplyoutlook-fs.pdf>]):

[T]he Water Authority and its 24 member agencies have all the water necessary to meet the needs of the San Diego region because the region’s

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<sup>82</sup> In April 2017, Governor Brown issued Executive Order B-40-17, which lifted the drought emergency in all California counties, except Fresno, Kings, Tulare and Toulumne counties. The drought emergency spanned water years 2012 through 2016. See [www.gov.ca.gov/news.php?id=19748](http://www.gov.ca.gov/news.php?id=19748) for additional information regarding the Governor’s lifting of the drought emergency. See also Draft EIR, page 2.14-18.

ratepayers have invested approximately \$3.5 billion over the past three decades to increase regional water supply reliability — including seawater desalination, additional water storage capacity, and upgraded conveyance systems [citation omitted]. Local retail water agencies in the region also have made — and are in the process of making — major investments in local drought resilient supplies such as water recycling, potable reuse, and desalination projects that further increase regional self-reliance.”

In addition, the Draft EIR provides that “the San Diego region has continued to embrace water-use efficiency since the state’s mandatory water-saving targets effectively ended for the region in May 2016. Regional water use from June 2016 through January 2017 was 18 percent below 2013 levels. Even before the state emergency water-use mandates, per capita water use in the San Diego region had decreased nearly 40 percent between 1990 and 2015” (Draft EIR page 2.14-7). At the same time, as reported in the Draft EIR, page 2.14-7 (*italics added*):

[T]he Water Authority committed to continuing its long-running efforts to *promote water-use efficiency as a way of life in San Diego County* through its “Live WaterSmart” campaign. *For decades*, the Water Authority and its member agencies (including the Vallecitos Water District) have *promoted long-term water-use efficiency* through education and outreach efforts such as home water-use checkups and rebate programs, and the Water Authority launched its “Live WaterSmart” campaign in July 2016 to *provide the public with resources for living a water-efficient lifestyle no matter the weather* (*italics added*).

State agencies, including the State Water Resources Control Board, also released a public draft of Making Water Conservation A California Way of Life, which addresses elements of Executive Order B-37-16 that require state agencies to develop a framework for using water more wisely, eliminating water waste, strengthening local drought resilience, and improving agricultural water use efficiency and drought planning.<sup>83</sup>

Additionally, Governor Brown’s Executive Order B-40-17, which lifted drought conditions and mandates, directs the State Water Resources Control Board to maintain urban water use reporting requirements and prohibitions on wasteful

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<sup>83</sup> California State Water Resources Control Board, Water Conservation Portal—Emergency Conservation Regulation, State Plan Seeks to Make Water Conservation A Way of Life, November 30, 2016, [www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/docs/2016nov/pr113016\\_water\\_efficiency\\_report.pdf](http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2016nov/pr113016_water_efficiency_report.pdf).

## Comment Letter Responses

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practices. Water agencies will continue to strengthen drought readiness and water use efficiency.<sup>84</sup>

Importantly, the regulatory requirements resulting from the existing executive orders also have been codified in California Code of Regulations Article 22.5, Drought Emergency Water Conservation.

Finally, notably, Newland Sierra is emphasizing the use of built systems to hardwire efficient water use into all of its residential and non-residential development. In other words, Newland Sierra is relying on the design of built systems, rather than solely relying on human behavior, to achieve water conservation. Further, this reliance on built systems more readily allows actual water usage rates to sustain a high degree of water-use efficiency on a sustained (i.e., year-after-year) basis, which reduces the chance of efficient water use occurring only during drought years (as would be more likely to occur in developments that rely heavily on human behavior, rather than built systems, to achieve water efficiency targets). This approach is expected to set an example for future development in VWD's service area, which in turn should facilitate VWD's ability to meet its conservation goals even more readily than would occur solely through the actions described in Sections 8 and 9 of VWD's 2015 UWMP.

**O-1-308** The comment states that the Draft EIR “errs in assuming additional mandatory rationing requirements when the District’s customers’ historic level of conservation was already accounted for in the District’s 2015 demand projections.” The duty factors “already account for” VWD’s conservation because, according to the comment, the factors “were created using” actual meter readings from VWD’s metered accounts and they were applied to all parcels in VWD’s service area, and those parcels “were attributed with their approved land use condition and unit water demands.”

The comment is based on a misreading of the 2015 UWMP and VWD’s approved water duty factors (i.e., water demand factors); and the comment disregards information provided in the Draft EIR. In short, the Draft EIR’s water supply/demand analysis does not contain “unexplained discrepancies,” as asserted by the comment, and the County thereby does not concur with this comment.

First, the comment refers to “mandatory rationing requirements,” but as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its

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<sup>84</sup> Governor Brown Lifts Drought Emergency, Retains Prohibition on Wasteful Practices, Executive Order B-40-17.

water supplies from any of its customers, and it is not requiring rationing to serve the proposed project.

Second, VWD customer water conservation is *not* “already accounted for” in VWD’s approved water duty factors, and the Draft EIR explains that fact. The Draft EIR includes a section titled “Vallecitos Water District Water Demand Factors.” The section describes the steps VWD used to arrive at its water duty factors and explains the duty factors are “conservative” as applied to the project, because they do *not* account for the reductions in per-capita and acreage-based rates of water use by the project under post-2014 state and local water conservation regulatory requirements (*italics added*):

These water demand factors describe the average daily usage of water in units of gallons per day per acre (gpd/acre) and reflect different values corresponding to specific types of land uses within the Vallecitos service area (e.g., residential, commercial, industrial, institutional, landscape, and agriculture). To arrive at the water demand factors reported in its draft 2014 master plan presentation, Vallecitos followed several steps.

- Vallecitos first obtained approved land use coverage and zoning maps from all land use agencies served by Vallecitos, including the County.
- Using its system database, Vallecitos assigned all parcels in its service area with their approved land uses and unit water demands.
- Vallecitos then validated its new water demand factors for the various land uses in its service area by referencing several sources, including: (i) actual metered water deliveries from all Vallecitos water meter accounts from July 2008 through June 2014, excluding water use through fire lines, construction meters, water exchanges, and other unbilled end deliveries such as fire hydrant testing or system flushing, (ii) readings from installed sewer flow meters, (iii) comparisons of water meter and sewer flow meter data, and (iv) comparisons to water demand factors used in previous master plans (EIR, Appendix S [HDR WSA, Appendix B]).
- Vallecitos also included all agency-approved development projects up to June 30, 2014.

...

Vallecitos’ water demand factors are considered conservative because they do *not* account for the reductions in per-capita and acreage-based rates of water use by the project under existing state and local water conservation regulatory



requirements (Personal communication with Steve Neilsen, Dexter Wilson, and Robert Scholl, Vallecitos Water District, December 2016).

Table 2.14-2 reflects the project's water demand estimate, without conservation, for the Specific Plan development, which is based on the designated land uses and Vallecitos' water demand factors for water use. In addition, a detailed breakdown of this estimate is included in Appendix A to the project's SB 610 Water Supply Assessment prepared by HDR (see EIR, Appendix S) (Draft EIR, pages 2.14-44 through 2.14-45).

As explained, the VWD water duty factors were *not* "created using" actual meter readings. Instead, VWD "*validated*" the recently approved duty factors "by *referencing several sources*, including, among others, actual metered water deliveries from all Vallecitos water meter accounts from July 2008 through June 2014" and comparisons to duty factors used in previous master plans (Draft EIR, page 2.14-44, italics added). In addition, VWD's duty factors were considered "conservative," because they do not account for post-2014 water conservation requirements, relying on a personal communication in 2016 between the project's water engineer, Stephen M. Nielsen, registered civil engineer, and Robert Scholl, professional engineer (PE) and senior engineer at VWD (Draft EIR, pages 2.14-44 through 2.14-45). Said differently, VWD's 2014 water duty factors are based on VWD's projection process, which is thoroughly described in the Draft EIR, pages 2.14 through 2.14-45. VWD's projection process reflects water conservation measures that existed within the VWD water service area as of 2014; they do not reflect any regulatory water conservation requirements in effect post-2014.

The Draft EIR is also consistent with statements made by Robert Scholl, PE, senior engineer for VWD, when the VWD Board considered and approved the WSA for the project at the public meeting in November 2016. In response to questions about a water supply deficit, Mr. Scholl explained the VWD water demands, as shown in the WSA, as follows (Transcript of VWD Board of Directors meeting, November 16, 2016, page 17, italics added):

So, first of all, this information here, from the Water Supply Assessment, comes from the 2015 Urban Water Management Plan for the District. So, what they're showing here is the District's projected demands - pre-conservation - that's described in the document there, in the first few chapters. Then, the next few chapters discuss the supply that the County Water Authority has reserved. And then the difference here, is discussed in Chapters 8 and 9 of the Urban Water Management Plan, which is made up, there, through conservation.

One additional clarification is required. The comment states that the water duty factors were applied in VWD's database, and "all parcels in VWD's service area were attributed with their approved land use condition and unit water demands," from which the comment concludes that the "2015 UWMP's water demand projections, therefore, are the direct result of water duty factors created by using actual water readings from land uses from 2008 and 2014." This is not correct.

As explained above, and in **Response to Comment O-1-301**, VWD's first step in updating its water duty factors is to "obtain approved land use coverage and zoning maps from all land use agencies served by Vallecitos, including the County." These land uses are from General Plan/zoning maps; they are *not* existing land uses within the service area. More specifically, they are *not* existing land uses based on "actual meter readings" (see also Draft EIR, Appendix S [WSA], Appendix B, 2014 draft Master Plan water duty factor presentation to the VWD Board, pages 82 through 83 and 85 through 88).

As stated, VWD obtains the approved General Plan/zoning maps, enters the approved land uses into its database, assigns all such parcels their approved land uses and calculates their unit water demands based on their General Plan/zoning land uses and then "validates" the duty factors for the various planned land uses by reference to several sources typically used by VWD to ensure the accuracy of its duty factors. It is a projection process based on approved General Plan/zoning data; the duty factors are not "created" by actual metered water accounts, and they are not "created" by actual land uses within the service area.

The comment also contends that an "unexplained discrepancy" exists between the Board-adopted 2014 water duty factors and "water demand factors" that the comment states are "based on additional water reductions through 'Conservation Required'/water rationing listed in the WSA." The comment makes this statement after first stating that "the water duty factors used to supply the demand projections in the District's 2015 UWMP and the WSA" account for a 40 percent reduction in water use compared with the 2008 baseline.

The above comment is incorrect, because the Board-adopted 2014 water duty factors do *not* incorporate a 40 percent reduction in water use compared with the 2008 water duty factors. The table below shows that (1) for the residential land use categories, the 2014 water duty factors were unchanged or increased in value (by 1,000 to 1,300 gpd/acre) compared with the 2008 duty factors; and (2) for the non-residential land use categories, the 2014 water duty factors were unchanged or decreased in value (by 200 to 400 gpd/acre) compared with the 2008 duty factors. Accordingly, during the process of developing its 2014 water duty factors, the VWD chose *not* to reduce its 2008 duty factors by 40 percent as claimed by the comment. This in turn means that any

## Comment Letter Responses

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conservation activities built into the values chosen by VWD for its 2014 duty factors, by extension, are primarily in the form of conservation measures that were being implemented by VWD prior to 2008. For this reason, the “Conservation Required” values listed by VWD in the WSA (in Tables 7.1 through 7.3) and by the County in the Draft EIR (in Tables 2.14-6 through 2.14-8) reflect post-2008 conservation measures that (1) were not incorporated into the 2008 or 2014 duty factors; and (2) account for the laws, codes, and implementation programs in place after 2008, including those already in place by 2014 and those that were established after 2014.

Accordingly, the 35 percent demand reductions shown in the Draft EIR (in Tables 2.14-6 through 2.14-8) are *not* values that are in addition to a prior 40 percent increase that the comment incorrectly concludes is inherent in the values of the 2014 duty factors. This means that (1) the comment is incorrect in stating that a 36 percent demand reduction would be required in addition to a post-2008 demand reduction of 40 percent; and (b) the comment is incorrect in stating that an “unexplained discrepancy,” therefore, exists in the water demand analyses for the project and District-wide.

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### Water Duty Factors and Changes Over Time

#### Vallecitos Water District

Prepared by GSI Water Solutions (February 2018)

LAND USE	VWD Water Duty Factors (gpd/acre)		Change (gpd/acre) From 2008 to 2014
	2008	2014	
RESIDENTIAL			
Residential (<1 du/ac)	800	800	0
Residential (1-2 du/ac)	1,200	1,200	0
Residential (2-4 du/ac)	1,800	1,800	0
Residential (4-8 du/ac)	2,500	2,500	0
Residential (8-12 du/ac)	2,800	2,800	0
Residential (12-15 du/ac)	3,300	4,500	1,200
Residential (15-20 du/ac)	3,700	5,000	1,300
Residential (20-30 du/ac)	5,000	6,000	1,000
Residential (30-40 du/ac)	7,000	7,000	0
Residential (40-50 du/ac)	9,000	9,000	0
NON-RESIDENTIAL			
Intensive Ag/Residential	1,400	1,100	-300
Agricultural/Residential	800	800	0
Commercial	1,500	1,500	0
Office Professional	1,500	1,500	0
Light Industrial	1,800	1,500	-300
Industrial	1,000	800	-200
School	1,400	1,000	-400
Parks	1,700	1,500	-200
Open Space	200	200	0

#### Color Scheme

The water duty factor decreased (green) or increased (red) from 2008 to 2014.

- O-1-309** The comment contends that VWD is implementing “new District-wide mandatory rationing requirements” through the project’s WSA “without notice to its customers of this drastic District-wide policy change.” In effect, the comment repeats the claim that VWD is implementing mandatory rationing requirements to accommodate the Newland Sierra proposed project. The comment also claims that the County “should not approve this Project until the District has revised its UWMP subject to appropriate procedures.” The comment also makes a similar argument that the WSA is imposing the same “mandatory rationing requirements” and that those requirements “conflict with the approved water duty factors, which already account for significant

conservation.” The comment asserts that VWD must amend its water duty factors through the appropriate process and that County approval of the project prior to such amendment “constitutes improper segmentation under CEQA.” The County does not concur with the comment.

First, the comment refers to “mandatory rationing requirements,” but as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its water supplies from any of its customers; and it is not requiring rationing to serve the proposed project.

Second, the comment incorrectly states the County “should not approve this Project until the District has revised its UWMP subject to appropriate procedures.” There has been no showing that VWD’s 2015 UWMP should be “revised” before the County can consider approval of the Newland Sierra proposed project.

In addition, the comment challenges the validity of the 2015 UWMP, and such a challenge is time-barred. As reported in the Draft EIR, page 2.14-22, after providing public notice and holding a public hearing, VWD’s Board of Directors approved Resolution No. 1494, adopting the 2015 UWMP. Pursuant to Water Code Section 10621, on June 22, 2016, VWD filed the 2015 UWMP with DWR, the California State Library, and the land use agencies, including the County. It also made available the final 2015 UWMP on its website and main offices in San Marcos. The 2015 UWMP is now final and beyond legal challenge under Water Code Section 10650 (Draft EIR, page 2.14-22).

VWD also has not expressed any intent to revise or amend the 2015 UWMP. Indeed, the 2015 UWMP will be revised in or about 2020 (or every 5 years) as required by the Urban Water Management Planning Act (Water Code Section 10621(a)).

Third, the comment incorrectly states that the WSA is imposing the same “mandatory rationing requirements” and that those requirements “conflict with the approved water duty factors, which already account for significant conservation.” Please see **Response to Comment O-1-291**, above. VWD is not requiring mandatory rationing of its water supplies from any of its customers, and it is not requiring rationing to serve the proposed project. In addition, please see **Response to Comment O-1-308**, above, which explains the projection process VWD used when arriving at its updated 2014 water duty factors and which demonstrates that VWD’s Board-approved 2014 water duty factors do *not* account for conservation gains that occurred after earlier adoption of the prior (2008) water duty factors. Because no showing has been made that the 2014 water duty factors are incorrect or inaccurate, there is no need or requirement for VWD to amend its water duty factors.

In addition, there has been no showing of any improper “segmentation” under CEQA, nor any evidence presented to support any such claim; it also is a claim that is beyond the scope of this project EIR because VWD adopts and/or amends its water duty factors as part of its own, separate process and not for, or at the request of, the County or the project applicant.

**O-1-310** The comment states that the WSA’s reference to “Conservation Required” is not based on any empirical data or achievable plan, but rather a supply and demand “balance,” with no consideration as to whether the required level of conservation is achievable. The comment cites the *California Oak Foundation* decision, claiming the Draft EIR wrongly accepted the WSA’s conservation requirements, which amounts to “mandatory rationing.” The comment states that the public and the Vallecitos Water District’s customers need to know how conservation will impact them, including “requiring the fallowing of agricultural lands, permanently restricting outdoor watering, installed composting toilets, limiting showers, or any other water use restrictions to meet the District’s new unspecified requirements.” The County does not agree with the comment.

First, the comment refers to “mandatory rationing,” but as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its water supplies from any of its customers, and it is not requiring rationing to serve the proposed project.

Second, the WSA’s reference to “Conservation Required” is based on empirical data and achievable water conservation projections. As stated in the WSA, water conservation is an important component of VWD’s water supply planning to meet projected future water demands. Conservation fulfills approximately 36 percent of VWD’s water demand requirements to meet VWD’s 2020 demands under multi-year dry conditions, and such requirements lessen over time to approximately 26 percent of VWD’s water demand requirements to meet VWD’s 2025 through 2035 demands (see Draft EIR, Appendix S [WSA], page 43). Thus, the WSA documents that water savings (i.e., conservation) must achieve a water demand reduction in the range of approximately 26 percent to 36 percent through calendar year 2035.

The WSA and Draft EIR also document *how* that water demand reduction range (i.e., 26 percent to 36 percent) can be achieved through water conservation requirements. First, as stated in the WSA, the proposed project is projected to have a water demand of 1,624 afy, without 2015/2016-era conservation, and 1,196 afy under the more current (2015/2016) water conservation standards. This project demand, with conservation savings, represents a 35 percent reduction in demand from that currently planned for,

and incorporated into, VWD's water planning documents (i.e., the 2014 draft Master Plan and the 2015 UWMP) (see Draft EIR, Appendix S [WSA], page 43).<sup>85</sup>

Therefore, per the WSA, with implementation of the project's current water conservation measures, the project "will sufficiently contribute toward the District's intent to use water conservation to meet 26% to 36% of its future demand projections under multi-year conditions through 2035" (see Draft EIR, Appendix S [WSA], page 43).

Furthermore, the County used the Draft EIR to conduct its own independent review of the project's water demand. As stated in the Draft EIR, page 2.14-47, the County's assessed demand for the project is *less* than shown in the WSA.

Based on the Draft EIR water supply and demand analysis, the County has determined that, with the current water conservation requirements applicable to the project and the "land use deductions" made enforceable by mitigation imposed by the County, the total water demand to be used for the proposed project is 870 afy (or 776,980 gpd).<sup>86</sup> This water demand is 46 percent lower than the demand estimate presented in the [WSA], and 52 percent lower than the demand estimate used [by VWD] in the County's 2011 General Plan, and Vallecitos' draft 2014 Master Plan and 2015 UWMP.

Accordingly, the Draft EIR confirms that the County, in coordination with VWD, can feasibly achieve 35 percent and 52 percent reductions in water demand through the identified water conservation requirements and the "land use deduction" identified in the Draft EIR (page 2.14-48) and the GSI Water Conservation Demand Study (Draft EIR, Appendix T). As a result, the Draft EIR confirms that the project can feasibly and reasonably achieve the water demand reduction range (i.e., 26 percent to 36 percent) identified in the WSA and the 2015 UWMP through water conservation requirements and without so-called "mandatory rationing."

Further, as stated in the Draft EIR, VWD "continues to make programmed investments in both its operations and water capacity in the future as needed," and at the same time, the San Diego Water Authority and the retail water agencies in San

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<sup>85</sup> The GSI Water Conservation Demand Study (Draft EIR, Appendix T) substantiates the water conservation requirements that will achieve these percentage reductions in the project's water usage (i.e., demand). Please see **Response to Comment O-1-312**, below, for information regarding the GSI report's specific substantiation of the water conservation requirements applicable to the proposed project.

<sup>86</sup> The "land use deductions" refer to County-imposed requirements on the project applicant or its designee. Specifically, with project approval, pursuant to the Draft EIR's mitigation measure (M-UT-2), the project applicant or designee would be *prohibited* from installing irrigation in any of the project's dedicated open space (approximately 1.209 acres) and the non-irrigated fuel modification zones (approximately 272.2 acres) within the project site (see Draft EIR, pages 2.14-45 through 2.14-46 and mitigation measure M-UT-2, page 2.14-52).

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Diego (including VWD) “benefit from regularly issued annual water reports and the five-year updates to UWMPs, which allow the Water Authority and the retail water agencies in the San Diego region to regularly monitor supplies, demands, and the reliability of those supplies” (Draft EIR, page 2.14-48).

Lastly, contrary to the comment, the County has confirmed with VWD personnel (Robert Scholl, PE and senior engineer, December 2017) that the public and VWD’s customers are not required to ration existing water supplies or conserve by “fallowing ... agricultural lands, permanently restricting outdoor watering, install[ing] composting toilets, limit[ing] showers,” or any other water use restriction listed in Golden Door’s above comment, in order to serve the proposed project or meet VWD’s water conservation requirements.

- O-1-311** The comment states that “Conservation Required” percentage reductions in demand that are reported in the project’s WSA are unspecified, not currently available, and constitute “generalities, just as in the *California Oak Foundation* decision. The County does not concur with this comment. Please see **Response to Comment O-1-310**, above, for information that rebuts these comments.

Further, the Draft EIR, Section 2.14, analyzes the sufficiency of the project’s water supplies, and identifies the basis underlying that analysis (Draft EIR, pages 2.14-37 through 2.14-49). This same analysis also identifies the project’s enforceable water conservation regulatory compliance measures, contingency planning, best management practices, project design features, and mitigation measures (Draft EIR, pages 2.14-37 through 2.14-43, and pages 2.14-51 through 2.14-52). Additionally, the Draft EIR focuses on, and documents, the four project demand methodologies used to forecast the project’s water demand with and without conservation (Draft EIR, pages 2.14-45 through 2.14-49; see also Tables 2.14-2 through 2.14-8). The County finds that this analysis and data represent substantial evidence to support the findings and conclusions reached in the WSA and Draft EIR.

- O-1-312** The comment states that the Draft EIR’s “unspecified” conservation requirements constitute improper deferral under CEQA and such requirements are needed to address the project’s “significant impacts to water supply.” The County does not agree with this comment.

First, contrary to the comment, VWD’s projected water conservation measures do not amount to “mandatory rationing.” Please see information rebutting this comment in **Response to Comment O-1-291**, above. Based on the Draft EIR, and **Response to Comment O-1-291**, above, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).



Second, contrary to the comment, the conservation requirements referenced in the WSA and the Draft EIR, Section 2.14, are not unspecified or improperly deferred. Please see **Response to Comment O-1-310**, above, for information rebutting these claims. Additionally, the GSI Water Conservation Demand Study, which is part of the Draft EIR, Appendix T, identifies the current water conservation regulatory measures, including post-2014 state and local green building and irrigation laws and regulations that reduce indoor and outdoor water uses significantly compared with past requirements.

The GSI report is used in the Draft EIR to “substantiate the water savings that can be achieved for the Newland Sierra proposed community by implementing current indoor and outdoor water conservation measures required by a series of state and local laws, regulations, and water conservation programs,” and the GSI report specifically “documents such water savings and was independently reviewed by [VWD] and its consultant, HDR, which was retained by VWD to prepare the Newland Sierra Water Supply Assessment (WSA) Report (HDR, November 2016).”

The GSI report summarizes the current state and local water-conservation laws, regulations, and conservation programs in Section 2, including those enacted after VWD developed its 2014 water duty factors. The GSI report also includes Table 6, which list laws and regulations enacted since 2006. Because the applicable laws and regulations are already legally required, there is no need or requirement in CEQA to redundantly also impose them in the form of mitigation measures or conditions of approval; instead, they are considered mandatory regulatory measures required by law. In short, the state and local laws and regulations identified in the GSI report, including those enacted after 2014, are required and must be adhered to if the proposed project is approved and implemented.

The GSI report also discusses the approach used for estimating water demand savings (Section 3), presents the analysis of the amount of water savings at the project that can be achieved by implementing current (post-2014) water conservation requirements for indoor and outdoor water uses (Sections 4 and 5), presents the calculations of water savings that can be achieved by implementing such conservation requirements (Section 6), and lists the references cited in the GSI report (Section 7). Lastly, the GSI report includes numerous tables summarizing the report’s findings and conclusions. There has been no deferral.

Further, the Draft EIR, Section 2.14, analyzes the sufficiency of the project’s water supplies, and identifies the basis underlying that analysis (see Draft EIR, pages 2.14-37 through 2.14-49). This same analysis also identifies the project’s enforceable water conservation regulatory compliance measures, contingency planning, best management practices, project design features, and mitigation measures (Draft EIR,

pages 2.14-37 through 2.14-43, and pages 2.14-51 through 2.14-52). Additionally, the Draft EIR focuses on, and documents, the four project demand methodologies used to forecast the project's water demand with and without conservation (Draft EIR, pages 2.14-45 through 2.14-49; see also Tables 2.14-2 through 2.14-8). The County finds that this analysis and data represent substantial evidence to support the findings and conclusions reached in the WSA and Draft EIR.

- O-1-313** The comment states that the UWMPs from other water districts in San Diego (e.g., Olivenhain, Valley Center, and Escondido) “do not show similar supply deficits.” The County does not agree with this comment.

First, contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to “mandatory rationing,” nor has VWD implemented any “mandatory rationing program.” Please see information responsive to these comments in **Response to Comment O-1-291**, above. Based on the Draft EIR, and **Response to Comment O-1-291**, above, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Second, contrary to the comment, VWD's 2015 UWMP does not show “supply deficits.” Instead, as reported in the Section 7 of the 2015 UWMP, there are potential water supply shortages for VWD over the 20-year planning horizon in normal, dry-year, and multiple dry-years, and those shortages are shown in Tables 7-2 through 7-4; at the same time, however, for each water year scenario, Section 7 *also* makes clear:

To mitigate for these projected water supply shortages, VWD will need to implement demand-reduction actions and conservation measures.” These actions are further described in Sections 8 and 9. (Draft EIR, Appendix V-1 [2015 UWMP], page 7-3.)

...

Sections 8 and 9 further describe the demand-reduction actions and conservation measures that VWD plans on implementing to balance supplies and demands. (Draft EIR, Appendix V-1 [2015 UWMP], page 7-5.)

...

The [San Diego County Water Authority's] assessment includes existing and planned supplies from the Imperial Irrigation District transfer, canal lining projects and seawater desalination, which are considered ‘drought proof’ supplies. With the previous years leading up to the single dry-year being wet

## Comment Letter Responses

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or average hydrologic conditions, [San Diego County Water Authority] should have adequate supplies in storage to cover potential shortfalls in core supplies to its member agencies. (Draft EIR, Appendix V-1 [2015 UWMP], page 7-3.)

Additionally, in the earlier October 2016 VWD Board public meeting addressing WSA issues, VWD’s engineering staff refuted claims regarding 2015 UWMP “supply deficits, stating (VWD Transcript, October 5, 2016, page 18):

So, what is happening here ... some of this information that you’re getting is ... stopping at ... Section 7 [of the 2015 UWMP]. It’s not getting into the conservation, which is going to basically balance the projected demands with what was being proposed by our wholesaler for supply....

Now we know what happened in 2015 – the District conserved over 25 percent ..., nearly 26 percent – so, taking that 26 percent here, that we’ve conserved district wide, and then also ... you see that the Newland Sierra project is proposing 11 percent less than what our drought 2014 master plan has assumed for that same land ... here. You can get to 35 percent here pretty simply actually. Not that difficult.

...

What this is trying to do in the water supply assessment is show a range of conservation that needs to be met there. [T]his 26 to 36 percent range needs to be met in order to basically balance our supply and demand here.<sup>87</sup>

Further, the GSI Conservation Demand Study, which is appended to the Draft EIR (Appendix T), provides a detailed description of the new state and local regulatory water conservation measures that were enacted after VWD developed its 2014 water duty factors. The description is found in Section 2.0 of the GSI report.

Importantly, the Draft EIR includes the County’s detailed independent assessment of the sufficiency of Newland Sierra project’s water supplies (see Draft EIR, pages 2.14-37 through 2.14-43). As stated in the Draft EIR, “the analysis is based on the regional UWMPs completed by the MWD and the Water Authority, the local 2015 UWMP completed by [VWD], HDR’s SB 610 Water Supply Assessment, GSI’s Water Conservation Demand Study, the County’s General Plan water supply policies, and other adopted regional reports from MWD and the Water Authority.” These

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<sup>87</sup> The VWD Board of Directors’ meeting transcript, dated October 5, 2016, is part of the Newland Sierra’s record of proceedings and incorporated by reference. It is available for public review upon request to the County.

supporting water planning documents were appended to the Draft EIR as Appendices S, T, U, and V (Draft EIR, page 2.14-37).

The Draft EIR also identifies the water conservation regulatory compliance measures dating back to 2006 and grounded in state law and local programs (see Draft EIR, pages 2.14-37 through 2.14-38, and Draft EIR, Appendix T [GSI Report, Table 6, State and Local Laws, Codes, and Other Requirements for Water-Use Efficiency Enacted since 2006]). These laws ensure enforcement of the project's feasible water conservation measures.

In addition, the Draft EIR analyzes VWD's water shortage contingency planning and water demand management/conservation measures, as set forth in Sections 8 and 9 of the 2015 UWMP, and demonstrates that VWD "can and will achieve water savings/reductions of between 20 and 25 percent minimum" (Draft EIR, pages 2.14-38 through 2.14-42). For example, from April 2015 and through May 1, 2016, "VWD surpassed its mandated water conservation target by achieving a 25.6 percent reduction in water usage within its service area" (Draft EIR, p. 2.14-39).

Additionally, the project, if approved, must comply with VWD's best management practices, which are a framework for VWD's water conservation program, and a vital part of VWD's overall reliability strategy (Draft EIR, pages 2.14-40 through 2.14-42). The VWD's "strategy is similar to the Water Authority's regional strategy, which has projected that conservation will account for 17 percent of the San Diego region's overall water diversification program by 2020," a percentage that VWD already exceeded in 2015-2016, in response to this most recent drought (Draft EIR, page 2.14-40).

The Draft EIR states that implementation of VWD's best management conservation practices also assists VWD in meeting the state requirement to achieve a 20 percent reduction in urban per-capita water use by 2020 in accordance with Water Code Section 10608.16 (SB X7-7) (Draft EIR, page 2.14-42). The VWD's 2020 mandated target is 159.4 gallons per-capita per-day, and for fiscal year ending 2015, VWD's *actual* per capita daily water use was 117 gallons per-capita per-day, which is already *less* than the 2020 target (Draft EIR, page 2.14-41). The Draft EIR states (Draft EIR, pages 2.14-42 through 2.14-43, italics added):

In sum, Vallecitos' contingency planning and water demand management measures, as set forth in Section 8 and 9 of its 2015 UWMP, demonstrate that Vallecitos can and will achieve water savings/reductions of between 20 and 25 percent *minimum*. In addition, these measures do not account for project-related conservation measures [identified as project design features in the Draft EIR]."

Third, references in the comment to other UWMPs in the San Diego region have been reviewed and the County disagrees that there is some sort of irreconcilable conflict or inconsistency between those UWMPs and VWD's 2015 UWMP. Instead, the County considers the different reports as employing different methodologies, and such differences do not invalidate an EIR because the County is permitted to rely on the substantial evidence in the 2015 UWMP and the other water planning documents used or cited in the Draft EIR. The County also may rely on the expert analysis in the Draft EIR even though others may disagree with the underlying data, analysis, and conclusions (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 408). Discrepancies in results from different methodologies for assessing environmental issues do not undermine the validity of an EIR's analysis as long as a reasonable explanation is provided supporting the EIR's analysis (*Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 243). Here, a reasonable explanation has been provided by VWD not only in the 2015 UWMP itself, but also in the testimony provided at VWD Board meetings over whether to approve the project's WSA.

Fourth, as stated above, VWD's Board adopted the 2015 UWMP, and no one timely challenged the sufficiency of the document; therefore, the 2015 UWMP cannot and should not be collaterally challenged in the context of the County's project-level EIR.

- O-1-314** The comment states that “the amount of extraordinary conservation savings expected to be achieved through mandatory measures, such as water-use restrictions, could be less than experienced in the previous shortage periods due to demand hardening.” The comment also states that responsiveness to “drought pricing and general price increases will diminish because remaining essential uses are less responsive to price,” resulting in less flexibility in managing demand during shortages, which will increase the importance of “acquiring supplemental dry-year supplies to eliminate or reduce potential supply shortages.” The comment states that the Draft EIR for the project failed to discuss demand hardening, particularly due to VWD's “unspecified mandatory rationing program.” The County does not agree with this comment.

First, contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to “mandatory rationing,” nor has VWD implemented any “mandatory rationing program.” Please see information rebutting these comments in **Response to Comment O-1-291**, above. Based on the Draft EIR and **Response to Comment O-1-291**, above, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Second, the County and the San Diego water agencies are aware of the concept of “demand hardening,” because the San Diego County Water Authority discussed the concept dating back to its 2010 UWMP (see the Water Authority’s 2010 UWMP, Section 9, Water Supply Reliability, Subsection 9.3.1, Demand Hardening).<sup>88</sup>

Third, the County’s view is that regional concepts like demand hardening are better suited for analysis by the appropriate water agencies in regional or local water planning documents, and not project-level EIRs. Nonetheless, the County has considered the information from the Water Authority’s 2010 UWMP, and notes the Water Authority’s updated 2015 UWMP does not address demand hardening, because the Water Authority and local retail water agencies in the San Diego region (including VWD) have taken demand hardening into account in their water planning as part of their urban water management plan process, including their reliability assessments and contingency planning.

For example, in their 2015 UWMP, VWD notes that its customers already have demonstrated a “strong propensity” to “respond to calls for water conservation whether as part of a long term commitment to water efficiency during times of adequate supply availability or when extraordinary conservation measures are required, as experienced during the current 5-year drought and just prior during 2008 through 2011” (2015 UWMP, Section 9, page 9-1). The 2015 UWMP also noted that since 2007, there has been a steady reduction in water use and per-capita (per person) consumption, despite population, employment and housing growth within VWD (2015 UWMP, Section 9, page 9-1) .

Further, in terms of acquiring supplemental dry-year supplies in part to address demand hardening (i.e., the ability or willingness of a customer to reduce demands during shortages as a result of having implemented long-term conservation measures), VWD’s 2015 UWMP reports that VWD has added potable water supply reliability through the purchase of approximately 3,500 afy (or 1,140 million gallons per year) of desalinated water from the Carlsbad desalination plant (2015 UWMP, Section 1, page 1-2).

Additionally, VWD reports that since the State Water Resources Control Board mandated water reductions in response to the most recent drought, VWD’s customers achieved a 25.6 percent water conservation reduction as of May 1, 2016 (2015 UWMP, Section 9, page 9-2), and there is no data to suggest that ongoing

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<sup>88</sup> The Water Authority’s 2010 UWMP is incorporated by reference and available for public inspection and review at the County upon request. Without citing to it, the comment relies heavily (almost verbatim) on Section 9.3.1 of the 2010 UWMP.

conservation cannot be a “way of life”—particularly with the Water Authority’s and VWD’s ongoing requirements, such as water waste prevention ordinances, metering, conservation pricing, and public education and outreach (see, for example, 2015 UWMP, Section 9, pages 9-3 through 9-9). Indeed, the Water Authority reported in its 2010 UWMP that “demand hardening” was “taken into account” in the Water Authority’s “Communication Strategy” and “drought planning,” much like VWD has done in its more recent 2015 UWMP (see above).

Moreover, for information purposes, the County has assessed available data as to “demand hardening” as part of its obligation to independently determine the sufficiency of the water supplies for this project and the planned and future supplies within VWD’s water service area. Specifically, the County considered a published study prepared by the Alliance for Water Efficiency titled, *An Assessment of Increasing Water-Use Efficiency on Demand Hardening* (Alliance et al. July 2015). The study, which is incorporated by reference and available for public review upon request to the County, compiled data from seven water supplier case studies located throughout the arid Southwestern United States, including four suppliers from California. The report examined the “ability” of customers to reduce water demand during extended shortages as well as their “willingness” to do so. The report’s key findings were as follows (Alliance et al., July 2015):

- The “ability” aspect was evaluated in two ways: (1) by examining how each case study adapted to prior shortage episodes and (2) by examining how much further residential customers could reduce their demand during an extended shortage by upgrading their plumbing fixtures and appliances, and changing their indoor and outdoor water using behavior. **Neither type of analysis indicates that pursuit of long-term water use efficiency has diminished customers’ “ability” to respond to extended shortages.** (emphases added)
- Analysis of prior shortage episodes suggests that voluntary restrictions generate smaller demand adjustments compared to mandatory restrictions or rationing, which is unsurprising.
- There appears to be no clear relationship between average per-capita demand just prior to the shortage and the percent reduction in demand that is achieved as a result of the shortage declaration.
- The data suggest that in large part how customers respond to shortages depends on the perceived severity of the shortage and on the vigor with which mandatory restrictions are enforced.
- The “willingness” question was also evaluated, and the telephone survey data was examined to determine if there is evidence to suggest that participation in

long-term conservation programs makes customers less “willing” to practice frugality during occasional shortage episodes.

- Survey responses show that self-reported compliance with irrigation cuts, usually the first end use to be targeted during shortages, was very high. Less than 10% responded by saying they had done nothing to curtail irrigation. The remaining 90% reported either cutting irrigation after their supplier declared a drought shortage, or the respondents were already practicing deficit irrigation.
- Such a high level of reported compliance suggests that one of the main tools available for making time-limited adjustments to water demand is likely to remain available. Other options, such as grey water reuse were not used much by respondents in the past, but respondents are willing to try these options in a future drought.
- With regards to indoor water using behavior, close to half of all respondents reported adjusting their behavior, such as taking shorter showers, flushing less often, washing fewer loads, etc. This is notable since it is purely a voluntary response. None of the shortage episodes being researched through the telephone survey involved mandatory indoor rationing. Among those that did not make these indoor behavioral adjustments voluntarily last time, a large percentage is willing to do so in a future severe shortage event.

The report then provided recommendations to water agencies, including that demand hardening concerns “can be managed, and the correct arena for managing these concerns is through the design of appropriate water shortage contingency plans with built-in effective enforcement mechanisms which should be regularly updated to favor curtailment strategies that both minimize economic costs and are consistent with the changing mix of discretionary and non-discretionary uses of water” (Alliance et al., July 2005, Executive Summary, pages V-VI). The County concurs with such recommendations, and finds that the Water Authority, VWD, and other retail water agencies in San Diego are indeed managing demand hardening issues through the urban water management plan process, which results in updated UWMPs every 5 years in California for all urban water suppliers.

**O-1-315** The comment repeats information already addressed in **Responses to Comments O-1-313** and **O-1-314**, above. No further response is needed or required.

**O-1-316** The comment states the Draft EIR does not analyze the feasibility and effectiveness of VWD’s “mandatory rationing” to make up for its “supply deficits,” including the cost of the “new mandatory rationing requirements. The County does not concur with this comment.



First, as stated, the underlying premise of the comment is incorrect. Contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to "mandatory rationing," nor has VWD implemented any "mandatory rationing." Please see information rebutting these comments in **Response to Comment O-1-291**. Based on the Draft EIR and **Response to Comment O-1-291**, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor is it requiring any water rationing in order to serve the proposed project (or for any other purpose).

Second, the underlying premises that VWD is operating with "supply deficits" and that the Draft EIR "fails" to analyze the feasibility of its water supplies are incorrect. Please see **Responses to Comments O-1-310, O-1-312, and O-1-313**, for information rebutting the comments. Additionally, as stated previously, Draft EIR Section 2.14, the WSA (Draft EIR, Appendix S), and the GSI Water Conservation Demand Study (Draft EIR, Appendix T) all document the availability, feasibility, and effectiveness of VWD's water supplies, without the need for so-called "mandatory rationing."

- O-1-317** The comment states that the "level of water rationing" proposed by VWD through the WSA "appears unprecedented in recent history." It states that the WSA requires a 36 percent demand reduction through "unspecified mandatory rationing" to make up the supply deficit in 2020, and yet, VWD has only shown it can achieve a 25.6 percent demand reduction due to conservation and that any further demand reduction "requires additive rationing requirements." The comment also repeats the statement that the Draft EIR provides "no evidence" that an "increase of this extraordinary level of rationing will be achievable" in variable water years and that no examples are provided showing VWD can achieve "the high levels of demand reduction required to make up for the District's supply deficit," nor is there any plan to do so. The County disagrees with the comment.

First, as stated, the underlying premise of the comment is incorrect. Contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to "mandatory rationing," nor has VWD implemented any "mandatory rationing." Please see information rebutting these comments in **Response to Comment O-1-291**. Based on the Draft EIR and **Response to Comment O-1-291**, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Second, the underlying premises that VWD is operating with "supply deficits" and that the Draft EIR and WSA fail to show the feasibility of its water supplies are incorrect. Please see **Responses to Comments O-1-310, O-1-312, and O-1-313**, for

information rebutting the comments. Additionally, as stated previously, Draft EIR Section 2.14, the WSA (Draft EIR, Appendix S), and the GSI Water Conservation Demand Study (Draft EIR, Appendix T) all document the availability, feasibility, and effectiveness of VWD's water supplies for the proposed project, without the need for so-called "mandatory rationing."

Third, the comment misstates the Draft EIR and record when it refers to the 36 percent demand reduction. In fact, the WSA's reference to the conservation requirements is based on empirical data and achievable projections. As stated in the WSA, water conservation fulfills approximately 36 percent of VWD's water demand requirements to meet VWD's 2020 demands under multi-year dry conditions, and such requirements lessen over time to approximately 26 percent of VWD's water demand requirements to meet VWD's 2025 through 2035 demands (see Draft EIR, Appendix S [WSA], page 43). Thus, the WSA documents that water savings (i.e., conservation) must achieve a water demand reduction in the range of approximately 26 percent to 36 percent through calendar year 2035.

The WSA and Draft EIR also document *how* that water demand reduction range (i.e., 26 percent to 36 percent) can be achieved through water conservation requirements. First, as stated in the WSA, the proposed project is projected to have a water demand of 1,624 afy, without conservation, and 1,196 afy, with conservation savings. This project demand, with conservation savings, represents a 35 percent reduction in demand from that currently planned for, and incorporated into, VWD's water planning documents (i.e., the 2014 draft Master Plan and the 2015 UWMP) (see Draft EIR, Appendix S [WSA], page 43).<sup>89</sup>

Therefore, per the WSA, with implementation of the project's water conservation measures, the project "will sufficiently contribute toward the District's intent to use water conservation to meet 26% to 36% of its future demand projections under multi-year conditions through 2035" (Draft EIR, Appendix S [WSA], page 43).

Furthermore, the Draft EIR conducted its own independent review of the project's water demand. As stated in the Draft EIR, page 2.14-47, the County's assessed demand for the project is *less* than shown in the WSA.

Based on the EIR water supply and demand analysis, the County "has determined that, with the current water conservation requirements applicable to the project and the 'land

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<sup>89</sup> The GSI Water Conservation Demand Study (Draft EIR, Appendix T) substantiates the water conservation requirements that will achieve these percentage reductions in the project's water usage (i.e., demand). Please see **Response to Comment O-1-312**, above, for information regarding the GSI report's specific substantiation of the water conservation requirements applicable to the proposed project.

use deductions’ made enforceable by mitigation imposed by the County, the total water demand to be used for the proposed project is 870 afy (or 776,980 gpd).<sup>90</sup> This water demand is 46 percent lower than the demand estimate presented in the [WSA], and 52 percent lower than the demand estimate used [by VWD] in the County’s 2011 General Plan, and Vallecitos’ draft 2014 master plan and 2015 UWMP.”

Accordingly, the Draft EIR confirms that the County, in coordination with VWD, can feasibly achieve 35 percent and 52 percent reductions in the project’s water demands through the identified water conservation requirements and the “land use deduction” identified in the Draft EIR (page 2.14-48) and the GSI Water Conservation Demand Study (Draft EIR, Appendix T). As a result, the Draft EIR confirms that the project can feasibly and reasonably achieve the water demand reduction range (i.e., 26 percent to 36 percent) identified in the WSA and the 2015 UWMP through water conservation requirements and without so-called “mandatory rationing.”

Fourth, that VWD uses a different methodology than other water districts in the San Diego region does not invalidate the Draft EIR or the water-related reports it uses and cites in the document. For further responsive information, please refer to **Response to Comment O-1-313**.

**O-1-318** The comment repeats the claim that VWD will not be able to achieve the demand reductions required ‘to make up for its supply deficits through unspecified mandatory rationing requirements,’ and it cites cases about the need to bridge the analytic gap in an EIR. The County does not agree with the comment. The comment has been thoroughly addressed in **Responses to Comments O-1-291, O-1-298, O-1-300, O-1-308, O-1-309, O-1-310, O-1-312, O-1-313, O-1-316, and O-1-317**.

Further, the Draft EIR, Section 2.14, analyzes the sufficiency of the project’s water supplies, and identifies the basis underlying that analysis (see Draft EIR, pages 2.14-37 through 2.14-49). This same analysis also identifies the project’s enforceable water conservation regulatory compliance measures, contingency planning, best management practices, project design features, and mitigation measures (see Draft EIR, pages 2.14-37 through 2.14-43, and pages 2.14-51 through 2.14-52). Additionally, the Draft EIR focuses on, and documents, the four project demand methodologies used to forecast the project’s water demand with and without conservation (see Draft EIR, pages 2.14-45 through 2.14-49; see also Tables 2.14-2

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<sup>90</sup> The “land use deductions” refer to County-imposed requirements on the project applicant or its designee. Specifically, with project approval, pursuant to the EIR’s mitigation measure (M-UT-2), the project applicant or designee would be *prohibited* from installing irrigation in any of the project’s dedicated open space (approximately 1.209 acres) and the non-irrigated fuel modification zones (approximately 272.2 acres) within the project site (see Draft EIR, pages 2.14-45 through 2.14-46, and mitigation measure M-UT-2, page 2.14-52).

through 2.14-8). The County finds that this analysis and data represent substantial evidence to support the findings and conclusions reached in the WSA and Draft EIR.

**O-1-319** The comment questions the legality of VWD’s 2015 UWMP’s reference to a tiered rate structure and conservation pricing to promote conservation, citing the *Capistrano Taxpayers* decision. It states that as such, VWD may not rely on a tiered rate structure to “make up for its supply deficits,” and that the County cannot rely on water demand reductions by VWD if they are based on “illegal rate structures.” The County does not concur with the comment.

First, the comment does not question or raise any environmental issue over the adequacy of the Draft EIR’s water demand and supply analysis. Instead, the comment questions the validity of VWD’s 2015 UWMP, and, specifically, that plan’s tiered rate structure and conservation pricing provisions. VWD’s Board of Directors adopted the 2015 UWMP in June 2016, and the time to file a legal challenge to the 2015 UWMP’s tiered rate structure and conservation pricing has long since expired.

Second, as stated, the underlying premise of the comment is incorrect. Contrary to the comment, VWD’s water conservation measures, and the project’s measures, do not amount to “mandatory rationing,” nor has VWD implemented any “mandatory rationing.” Please see information rebutting these comments in **Response to Comment O-1-291**. Based on the Draft EIR, and **Response to Comment O-1-291**, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Third, the underlying premise that VWD is operating with “supply deficits” is incorrect. Please see **Responses to Comments O-1-310, O-1-312, and O-1-313** for information rebutting the comments. Additionally, as stated previously, Draft EIR Section 2.14, the WSA (Draft EIR, Appendix S), and the GSI Water Conservation Demand Study (Draft EIR, Appendix T) all document the availability, feasibility, and effectiveness of VWD’s water supplies, without the need for so-called “mandatory rationing.”

Fourth, the comment repeats the claim that the County has not provided “any meaningful detail regarding the potential ‘Conservation Required’ rationing measures,” which “makes it impossible to evaluate potential environmental impacts that may stem from these rationing measures.” The County does not agree with the comments, and same or similar comments have been thoroughly addressed in **Responses to Comments O-1-291, O-1-298, O-1-300, O-1-308, O-1-309, O-1-310, O-1-312, O-1-313, O-1-316, and O-1-317**. No further response is needed or required.

Fifth, for information purposes, the County responds to the comment's reference to the *Capistrano Taxpayers* decision—a Court of Appeal's decision that sheds some light on the requirements for water districts to implement tiered rate structures to collect water rates in compliance with Proposition 218. The decision expressly rejected the notion that tiered water rates are inherently unconstitutional under Proposition 218. Nonetheless, it held that the specific tiered water rate structure adopted by the City of Capistrano (City) was unconstitutional because the City's rates did not accurately correspond with the City's actual costs of providing service to its ratepayers. Importantly, the court in *Capistrano Taxpayers* did not invalidate tiered water rates generally; instead, it only invalidated the specific rates before it, concluding that the City's record did not provide sufficient support for its specific rate structure.

Here, VWD has implemented numerous approaches to encourage water conservation, and those approaches are described in Section 9 of the 2015 UWMP (see Draft EIR, Appendix V-1). In summary, VWD's approaches consist of water waste prevention ordinances, metering, retail water rate structures (conservation pricing), public education and outreach, water loss control methods, and implementation of best management practices for residential, commercial, and landscape water uses. To respond further to the state-mandated water-use restrictions applicable to this last drought, VWD also developed a special outreach plan to encourage high usage customers to conserve water, and this plan involved letters and follow-up calls to customers designed to solicit the ratepayers' assistance in achieving the initial 24 percent reduction in potable water use for VWD from 2013 demands.<sup>91</sup> These approaches, collectively, have achieved documented reductions in water demand ranging from approximately 25 percent to more than 37 percent for some high-use VWD customers.

That VWD also employs a water rate structure as part of its multi-prong approach to encouraging water conservation does not mean that VWD's specific rate structure is "invalid" under the *Capistrano Taxpayers* decision. In fact, no court has invalidated VWD's rate structure. Also, nothing prevents VWD from continuing to use, amend, or change its rate structure. However, it is not the County's province to pre-determine

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<sup>91</sup> In March 2016, the State Water Resources Control Board *reduced* VWD's water conservation mandate from 24 percent to 16 percent due to VWD's direct connection to the desalination plant in Carlsbad, and the addition of desalinated water to San Diego Water Authority's regional supply, which VWD purchases and uses to help drought-proof its supplies. As of May 1, 2016, VWD achieved a 25.6 percent water conservation reduction *and* even further reductions by its high-use customers due to VWD's specialized outreach plan focused on those users (see Draft EIR, Appendix V-1, page 9-2, and pages 9-10 through 9-11 [33.8 percent conservation reduction in June 2015, and a 37.8 percent reduction in July 2015, "significantly exceeding VWD's mandated [initial] target of 24 percent"]).

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the validity of VWD's rate structure. Under applicable law, the County presumes that VWD's official duties have been regularly performed, including VWD's adoption of its rate structure (see Evidence Code Section 664).

**O-1-320** The comment repeats the claim regarding “unspecified mandatory rationing” to “make up” VWD's “water supply deficits” and related claims. The County does not agree with the comment, and same or similar comments have been thoroughly addressed in **Responses to Comments O-1-291, O-1-298, O-1-300, O-1-308, O-1-309, O-1-310, O-1-312, O-1-313, O-1-316, and O-1-317**, above. No further response is needed or required.

**O-1-321** The comment states that the neither the County nor VWD has analyzed “the cost or impacts to District customers” of the “proposed unspecified mandatory rationing” needed to “make up for the District's supply deficits.” The County does not agree with the comment.

First, as stated, the underlying premise of the comment is incorrect. Contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to “unspecified mandatory rationing,” nor has VWD implemented any “mandatory rationing.” Please see information rebutting these comments in **Response to Comment O-1-291**. Based on the Draft EIR, and **Response to Comment O-1-291**, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Second, the underlying premises that VWD is operating with “supply deficits” and that the Draft EIR and WSA fail to show the feasibility of its water supplies are incorrect. Please see **Responses to Comments O-1-310, O-1-312, and O-1-313** for information rebutting the comments. Additionally, as stated previously, Draft EIR Section 2.14, the WSA (Draft EIR, Appendix S), and the GSI Water Conservation Demand Study (Draft EIR, Appendix T) all document the availability, feasibility, and effectiveness of VWD's water supplies for the proposed project, without the need for so-called “mandatory rationing.”

First, as stated, the underlying premise of the comment is incorrect. Contrary to the comment, VWD's water conservation measures, and the project's measures, do not amount to “mandatory rationing,” nor has VWD implemented any “mandatory rationing.” Please see information rebutting these comments in **Response to Comment O-1-291**. Based on the Draft EIR and **Response to Comment O-1-291**, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose).

Second, the underlying premises that VWD is operating with “supply deficits” and that the Draft EIR and WSA fail to show the feasibility of its water supplies are incorrect. Please see **Responses to Comments O-1-310, O-1-312, and O-1-313** for information rebutting the comments. Additionally, as stated previously, Draft EIR Section 2.14, the WSA, and the GSI Water Conservation Demand Study (Draft EIR, Appendix T) all document the availability, feasibility, and effectiveness of VWD’s water supplies, without the need for so-called “mandatory rationing.”

Third, contrary to the comment, VWD is not proposing to serve the proposed project Site by impacting or adding cost to VWD’s existing customers. This topic is addressed in further detail in **Responses to Comments O-1-291 and O-1-317**.

Lastly, the County has reviewed the guest opinion article published in the local Valley Roadrunner, which is referenced in the comment. The County considers the article an opinion from Gary Arant, General Manager of the Valley Center Municipal Water District. The article does not address the sufficiency of any information in the Draft EIR, the WSA, VWD’s 2015 UWMP, or any other water planning study or report used or relied on in the Draft EIR. Further, the County is not aware of any *adopted* “[s]tate-mandated command-and-control style water usage restrictions;” and, thus, there is nothing further to address with regard to the article. Rather than relying on a local news article, the Draft EIR’s water analysis is based on data, analysis, and conclusions from regional and local *adopted* or published water planning documents, and the County elects to use that information in lieu of the cited news article.

- O-1-322** The comment makes reference to page 8 of the WSA, and its determination that the project’s water demand reduction measures can reduce demand by 26 percent using VWD’s 2014 unit water demand factors; and repeats the claim that no evidence supports this level of reduction, nor is there any assurance of the enforceability of such reductions in water demand. The County does not agree with the comment.

The WSA itself (page 8) documents the basis for the 26 percent reduction in the project’s water demand. First, the project’s Specific Plan, which is a regulatory document to be adopted by the County, identifies with specificity the measures that will be used to reduce the project’s water demand by 26 percent. For example, the Specific Plan’s enforceable design guidelines prohibit high-water-use turf lawns in residential front yards and within the community street right-of-ways (see Draft EIR, Appendix S [WSA], page 8). The Specific Plan’s enforceable guidelines also require the common area landscape areas within the project to use “water smart” drought-tolerant low water use factors (see Draft EIR, Appendix S [WSA], page 8). If such measures are adopted as part of the project approval, the County has the land use

authority to enforce the provisions in the adopted Specific Plan through conditions of approval.

Additionally, the WSA relies on the GSI Water Conservation Demand Study, which was prepared specifically for the project's Specific Plan and EIR (see Draft EIR, Appendix S [WSA], page 8). In summary, the WSA summarizes the GSI report's approach to quantifying the project's water demand, and that report is summarized and appended to the Draft EIR (see Appendix T). The GSI report presents the water conservation-induced water savings that are expected to arise from implementation of the State of California's most current (2015) indoor and outdoor water conservation standards. The 2015 standards were available at the time of GSI's 2016 report, but were not available or used by VWD when it developed its updated water duty factors in 2014. Further, as discussed in Section 2 of the GSI report, the State of California developed its California Green Building Standards (CALGreen) and Model Water Efficient Landscape Ordinance (MWELO) water conservation standards prior to 2014, but updated both those standards during 2015. VWD's updated water duty factors reflect the effects of water conservation measures that existed within VWD's water service area as of 2014. The GSI report provides a more recent estimate of project water use that incorporates the State of California's 2015 updates to its CALGreen and MWELO water conservation standards, which were not yet available at the time that VWD developed its water duty factors in 2014.

In short, the County has determined substantial evidence exists to support the WSA's statement that the proposed conservation requirements would reduce the project's water demand by up to 428 afy to a demand of 1,196 afy. According to the WSA, this represents a 26 percent reduction from the estimated 1,624 afy demand using VWD's 2014 unit water demand factors (Draft EIR, Appendix S [WSA], page 8).

Further, the Draft EIR, Section 2.14, analyzes the sufficiency of the project's water supplies, and identifies the basis underlying that analysis (see Draft EIR, pages 2.14-37 through 2.14-49). This same analysis also identifies the project's enforceable water conservation regulatory compliance measures, contingency planning, best management practices, project design features, and mitigation measures (Draft EIR, pages 2.14-37 through 2.14-43, and pages 2.14-51 through 2.14-52). Additionally, the Draft EIR focuses on, and documents, the four demand methodologies used to forecast the project's water demand with and without implementing the most current (2015/2016) set of state-mandated water conservation standards (Draft EIR, pages 2.14-45 through 2.14-49; see also Tables 2.14-2 through 2.14-8). The County finds that this analysis and data represent substantial evidence to support the findings and conclusions reached in the WSA and Draft EIR.



- O-1-323** The comment questions the project's efforts to plumb the homes for grey water systems, if feasible, to provide for the capture and reuse of water from washing machines, etc., for outdoor landscaping irrigation. The comment is misplaced because the water savings from the project's proposed grey water systems would be notable, but the project's EIR, WSA, and GSI report assume that potable water (not grey water) will be used for all residential landscape irrigation; and, thus, those documents *do not reduce the project's water demands or take credit for the plumbing of grey water systems and their in-ground collection devices*. Specifically, according to the Draft EIR, page 2.14-43, footnote 5:

The project's proposed grey water systems could reduce sewage flow by 70 percent and could include installation of in-ground collection tanks as a certified grey water treatment system. However, as is the case with the project's Water Supply Assessment demand calculations, the project's Water Conservation Demand Study calculations of irrigation water demands assume that potable water supplies will be necessary for all residential landscape irrigation. If, at a future time, the County has permitting mechanisms in place to allow activation of the plumbed grey water systems, then irrigation water demands could be lower than assumed in the demand calculations presented in both the project's SB 610 Water Supply Assessment and the project's Water Conservation Demand Study prepared by GSI (EIR, Appendices S and T).

Because grey water systems are not counted on to reduce the project's water demands, there is no need to "verify" such reductions or provide the information called for in the comment.

- O-1-324** Citing page 8 of the WSA, and Tables 7 and 8 of the GSI Water Conservation Demand Study (see Draft EIR, Appendices S and T, respectively), the comment states that the Draft EIR's reliance on the green building code and landscape efficiency ordinances for additional water savings is "misleading" and "inflates" the amount of "water savings that the project may achieve." It is also critical of the data relied on by GSI. The County does not agree with the comment.

First, the comment provides no support to show that the project's forecasted water savings are misleading or inflated, nor does the comment provide any information as to why the data used by GSI is not the best available information.

Second, the County finds that the Draft EIR's reference to the project's enforceable water conservation regulatory compliance measures, contingency planning, best management practices, project design features, and mitigation measures constitute substantial evidence to support the water savings forecasted for the project (see, for example, Draft EIR, pages 2.14-37 through 2.14-43 and pages 2.14-51 through 2.14-

52). The County makes the same finding with regard to the information presented in the WSA at page 8; along with the analysis found in the GSI report, including Tables 7 and 8. Contrary to statements made by the comment, these tables – and the text that discusses these tables – do not state that the 1990s water usage studies elsewhere in Southern California (a) reflect water usage in 2008 or later inside VWD’s service area, or (b) are substitutes for VWD’s 2014 water duty factors, or (c) are “an accurate representation of water usage for customers in the VWD service area in the year 2017.” Further, the GSI analysis does not rely on the 1990s water usage studies elsewhere in Southern California to calculate water demands and water conservation savings for the project. Instead, the 1990s studies simply provide a frame of reference for understanding VWD’s 2014 water duty factors (and, by extension, its similar 2008 water duty factors), and for showing that VWD’s 2008 and 2014 duty factors are similar to (and in some cases higher than) unit water rates measured elsewhere in Southern California during an earlier time period. Additionally, Table 8 shows that for indoor residential water use, the water usage rates under current (2015/2016) conservation measures would be on the order of 0.57 times the values of VWD’s 2008/2014 water duty factors, or about 43 percent lower than VWD’s 2008/2014 water duty factors—a finding that is similar to the 38 percent reduction in water use that was reported by the California Homebuilding Foundation for homes constructed in 2010 versus in 2005. Such tables are further supported by the analysis provided on pages 7 through 13 of the GSI report. The County also finds that the above data and analysis represents the best available information for use in the Draft EIR.

**O-1-325** The comment repeats the claim that VWD’s water duty factors already account for water conservation. The County does not agree with this claim based on the information presented in **Response to Comment O-1-308**, above. Please refer to that response; in summary, however, the GSI Water Conservation Demand Study for the project (Draft EIR, Appendix T) presents the water conservation-induced water savings that are expected to arise from implementation of the State of California’s most current (2015 and 2016) indoor and outdoor water conservation standards. The 2015/2016 standards were available at the time of GSI’s 2016 report, but were not available or used by VWD when it developed its updated water duty factors in 2014. Further, as discussed in Section 2 of the GSI report, the State of California developed its CALGreen and MWELo water conservation standards prior to 2014, but updated both those standards during 2015. VWD’s updated water duty factors reflect the effects of water conservation measures that existed within VWD’s water service area as of 2014. The GSI report provides a more recent estimate of project water use that incorporates the State of California’s 2015 and 2016 updates to its CALGreen standards and its significant update to the MWELo water conservation standards in 2015, both of which were not yet available at the time that VWD developed its water duty factors in 2014.

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The comment also concludes, “it is improper for the Project to attempt to take credit for modern technology that is required by law.” The County has determined that adherence to standards required by law does not invalidate an EIR. No further response is needed or required.

**O-1-326** The comment states that the Draft EIR “fails to describe the extent to which any conservation or water efficiency savings from existing laws and codes was already accounted for” in VWD’s “approved demand projections” (including the water duty factors, sewer generation rates, and 2015 UWMP). It claims the project should determine what additional water efficiency savings are achievable beyond and in addition to the water conservation measures and technology that is already reflected in VWD’s 2014 water duty factors or sewer generation rates. The comment also concludes there is no discussion in the Draft EIR of the “enforcement” of any water demand reduction measures. The County does not agree with the comment.

First, please refer to **Responses to Comments O-1-308** and **O-1-309**, above, for information responding to the claim that the Draft EIR does not differentiate between the water conservation accounted for in VWD’s updated 2014 water duty factors and those used in the GSI Water Conservation Demand Study for the project (see Draft EIR, Appendix T). As explained, the GSI report presents the water conservation-induced water savings that are expected to arise from implementation of the State of California’s most current (2015/2016) indoor and outdoor water conservation standards. The 2015/2016 standards were available at the time of GSI’s 2016 report, but were not available or used by VWD when it developed its updated water duty factors in 2014. Further, as discussed in Section 2 of the GSI report, the State of California developed its CALGreen and MWELO water conservation standards prior to 2014, but updated both those standards during 2015 and (in the case of CALGreen) 2016. VWD’s updated water duty factors reflect the effects of water conservation measures that existed within VWD’s water service area as of 2014. The GSI report provides a more recent estimate of project water use that incorporates the State of California’s 2015/2016 updates to its water conservation standards, which were not yet available at the time that VWD developed its water duty factors in 2014.

Second, the County requires this project (and others) to adhere to a mitigation monitoring and reporting plan if the project is approved. The County adopts the mitigation monitoring and reporting plan for the project in accordance with CEQA (Public Resources Code Section 21081.6) and CEQA Guidelines Section 15097. The plan is designed to ensure compliance during project implementation. The County uses the plan as one of its enforcement mechanisms.

Third, VWD has adopted (a) water waste prevention ordinances, including fines for violations; (b) water loss control measures, including prosecution provisions; (c) metering requirements and monitoring; (d) conservation pricing provisions; and (e) staffing, including a Water Coordination Program Coordinator—all designed to implement, monitor, and enforce VWD's conservation efforts and best management practices. The WSA (Draft EIR, Appendix S, pages 17-18, including Figure 5.3) summarizes VWD's operational requirements. These are existing, enforcement mechanisms in place to ensure compliance with all applicable water conservation requirements.

Fourth, the SB X7-7 legislation (Water Conservation Act, Water Code Section 10608, et seq.) mandates conservation targets for all urban retail water agencies supplying potable water to more than 3,000 end users or delivering more than 3,000 afy of potable water to end users. The conservation targets of 10 percent by 2015 and 20 percent by 2020 on a gallons-per-capita-per-day water use basis must be complied with in order to be eligible for state water grants and loans. These requirements, and VWD's compliance with them, are explained in the WSA (see Draft EIR, Appendix S, pages 19-20, including Figure 5.1). These existing measures ensure conservation at the regional and local level.

Fifth, as stated in the WSA (see Draft EIR, Appendix S, page 8), the project must comply with the Newland Sierra Specific Plan design guidelines, including low water use landscaping and prohibitions on turf grass in residential front yards and with community street rights-of-way. In addition, the GSI report (see Draft EIR, Appendix T) documents the reduction in water demand, including compliance with the California Green Building Code's 2015 supplemental standards for plumbing fixtures with respect to both residential and non-residential inside uses. The GSI report estimates that current indoor plumbing standards will reduce indoor water use by 43 percent, when compared with indoor water use estimates derived from per-capita demand factors that are based on VWD's 2014 duty factors.

Sixth, the approach used in the GSI report requires the project to adhere to the state's 2015 Model Water Efficient Landscape Ordinance to limit the amount of water that can be applied for outdoor landscape irrigation, based on local evapotranspiration rates. The WSA summarizes all this information in Appendix S, page 8, of the Draft EIR.

The GSI report also provides responsive information about indoor and outdoor water demand with and without implementation of current water conservation measures, so the information requested in the comment (i.e., water savings with and without conservation) is provided. Please see pages 14–18 of the GSI report found in Appendix T of the EIR.

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In further response to this comment, the GSI report has been revised to clarify the water conservation measures that were taken into account to show the amount of water savings that is achievable beyond (i.e., in addition to) the pre-2015 conservation measures and technologies inherent in VWD's updated 2014 water duty factors. Please see Appendix T to the Final EIR for the revised GSI report. Note, also, that the changes to the GSI report have been made for clarification purposes only and are made to portions of the text and to certain titles, column headings, and footnotes in various tables in the GSI report; no changes were made to the numerical values listed in the GSI report.

Sixth, the Draft EIR addresses the regulatory setting in place that governs the project's water supply. For example, the Draft EIR sets forth a detailed description of the regulatory setting in place that governs the project's water supply, including a discussion of the applicable, adopted General Plan policies pertaining to water resources and the project's consistency with such policies. Please see Draft EIR, pages 2.14-26 through 2.14-33, and pages 2.14-49 through 2.14-50.

Seventh, the Draft EIR's impact analysis contains an analysis addressing the sufficiency of the project's water supplies. It identifies the water conservation regulatory compliance measures, VWD's water shortage contingency planning, VWD's best management practices that the project must be in compliance with during project implementation, and the water-supply-related project design features backed by published articles documenting that homes constructed today are using dramatically less water than homes built even just a few years ago as a result of water conservation laws and regulations and technology advances in the water fixture industry (Draft EIR, pages 2.14-26 through 2.14-33).

Lastly, though project and cumulative water service and supply impacts were determined to be less than significant, the County nonetheless required the EIR to include enforceable mitigation measures to ensure water supply impacts *remain* less than significant (see Draft EIR, pages 2.14-51 through 2.14-52).

The County finds that the above enforcement measures ensure the project will comply with all applicable water conservation requirements.

- O-1-327** The comment states that the Draft EIR does not provide any discussion of the "enforcement" of any demand reduction measures to be implemented if the project is approved. The comment cites a news article about alleged water waste reports/investigations and the City of San Diego's issuance of citations in response to such reports. The comment also states that the County "cannot rely merely on unevaluated hopes for conservation measures." The County does not agree with the comment.

First, the County has considered the cited news article and finds it does not raise any environmental issue as to the adequacy of the information presented in the Draft EIR's water analysis; therefore, no further response is needed or required with regard to the news article.

Second, the comment's underlying premise is incorrect. The Draft EIR sets forth a detailed description of the regulatory setting in place that governs the project's water supply, including a discussion of the applicable, adopted General Plan policies pertaining to water resources and the project's consistency with such policies. Please see also **Response to Comment O-1-326**, above, for additional information about the enforcement of the project's water conservation requirements.

Third, the County has reviewed the transcript of VWD's Board of Director's meeting of January 6, 2016, cited in the comment—a meeting that did not address the current, adopted WSA (as referenced in the comment). The County believes that the comment takes the transcript out of context. While it is true that a water district, such as VWD, is not vested with land use authority, this general statement does not mean that VWD “fails” to monitor and enforce its own rules and regulations governing water supplies within its service area. Indeed, VWD's 2015 UWMP confirms that VWD has in place numerous regulatory monitoring and enforcement mechanisms pertaining to water supplies (see **Response to Comment O-1-326**, above, for responsive information). The County must and does presume that VWD's official duties are regularly performed. The comment provides no data or other reliable information to show otherwise. No further response is needed or required.

As to grey water, please see **Responses to Comments O-1-305 and O-1-323**.

**O-1-328** The comment states that there is a “significant discrepancy” between the Water Authority's 2015 UWMP's demand projections for VWD and the WSA's supply projections. The comment asserts that this “discrepancy” shows that the Water Authority's demand projections for VWD are “far below” the VWD-supply projections and that this “discrepancy” provides “evidence” of an “additional supply deficit” not addressed by VWD's so-called “mandatory rationing” as reflected in the WSA. The project's water engineer (Stephen Nielsen, RCE) has consulted with VWD personnel (Robert Scholl, PE, VWD senior engineer), and based on that consultation, the County does not concur with the comment.

First, the comment uses the Water Authority's purchased supplies as VWD's only source of projected water supplies; but according to VWD, this is not correct. In fact, VWD's 2015 UWMP, Table 6-9, page 6-19, forecasts three *additional* water sources (i.e., desalinated water, supply from storage, and recycled water from the Meadowlark Water Recycling facility and/or City of Escondido) in future years

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(2020–2035). Those additional water sources precisely account for the alleged “discrepancy” between VWD’s projected water supplies and the Water Authority’s projections cited in the comment.

As an example, the comment references Attachment 48 to support the comment, and that attachment shows in a normal water year, the Water Authority’s 2015 UWMP estimates VWD’s demand at 15,896 afy in 2020; 19,227 afy in 2025; 20,687 afy in 2030, and 26,176 afy in 2035.<sup>92</sup> However, there is no discrepancy.

As stated above, VWD’s 2015 UWMP, Table 6-9, first line-item, shows the imported water that VWD purchases from the Water Authority, and after converting those numerical values from million gallons per year to acre-feet per year, the values match exactly with the Water Authority’s 2015 UWMP, Table 2-8, supply projections for VWD. VWD’s 2015 UWMP forecasts that it will have supply from three *additional* water sources (and not just imported water purchased from the Water Authority). This is the reason for the difference in supplies between the Water Authority’s 2015 UWMP and VWD’s 2015 UWMP.

To prove the point that no “discrepancy” exists, the County uses an example from VWD’s normal year 2020 projected water supply. Table 6-9 of VWD’s 2015 UWMP shows the following water supplies for 2020:

- From imported water: 5,180 million gallons per year (converted to 15,896 af, which matches precisely the Water Authority’s numeric value for VWD in 2020 based on the Water Authority’s 2015 UWMP, Table 2-8)
- VWD then projects three *additional* water supply sources by 2020 (desalinated water, supply from storage, and recycled water)
  - desalinated water: 1,140 million gallons per year (converts to 3,500 af)
  - supply from storage: 123 million gallons per year (converts to 377 af)
  - recycled water: 471 million gallons per year (converts to 1,445 af)
- **TOTAL:** 5,180 (15,896 af) + 1,140 + 123 + 471 = 6,914 million gallons per year (converts to 21,218 af)

In short, there is no “discrepancy.” Because there is no “discrepancy,” the County finds no “evidence” exists of any “*additional* supply deficit” (italics added). Further, based

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<sup>92</sup> Latham’s Attachment 48 contains an error in the “Supply Projections” line-item for the “CWA 2035” cell. The numerical value for VWD should be 21,914 af, and *not* 26,176 af (as incorrectly shown on Attachment 48). Please see the Water Authority’s 2015 UWMP, Table 2-8, page 2-13, which correctly shows VWD’s normal year demand in 2035, as 26,914 af.

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- on the Draft EIR, **Response to Comment O-1-291**, above, and consultation with VWD, the County finds that VWD is not requiring mandatory rationing of its water supplies from any of its customers, nor any water rationing in order to serve the proposed project (or for any other purpose); and there is no “additional supply deficit.”
- O-1-329** The comment is premised on **Comment O-1-328**, above, which claims there is a “significant discrepancy” between the Water Authority’s 2015 UWMP’s demand projections for VWD and the WSA’s supply projections. As shown in **Response to Comment O-1-328**, there is no such discrepancy; thus, no further response is needed or required.
- O-1-330** The comment is premised on **Comment O-1-328**, above, which claims there is a “significant discrepancy” between the Water Authority’s 2015 UWMP’s demand projections for VWD and the WSA’s supply projections. As shown in **Response to Comment O-1-328**, there is no such discrepancy, nor any water “supply deficit”; thus, no further response is needed or required. As to the so-called deficit, please also refer to **Response to Comment O-1-291**.
- O-1-331** The comment is premised on **Comment O-1-328**, which claims there is a “significant discrepancy” between the Water Authority’s 2015 UWMP’s demand projections for VWD and the WSA’s supply projections. As shown in **Response to Comment O-1-328**, there is no such discrepancy, nor is there a “need” to increase “demand reduction through so-called “unspecified mandatory water rationing requirements in order to make up for its supply deficit.” Thus, no further response is needed or required. As to the so-called deficit, please also refer to **Response to Comment O-1-291**.
- O-1-332** The comment is premised on **Comment O-1-328** above, which claims there is a “significant discrepancy” between the Water Authority’s 2015 UWMP’s demand projections for VWD and the WSA’s supply projections. As shown in **Response to Comment O-1-328**, there is no such discrepancy; thus, no further response is needed or required.
- Further, the comment states that the WSA’s reliance on its “proposed mandatory rationing requirements as a new supply” somehow “contradicts the Water Authority’s 2015 UWMP projections.” This is incorrect. As shown in **Response to Comment O-1-328**, there is no such discrepancy. Further, as shown in **Response to Comment O-1-291**, above, there is no mandatory rationing.
- O-1-333** The comment cites a footnote in the Water Authority’s 2015 UWMP, Table 2-8, and states that “it appears that SDCWA has already taken into account desalinated water and reclaimed water purchases that the WSA counts as local supply.” This is incorrect.



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First, there is no support for the comment's statement that it "appears" such local supplies were already counted by the Water Authority. Second, the evidence is to the contrary. Specifically, the Water Authority's 2015 UWMP, Table 2-8, shows *only* its projected water demands (sales) for each member agency (see Draft EIR, Appendix V-2 [Water Authority's 2015 UWMP], Table 2-8). In addition, on page 2-12, the Water Authority explains that the forecasted water demands by member agency shown on Table 2-8 are "minus verifiable local supply projections."

**O-1-334** The comment states that VWD "may have to draw from the SDCWA's Accelerated Forecast Growth water allocation in order to make up for its supply deficit." This is shown to be incorrect in **Response to Comment O-1-328**. There are no "discrepancies" (see **Response to Comment O-1-328**). Further, as stated in numerous responses above, there is no water "supply deficit" (see, for example, **Response to Comment O-1-291**).

**O-1-335** The comment reiterates the claim that there is a discrepancy between the Water Authority's projections and VWD's projections. As shown in **Response to Comment O-1-328**, there is no such discrepancy. No further response is needed or required.

**O-1-336** The comment states that the Draft EIR does not discuss the cost of obtaining new supply to serve the project or the cost implications of the so-called demand reduction needed to make up the water supply deficit. The County does not agree with the comment.

The underlying premise of the comment (i.e., new supply needed to make up supply deficit) has been shown to be incorrect and unsupported (see, for example, **Responses to Comments O-1-291** and **O-1-300**). Thus, there are no "cost implications" associated with VWD's so-called water supply deficit, as there is no such deficit, nor any need for "mandatory rationing." No further response is needed or required.

**O-1-337** The comment further addresses the "cost implications" associated with VWD's "water supply deficit." However, the County has shown in the Draft EIR, the WSA, and the above responses that there is no "mandatory rationing to make up for water supply deficits" (see, for example, **Responses to Comments O-1-291** and **O-1-300**). No further response is needed or required.

**O-1-338** The comment states that the fact that VWD's 2015 UWMP projected future water use for "agricultural uses" on site "does not cure the Draft EIR's "defects." The County does not concur with the comment.

First, the comment does not support the claim that VWD's 2015 UWMP only projected future water use for "agricultural uses" on site. Please see **Response to Comment O-1-**

**301** for information rebutting this claim. In fact, as shown in **Response to Comment O-1-301**, the comment misstates the land uses assigned to the subject property by VWD based on the approved land uses and zoning from the older 1979 County General Plan (including amendments through 2007) *and* the updated 2011 County General Plan. (And, to clarify, the WSA shows the former VWD-assigned water demand for the site based on the older general plan; and it shows the VWD-assigned water demand for the project based on the current 2011 General Plan.)

Those general plan approved land use designations did *not* assign *only* “agricultural uses” on the subject property, as stated in the comment. The comment also infers, incorrectly, that very little projected water demand was assigned to the site because it was designated “agricultural uses.” This is not correct.

As shown in **Response to Comment O-1-301**, the 1979 County General Plan land uses/zoning for the site consisted of “Spaced Rural Residential,” “Commercial and Office,” “Intensive Agriculture,” “Extensive Agriculture,” and “Undeveloped.” The future planned land use coverages for the site are shown in VWD’s 2008 Master Plan, Figure 2-2, which is depicted in **Response to Comment O-1-301**. According to the WSA, the older 1979 General Plan’s multiple approved land uses for the site generated a total water demand of 1.74 mgd or 1,945 afy, which would require a much higher water demand than currently proposed by the Newland Sierra project (1.45 mgd or 1,624 afy without conservation and 0.93 mgd or 1,196 afy with conservation) (see Draft EIR, Appendix S [WSA, page 48 and Table 3.3]). In short, under VWD’s former 2008 Water Master Plan, VWD used the County’s 1979 General Plan-approved future land uses for the site to appropriately plan for projected water demands within its water service area.

In addition, as stated in **Response to Comment O-1-301**, above, the WSA accurately reported that VWD’s draft 2014 Master Plan’s water demand factors also were used and applied to develop future water demand projections in the 2015 UWMP (Draft EIR, Appendix S [WSA], page 54). The WSA disclosed that the draft 2014 Water Plan used the updated 2011 County General Plan land uses/zoning and VWD’s revised water demand factors, which showed a *decreased* water demand projection for the proposed Newland Sierra project Site (Draft EIR, Appendix S [WSA], page 48). The WSA also depicted the County-approved General Plan land uses for the Newland Sierra project Site as “Residential,” “Commercial,” and “Office Professional.”

Further, the WSA report estimates that the Newland Sierra project development will require *less* water than the current land use (the 2011 General Plan Update) estimated for the project area. The 2011 General Plan Update land uses include “Commercial”

and “Office Professional,” which is not mentioned in the comments (see **Response to Comment O-1-301**).

**O-1-339** Based on **Comment O-1-338**, the comment states there is little or no water use on the subject property and that “there do not appear to have been agricultural uses on the property for many years,” and, thus, the site’s projected water usage based on approved general plan land uses “appears to be ‘paper’ water use, not a current use of available District water.” The County does not agree with this comment.

First, there is no law or regulation requiring a water district to rely only on actual land uses in place at the time a WSA is requested. As explained in **Response to Comment O-1-298**, above, the project’s projected water demand was accounted for through year 2035, using the County-approved General Plan land use and zoning maps for the site and assigning demand projections based on VWD’s water demand factors; and the project’s water demand is *less* than that projected by VWD. Thus, the project Site’s water demand was included in both the WSA and the 2015 UWMP (see also **Response to Comment O-1-298**).

Second, the comment misstates the purpose for projecting water demands by a water agency. The purpose is not to define or predict precisely the proposed land uses of a development proposal, but rather to determine whether a project’s projected water demand was considered or accounted for in the most current UWMP (see **Response to Comment O-1-298** and Water Code Section 10910(c)(2) and (c)(3)). VWD’s actions are consistent with the Water Code.

Third, the WSA explained VWD’s practice of using General Plan-approved land uses/zoning to project future water demand, given that the proposed Newland Sierra project was not yet adopted (Draft EIR, Appendix S [WSA], page 42).

Fourth, the “paper water” comment is not applicable. The concept of “paper water” is based on a CEQA case, the *Planning and Conservation League v. Department of Water Resources* decision. In that case, the DWR and the water contractors agreed to revise the long-term water supply contracts governing the supply of water under the State Water Project (SWP). The CEQA issue was whether the EIR adequately addressed the environmental impacts of eliminating the key contract provision addressing permanent water shortage settings. The original long-term supply contracts were predicated on the state’s contractual obligation to build out the SWP so as to deliver 4.23 million af of water to the contractors annually based on contractor allocations. The allocations were referred to as “entitlements.” The SWP, however, was never completed and the state could never deliver the 4.23 million af annually. Thus, the entitlements were considered “paper water,” and the EIR was

required to consider the impacts of the actual water amounts that the state could reliably deliver.

Here, the County is considering a WSA governed by the Water Code, not by CEQA. Further, the WSA thoroughly explains the basis for relying on the County's approved general plan land uses and zoning applicable to the subject site—essentially, it is to show that VWD had considered and planned for water usage on the Newland Sierra site since at least 1979.

Also, as shown in **Response to Comment O-1-303**, above, the Draft EIR discloses the correct “baseline” of the project Site. According to the Draft EIR, page 2.14-36, the “proposed project would increase overall water demand compared to existing undeveloped conditions.” Thus, the Draft EIR acknowledges that the site is currently undeveloped, with no notable water usage, and that the project Site, if approved, would increase overall water demand compared to the site's existing physical condition. The Draft EIR also analyzes the project's forecasted water demand based on four different methodologies (see Draft EIR, pages 2.14-45 through 2.14-48). All four water demand methodologies show an overall increase from the existing project Site's water use condition, which is essentially zero. Thus, the County, its decision makers, and the public are fully informed of a projected increase in water demand at the project Site from zero to a range of 1,825 afy, 1,624 afy, 1,196 afy, and 870.3 afy — depending on the methodology identified in the Draft EIR (see Draft EIR, Tables 2.14-1 through 2.14-5). In short, there is no CEQA “paper water” issue here.

**O-1-340** The comment states that there is no basis for concluding that the project's proposed “vineyard uses” in the landscape areas will use “any less agricultural water than what VWD projected in the past” and that “Newland has not explained how it can establish both agricultural uses and residential uses on the same property.” The County does not concur with this comment.

The comment makes no reference to the Draft EIR (by page or section), and the comment does not appear to question the adequacy of the Draft EIR's water demand and supply analysis. Thus, no further response is required. In any event, further information is provided in an effort to provide responsive data.

The Newland Sierra Specific Plan (see Draft EIR, Appendix C) explains that the project contemplates community gardens and vineyards (see Specific Plan, pp. 5, 119). Further, the vineyard areas will be terraced to provide productive landscaping that embraces the region's architectural heritage (Specific Plan, pp. 37, 119, 133–134). As explained in the Specific Plan, vineyards are low-water-use crops that provide a productive agricultural use of open space in the community (Specific Plan, p. 135). The Specific Plan also provides plant palette requirements, standards, and

design guidelines (Specific Plan, pp. 135–136; see also p. 192, Figure 60). Landscaping slopes with vineyards would include a variety of species of grapes that are drought-tolerant, resistant to wildfire, and thrive in the local microclimate (Specific Plan, p. 259). Such planting also would meet brush management requirements (Specific Plan, p. 119).

Third, the GSI Water Conservation Demand Study for the project and EIR (Draft EIR, Appendix T, Table 13, note (1)) accounts for the estimated water use of the project's irrigated landscape types, including 20.3 acres of vineyards in fuel modification zones. See also Attachment 1 to the GSI report for further information prepared by Schmidt Design Group, Inc., regarding the landscape types, their acreages, and their water use requirements.

Finally, the County has determined that the vineyards are a part of the Specific Plan's landscaping and plant palette and provide a sustainable, low-water-use, drought tolerant landscaping option consistent with the region's agricultural heritage.

**O-1-341** The comment again asserts that VWD “cannot use a ‘plan-to-plan’ baseline, citing CEQA case law. The County disagrees with the comment.

As shown in **Response O-1-303**, above, the Draft EIR discloses the correct “baseline” of the project Site. According to the Draft EIR, page 2.14-36, the “proposed project would increase overall water demand compared to existing undeveloped conditions.” Thus, the Draft EIR acknowledges that the site is currently undeveloped, with no notable water usage, and that the project Site, if approved, would increase overall water demand compared to the site's existing physical condition. The Draft EIR also analyzes the project's forecasted water demand based on four different methodologies (see Draft EIR, pp. 2.14-45 through 2.14-48). All four water demand methodologies show an overall increase from the existing project Site's water use condition, which is essentially zero. Thus, the County, its decision makers, and the public are fully informed of a projected increase in water demand at the project Site from zero to a range of 1,825 afy, 1,624 afy, 1,196 afy, and 870.3 afy— depending on the methodology identified in the Draft EIR (see Draft EIR, Tables 2.14-1 through 2.14-5).

Finally, the WSA is subject to Water Code requirements, and there is no legal prohibition on VWD reporting the water usage under approved General Plan and zoning land uses in a Water Code-required WSA. Further, the CEQA cases cited in the comment do not apply to the legal content requirements of a WSA. Also, the comment's citation to Government Code Section 66473.7(d) is not applicable. That code provision governs “water supply verifications,” and there is no adopted water supply verification for the Newland Sierra project at this time.

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**O-1-342** The comment suggests that the Draft EIR must provide a “temporal aspect” when referencing the agricultural uses included in VWD’s 2015 UWMP and the project’s build-out schedule. The County does not concur that there is any such requirement under CEQA or the CEQA Guidelines to provide such information. No further response is needed or required.

**O-1-343** The comment states that the County and VWD propose to “mandate” Drought Level 3 restrictions (or more) in order to approve the project, in contradiction to District Ordinance No. 198. The County disagrees with the comment.

First, the County has confirmed that VWD is not operating under any drought-level restrictions under Ordinance No. 198, or any other law or regulation.

Second, the County has confirmed that VWD has not approved a “new” potable water supply source to serve this project; and, thus, there is nothing to support the claims presented in the comment.

Third, for further responsive information, please refer to **Responses to Comments O-1-291, O-1-298, O-1-307, O-1-308, O-1-309, O-1-310, and O-1-317.**

**O-1-344** The comment states that the adopted water planning documents used or relied on in the Draft EIR “rely on a mixture of numeric bases – with water volume expressed in gallons per day, million gallons per day, million gallons per year, and acre feet per year,” citing in particular, the different water metrics used in VWD’s 2015 UWMP and the project’s WSA. The comment concludes it is “very difficult” for the public or decision makers to comprehend an apples-to apples comparison of the data presented.” The County does not concur with the comment.

First, the Draft EIR’s water demand and supply analysis uses appropriate water metrics, and, often times, it cites or uses one water metric, along with a parenthetical reference to another often-used metric; thus, the County has ensured that efforts were made to present the water demand and supply data as clearly as possible. The Draft EIR’s water analysis is 52 pages in length and is clearly written, with appropriate use of technical reports, which are provided to readers and decision makers as appendices for independent review and consideration. Tables and figures also are used to summarize important technical information – all in compliance with CEQA Guidelines provisions pertaining to considerations in preparing EIRs (see CEQA Guidelines Sections 15140 [writing], 15147 [technical detail], 15148 [citation], 15150 [incorporation by reference], and 15151 [standards for adequacy of an EIR]).

Second, the comment provides no Draft EIR examples of specific areas in the document that are “incoherent” or “inaccessible.” Instead, the comments, for the most

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part, are dissatisfied with the water analysis presented. Given that the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52).

**O-1-345** The comment states that the Draft EIR, in a “conclusory” fashion, finds that water used during construction will have less than significant impacts on water supply and that no data is provided as to how much water will be required or when. The comment also states that it is not clear that the project applicant has included in its forecasted water usage the water it will need for its brush management zones, and for replanting or planting new vegetation in open space areas. The County does not concur with this comment.

First, overall, the project’s WSA demonstrates that, with development of the water resources identified, there will be sufficient water supplies over a 20-year planning horizon to meet the projected demand of the proposed project, and the existing and other planned development projects within VWD’s service area (see Draft EIR, Appendix S, [WSA], pages 3–4 and 25–28).

Second, the County has determined, based on the WSA, the Draft EIR’s water supply analysis, and the entire record, that the project’s projected water supplies will be sufficient to satisfy the demands of the project, in addition to the demand associated with the existing and other planned future land uses within VWD’s potable water service area (see Draft EIR, pages 2.14-2 through 2.14-3 and pages 2.14-33 through 2.14-52).

Third, as to construction-related water supply impacts, the Draft EIR identified the short-term construction-related water impacts, including demand associated with dust control during grading, concrete mixing, cleaning of equipment, and other related construction activities (Draft EIR, page 2.14-43). The Draft EIR accurately stated that such construction activities would occur incrementally through project build-out and that such impacts were considered temporary (Draft EIR, page 2.14-43). The Draft EIR also identified the source of the water used during construction and the mechanism in place to monitor the construction-related water usage; specifically, the applicant would use water provided by VWD through a construction-related metered connection from existing lines adjacent to the project. As a result, all water usage used during construction would be monitored through metering and paid for by the applicant.

In addition, the Draft EIR disclosed the source of the construction-related water to be used for dust control during grading, namely, “water tankers would deliver water for dust control to the development areas throughout the project construction as needed” (Draft EIR, page 2.14-43). That water would be paid for by the project applicant,

based on the metered connection at the hydrant supply source where water tankers will be filled. Further, the Draft EIR's hydrology and water quality section explained that such water would not be sourced from any groundwater located within the project Site, so there would be no groundwater impacts or groundwater recharge impacts (see Draft EIR, page 3.2-24).

Further, contrary to the comment, the GSI report (Draft EIR, Appendix T) provides Table 13, which is a detailed breakdown of irrigation landscape types for residential, non-residential, and recreation, fuel modification zones, and other areas, by acreage, maximum applied water allowances, and estimated total water use. This table relies on detailed acreage and irrigation water demand calculations for the project prepared by Schmidt Design Group Inc. (see Attachment 1 to the GSI report). This technical data shows the water usage within brush management zones and within the project's irrigated landscaping areas.

- O-1-346** The comment states that the Draft EIR “has not made clear the amount of water that will be needed to support” the project's equestrian trails and equestrian center, and to establish or reestablish vegetation affected by the project's “large scale equestrian use of the open space areas.” The comment concludes that the addition of such information will require revision and recirculation of the Draft EIR. The County does not agree with the comment.

First, the County refers the reader to **Response to Comment O-1-345** for responsive information.

Second, the comment's reference to equestrian trails and centers, along with the equestrian use of open space, cannot fairly be described as “large-scale.” For example, the Summit neighborhood would include a 1.98-gross-acre park, including an equestrian staging area (see Draft EIR, Appendix C [Specific Plan], page 42). The GSI report (Draft EIR, Appendix T) includes Table 13, which quantifies the water usage in the project's parks.

Further, the project's Saddleback Park, located off Camino Mayor, would have access to open space trails and include parking for approximately five horse trailers and equestrian corrals and hitching posts (see Draft EIR, Appendix C [Specific Plan], page 42 and Figure 75, page 221). The GSI report accounts for water usage in the project's parks (see GSI report, Table 13).

The Specific Plan also contemplates pathways and trails in open space for connectivity, and such use would be for pedestrian, equestrian, and bicycle access (see Draft EIR, Appendix C [Specific Plan], page 239 and Figure 83). However, no permanent water usage is contemplated, needed, or allowed for equestrian use within



the 1,209-acre open space area (see GSI report Table 13). Thus, there is no need to revise or recirculate the Draft EIR based on this comment.

- O-1-347** The comment contends that the Draft EIR “conflicts” with the County’s General Plan provisions regarding recycled water, citing Policy COS-19.2, which requires the use of recycled water in new development “wherever feasible.” The comment also states that the Draft EIR “fails to discuss the feasibility [of] the Project’s recycled water use, including constructing an on-site treatment facility to generate reclaimed water” and that the County must analyze the “potential alternative of an on-site recycled water plant and the feasibility of such a plant, stating that the City of San Diego recently required an on-site treatment plant in the Quarry Falls project in Mission Valley. The comment concludes that VWD is the only agency that can make the “feasibility” determination. The County does not concur with the comment.

Contrary to the comment, the Draft EIR thoroughly addressed VWD’s recycled water setting and the fact that the project does not propose the use of recycled water and why. On page 2.14-20, the Draft EIR states that VWD produces up to 5 million gallons per day of recycled water at the Meadowlark Water Reclamation Facility and maintains the 54-million-gallon Mahr Reservoir for recycled water storage. Importantly, however, VWD does not maintain a recycled water service area within its sphere of influence. Instead, all of its recycled water is sold and then distributed to the neighboring Carlsbad Municipal Water District and the Olivenhain Municipal Water District.

Further, the EIR explains why the project does not propose the use of recycled water (Draft EIR, page 2.14-20; *italics added*):

The project does not propose the use of recycled water because the Vallecitos Water District does not currently provide any recycled water service within its sphere of influence. Additionally, Vallecitos does not currently own a recycled water distribution system (VWD 2015a). As stated, wastewater in Vallecitos’ service territory is directed to the Meadowlark Reclamation Facility where up to 74 percent of that water is converted into recycled water and then distributed to the neighboring districts of Carlsbad Municipal Water District and Olivenhain Municipal Water District and used for irrigation.

As shown above, VWD does not currently provide any recycled water service within its sphere of influence; thus, there is no “recycled water” service area in which to rely upon—even if the project proposed the use of recycled water (and it does not for that reason). Additionally, VWD does not own or maintain a recycled water distribution system; therefore, there is no existing VWD system that the project could “tap into” to provide recycled water to irrigation uses on the project Site. The County finds that

these service area and infrastructure shortfalls render recycled water usage on the project Site both infeasible and undesirable.

Notably, the Draft EIR also reports that VWD “is presently evaluating whether to begin extending recycled water service to portions of its service territory, with its focus on the downtown area of San Marcos;” however, VWD “presently has no plans to extend recycled water service to the northern portions of its territory, including the community of Twin Oaks or the proposed project” (Draft EIR, pages 2.14-20 through 2.14-21). The County further finds that recycled water service is infeasible because VWD has no current plans to extend recycled water service to the project Site or the Twin Oaks community; more broadly, the County notes that VWD’s planning with regard to recycled water use in the near future is to “regionalize” systems to further maximize recycled water usage in the north San Diego County area, but not the project Site or vicinity. As explained in the Draft EIR, page 2.14-21 (*italics added*):

More broadly, the Vallecitos Water District is actively involved in *planning for the use of recycled water in the near future* as part of its membership in the North County Water Reuse Coalition and its participation in a regional recycled water facilities plan that investigates expanding recycled water use within the north San Diego County area. *The objective is to regionalize existing and planned recycled water systems* to further maximize the use of recycled water in the north San Diego County area, and to pursue U.S. Bureau of Reclamation grant funds for this regionalization effort (VWD 2015a).

In addition, the Draft EIR summarized that, currently, where recycled water is made available to projects, “existing regulations limit the use of recycled water to common areas, parkways, medians, and parks due to the concern about cross-connections as between potable and non-potable uses.” Notably, however, the Draft EIR also notes the status of recent state legislation and its limitations on recycled water uses (Draft EIR, p. 2.14-21; *italics added*):

When developing the application provisions for the mandatory building standards, the department (Department of Housing and Community Development) *shall limit the mandate to install recycled water systems* within residential buildings and building site landscaped areas *to only those areas within a local jurisdiction that have feasible and cost-efficient access to a water recycling facility, or that have been identified by the local jurisdiction within a planned service area for the provision of recycled water for which a specific implementation timeline has been identified* by the public water system in its most recent urban water management plan.

Based on the above, the County finds that VWD has not installed a recycled water distribution system necessary to serve the project Site (or its vicinity), and, thus, it remains neither feasible nor desirable to require recycled water use on the project Site. Nonetheless, the proposed project does include a project design feature (PDF-26) that requires that single-family homes be “plumbed for grey water systems, subject to the County’s permitting requirements for grey water systems. In the same fundamental way that recycled water serves as a form of water reuse, grey water use in the project may as well” (Draft EIR, pages 2.14-21 through 2.14-22).

All of the above infeasibility factors apply, which also alleviates the need to require the applicant to study a “water reclamation plant alternative”; such an alternative would be infeasible for the *same* reasons cited above.

Finally, the County required the project applicant to conduct a land use consistency analysis with regard to its General Plan policies, including CO-19.2. For further responsive information, please see the Draft EIR, Appendix DD, pages DD-58 through DD-60 (County of San Diego General Plan [2011] and Subregional Plan Consistency Analysis). Based on this analysis and that in the Draft EIR, the County finds that the proposed project is consistent with General Plan CO-19.2.

- O-1-348** The comment is critical of statements included in the WSA concerning the project’s water-efficiency status. The comment refers to the statements as “promotional” and a “marketing platform.” It also concludes that the Draft EIR “fails to provide any evidence or independent analysis to support” the statements. The County does not concur.

First, the statements are contained in VWD’s WSA, which was prepared for VWD by HDR—an expert on water-related issues. Second, both the Draft EIR and the WSA provide evidence supportive of the statement that the project has made commitments to water efficiencies that make the project stand out when compared to prior projects. In addition, both documents contain cited studies showing that due to water conservation regulatory standards and technological advances, homes constructed today use dramatically less water than homes built even just a few years ago. For example, the Draft EIR provides (Draft EIR, page 2.14-42):

As a result of the water conservation regulatory laws and regulations and technological advances in the water fixture industry, homes constructed today are using dramatically less water than homes built a few years ago. For example, according to a report by the California Homebuilding Foundation, a new three-bedroom single-family home in California with four occupants uses 38 percent less indoor water than a similar-sized home built in 2005, and more than 50 percent less water than a non-retrofitted home built in 1980

(California Homebuilding Foundation 2010). This is primarily due to mandated restrictions in residential toilets (flushing volumes), shower and faucet rates, clothes washer volumes, leak reductions, and other devices (e.g., baths and dishwashers) (Water Research Foundation 2016).

Against that backdrop, the Draft EIR also points out that the project applicant has proposed “project design features” to “make the project a water efficient community” (Draft EIR, pages 2.14-42 through 2.14-43; italics added):

Indoor water conservation features include high-efficiency clothes washers and dishwashers, water-efficient toilets, faucets, and showerheads.

Outdoor water conservation features would include low-water-use landscaping in residential and non-residential landscapes, *prohibitions of turf grass in residential front yards and within the street rights-of-way*, and *prohibitions on outdoor water use in dedicated open space (1,209 acres) and non-irrigated fuel modification areas (272.2 acres)*. The project also requires all single family homes to be plumbed for grey water systems, if feasible, to capture domestic water for reuse as outdoor landscaping irrigation.

With that said, the County does not rely on the specific statement in the WSA that the project is “one of the most water efficient communities ever built in San Diego County,” and the lack of reliance on this specific statement does not take away from the project’s commitments to water efficiency, as referenced in the Draft EIR. Those commitments make the project a water-efficient community, as stated and shown on pages 2.14-42 and 2.14-43 of the Draft EIR.

**O-1-349** The comment states that the Draft EIR and WSA must “reconcile” water projections with VWD’s average single-family home use estimate that VWD cited in its September 27, 2016 Press Release titled, “Vallecitos Board of Directors Denies Proposed Rate Increase” (see comment’s Attachment 50). The County does not agree with the comment.

First, a lead agency is not required by law to “reconcile” the water supply and demand projections it uses in an EIR for a development project because the local water district issues a press release citing an “average” single-family home water use amount within its service area. Here, the County, as lead agency, made its own independent determination, based on the entire record before it, that projected water supplies will be sufficient to satisfy the water demands of the project, in addition to the demand associated with the existing and other planned future land uses within VWD’s potable water service area.

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Second, and in any event, the County has determined there is insufficient information in the cited press release to allow any meaningful evaluation – as the purpose of the press release was to alert the public of the vote taken by VWD’s Board of Director’s with regard to water rate increases, and not to provide detailed water usage rates of users within VWD’s potable water service area.

Third, as shown in **Response O-1-291**, above, there is no “mandatory rationing.” Further, **Responses to Comments O-1-305, O-1-308, O-1-309, O-1-310, O-1-311, and O-1-312** explain in detail how conservation is achieved.

**O-1-350** The comment points out an inadvertent error in the Draft EIR’s description of the Metropolitan Water District’s two primary water supplies. On page 2.14-14, the Draft EIR stated that “MWD develops, stores, and distributes water to Southern California from two primary sources: (a) water from the Delta in northern California via the State Water Project, and (b) water from the Colorado River via the *Central Valley Project*.” The text in italics was incorrect and should have read “via the Colorado River Aqueduct.” As shown in double-underline below, the County has revised the text in the Final EIR to read as follows:

MWD develops, stores, and distributes water to Southern California from two primary sources: (a) water from the Delta in northern California via the State Water Project, and (b) water from the Colorado River via the Colorado River Aqueduct.

The County disagrees with the remaining portion of the comment, including claims that the above error requires recirculation under CEQA. The EIR, when released, was in draft form. The County finds that the above error does not trigger the recirculation requirement under CEQA as it was a minor oversight, and easily corrected in the Final EIR (see **Response to Comment O-1-352**). Further, the CEQA Guidelines make clear that the standards governing adequacy of an EIR do not require “perfection,” but rather “adequacy, completeness, and a good faith effort at full disclosure,” and this standard was met with this EIR.

**O-1-351** The comment states that VWD rescinded its prior ordinance in effect during the most recent drought. The comment then cites a new ordinance by VWD and states it is not clear whether the new VWD restrictions were accounted for in the Draft EIR. The comment also again refers to VWD’s water duty factors, “mandatory rationing,” and a “water deficit.” The County does not concur with the comment.

First, the project, if approved—like any other approved project within VWD’s potable water service area—must comply with any and all applicable water use ordinances that are issued by the local water district. This admonition applies to any

applicable VWD ordinances, including the one referenced. The result would be even less water usage than forecasted in the Draft EIR's water analysis.

Second, the GSI report (EIR, Appendix T) identifies the post-2014 water conservation regulatory standards it applied to the project in order to achieve the water savings shown in that report (see also **Responses to Comments O-1-308 and O-1-326**).

Third, as noted in **Response to Comment O-1-291**, VWD is not requiring mandatory rationing of its water supplies from any of its customers, and it is not requiring rationing to serve the proposed project. Further, as explained throughout the responses, there is no "water deficit."

**O-1-352** The comment claims that the Draft EIR requires revision and recirculation under CEQA Guidelines Section 15088.5, because of the "informational deficiencies and errors identified" in the comments. The County does not concur with this conclusion.

To preface, this comment directly tiers from the preceding comments; that is, to the extent that the prior responses do not constitute significant new information warranting recirculation, which they do not, this comment does not provide an independent basis for recirculation.

Under CEQA, recirculation of a Draft EIR generally is required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial significant project impacts, or feasible mitigation measures or alternatives that are not adopted (see Public Resources Code Section 21092.1). The CEQA Guidelines identify specific scenarios requiring recirculation:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented (14 CCR 15088.5(a)(1));
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance (14 CCR 15088.5(a)(2));
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it (14 CCR 15088.5 (a)(3)); or
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (14 CCR 15088.5 (a)(4)).

Of note, “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (14 CCR 15088.5(b)). Further, a lead agency’s decision not to recirculate will be upheld if supported by substantial evidence (14 CCR 15088.5(e)).

The County finds that the facts do not give rise to a need to recirculate the water demand and supply analysis in the Draft EIR.

First, the County’s responses to the water demand/supply comments have not identified any new significant environmental impacts (see 14 CCR 15088.5(a)(1)), nor substantial increases in the severity of previously identified environmental impacts (14 CCR 15088.5(a)(2)). That is, because the proposed project would result in less-than-significant impacts with respect to its water analysis, neither of these conditions are triggered.

Second, the Draft EIR considered a range of water supply methodologies and, even though no significant water-related impacts were identified, the Draft EIR, nonetheless, includes recommended feasible mitigation measures that would ensure that the proposed project’s water supply impacts *remain* less than significant (see 14 CCR(a)(3) and Draft EIR, pages 2.14-51 through 2.14-52).

Finally, contrary to the comment’s characterization of the analysis presented in the Draft EIR, Section 2.14 (Water Supply and Service) is based on regional and local water demand and supply information from MWD, the Water Authority, and VWD. In addition, other experts that provided data used or referenced in Section 2.14 include (a) HDR, an engineering/architectural firm specializing in water resources management; (b) Dexter Wilson Engineering Inc. (Dexter Wilson), a water, wastewater, and recycled water engineering firm; and (c) GSI Water Solutions Inc. (GSI), a water resources firm with expertise in hydrogeology, hydrology, engineering, and environmental science. The County has relied on information from the above experts in arriving at the determinations made in the Draft EIR’s water analysis. Further, state and local laws and regulations were used and relied on as the sources for the water conservation regulatory standards referenced throughout the Draft EIR section.

Specifically, HDR prepared the project’s WSA for VWD. The WSA, found in Appendix S of this Draft EIR, analyzes water demand and supply associated with the proposed project and other development in VWD’s potable water service area. The WSA also relies on estimated water savings that can be achieved by implementing current water conservation regulatory measures for indoor and outdoor water uses within the proposed project.

As a further example, GSI evaluated current water conservation regulatory measures for indoor and outdoor water uses within the proposed project for use in VWD's WSA. GSI's technical memorandum titled, *Water Conservation Demand Study for the Newland Sierra Specific Plan and EIR*, prepared in December 2016 (GSI report), is found in Appendix T of the Draft EIR. The required water conservation standards consist of a series of state and local green building and irrigation requirements that were updated by the state after 2014 and that reduce indoor and outdoor water uses significantly compared to past requirements. The project applicant has committed to implement these water conservation standards into the design of the new residences, buildings, and other infrastructure that would be constructed as the proposed project is implemented.

In addition, the Draft EIR's water analysis used regional and local water demand and supply information from three sources. First, the analysis used data from VWD's 2015 UWMP. Second, this analysis used data from the Water Authority's 2015 UWMP and MWD's 2015 UWMP because VWD is a member agency of the Water Authority, and its supplies, for the most part, are purchased from the Water Authority. The Water Authority, in turn, purchases a portion of its water supply from MWD. The three UWMPs are included in Appendix V of this Draft EIR.

While the County has undertaken additional analysis in these responses to supplement the analysis presented in the Draft EIR, such analysis is intended only to clarify and amplify the conclusions previously presented in the version of Section 2.14 circulated for public review and comment. The County finds that inclusion of such additional analysis does not trigger the recirculation requirements under CEQA. Nonetheless, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

- O-1-353** The comment states that Section 2.15, Significant Irreversible Environmental Changes Resultant from Project Implementation, of the Draft EIR “does not list the full scope of significant irreversible changes as a result of the Project.” Specifically, the comment states that “the Project will cut off significant biological corridors, rendering species movement impossible through the region,” and that “Bifurcating biological corridors cannot be undone, and will irreversibly alter the biology of the region for years to come, and contrary to the DEIR's claims, has not been reduced to a less than significant level.” The County does not concur with this comment.

The comment refers to redundancy of movement corridors at a landscape scale, especially with regard to movement by cougars (*Puma concolor*) in the western San Diego County region. In response, the scale of the project Site is far smaller than the scale needed to support cougars, with a range from 25 square miles to more than 100 square miles. The project site is approximately 3 square miles and the relevant



proposed Pre-Approved Mitigation Area (PAMA) Preserve area is less than 20 square miles. Cougars have been anecdotally reported on Site and within 1.75 miles of the project Site, but the Draft EIR concludes on page 2.4-53 that the dense chaparral and current human influence likely limit its use of the Site. In addition, mule deer (*Odocoileus hemionus*), which are important prey for cougars, are not common on the project Site based on very little detected sign (tracks and scat piles) during field studies. However, portions of the project Site may still be used by cougars during movement. The Draft EIR describes Block 3 in the northern portion of the project Site as providing a diversity of topography and microhabitats; this area would directly connect to adjacent PAMA lands to the north (page 2.4-77 of the Draft EIR) and would be important for regional cougar movement. Block 3 also provides suitable habitat for many other wildlife species. Therefore, the proposed project's open space areas would contribute to redundancy or regional movement habitat for cougars and other wildlife.

Section 2.4.10, Habitat Connectivity and Wildlife Corridors (pages 2.4-50 through 2.4-54), and Section 2.4.12.4, Wildlife Movement and Nursery Sites (pages 2.4-75 and 2.4-76), of the Draft EIR provide 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, further detail anticipated project effects to connectivity between blocks of habitat and the creation of non-natural movement corridors. Based on this detailed analysis, the Draft EIR concludes that impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impact WM-4). The Draft EIR also concludes that cumulative impacts from the proposed project, combined with reasonably foreseeable cumulative projects, would be significant (Impact BI-C-3). 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).

The County also refers the commenter to the responses to **Comment Letter O-1.5** for additional information regarding wildlife connectivity.

- O-1-354** The comment states that the proposed project contravenes the County's General Plan and would shift current County policies for preserving unincorporated rural areas and would "open up the entire rural backcountry for development and fundamentally change the nature of the area forever." The County does not concur with this

comment. The comment addresses general subject areas (General Plan Consistency), which received extensive analysis in the Draft EIR, specifically in Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Table. The comment does not raise any specific issue regarding that analysis, and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1-355** The comment questions how, if energy was discussed in the Draft EIR’s Chapter titled “Significant Irreversible Environmental Changes Resultant From Project Implementation” (Draft EIR page 2.15-1), the project’s impact within the “Energy” chapter of the Draft EIR could be found less than significant. The commenter misinterprets Chapter 2.15’s title as a determination of significance. In fact, Section 2.15 discusses energy in terms of the “commitment of resources” and “increased consumption of resources” and evaluates whether significant irreversible environmental changes would result from project implementation. As concluded on page 2.15-2, “the loss of such resources would not be highly accelerated when compared to existing conditions and growth projections for the County of San Diego. Therefore, although irretrievable commitment of resources would result from the project, such changes would be considered *less than significant*.” [emphasis added]

Draft EIR Section 3.1, Energy, analyzes impacts to Energy consistent with Appendix F of the CEQA Guidelines. Accordingly, a significant impact to energy would result if the project would:

1. Result in the wasteful, inefficient, or unnecessary use of nonrenewable resources during its construction or long-term operation.
2. Be inconsistent with adopted plans and policies.
3. Place a significant demand on local and regional energy supplies, or require a substantial amount of additional capacity.

As analyzed in the Draft EIR Section 3.1.3 and summarized here, the proposed Project would result in a less than significant impact under each of these thresholds with implementation of project design features aimed at reducing energy usage (including installation of solar panels to offset 100 percent of estimated electrical use for all residential units and community facilities; installation of energy-efficient/Energy Star appliances; and cool roofs and light-colored paving throughout the project site) and compliance with energy-related regulatory requirements. With these features incorporated, the proposed project would consume less electricity per service person than the County average. (Draft EIR pages 3.1-11 through 3.1-13.)

The project's on-site GHG reductions through project design features (PDFs) and mitigation measures, combined with the use of carbon offsets, would reduce the project's GHG emissions to net zero. This comment is realized through a combination of measures, including measures to reduce residential energy consumption, such as the following PDFs.

**PDF-22** Solar panels shall be required on all residential units. Where feasible, roof-integrated solar panels should be considered to minimize visual impacts. All light fixtures along public roads shall be solar powered. The project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot) to implement this requirement.

**PDF-23** The garages of all single-family homes shall include an electric vehicle charger in the garage, and electric vehicle charging stations shall be installed in 3 percent of the Town Center's commercial core parking spaces.

**PDF-31** Builders would offer residents their choice of energy-efficient appliances (including washer/dryers, refrigerators), and appliances (including dishwashers) installed by builders would be Energy Star rated or equivalent.

Further, the Newland Sierra Specific Plan (EIR Appendix C) includes the following Community Design Framework: "The project shall require all residential homes to use solar to offset 100 percent of their electrical energy demand." (Section 3.1, pg. 110)

The County's average energy consumption includes energy-intensive land uses in its energy inventory such as hospitals and other energy-intensive health care uses, industrial cold storage facilities, laboratories, heavy industrial facilities, among others, that rely on substantial electricity draw from the grid. The proposed project does not include these types of energy-intensive land uses and thus maintains a substantially lower energy consumption rate per service person. Additionally, the proposed project would have a much greater density of service persons per acre than the County's regional area, which would result in a much lower energy consumption rate per service person as compared to the County average. Specifically, the proposed project would have a density of approximately 3.2 service persons per acre (6,352 service persons<sup>93</sup> / 1,985 acres) versus the County density of approximately 1.6

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<sup>93</sup> Page 3.1-20 of the DEIR, Table 3.1-1, Service Population Electricity Demand.

service persons per acre (4,490,398 service persons<sup>1</sup> / 2,727,030 acres<sup>94</sup>). Moreover, as previously stated, the proposed project would offset the majority of its energy demand through on-site renewable energy installations. For these reasons, the proposed project's electricity consumption per service person would be substantially less than the County average. As shown in Table 3.1-1, while the County's average electricity consumption is 4,356 kilowatt-hours (kWh) per service person per year, the proposed project's consumption per service person per year is estimated to be just 192 kWh, less than 5 percent of the County average consumption.

Similarly, Table 3.1-3 of the Draft EIR shows that service population natural gas demand by the proposed project would be just 7,235 thousand British thermal units (kBtu) per service person per year, well below the County average of 11,477 kBtu per service person per year. (Draft EIR pages 3.1-13 through 3.1-14)

Concerning petroleum consumption, although the proposed project would result in an increase in petroleum use compared to existing conditions, the project would implement TDM Program measures to reduce VMT by 11 percent, and thereby reduce the amount of petroleum consumption. Further, project-specific petroleum use is expected to diminish over time as fuel efficiency improves. In addition, the need for housing, jobs, and educational facilities in the project vicinity demonstrates that petroleum consumption associated with the project would not be unnecessary. Hence, project-related petroleum consumption would not be considered inefficient or wasteful. (Draft EIR pages 3.1-14 through 3.1-17)

The project would also be consistent with regulations concerning energy efficiency through compliance with regulatory requirements; and would be consistent with General Plan policies addressing energy reduction. Please see Draft EIR page 3.1-17 and Section 3.1.2, Regulatory Setting. Lastly, the project would not place a significant demand on local or regional energy supplies or require a substantial amount of additional capacity, as discussed in the Draft EIR at pages 3.1-17 through 3.1-18

Accordingly, energy impacts are determined to be less than significant, and the evaluation of Energy, Section 3.1, is appropriately located in Chapter 3, Effects Not Found to be Significant.

**O-1-356** The comment states that the Draft EIR's determination that the proposed project is consistent with County General Plan Policy COS-16.2 is not supported by substantial evidence because the TDM Program may never be implemented. The comment also

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<sup>94</sup> San Diego County General Plan. 2011. [https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/Cover\\_Intro\\_Vision.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/Cover_Intro_Vision.pdf)

states the project is located far away from job centers, commercial uses, and has no existing or planned transit infrastructure on or adjacent to it. Please refer to **Response to Comment O-1-176** through **O-1-184** and **O-1-254** through **O-1-256** herein for responses to more detailed comments on the VMT reductions anticipated to be achieved from the project's TDM Program.

As relevant background, General Plan Policy COS-16.2, Single-Occupancy Vehicles, states the County's policy to "[s]upport transportation management programs that reduce the use of single-occupancy vehicles." Mitigation Measure M-GHG-3 in Draft EIR Section 2.7 calls for implementation of Project Design Features 1-20, which PDFs constitute the Newland Sierra Transportation Demand Management Program (TDM Program). (DEIR Table 2.7-7.) The TDM Program serves to reduce the VMT and use of single-occupancy vehicles by project residents, employees and visitors by an estimated 11.1%. (See Appendix D of Draft EIR Appendix K; Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers.) VMT will be reduced by, for example, providing a mix of land uses so residents of the project have access to basic shopping, school, and recreation opportunities without having to travel outside of the project Site (PDF-1). The project will also incorporate a number of travel and commute services for residents and employees, as discussed in PDF-2 through PDF-19. PDF-20 requires the retention of a Transportation Coordinator to oversee the successful implementation of the TDM Program. These project design features are required through implementation of M-GHG-3, which states, that the proposed project applicant "shall implement the project design features listed in EIR Table 2.7-7" including PDF 1-20. Accordingly, these project design features are part of the Mitigation Monitoring and Reporting Program (MMRP), and will be enforceable by the County should the proposed Project be approved. Thus, the PDFs are required to be implemented.

The effectiveness of the TDM Program measures was analyzed in the *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017), a copy of which is located in Appendix D of EIR Appendix K. The analysis presented in the memorandum was performed using methodologies contained in the California Air Pollution Control Officers Associations' (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010)<sup>95</sup>. (Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017), at pages 3- 4.) All

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95 The referenced CAPCOA publication is available online at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

calculations were performed using the CAPCOA report's suburban area input and the methodologies were specifically applied to the VMT associated with the user of the TDM measure. (*Ibid.* at pages 7- 20.)

Due to the project's suburban location, the TDM Program centered on land use strategies such as including land use diversity onsite to encourage residents to walk, bike, or take transit within the Project area to achieve a 4.7% VMT reduction. Combined, all commute services to provide travel options other than private auto trips to destinations outside the Project site would achieve a 6.4% reduction. These TDM strategies would, in total, provide an 11.1% reduction in VMT.

Contrary to the comment, the TDM Program will be implemented and is fully enforceable by the County. The Newland Sierra TDM Program technical memorandum, and specifically "Table 2: TDM Program Performance Metrics and Targets" (see Appendix D of EIR Appendix K), identifies the specific performance measures that the project is committing to, which would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities are described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2. The County will also monitor and ensure implementation of TDM strategies as part of the MMRP, as the strategies are incorporated into Mitigation Measure M-GHG-3. (*See*, Draft EIR, Mitigation Measure M-GHG-3 and Table 2.7-7.)

In response to the portion of the comment which states the project Site is located "far away from job centers, commercial uses, and has no existing or planned transit infrastructure on or adjacent to the project site," the County does not agree with the commenter's depiction of the project location or area transit.

The Draft EIR's Project Description Section 1.3 details that the Site is located just 1 mile from the cities of Escondido (estimated 2016 population of 151,613) and San Marcos (est. pop. 95,261), 3 miles from Vista (101,659), 5 miles from Oceanside (est. pop. 175,464), and 7 miles from Carlsbad (est. pop. 113,952). (U.S. Census Bureau, <census.gov.>) Transit infrastructure also currently exists and is planned in the project vicinity. For instance, SANDAG's Regional Plan identifies Bus Rapid Transit Service and managed/toll lanes along the I-15 corridor between the SR 78 interchange and the Riverside County Line as future transportation projects funded in part by the existing Transnet sales tax increment which remains in place until 2048. The Regional Plan also identifies Old Highway 395/Champagne Boulevard/N. Centre City Parkway as part of the Regional Bike Network. Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road are arterials that are part of the Regional

Arterial System (RAS) and planned as six- and four-lane arterial roadways in the Regional Plan, the County's General Plan Mobility Element, and the City of San Marcos General Plan. These future road improvements are planned to accommodate increased trips and will be funded by a combination of development impact fees, Transnet sales tax funding, and other local and state funding sources. Furthermore, the project's TDM Program would implement certain transit services. (See, Draft EIR Table 2.7-7, Draft EIR Section 2.7.3.2, and Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017).) Accordingly, the project will be implemented consistent with General Plan Policy COS-16.2.

**O-1-357** The comment states the proposed project is inconsistent with the RTP/SCS because SANDAG's analysis considers the project as primarily rural with one unit per 20 acres and does not provide transportation plans to accommodate the project. The comment states the project is therefore inconsistent with SB 375. Please see **Responses to Comments O-1-149 through O-1-159**, which address in detail the project's consistency with SANDAG's RTP/SCS and SB 375.

**O-1-358** The comment states that the Draft EIR overstates trip reductions from the project's TDM Program by taking credit for "mixed use" reductions, by taking credit for measures that involve "promoting" and "coordinating," and by mischaracterizing the site as "urban infill." The comment states that "the conclusion that the implementation of TDM measures would reduce petroleum consumption is not supported by substantial evidence." Please refer to **Responses to Comments O-1-153, O-1-176 through O-1-184, O-1-254 through O-1-256, and O-1-356**, for detailed responses to comments on these subjects.

To summarize, first, the Draft EIR appropriately estimates and characterizes the effectiveness of TDM measures. Appendix R3, *Newland Sierra VMT Reduction Memo*, calculates the effectiveness of the TDM Program. As explained in Appendix R-3, "Fehr & Peers worked with the California Air Pollution Control Officers Association (CAPCOA) to develop the transportation section of the report *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA Report)...[which] is now used as a set of guidelines for quantifying the environmental benefits of mitigation measures, such as the Project's TDM Program." Fehr & Peers also developed a quantification tool based on the research performed for its work with CAPCOA, named "TDM+," which quantifies the effects of TDM programs on VMT reduction. Based on their expertise, experience, TDM+ tool, and review of case studies, Fehr & Peers recommended strategies and calculated in detail the effectiveness of each of the TDM strategies recommended for this Project.

Second, the Draft EIR does not characterize the Site as “urban infill.” All calculations were performed using the CAPCOA report’s suburban – not urban—area input, and the methodologies were specifically applied to the VMT associated with the user of the TDM measure. (*Id.* at pages 7- 20.) Notably, due to the project’s location, the TDM Program centered on land use strategies (i.e., including land use diversity onsite to encourage residents to walk, bike, or take transit within the Project area) to achieve a 4.7% VMT reduction. Combined, all commute services to provide travel options other than private auto trips to destinations outside the project Site would achieve the remaining 6.4% reduction. The TDM Program thus acknowledges that strategies which may be highly effective in urban communities (i.e., encouraging biking and walking to access areas outside the project site) would be less effective for the proposed community.

Third, the Draft EIR appropriately calculated a VMT reduction due to land-use diversity. To qualify for a VMT reduction due to land-use diversity, the project had to include at least three of the following on-site uses (and/or off-site within ¼ mile): residential, retail, park, open-space, or office. (*Id.* at page 8.) Applying CAPCOA’s methodology, which takes into account both the type of land use and the land use area, Fehr & Peers found a percent VMT reduction of 20.5% attributable to land-use diversity. However, for suburban developments like Newland Sierra, CAPCOA limits the VMT reduction attributable to land-use diversity to 5.0%. Accordingly, the Draft EIR limited VMT reductions from mixed use/land use diversity characteristics to 5.0%, but tangible VMT reductions may be far greater. (EIR, Appendix D to Appendix K, pg. 9 of 26)

Fourth, the County has reviewed the measures identified in the TDM Program and disagrees with the comment’s implication the measures do not require that specific actions be taken to ensure the measures’ implementation. For example, PDF-5 requires the applicant “coordinate” with a car-share organization “to install three car-share stations with one car each (for a total of three cars) in the commercial area of the project Site, available to residents on an on-demand basis.”

Further, the Draft EIR incorporates PDF-20 to ensure TDM Program strategies are effectively implemented by designating a transportation coordinator to monitor, develop, market, implement, and evaluate the TDM program. The Newland Sierra TDM Program technical memorandum, and specifically “Table 2: TDM Program Performance Metrics and Targets” therein (see Appendix D of EIR Appendix K), identifies the specific performance measures that the project is committing to that would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra



TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2.

The project's MMRP, if approved, will also be in place through all phases of the proposed project and will ensure the TDM Program is successfully implemented. Through the MMRP and Conditions of Approval, the County will be responsible for ensuring implementation of PDFs (which incorporate each of the TDM reduction strategies), project commitments, and mitigation measures (including Mitigation Measure M-GHG-3, which requires the applicant implement the PDFs which encompass the TDM Program in the EIR) through monitoring and periodic reporting. Hence, VMT reductions from the project's TDM Program were appropriately incorporated in the Draft EIR, including in the estimate and analysis of petroleum use.

Lastly, while petroleum use estimates in the Draft EIR relied on estimates of total daily VMT (including reductions associated with the TDM Program), the Draft EIR also based its less-than-significant impact finding for petroleum consumption on other facts. (Draft EIR p. 3.1-16.) As detailed in the Draft EIR at pages 3.1-16 through 3.1-18, petroleum use would diminish over time as a result of fuel efficiency standards and the replacement of older vehicles with newer, more fuel-efficient vehicles. In addition, the need for housing, jobs, and educational facilities in the project vicinity demonstrates that petroleum consumption associated with the project would not be unnecessary. Taken together, this evidence supports the finding concerning petroleum consumption.

- O-1-359** The comment suggests that the project is inconsistent with “local and regional adopted plans and policies” because the project was not included in “SANDAG’s underlying plans” for GHG reductions.

The Draft EIR correctly identifies that the proposed project was not included in the underlying land use assumptions for SANDAG’s RTP/SCS. SANDAG based its growth forecast on then-current adopted land use plans of local jurisdictions. While the project site currently is primarily undeveloped, as described in Section 1.4 (Environmental Setting) and illustrated in Figure 1-37 (Aerial Map and Surrounding Land Uses), the existing land use designations in the County’s General Plan would allow approximately 99 single-family homes and more than 2 million square feet of office professional and commercial space, along with associated infrastructure (see Section 4.5.1 (Existing General Plan Alternative) of the Draft EIR). SANDAG’s planning thus accounted for some use of the project site, as discussed in the Draft EIR at page 1-35 to 1-36. Notably, the growth accounted for is not insubstantial. For example, the Existing General Plan Alternative would result in approximately 251,116 project-level trips under the General Plan land use designations currently assigned to the site. In contrast, the proposed project-level trips (with VMT

reductions) is slightly higher at an estimated value of 262,376 trips, but the project's average trip length is less than the General Plan Alternative (i.e., project's average trip length is estimated at 10.2 miles per trip (with VMT reductions) while the General Plan Alternative's average trip length is estimated at 11 miles per trip ). (See Draft EIR, Section 2.7, Greenhouse Gas Emissions, Table 2.7-16.)

In addition, the proposed Deer Springs Road/Twin Oaks Valley Road widening improvements are included in the County's General Plan, and thus were included in SANDAG Transportation forecasts. Specifically, the widening was included in the County's General Plan North County Metro Mobility Element as ID, 13 Deer Springs Road (SF 1414). (See, Draft EIR p. 2.13-100 to 2.13-101, Draft EIR, Appendix R, Technical Appendix R2, page 29-30.) The "ID, 13" Deer Springs Road (SF 1414) from the County's General Plan North County Metro Mobility Element is incorporated into the regional transportation plans and the modeling that is performed for those plans. Thus, the Deer Springs Road improvements project was included in the SANDAG Series 12 and Series 13 data and can be viewed on the SANDAG Transportation Forecast Information Center website available at this web address: <http://tfic.sandag.org/> (select either Series 12 or Series 13 Activity Based Model, Deer Springs Roadway Link). As such, the improvement of Deer Springs Road is included in the SANDAG 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and SANDAG's 2016 Regional Transportation Improvement Program (RTIP).

Nevertheless, the project's exclusion from SANDAG's assumptions/modeling does not equate to the project being inconsistent with its RTP/SCS. As discussed in **Responses to Comment O-1-147 and O-1-149 through O-1-161**, above, the **Draft EIR at Section 2.7.3.2 and Table 2.7-15** evaluates the project's consistency with SANDAG's RTP/SCS and determines the project would be consistent. This is because the project would include site design elements and project design features, including features that would be implemented as part of the TDM Program, which were developed to support the policy objectives of the RTP and SB 375, and to reduce the project's VMT. These project elements support the goals and policies outlined in SANDAG's 2050 RTP/SCS, and the TDM Program would achieve an approximate 11.1 percent reduction in the project-related VMT. The project also is consistent with all applicable goals and policies of the RTP/SCS as detailed in Draft EIR Table 2.7-15. The project-related increase in VMT would also be within 4.5% of the SANDAG-forecasted VMT for the region. (See Draft EIR p. 2.7-42 through 2.7-44.)

Further, Section 4.5 of the Draft EIR evaluated the Existing General Plan against the proposed project and found that average daily trips were comparable to those of the proposed project—within 6% of the total project average daily trips. (See Draft EIR,

page 4-22; Appendix II, Newland Sierra Project Traffic Alternatives Analysis.) And, while daily trips generated by the proposed project would exceed that generated by the existing General Plan land uses, the proposed project would generate 36% and 18% fewer trips in the morning and evening peak periods, respectively, compared to the existing General Plan land uses (Appendix II, Newland Sierra Project Alternatives Traffic Analysis, LLG). Therefore, the project would have a net positive effect on the congestion along I-15 compared to the underlying SANDAG-modeled land uses for the project site in the Regional Plan.

In addition, as to SANDAG's assumptions relative to GHG reductions, the proposed project would offset 100% of its GHG emissions for the life of the project. Specifically, with Mitigation Measure M-GHG-2 incorporated, the project would not result in any net additional GHG emissions. CARB has already determined that implementation of mitigation requirements that are comparable to those established in Mitigation Measure M-GHG-2 would enable that project to not result in any net additional GHG emissions. (See CDFW, Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (SCH No. 2000011025) (June 2017), Appendix 1; and, Letter from CARB to CDFW re: "[CARB] Review of the [GHG] Analysis in the Final Additional Environmental Analysis for the Newhall Ranch [RMDP/SCP]" (June 7, 2017).) With this mitigation, the project would result in a greater *reduction* in GHG emissions compared to the analysis performed by SANDAG as part of its 2015 Regional Plan. Accordingly, the Draft EIR properly concluded the proposed project is consistent with the RTP/SCS.

Please also see **Responses to Comments O-1-356 through O-1-358**, above, further explaining the basis for the Draft EIR's conclusion that the proposed project is consistent with the RTP/SCS and with SB 375 and the implementation of the TDM Program. As the comment does not specify any other "local and regional adopted plans and policies," the County can provide no more specific response.

**O-1-360** The comment states that the Draft EIR's analysis contains conclusory, unsupported statements, particularly with respect to electricity use for construction. The comment asks a series of questions about specific potential energy-using activities during construction and states that, without this information, the public cannot adequately comment on the proposed project's impacts. The County does not concur with the comments.

The Draft EIR provides the anticipated uses of electricity during construction and that these uses would be temporary and negligible. Nonetheless, in response to the comment, the Final EIR has been revised to clarify the types of electric energy usage that would

occur during construction and that this usage would be negligible compared to the operational demand of the project. Please see the revised pages 3.1-11 and 3.1-12 of the Final EIR. These revisions merely clarify and amplify the information incorporated in the Draft EIR, and do not change the Draft EIR's determination that the project's energy impacts will be less than significant.

- O-1-361** The comment quotes the Draft EIR, which states that solar panels would be included on all residential units and community facilities to offset 100 percent of estimated electrical use associated with these land uses. The comment states that the EIR does not analyze how it reaches that conclusion and that it is unsupported substantial evidence. The comment questions how the project would offset the residential electricity demand and whether a 100 percent offset is feasible. The County does not concur with the comments.

As stated in the General Plan consistency analysis in Table 2.7-17 of the Draft EIR, the proposed project would include solar installation on all single-family and multi-family residential units and on all common areas and community facilities (e.g., pool areas, recreation centers), which would offset 100% of the project's electricity demand associated with these uses. The applicant has made the commitment to achieve the required level of solar installations. PDF-22 further requires the following performance standards:

Solar panels shall be required on all residential units. Where feasible, roof-integrated solar panels should be considered to minimize visual impacts. All light fixtures along public roads shall be solar powered. The project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot) to implement this requirement. (Draft EIR page 7-9.)

The County intends to adopt a Condition of Approval that would ensure that this applicant commitment will be implemented. Mitigation Measure M-GHG-3 further requires the applicant implement PDF-22, as it is incorporated in the EIR at Table 2.7-7. (Draft EIR page 7-44, Table 2.7-7) It should also be noted that the ninth element of Mitigation Measure M-GHG-2 prioritizes project design features/on-site reduction measures for GHG reduction features and GHG reduction projects and programs, such as on-site solar installation.

While the applicant has committed to offsetting 100% of the project's electricity demand associated with single-family and multifamily residential units (as well as common areas and Community facilities), the specific methods by which mitigation measure M-GHG-3 and this Condition of Approval will be met, and relevant design details for meeting this Condition of Approval, cannot be specified at this time. This is because solar technology is rapidly changing and improving. Battery storage in conjunction with solar systems is

also under development and becoming more cost effective. Accordingly, the Draft EIR provides the assurance this commitment will be effected by the applicant, but provides that specific design details may be addressed later.

Design details are not available at this stage nor are they required by CEQA. CEQA Guidelines Section 15124 states, “[t]he description of the project ... should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” Detailed designs of the residences and community facilities are not necessary for the County to conclude that 100% of project electricity demand for these uses would be met through the enforceable commitment found in PDF-22.

Regarding the comment that the Draft EIR does not discuss how the multi-family units would be designed to accommodate solar panels, again design details are not available at this stage, nor are they required by CEQA. It should be noted, however, that PDF-22 indicates the project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot), which might be more feasible for some multi-family complexes. Further, the County will require that such offset to residential electrical usage is demonstrated prior to building permit issuance. Project Conditions of Approval and the MMRP will require that the applicant, or their designee, submit the appropriate calculations as part of the issuance of a residential building permit, demonstrating how the solar commitment is achieved (via rooftop, parking lots, or other solar locations). The conclusion in the Draft EIR that solar panels will be included to offset 100% of the project’s electricity demand associated with single-family, multifamily residential units, and community facilities is therefore evaluated and supported by evidence in the EIR. Nevertheless, the Final EIR has been revised at Section 3.1.3, Analysis of Project Effects and Determination as to Significance, to clearly reference where this discussion may be found.

- O-1-362** The comment expresses confusion over the DEIR’s statement that “the demand for housing, jobs, and educational facilities in the project vicinity demonstrates that petroleum consumption associated with the project would not be unnecessary.” (DEIR at p. 3.1-17.) The comment also questions whether the EIR is internally consistent where it states, “fossil fuels would represent the primary energy source associated with construction and ongoing operation of the project” in Section 2.15, but also states that solar will offset 100 percent of the residential electricity use in Section 3.1.

The County agrees with the comment that petroleum usage would be necessary. The commenter is directed to Section 3.1.3 of the Draft EIR, and the Threshold of Significance, which states, “...for the purpose of this EIR, a significant impact to energy would result if the project would:

1. Result in the wasteful, inefficient, or unnecessary use of nonrenewable resources during its construction or long-term operation.

The intent behind the statement in question is that existing housing demand, employment demand, and demand of education facilities (as evidenced by the expansion of CSU San Marcos and Palomar College) in the area is evidence of the necessity of petroleum consumption. The Final EIR has been revised to clarify this reasoning.

Responding to the portion of the comment implying an internal inconsistency related to energy use, no such inconsistency exists. The comment implies there is an internal inconsistency between that portion of Section 3.1, Energy, which addresses electricity use; and Section 2.15, Significant Irreversible Environmental Changes Resultant from Project Implementation, which states that fossil fuel consumption is the “primary energy source” associated with the project. In fact, both of the statements of the EIR are accurate, and the comment appears to incorrectly equate “energy” with “electricity.”

The Draft EIR’s evaluation at Section 2.15 concerns impacts associated with the “irretrievable commitments of resources.” The scope of its analysis was therefore limited to non-renewable resources. (CEQA Guidelines § 15126.2(c).) So bounded, the Draft EIR considers the consumption of non-renewable resources (i.e., not solar), and states, “Fossil fuels would represent the primary energy source associated with construction and ongoing operation of the project, and the existing, finite supplies of these natural resources would be incrementally reduced.” (Draft EIR page 2.15-2) This is consistent with the analysis in Section 3.1, Energy.

Section 3.1 details that, in terms of energy sources, the proposed project would increase the demand for electricity, natural gas, and petroleum consumption during construction and operation relative to existing conditions. (Draft EIR Section 3.1.3) Tables 3.1-1, 3.1-2, 3.1-3 and 3.1-8 provide estimated electrical, natural gas, gasoline, and diesel demand during operation of the proposed Project; while Tables 3.1-4, 3.1-5, 3.1-6 and 3.1-7 estimate construction demand for gasoline and diesel. The majority of construction-related energy usage would be due to the use of gasoline and diesel fuel for operation of construction equipment. (Draft EIR pages 3.1-14 to 3.1-15) Once the project moves into the operational phase, electrical energy usage would increase; however, it would be offset for residential uses as the project is required to use solar energy to offset 100% of residential electrical demand. (Draft EIR pages 3.1-12 through 3.1-13, and **Response to Comment O-1-362**) Some electricity use will remain due to non-residential uses: approximately 1,221,960 kWh per year. (Draft EIR page 3.1-12, Table 3.1-1) Natural gas usage also increases during operation compared to construction. In addition, due to mobile source/vehicle fuel consumption, petroleum consumption will continue during project operation, as depicted in Table 3.1-8. Accordingly, fossil fuels would represent the primary non-

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renewable energy source associated with construction and operation of the project, while solar would be used to offset 100% of the residential electricity demand.

**O-1-363** The comment states that the Draft EIR “omits the San Marcos Highlands from its cumulative impacts analysis.” The County does not concur with this comment. The County refers the commenter to Table 1-10 of the Draft EIR, specifically Project ID # 103, for North County Metro (NC22). The Final EIR Table 1-10 has been revised to clarify this project (San Marcos Highlands) would add an additional 44 Single Family Rural Residential for a total of 189 units.

**O-1-364** The comment restates the conclusion in the EIR that impacts are less than significant, references language on page 3.12-18 of the EIR detailing the types of stormwater facilities the project would install to control stormwater runoff from the project as a developed site, and then states the full list of measures is not provided and that the EIR defers the actual mitigation measures to the Storm Water Pollution Prevention Plan. The comment states the EIR should identify a significant impact to hydrology and water quality and disclose mitigation measures now to ensure they are enforceable through the MMRP and address this impact. The County does not concur with the comments.

To begin, as a point of clarification, the project has prepared a Preliminary Grading Plan and Tentative Map (Newland Sierra EIR, Additional Items), a Preliminary Drainage Study (Appendix Z to the EIR), a Hydromodification Management Study (Appendix AA to the EIR), a Critical Coarse Sediment Yield Analysis (Appendix BB to the EIR), a Preliminary Floodplain Analysis related to offsite road improvements (Appendix CC to the EIR), and a Stormwater Quality Management Plan (SWQMP, Appendix Y to the EIR) containing the following component parts:

- Attachment 1: Stormwater Pollutant Control BMP Worksheets, Form I-8, DMA Exhibit, and Individual Structural BMP DMA Mapbook
- Attachment 2: Structural BMP Design Calculations, Hydromodification Management Exhibit, Potential Critical Coarse Sediment Yield Analysis (PCCSYA) prepared by REC Consulting, Inc., and Hydromodification Screening prepared by Chang Consultants
- Attachment 3: Structural BMP Maintenance Plan
- Attachment 4: County of San Diego PDP Structural BMP Verification for Permitted Land Development Projects

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- Attachment 5: Plan Sheets showing Permanent Storm Water BMPs, Source Control, and Site Design

Collectively, these various reports were prepared based off of the grading, road, and lotting design details that are found on the Preliminary Grading Plan and Tentative Map. These reports serve as the basis for the environmental analysis and significance determinations that are found in Section 3.2 of the EIR. These reports include detailed design and sizing requirements for onsite and offsite water quality basins and bioretention swales, hydromodification basins, and storm drain and flood control infrastructure, in addition to a host of structural and non-structure stormwater Best Management Practices (BMPs). Those BMPs and other design requirements have been incorporated into the Preliminary Grading Plan and Tentative Map. For example, page 3.2-16 of the EIR states:

“The County requires each project to comply with a combination of low-impact development (LID) design guidelines, hydromodification design requirements, and flood control requirements. The project has incorporated a number of LID design features, including: (1) retention of approximately 73 percent of the project Site’s existing topography and associated drainages through a combination of (2) preservation of 1,209 acres (61 percent of the total Site) of the Site’s native habitat, (3) retention of an additional 235 acres of native habitat as Special Maintenance Areas and Fuel Modification Zones, separating impervious surfaces with landscape buffers, and (4) incorporation of bio-swales and bioretention basins to capture runoff from roads, sidewalks, and other impervious surfaces prior to runoff entering the project’s storm drain system.”

Page 3.2-18 of the EIR states that, “(t)o mitigate any increase in runoff, reduce peak flows and protect areas downstream of the project Site, *the project would incorporate swales, storm drain inlets and piping, detention, and flow attenuation* in the developed condition of the project Site.” The EIR then refers to Appendix Y, Stormwater Quality Management Plan, for exhibits showing the proposed drainage system. The paragraph continues, “(p)roject design also includes *water quality/hydromodification basins* throughout,” and that “(o)ff-site road improvements would incorporate *new drainage facilities* to correct the pre-existing flooding condition that occurs along Deer Springs Road and Sarver Lane.” All of these details are found on the Preliminary Grading Plan.

These reports (Appendices Y, Z, AA, BB, and CC) will apply as a condition of approval to the project through application of these plans in final engineering as these various reports will be used in conjunction with the preparation of detailed 40-scale



and, in some cases, 20-scale, grading plans for site development. The Final Stormwater Quality Management Plan that is based on these 40-scale Grading Plans and mirrors the SWQMP included in the EIR will be required as a condition of Grading Permit issuance.

In accordance with State Water Resources Control Board (SWRCB) Construction General Permit Order 2009-0009-DWQ, a Storm Water Pollution Prevention Plan (SWPPP) will also be required as a condition of Grading Permit issuance. Throughout the grading and construction process, including vertical construction of all structures, the SWPPP will impose a series of perimeter control, source control, and internal erosion and sedimentation control BMPs, including desilting basins, detention basins, that will apply to all areas subject to active grading, construction activities, or not otherwise in a final graded condition with the final landscape or other development requirements having been met. As stated in Section 3.2 of the EIR (pages 3.2-14 and 15), the EIR describes the scope and types of the BMPs required within the SWPPP, as follows:

Pollutants associated with grading and construction can degrade water quality if they are washed into surface waters. Sediment is often the most common pollutant associated with construction sites because of the associated earth-moving activities and areas of exposed soil. As required by the SWRQB's Construction General Permit, the project would be required to prepare and implement a SWPPP to employ numerous erosion control, sediment control, tracking control, materials and waste management, non-stormwater management, and inspection and maintenance BMPs to minimize the potential for erosion, sedimentation, and water quality impacts related to the grading and construction process. As part of obtaining a grading permit, the project would be required to prepare its SWPPP, which must describe and depict in detail the various grading and construction-related BMPs necessary to minimize the project's impacts.

The project must include erosion control BMPs throughout active construction areas such as phasing of graded areas to control the amount of exposed soil subject to active work and scheduling of work to coincide with dry weather days, use of soil binders/stabilizers, geotextiles and mats, velocity dissipation, physical stabilization erosion control blankets, mulch, and hydro-seeding to control erosion from graded slopes and pads, earth dikes, swales, and chevrons, slope drains, lined spillways, and velocity dissipation devices at the discharge points to control flows off Site.

The project also must include sediment control BMPs such as silt fencing, desilting basins, sediment traps and check dams, street sweeping, storm drain inlet protection, sandbag barriers, straw bale barriers, gravel bag berms, and fiber rolls. For graded pads, in addition to erosion control measures (e.g., soil binders/hydro-mulch, hydro-seeding), the project would implement the County's Standard Lot Perimeter Protection Design System (County of San Diego 2012).

Tracking control BMPs would be required for the project's grading/construction process, including stabilization of construction entrances/exits and construction haul roads/roadways, entrance/exit tire and track washes, and wind erosion control.

Non-stormwater management control BMPs also would be required. These project BMPs include water conservation practices, limiting vehicle equipment cleaning, fueling, and maintenance to designated areas, the use of oil drip pans and liners under grading equipment and vehicles when not in operation, and limitations on paving and grinding operations during wet weather conditions.

The project must include materials and waste management BMPs through implementation of procedural and structural BMPs for: (1) collecting, handling, storing, and disposing of wastes generated by the construction process, (2) storage of all materials with the potential to contain stormwater runoff in designated areas with secondary containment measures (i.e., on top of a liner, bermed, and covered), (3) storage of chemicals, drums, and bagged material on pallets on top of liners and bermed, (4) use of designated concrete and paint washout areas, (5) storage of dirt/sand/rock stockpiles away from drainage courses and concentrated flows of runoff, and (6) collection and storage of construction trash and debris in designated areas and regular documented disposal at a waste management facility.

Inspection and maintenance BMPs throughout the project's grading and construction process also are required. These BMPs require compliance with the suite of BMPs described above. The BMPs would be regularly documented and assessed for adjustments and improvements. Erosion control, sediment control, and tracking control BMPs also must be regularly maintained throughout the construction process until the final permanent water quality and hydromodification BMPs are installed and functioning. Non-stormwater management controls and materials and waste management

BMPs also must be regularly inspected, assessed, and adjusted as necessary to maintain compliance with the SWPPP.

Finally, the project must prepare and implement Rain Event Action Plans in advance of anticipated weather events that have the potential to create runoff to ensure that all exposed areas (i.e., areas subject to active grading or work) include the necessary BMPs as required by the SWPPP to control erosion and sedimentation.

The above list of BMP's is not necessarily exhaustive and other BMP's as detailed in the California Stormwater Quality Association Construction BMP Handbook may be included in the project's SWPPP as determined necessary by the County prior to the initiation of grading activities. With implementation of BMPs during the grading and construction process, erosion/siltation, and flooding impacts resulting from the project's grading and construction activities would be less than significant."

In much the same manner that compliance with the California Building Code is a requirement of state law, the preparation of the project's SWPPP is a requirement of state law and will be a condition of Grading Permit issuance. Further, the SWRCB's Construction General Permit mandating the preparation of SWPPPs for grading and construction projects was developed over extensive input, history, and knowledge by the state regulators of the most effective BMPs for minimize the impacts of runoff, erosion, and siltation on downstream receiving channels from active construction sites. Installation and maintenance of these SWPPP BMPs will be monitored and inspected on a daily basis by the County, will be adjusted as necessary subject to specific soil or other conditions present in specific areas subject to grading activities, and the County's inspection and oversight of SWPPP implementation will be regulated by the Regional Water Quality Control Board. All contractors conducting activities on the project or in offsite areas where improvements are being done by the project will be subject to the requirements of the SWPPP and the owner (the project applicant) will be the ultimate responsible party.

Therefore, no aspect of the project's stormwater requirements constitutes deferred mitigation. The project's stormwater system has been designed in full compliance with the County's BMP Design Manual and Hydrology Design Manual, compliance with these same design requirements as well as the SWRCB Construction General Permit requirements will apply as a condition of Grading Permit issuance, and the project will improve existing stormwater facilities in associated with its offsite road improvements, solving existing flooding conditions along portions Deer Springs Road and installing water quality basins for offsite roads where none existing today,

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significantly improving the water quality of stormwater runoff from these roads compared to the existing condition. As a result, the EIR concludes that impacts would be less than significant and no mitigation is required.

**O-1-365** The comment states that because specific storm water mitigation measures have not been provided in the EIR, it is not possible to determine the adequacy of those mitigation measures to control pollutants from leaving the site. The County does not concur with the comments. Please see above **Response to Comment O-1-164**.

**O-1-366** The comment states that the project will require significant storm water infrastructure which illustrates that it is incompatible with the rural community character of the area and shows that there are no plans for growth in this area. The County does not agree with the comments.

The project's storm drain system will be largely underground and, therefore, will have no impact on the visual character of the community. The project's incorporation of vegetated bioswales as a water quality treatment feature along its network of roads and through its neighborhoods will enhance the visual character of the project to its roads and neighborhoods. The incorporation of vegetated water quality and flow control basins will also enhance the visual character of the project.

As it relates to a lack of stormwater infrastructure in Twin Oaks today, the County disagrees with this statement. Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road, for example, all include drainage improvements. There are also drainage improvements along and passing underneath these roads today to accommodate Stephenson's Creek and Twin Oaks Valley Creek. Water quality treatment areas and sufficient flood control infrastructure for major rainfall events are not, however, incorporated into these drainage facilities and, consequently, the area is subject to potential flooding during major rainfall events.

The project would improve and expand these existing drainage facilities, eliminate the existing flooding condition, and incorporate water quality treatment and hydromodification basins in association with its proposed offsite road improvements to Deer Springs Road and Twin Oaks Valley Road. For example, the project would create an approximately 2,400-foot-long, 50 to 70-foot-wide (approximately 3.5 acres in total area) naturalized/earthen vegetated drainage channel effectively restoring Stephenson's Creek to a natural condition compared to its current condition of being a 10 to 20-foot-wide roadside ditch filled with ruderal vegetation along Deer Springs Road. This drainage channel is shown on the Preliminary Grading Plans along with the project's water quality and hydromodification basins, bioswales, and flood control basins.

Further, both the EIR and numerous responses to comments confirm that the project area is not considered “rural,” as suggested in the comment. Contrary to the comment, the EIR and several responses to comments explain that there are considerable services and facilities on site and in the immediate vicinity, as well as the numerous public facilities and infrastructure that would be installed at the applicant’s expense should the County Board of Supervisors approve the project.

For example, as previously stated, the project and surrounding area are not considered a remote rural area. Instead, the project area is less than one mile from two major cities; within the spheres of influence of the two cities; bordered by I-15 to the east; within a General Plan Regional Category Village designation situated on the southwestern portion of the project; adjacent to other Village Regional Category-designated areas at the I-15/Deer Springs Road interchange; and within an area with existing and planned infrastructure (refer also to **Response to Comment O-1-415**).

In addition, the project proposes off-site road improvements, including widening the entire 2.25-mile length of Deer Springs Road to four lanes, widening Twin Oaks Valley Road to four lanes, intersection improvements along Deer Springs Road, Twin Oaks Valley Road, Buena Creek Road, and S. Santa Fe Avenue, and building a new freeway interchange at I-15 and Deer Springs Road. All of these improvements would be fully funded by the project. The project also proposes off-site sewer and water improvements in Deer Springs Road, Sarver Lane, and Mesa Rock Road and new water and sewer infrastructure, including two new water tanks with 8 million gallons of capacity, on the project site. These infrastructure contributions mitigate the project’s impacts and improve the level of service over the existing condition for existing and future residents of the area, constituting a substantial public benefit to the area. As stated, the project also is already in close proximity to the I-15 corridor (situated on the west side of I-15), within the Water Authority’s service area, and nearby surrounding urban cities, such as San Marcos and Vista.

**O-1-367** The comment notes the EIR discloses the I-15/Deer Springs Road interchange and states the EIR cannot adequately determine the impacts of the interchange on water quality and erosion in the area. The County does not agree with this comment. Please see the **Response to Comment O-1-364** above.

Further, as previously stated in prior responses to comments from Golden Door, the I-15/Deer Springs Road interchange is a mitigation requirement, and the obligation to study the effects of the mitigation has been satisfied throughout the EIR. Please refer to those prior responses for further responsive information, but the general nature of the comment does not warrant any further or additional response.

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- O-1-368** The comment states that the EIR does not analyze build out of Deer Springs Road to six lanes, noting that the proposed drainage facilities may preclude the ultimate build out design. The comment also notes that impacts to private driveways and improvements along Deer Springs Road have not been adequately analyzed. The County does not concur with the comments.

The EIR does not analyze the potential impacts of a six-lane Deer Springs Road because neither does the project require nor does the project propose to widen Deer Springs Road to six lanes. Based on the results of the Traffic Impact Analysis, Appendix R1 to the EIR, Deer Springs Road would operate at an acceptable Level of Service (LOS) under Existing + Project + Cumulative conditions as a Four-Lane Major Road (4.1B Major Road). Accordingly, there is no necessity or requirement for the project to widen Deer Springs Road to six lanes. For a more detailed response on why the project does not require the widening of Deer Springs Road to six lanes and why the project's EIR is not required to analyze impacts associated with a six-lane-wide Deer Springs Road, please see **Response to Comment O-1.16-4**.

As to the comment that the project's proposed drainage improvements may preclude the widening of Deer Springs Road to six lanes in the future, the County does not agree with this comment and notes that the comment does not provide any evidence to support this statement. Drainage facilities are routinely expanded and/or reconfigured in association with road widening projects, the water quality detention basins and flood control channel for the improvements to Deer Springs Road could be reconfigured if necessary to accommodate runoff from an increase in road surface area or a change or expansion of the alignment of Deer Springs Road should the road ultimately be widened to County General Plan six-lane configuration, and there is nothing unique about Deer Springs Road or its surroundings that would preclude this widening and reconfiguration from happening.

Regarding impacts to private driveways on Deer Springs Road, please refer to **Response to Comment O-1.11-9**.

- O-1-369** The comment states that the EIR does not seem to incorporate detention basins that would prevent storm water and pollutants contained in that storm water from leaving the site. The County does not agree with this comment and notes that the comment does not provide any evidence to support the statement.

As stated in **Response to Comment O-1-164** above, the project incorporates a project-wide storm drain system in conjunction with an extensive network of bioswales, water quality and hydromodification basins, and flood control basins and facilities that have been sized and designed to manage stormwater runoff, attenuate flows that have the potential to cause downstream erosion/hydromodification, and to

prevent and correct existing downstream flooding in compliance with the County's BMP Design Manual and Hydrology Design Manual.

As it pertains to runoff that would occur during the grading and construction operations, as stated in **Response to Comment O-1-364** above and in Section 3.2 of the EIR (Page 3.2-14 and 15), "the project would be required to prepare and implement a SWPPP to employ numerous erosion control, sediment control, tracking control, materials and waste management, non-stormwater management, and inspection and maintenance BMPs to minimize the potential for erosion, sedimentation, and water quality impacts related to the grading and construction process."

**O-1-370** The comment states that the project will require Vallecitos Water District customers to reduce their usage by up to 30% to create enough water to serve the project and that, to mitigate this impact, "the project should analyze the capture and reuse of storm water within the project Site to both reduce the amount of water needed by the project, as well as reducing the total storm water flows being discharged off site." The County does not agree with the comments.

To begin, the project would not require Vallecitos Water District customers to reduce or ration their water usage. Please see **Topical Response UTL-2**. As it relates to the capture and reuse of stormwater runoff, stormwater runoff from developed areas of the project as well as offsite improvement areas would be channeled through landscaped bioswales and/or vegetated water/detention quality basins. The bioswales are an integral component of the project's landscape element and would serve to accomplish both filtration and partial infiltration as the runoff passes through them. As these bioswales are also part of the landscape element of the project, the stormwater runoff that passes through them would serve to offset the irrigation they would require in the dry season. This also applies to the water quality/detention basins which will be landscaped.

More broadly, stormwater runoff ultimately supplies downstream channels that support riparian and wetland vegetation and species and there is an important balance should be achieved to maintain flows to these downstream resources and capturing and diverting/reusing stormwater runoff for the water demand requirements of a development project. By integrating stormwater treatment, flow attenuation, filtration, and partial infiltration through the incorporation of bioswales into the project's landscape element, the project achieves this balance. Further, as the amount of rainfall in San Diego County is variable from year to year, no offsetting of the project's imported water needs was taken for the stormwater runoff that will offset the irrigation demands of the project's landscape areas, however, in practice, through

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- the incorporation of bioswales that capture and attenuate stormwater runoff into the landscape element of the project, the project's actual potable water demands would be less than total demand as detailed in the Water Supply Assessment for the project. Therefore, the project has incorporated an appropriate level of use of stormwater runoff from developed areas.
- O-1-371** The comment states that the Hydromodification Management Study: Newland Sierra PDS2014-MPA-14-018, Report prepared by Fuscoe Engineering, January 20, 2015 is based on incomplete, hypothetical "extrapolated" data that is inappropriate given the scale and complexity of this Project. It goes on to state that there was no basis for the hydromodification study to "assume[] erosion susceptibility for each POC." The County does not agree with the comments. Please refer to **Response to Comment O-1.14-4**.
- O-1-372** The comment states that the hydromodification analysis is inappropriately narrow and that the hydromodification study treats each POC individually and does not appear to consider the potential channel instability when several hydromodified channels join downstream of the POCs, adding that the EIR must also consider the stability of downstream receiving channels because of the project's footprint. The County does not agree with the comments. Please refer to **Response to Comments O-1.14-6 and O-1.14-7**.
- O-1-373** The comment states that the EIR's PCCSYA Analysis Report designates POCs as threshold channels, but the analysis does not directly assess sediment transport through these threshold channels and does not consider episodic transport due to fire, drought, earthquakes, debris flows, infrequent rain events, or the combination of those factors. The comment also states that the presence of a threshold (immobile bed) channel does not imply the absence of critical sediment source areas and that the EIR must be revised to incorporate a well-documented channel assessment with direct observations (not predicted grain size or air photos) at the POC as well as reaches upstream and downstream of the POC and banks and hillslopes connected to the channel. The County does not agree with the comments. Please refer to **Response to Comment O-1.14-10**.
- O-1-374** The comment challenges that the use of a 10-year peak discharge as a design flow, suggesting that confined headwater channels warrant using a larger peak such as the 100-year peak. The comment goes on to state that episodic events such as wildfires can be significant contributors to sediment supply and transport. The County does not agree with the comments. Please refer to **Responses to Comments O-1.14-10 and O-1.14-11**.



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- O-1-375** The comment challenges the assumption in the PCCSYA Report related to the presence of vegetation on a bed as an indicator of an immobile bed, citing wildfires as contributing sediment to channels in such a way that could remove vegetation in a channel. The County does not agree with the comments. Please refer to **Responses to Comments O-1.14-10 through O-1.14-12**.
- O-1-376** The comment states that the hydromodification analysis is fundamentally flawed because photographic documentation and grain size analysis was not thoroughly conducted. The County does not agree with the comments. Please refer to **Responses to Comments O-1.14-12 through O-1.14-14**.
- O-1-377** The comments state that the Draft EIR ignored the history of a previous project that was rejected by the Board of Supervisors in 2010 and the Property Specific Request North County 42 (PSR NC42) made in response to the General Plan Update process in 2011. Two previous proposals, one a complete development project and a second a set of land use designations, were submitted and underwent processing on the project Site from 2006 through 2012, the Merriam Mountains Project and PSR NC42, a set of proposed General Plan land use designations for the project Site.

The environmental consultant for the Newland Sierra project evaluated the Merriam Mountains Project and associated EIR. Based on that analysis, the Newland Sierra project is situated on a site similar to the Merriam Mountains Project. However, there are important differences between the two projects. The Merriam Mountains Project was on a different and larger site configuration than the Newland Sierra project; it proposed a substantially larger development area impacting 359 more acres than the Newland Sierra project; it proposed an additional 565 homes than the Newland Sierra project; and it provided only three home types (in contrast to the six types proposed by the Newland Sierra project); it also proposed an additional 29,000 square feet of retail/commercial compared to the Newland Sierra project. As a result, the Merriam Mountains Project would have impacted more acreage, generated more traffic, and consumed more water per day than the Newland Sierra project. The project also commits to a 100 percent reduction in greenhouse gas emissions through project design features and a Traffic Demand Management Plan, in contrast to the former Merriam Mountains Project. More specifically, the Merriam Mountains Project would have resulted in greater biological, cultural resource, traffic, air quality, greenhouse gas emissions, noise, and visual impacts than the proposed Newland Sierra project.

Further, the Merriam Mountains Project was considered but did not get approved by the County in 2010, near the peak of the housing market crash. Specifically, that project was (a) processed more than seven years ago under different factual and legal circumstances, (b) proposed on a project site with a different configuration and

acreage, (c) based on a different and new project application and project description, (d) subject to different CEQA significance thresholds, a different environmental analysis, and a different regulatory framework, and (e) involved different land uses, environmental impacts, and other project design features and mitigation strategies. Importantly, the Merriam Mountains Project also went forward under the County's prior General Plan, and not the 2011 General Plan Update.

The Merriam Mountains Project also proceeded at a time when the State was developing its greenhouse gas reduction strategies; and, as stated, the Newland Sierra project has since committed to reduce 100 percent of its greenhouse gas emissions as part of its net zero plan – all of which is consistent with California's efforts to reduce global climate change and address vehicle miles traveled.

The Sierra Project represents a significant reduction in size compared to the Merriam Mountains Project, since it would develop approximately 565 fewer homes, preserve additional on-site and off-site open space, including 214 acres of very high-quality off-site habitat in a core wildlife linkage area, and generate significantly fewer impacts in virtually every environmental category. Further, because the Board of Supervisors denied the Merriam Mountains Project, there was no reason or basis for including it in the Draft EIR for a different project.

The comment also references the "Property Specific Request North County 42" proposal (PSR NC42). In March 2014, the County completed its "2013 General Plan Annual Progress Report," and in that report, the County explains the origin of the Property Specific Requests, which once included PSR NC42. For further information regarding the County's General Plan PSR process, please see <http://www.sandiegocounty.gov/content/sdc/pds/advance/PSR.html> (last accessed May 7, 2018).

The Property Specific Requests (PSRs) for a general plan amendment (and zone change when necessary for consistency) constitute a County-initiated General Plan Amendment and Rezone project (GPA 12-005; REZ 14-006). This separate project arose during the Board of Supervisors' hearings conducted for the County's 2011 General Plan Update. During those hearings, numerous property owners expressed concern with the land use designations applied to their properties. The property owners individually petitioned the Board to consider changes to the land use designations of their specific properties. Some requests were incorporated into the 2011 General Plan Update; however, others could not be accommodated without additional environmental review, which would have delayed adoption of the 2011 General Plan. Thus, County staff was directed to process a General Plan Amendment (or GPA) and an associated zone change for 47 separate property specific requests.

The County is currently processing this GPA/Rezone project (GPA 12-005; REZ 14-006), along with an associated environmental impact report. PSR NC42 was one of the property-specific requests that covered the former Merriam Mountains Project site. This property-specific request has been withdrawn and since eliminated from the County's GPA/Rezone project (GPA 12-005; REZ 14-006).

As to PSR NC42, that proposal was not a specific development project. Instead, it was a set of proposed General Plan land use designations with generally described boundaries for a different project site configuration. It constituted just one of the many aspects of a proposed project. In contrast to the PSR NC42, a completed proposed project includes tentative map and preliminary grading plans, delineation of habitat conservation areas and fuel modification areas, on-site and off-site water quality and flood control improvements; a Specific Plan with site-specific land use regulations, landscaping and architectural standards and overarching land use goals and policies for the proposed project; environmental mitigation strategies, off-site improvements, financial commitments, agreements, school, road, and park contributions, and public benefits; a fire protection plan and an evacuation plan; transportation and sustainability strategies; and other key project design features that comprise a fully-developed proposed project that can be evaluated more completely in relation to the County's 2011 General Plan goals and policies.

PSR NC42 was never formally analyzed, either from a land use or environmental perspective. Instead, it was submitted by a previous property owner/applicant with a different site configuration and acreage, and it proposed substantially different land uses compared to the proposed project. PSR NC42 would have resulted in approximately 1,100 dwelling units, which is similar in terms of development yield to three of the Project Alternatives evaluated in the Newland Sierra Draft EIR.

Further, as stated, PSR NC42 was part of a process the County established during the 2011 General Plan Update process to consider land use requests that differed from the General Plan Update. PSR NC 42 was not accompanied by a project description, development application, or a land use consistency analysis in the context of the County's 2011 General Plan Guiding Principles and goals and policies, and it was withdrawn before any formal analysis was conducted on the proposed General Plan land use designations. As a result, the County Board of Supervisors never rendered any formal decision on it. PSR NC42 also proposed no project design features, mitigation strategies, public benefits, or any other specific project level community and environmental benefits critical to a complete evaluation of a project. Therefore, the County has determined that PSR NC42 bears no relevance to the County's consideration of the current proposed project.

The comment also states that the 2011 General Plan Update decreased the density permitted on the project site “such that the site is now largely zoned RL-20, allowing one residential unit per 20 acres, or approximately 99 units. The County does not concur with this comment. The existing General Plan land use designations for the project area allow a yield of approximately 2 million square feet of commercial use and 99 residential units – considerably more commercial use than referenced in the comment.

Based on the analysis provided above, the County does not concur with the statement in the comment that “the County Board of Supervisors has already twice found that the Project is not consistent with the land use designations for the Project area and is not consistent with the rural character of the Twin Oaks Community.” Further, based on the above analysis, neither the previous Merriam Mountains Project nor PSR NC42 warrant analysis in the Draft EIR for the current proposed project.

Nonetheless, 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. Notably, however, CEQA provides that the project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” (CEQA Guidelines Section 15124.) No further response is required because the comment does not raise an environmental issue requiring any further responses under CEQA.

- O-1-378** The County acknowledges that the comment conveys the opinions of the commenter. Community character is an important element of the County’s General Plan and community plans, including the North County Metropolitan Subregional Plan (“North County Metro Plan”). The community planning group views also will be considered by the Planning Commission and the Board of Supervisors; however, please note that the County retains responsibility for determining General Plan consistency based on the EIR and the entire record.

The Draft EIR, Section 2.1, Aesthetics, evaluated project and cumulative impacts on the visual character or quality of the area. Such impacts were determined to be significant and unavoidable; and visual simulations were included in the Draft EIR, Figures 2.1-4a through 2.1-13, to present a “before and after” depiction of the project as experienced by viewers in the project vicinity. These figures allow the public and the decision makers to better conceptualize the anticipated visual changes following construction and implementation of the project. Please refer to Figures 2.1-4a through 2.1-13 for further visual information.

In addition, the Draft EIR, pages 2.1-52 through 2.1-53, identified the mitigation and project design features that reduce the visual contrast associated with implementing

the proposed project, such as (a) balanced grading, (b) focusing development to lower elevation valley areas, (c) conservation of substantial open space acreage on site, and (d) landscaping and grade-adaptive architecture. These measures would generally reduce visual impacts by avoiding particularly prominent terrain, retaining the natural characteristics of portions of the project area, and partially screening structures through site design and landscaping.

As it relates to the Board of Supervisors rejection of the Merriam Mountains Project in 2010, the Board's decision was based on a range of project-related issues, all of which were unique to that project at that time. The Board of Supervisors decision in 2010 had no application to the Newland Sierra project. The Board will evaluate the current proposed project based on the project's environmental analysis, the project design features, mitigation, alternatives, and public benefits – along the Final EIR, including the comments and responses, the findings, the project's overriding considerations, and the public comments for and against the project during the public hearing process.

**O-1-379** The comment states that the County already has made a determination that a large, urban scale project in this area is not consistent with the rural community character of the area.

First, the Board of Supervisors did not make a “determination that a large, urban scale project in this area is not consistent with the rural community character of the area,” as the comment suggests. Instead, the Board rejected the prior Merriam Mountains Project on a 3-2 vote based on a separate project with different facts and circumstances; and a different EIR and record – as shown above. Additionally, neither the Planning Commission nor the Board of Supervisors are in any way bound by that prior action.

Further, the comment states that the Board of Supervisors rejected the developer's request (i.e., PSR NC42) for additional density in the General Plan update, adding that the PSR NC42 was withdrawn. The County does not concur with these comments and refers the reader to **Response to Comment O-1-377**. The Sierra project has incorporated land use strategies and project design features that minimize impacts to the visual character of the project area, including preservation of nearly three quarters of the natural topography and 61 percent of the native habitat on site, focusing development into the least environmentally sensitive areas, and incorporating landscape and architectural design standards that will enhance the visual character of the area. Please see Draft EIR, Section 2.1, Aesthetics, Figures 2.1-1e through 2.1-1h, depicting the existing off-site visual elements of the area surrounding the project. The project's development footprint also has been designed to minimize the project's

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visibility from surrounding communities, like Twin Oaks and Hidden Meadows, as well as along the I-15 corridor.

Finally, the comment states that the Twin Oaks Valley Community Sponsor Group views the project as inconsistent with the community character of the area, referring to the group's previous votes against Merriam Mountain and the proposed project. The County notes that sponsor groups are advisory and do not bind the Planning Commission or the Board of Supervisors. Further, the comment does not raise an issue related to the adequacy of the environmental analysis contained in the Draft EIR. The County also notes that the Board of Supervisors is ultimately responsible for determining the project's consistency with the General Plan and for taking formal action on the project's environmental analysis. 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-1-380** The comment refers to the comment letter that Golden Door Properties LLC submitted on the Notice of Preparation (NOP) of the Draft EIR and states that those NOP comments were "ignored" in preparing the Draft EIR. The County does not concur with this comment.

Each section of the Draft EIR provides a discussion about the NOP comment letters received and, to the extent that the NOP comment letters raised issues within the meaning of CEQA, those issues were evaluated and addressed in the process of preparing each section of the Draft EIR. Further, the NOP comment letters, including the NOP comment letter submitted on behalf of Golden Door Properties LLC, are found in Appendix A to the Draft EIR. Thus, the comments were addressed and accounted for in the analysis and disclosure of impacts in the Draft EIR, and the NOP comment letters were made part of the Draft EIR, and were available to all interested parties as an appendix to the Draft EIR. Those letters also are available for review by the Planning Commission and the Board of Supervisors.

The comment states further that the Draft EIR should be revised to address each concern expressed in their NOP comments, adding that they "request a response to each of the issues raised." CEQA does not require written responses to every comment received in response to a NOP for a Draft EIR. As stated above, CEQA requires that NOP comments be considered as part of the process of preparing a Draft EIR. For example, if a comment raised a relevant concern about the project creating fugitive dust or impacts to a specific road or intersection, to the extent that the analysis of project impacts validates that concern, the Draft EIR should identify the impact and, to the extent feasible, incorporate mitigation to mitigate the impact. The project's Draft EIR has complied with this requirement. The Draft EIR, however,

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need not articulate the specific NOP comment in each case and provide a written response of how that comment was addressed in the Draft EIR. There is no legal requirement to do so.

Nonetheless, and without conceding the County's position that no such responses are required by law, please refer to **Response to Comment O-1.2** (NOP Comment Letter) for the County's written responses to Golden Door Properties, LLC's NOP comment letter. These responses are part of the Final EIR.

- O-1-381** The comment requests public information sessions on the Draft EIR; response to comments made at such sessions; planning group presentations; and a new comment period. The County does not concur with such requests.

**The Draft EIR**, Section S.6, Public Outreach and EIR Preparation Process, describes the public outreach process the project applicant and the County have engaged in between 2012 and 2017 in an effort to address all questions and concerns about the project, and to provide key details and information about the project. Specifically, the project applicant and its representatives participated in four community planning workshops, 17 community organization meetings, and four project advisory group meetings; made six separate presentations to the local community planning and sponsor groups with County staff in attendance, including the Bonsall Community Sponsor Group, the Hidden Meadows Community Sponsor Group, the I-15 Corridor Design Committee, and the Twin Oaks Valley Community Sponsor Group; and participated in community organized presentations, panels, informational breakfasts and luncheons with rotary clubs, chamber groups, and other interested local stakeholder groups. Consistent with CEQA, the County's Planning & Development Services Department held a public scoping meeting to solicit comments related to preparation of the Draft EIR, and another public meeting during the public review period for the Draft EIR. The public scoping meeting was held on March 4, 2015, and the public meeting on the Draft EIR was held on July 18, 2017. The project also will be subject to noticed, public hearings before the Planning Commission and the Board of Supervisors. At these hearings, all interested parties will be provided with further information through project presentations; and they will be given an opportunity to make oral comments to the Planning Commission and Board members. For all the above reasons, no new comment period will be provided.

- O-1-382** The comment refers to a Table 3.3-1 reference in Section 3.3.2.2 of the Draft EIR. The reference to Table 3.3-1 is incorrect. The reference should have been to Appendix DD, Land Use Consistency Analysis, of the Draft EIR. The EIR text has been revised with the correct reference, as reflected in the Final EIR in Section 3.3, Land Use and Planning. Further, EIR Appendix DD is correctly referenced in the first

paragraph of Section 3.3 of the Draft EIR. That paragraph states the following (emphasis added):

This section describes the existing land use and planning setting of the proposed project, identifies associated regulatory requirements, evaluates potential land use impacts, and identifies mitigation measures related to implementation of the Newland Sierra Project (proposed project or project). *A full land use consistency analysis was conducted for the proposed project and is included as Appendix DD.*

Thus, the Draft EIR, Appendix D, includes the project' land use consistency analysis with respect to the General Plan. The analysis shows that the project, if approved, would be consistent with General Plan policies. Thus, there is no requirement to recirculate the Draft EIR because of the incorrect table reference noted in this comment.

Importantly, the EIR' incorrect reference did not preclude review of the information presented in the Draft EIR Appendix DD, because in other areas of this comment letter, Golden Door Properties LLC, through its counsel (Latham & Watkins), makes reference to Appendix DD, and comments on the information provided in Appendix DD (see, e.g., Comment O-1-425). There has been no impact or prejudice to Golden Door Properties, LLC or any other interested party due to the inadvertent error to a table.

- O-1-383** The comment states that the Draft EIR inappropriately inserts the “Proposed Newland Sierra Specific Plan” as part of the regulatory setting, adding that the Newland Sierra Specific Plan is not part of the regulatory setting, it is one of the significant changes to the land use in the area, and that the Regulatory Setting section of the Draft EIR is not the correct place to make compliance determinations for a proposed change in land use. The County agrees that the Newland Sierra Specific Plan should not be referenced in the Regulatory Setting section of the Draft EIR. The project's Specific Plan is an integral component of the project description, implementation of which is necessary to achieve consistency with the County's General Plan Guiding Principles and Goals and Policies; federal, state, and local regulations and plans; and a range of other environmental and land use requirements applicable to the project. Section 3.3.2.2, Regulatory Setting, Local, Proposed Newland Sierra Specific Plan, has been revised in the Final EIR to change the heading to be “Specific Plans,” and the following changes (in strikeout/underline) have been made to the paragraph under this revised heading:



### PROPOSED NEWLAND SIERRA SPECIFIC PLANS

California Government Code Section 65450 authorizes cities and counties to adopt a specific plan. ~~The proposed Newland Sierra Specific Plans provides the land use regulations and guidelines governing the permitted land uses, densities, maximum residential units, required public facilities, infrastructure, open space, and amenities for a the Newland Sierra planned Community in compliance with applicable County policies and regulations. It is anticipated that precise refinements such as final road and trail alignments, minor changes in planning area configuration would occur during development of the final map and Site plans. Such refinements, with approval of the Director of Planning & Development Services, would not require amendments to the Specific Plan provided the number of residential dwelling units is not exceeded and the overall character of the project is maintained.~~

- O-1-384** The comment states that the project's land use impacts are described in the project description, the Land Use section, the Population and Housing section, and the appendices to the Draft EIR, making it difficult to determine where significance determinations are made and where analysis of particular points can be found. The comment further states that this is a violation of CEQA. The County does not concur with this comment.

Section 3.3, Land Use and Planning, and Section 2.12, Population and Housing, of the Draft EIR were prepared in compliance with CEQA Guidelines, Appendix G. The significant criteria used are verbatim from Appendix G. The project description section contains a discussion about the project's land use details, as well as a detailed description of the project's Project Design Features (PDFs), many of them land use in nature, but does not evaluate land use impacts. Although there may be some perceived connection between population and housing and land use issues, the CEQA significance criteria used in the Land Use and Planning section are different thresholds evaluating different issues compared to those used in the Population and Housing section; these two sections of the Draft EIR are separate and distinct analyses from each other. For example, the land use analysis is focused on a project's consistency with adopted plans, whereas the population and housing analysis is focused on whether a project would induce substantial population growth in an area or whether a project would displace existing homes or people. The concepts of population growth and housing and population displacement are not found within the CEQA Guidelines for land use and, correspondingly, the concept of consistency with adopted plans is not found within the CEQA Guidelines for population and housing.

**O-1-385** The comment states that the existing General Plan conditions are not correctly described, that Draft EIR Table 1-11 and Section 1.8.1 are inaccurate and attempt to portray the existing conditions as having potentially more impact on the property than the current proposed project. Further, the comments states that 2,008,116 square feet of commercial development may not be developed on the property given regulatory, physical, and market constraints. The comment states that the project proposes 81,000 square feet of commercial uses compared to the 1,777,694 square feet of commercial space otherwise allowed under the proposed General Plan. The comment states that it is unclear as to what is meant by the “proposed General Plan,” and that neither the 2 million square-foot nor the 1.7 million square-foot description of the commercial area in the Draft EIR is correct and the Draft EIR is internally inconsistent. The County does not concur with these comments.

Related to the maximum allowable development allowed under the existing General Plan land use designations, Section 1.6.1 of the Newland Sierra Specific Plan, “Existing Land Use Designations” (Appendix C to the Draft EIR), outlines how the residential, office, and commercial yields were calculated for the project based on the existing General Plan land use designations and the existing zoning. Table 1 of the Specific Plan, “Commercial and 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 General Commercial (C-1) and 0.80 for the 53.6 acres of the area designated as Office Professional (C-2), up to 2,008,116 square feet of commercial and office space are permitted on the project. These calculations are based on the gross acreage and the maximum allowable FAR of the land area within these existing General Plan land use designations. This maximum allowable commercial and office square footage is also shown in Table 1-11 of the Draft EIR.

This estimated maximum commercial and office square footage also is consistent with the Golden Door’s 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 allowable under the C30 zone and C36 zone to be 2,008,116 square feet and 140,263 square feet, respectively, which is higher but generally consistent with the estimate of the maximum building square footage allowable under the existing General Plan – as calculated in the Specific Plan and the Draft EIR.

While environmental and other constraints could affect the development footprint of commercial and office development allowable under the existing General Plan, sufficient flexibility in the County’s regulatory framework exists to allow projects to meet the County’s regulatory requirements and still achieve the allowable development intensities as contemplated by the existing General Plan, particularly

when the developer has access to a larger landholding beyond the area proposed for development, which can be used to achieve preservation and avoidance requirements for the overall project. For example, a project that complies with the existing General Plan land use designations would be able to use the provisions of Resource Protection Ordinance (RPO) Section 86.604(e)(2)(cc) to implement a conservation subdivision design that provides allowances for greater impacts to steep slopes to avoid or minimize other environmental impacts. In this manner, impacts to steep slopes in the commercial and office designated areas could be permitted under the existing General Plan if a conservation subdivision design is implemented for the project site as a whole. Therefore, the County does not agree with the comment that 2,008,116 square feet of commercial development could not be achieved on the property because of regulatory, physical, and market conditions. ~~whole~~. The County also points out that the comment misses the point of providing the existing General Plan land use designations and yields for the project area. The information is not provided to “portray” the existing General Plan land use designations and yields as “having potentially more impact” on the property than the proposed project. Instead, the Draft EIR and the Specific Plan disclose the existing General Plan and zoning governing the property because it is relevant land use data to provide to the public and the decision makers.

In addition, the disclosure of such information is consistent with CEQA’s existing conditions and alternatives requirements. (Please see CEQA Guidelines sections 151259(d) and 15126.6(e).) For example, CEQA Guidelines section 15125(d) calls for a discussion of any inconsistencies between the project and the applicable general plan. Further, CEQA Guidelines section 15126.6(e) addresses the need to evaluate the “No Project” alternative. The “No Project” analysis must disclose “existing conditions,” which necessarily includes the property’s applicable General Plan land use designations and zoning. It also must assess what would be reasonably expected to occur in the foreseeable future if the project were not approved. (See CEQA Guidelines section 15126.6(e)(2).) Further, if disapproval of the project would result in predictable actions by others, such as the proposal of some other project, the “No Project” consequence should be discussed. (See CEQA Guidelines section 15126.6(e)(3)(B).)

Here, the project’s existing, applicable General Plan land use designations and yields are addressed to determine inconsistencies between the project and those regulatory measures. They are also provided as an important part of the Draft EIR’s alternatives analysis. (Please refer to Draft EIR, Section 4.5, Existing General Plan Alternative, and Figure 4-2 depicting the land uses that are part of the alternative.)

In that analysis, the Existing General Plan Alternative is considered feasible due to its consistency with the existing General Plan land use designations and zoning. Implementation of this alternative also may present other constraints, but the underlying land use and zoning regulations still apply and govern development on site.

Additionally, as disclosed in the Draft EIR, Section 4.5, Existing General Plan Alternative, the alternative would avoid, reduce or substantially lessen significant impacts compared to the project for air quality, hydrology, water quality, population/housing, energy, and noise. However, the alternative would result in greater significant environmental impacts compared to the project for aesthetics (i.e., greater visual character and quality impacts), biota resources, cultural resources, mineral resources, and traffic.

As it relates to the comment stating that it is unclear as to what is meant by the “proposed General Plan,” and that neither the 2 million square foot or the 1.7 million square foot description of the commercial area in the Draft EIR is correct and the Draft EIR is internally inconsistent, the comment appears to be conflating the maximum commercial and office development allowed under the existing General Plan land use designations and that allowed under the project’s proposed General Plan Amendment. Section 1.8.1, General Plan Amendment, of the Draft EIR describes the maximum residential and commercial development allowed under the proposed land use designations (i.e., the proposed General Plan Amendment or “proposed General Plan”), but clarifies that the proposed project is more restrictive, as follows:

Although the proposed Specific Plan and land use designations allow for approximately 2,199 residential dwelling units and approximately 1,777,684 square feet of commercial use, the proposed project is more restrictive because it proposes a maximum of 2,135 residential dwelling units and 81,000 square feet of commercial uses.

Further, these restrictions to a maximum of 2,135 residential dwelling units and 81,000 square feet of retail are outlined in Section 1.6.2 of the Specific Plan (Appendix C to the Draft EIR), page 12. Specifically, the Specific Plan states, “[i]n addition, although the Specific Plan designations allow for 2,199 dwelling units and 1,777,684 square feet of commercial use, the project is more restrictive because it proposes a maximum of 2,135 dwelling units and 81,000 square feet of commercial uses.”

To address any confusion in what might be meant by the phrase “proposed General Plan” used farther down in this section of the Draft EIR, the word “Amendment” has been added such that the phrase is now “proposed General Plan Amendment,” as reflected in the Final EIR.

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**O-1-386** The comment states that over 30 percent of the property is encumbered by steep slopes greater than 25 percent which renders those areas of the property almost undevelopable under the County's RPO. The comment states that only a maximum of 635,000 square feet of Office Professional uses would be allowed when requirements for surface parking, setbacks, height, and other development restrictions are applied to the property and that the Office Professional designation allows a maximum floor area ratio ("FAR") of 0.8. Finally, the comment states that after accounting for setbacks and RPO slopes only 27.7 of the 53.6 acres of land designated for Office Professional and zoned C30 are "developable." The County does not concur with these comments. **Responses to Comments O-1.9-2 through O-1.9-4** address why the calculations and assumptions presented in the comment are incorrect. Please refer to those responses for further information.

**O-1-387** The comment states that the General Commercial area of the property is 4.6 acres and is allowed to develop to a maximum FAR of 0.7, adding that, given requirements for parking, a 2-story height maximum, and required setbacks, the property could only develop to a maximum of 103,000 square feet. Further, the comment states that because Mesa Rock Road bisects the property, it would make it impossible for all of the development square footage to be used by a single building like a "Big Box" store. The County does not concur with the comment.

The comment correctly states that the General Commercial use in this area has a maximum 2-story height limit and that the General Commercial designation allows a maximum FAR of 0.7, consistent with the maximum allowable FAR for the General Commercial designation inside a Village area of the County General Plan, however, the calculation of the maximum allowable square footage is incorrect. Please see **Responses to Comments O-1.9-2 through O-1.9-4**, which address why the calculations and assumptions presented in the comment are incorrect. Please refer to those responses for further information.

**O-1-388** The comment states that the total feasible combined Office Professional and General Commercial square footage allowed in the existing condition is 738,000 square feet and not 2 million square feet and references the DELANE Commercial Memo. The comment concludes that the Draft EIR's characterization of the commercial area of the project under existing conditions is incorrect and must be revised and recirculated. The County does not concur with this comment. Please see **Responses to Comments O-1.9-2 through O-1.4-4** on how approximately 2 million square feet of commercial and office development could be built pursuant to the General Plan.

**O-1-389** The comment states that the Cushman & Wakefield Study determined that construction of commercial office or retail on the project is not economically viable,

that the Cushman & Wakefield Study found that “there does not appear to be significant demand for office space in the subject’s designated site area,” that “there is little to no current demand for retail development at the subject site,” and that there will be little to no growth in demand for these land uses “in the short or long term.” The purpose of the EIR – including a description of what is allowed under the existing General Plan – is to inform the reader of the current maximum permitted land uses and intensities, not to speculate on the viability of or demand for these land uses and intensities. The EIR is an environmental document analyzing a project’s impacts, not a market viability study of what is “marketable” under the existing General Plan.

Notably, the Cushman & Wakefield study does not accurately disclose the subject property’s existing zoning in the context of General Plan residential land use designations (see page 30, which omits the Semi-Rural and Rural land use designations allowing 99 residential units on site). Further, the study’s market demand analysis, page 31, forecasts a strong residential demand due to home sales, price increases, and declining foreclosure activity. However, the study notes that the lack of affordable housing in San Diego County is a concern, with many residential projects having been proposed to address affordability, but that such projects are having “some difficulty in obtaining approvals.” If approved, this project’s housing and mix would assist in addressing the County’s housing affordability concerns.

The Cushman & Wakefield study’s office and retail market analysis (pages 33, 35) also provide forecasts to only the year 2022, which is less than four years away. As a result, the study does not support Golden Door’s claim there is no demand for office or retail in the “long term.” Further, on page 37, the study contains “limitations” stating the opinions in the report are “only as of the date stated in the [r]eport” and changes “since that date in external and market forces or in the Property itself can significantly affect the conclusions in the [r]eport.” Stated differently, the report points out, correctly, that external and market forces can and do change and that those changes would significantly affect the opinions expressed in the report, which was written as of July 2017.

Lastly, on page 37, the report’s “limitations” state that neither the author nor Cushman & Wakefield “shall be responsible for the accuracy or completeness of “the information in the study and that applies to the “correctness of estimates, opinions ... and factual matters” contained therein.

In the case of General Plan Alternatives, the level of analysis required is outlined in CEQA Guidelines section 15126.6(d), which states the following (County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1):

Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

Thus, the analysis of the Existing General Plan Alternative reflects the maximum allowable uses permitted under the existing General Plan land use designations and satisfies the requirements for analysis of project alternatives as outlined above.

**O-1-390** The comment states that the previous owner of the project area, Stonegate, expressed the opinion in a letter to the County dated August 31, 2009, that “the commercial and office professional designations in the draft GPU are too small and isolated to be economically viable,” adding that not even the previous owners believed that the commercial area (as designated under the existing General Plan) could be developed to the maximum build-out assumed in the Draft EIR. The County acknowledges the comment, but notes that it expresses the opinion and does not raise an issue with respect to the adequacy of the Draft EIR’s environmental analysis prepared for the project. Please see **Responses to Comments O-1-386 through O-1-389** for further responsive information.

**O-1-391** The comment states that the Draft EIR Traffic Study (Newland Sierra Traffic Impact Analysis, Appendix R to the Draft EIR) appears to acknowledge that producing 2 million square feet of commercial uses on the property is unlikely, adding that the traffic study assesses traffic trips that relate to less than 2 million square feet. The County does not concur with this comment. No such speculation is contained in the Traffic Impact Analysis (TIA). Table 11-1 in the TIA calculates the total trips that would be generated under the existing General Plan land uses designations based on 4.64 acres of General Commercial, 53.64 acres of Office Professional, and 99 estate residential units. The trip generation rates for these land uses are in compliance with SANDAG’s “Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region” (SANDAG Trip Generation Guide). In Table 11-1 of the TIA, the gross acreages of the land within each land use designation are used for the commercial and office uses as opposed to building square footages as the trip generation rates per the SANDAG Trip Generation Guide are based on gross acreages for these non-residential land uses. As shown in Table 11-1 of the TIA, when using rates of 1,200 ADT/acre and 300 ADT/acre for General Commercial and Office Professional, respectively, the gross ADTs would be 5,568 and 16,092 for the General Commercial

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and Office Professional, respectively, or 21,660 ADT combined. Contrary to the comment, there is no internal inconsistency in the Draft EIR.

- O-1-392** The comment states that the applicant has provided false and misleading statements about the potential for commercial development of the property, adding that the applicant's statements about the potential for big box retail on are untrue and serve to confuse the public about the allowable uses under the existing General Plan. The County has no position on the market viability of large format ("big box") retail in the project area, however, commercial uses that could be considered or fall into the category of a large-format retail establishment would be allowable within the 4.64 acres of land zoned C-36 (General Commercial). The land zoned General Commercial on the project would allow up to 140,000 square feet of commercial building space, which is sufficient to accommodate many large format retail establishments.

The comment quotes the "intent" portion of County Zoning Ordinance section 2300; and, specifically, that "uses involving high volumes of vehicle traffic be excluded from the C30 Use Regulations," and then concludes that Big Box retail is not allowed in the C30 Zone. The County has determined that the large-format retail use would be allowed in the C36 Zone and section 2300 does not apply to that zone.

- O-1-393** The comment restates that only 100,000 square feet of retail would be allowable in the C36 Zone. As stated, the County does not concur with the calculation of the maximum commercial square footage that would be allowed in the project's C36 Zone. The comment also states that the area zoned C36 is split by Mesa Rock Road, "which further diminishes the ability for the property to develop in a single block, as would be required for any type of large format retail." As shown in Figure 4-2, Existing General Plan Alternative (Chapter 4 of the Draft EIR), the commercial area would be along the existing alignment of Mesa Rock Road; and, therefore, as presented in Figure 4-2, even with adjustments in the alignment and width of Mesa Rock Road, the commercial area as a single block would be minimally impacted. Further, large-format retail uses generate a lower traffic generation on a per-acre or per-square-foot basis than community and neighborhood shopping centers. Therefore, if a smaller neighborhood shopping center were to be built under the Existing General Plan Alternative instead of a large-format retail use, the overall physical impact would be the same and the traffic impacts would also likely be roughly the same or possible greater with a community or neighborhood shopping center.

- O-1-394** The comment states that "the project applicant's public relations campaign to confuse and mislead the public as the existing conditions of the property has tainted the DEIR analysis and the public's ability to accurately comment on the DEIR," adding that



“the DEIR must therefore be recirculated with a corrected land use description which provides accurate information to the public.” The County takes no position about the project applicant’s public relations efforts as these efforts do not involve the County. As it relates to the characterization of the allowable uses and intensities under the existing General Plan and zoning, the County disagrees that the land use description in the Draft EIR is incorrect. The Draft EIR and the project’s Specific Plan correctly describe the maximum allowable commercial, office, and residential uses and intensities permitted under the existing General Plan and zoning.

The County also does not agree with the position that the Draft EIR must be recirculated because the EIR has presented accurate information about the maximum allowable land uses and intensities permitted on the project under the General Plan and zoning. Nonetheless, 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-1-395** The comment states that the Draft EIR Site Plan for the Existing General Plan Alternative appears to have been developed to maximize and inflate potential impacts under the existing General Plan designations and does not take into consideration the restrictions of the County’s Conservation Subdivision Ordinance. The County does not concur with this comment.

Please refer to **Response to Comment O-1-385**, above, for responsive information.

Further, a Site Plan for the Existing General Plan Alternative is shown in Figure 4-2 in Chapter 4, Project Alternatives, of the Draft EIR. The Existing General Plan Alternative was designed in conformance with the County Subdivision Ordinance and the Rural Subdivision Design and Processing Guidelines. The distribution of the 99 units was based on the existing zoning (requiring 4-acre minimum lot sizes throughout much of the site), a pad size and septic leach field area typical of semi-rural estate lot development in the County, the fuel modification requirements that would apply, including delineation of Zone 1, Zone 2, and Special Management Areas, and a road network that minimized grading impacts while still meeting the County’s applicable public road standards. The Existing General Plan Alternative site plan was based on an impact analysis, which showed the grading footprint for this alternative would impact approximately 213 acres and the fuel modification zones (Zone 1, Zone 2, and Special Management Areas) would impact an additional 836.2 acres for a total of 1,049 acres of the 1,985-acre project Site. There was no inflating of potential impacts.

- O-1-396** The first part of the comment states that the analysis makes conclusory statements that the existing General Plan Alternative will degrade open space and increase

biological impacts, but provides no basis for such statements. The County does not concur with this comment.

Chapter 4 of the Draft EIR provides a detailed analysis of the Existing General Plan Alternative and its environmental impacts. It also provides a comparison of how such impacts compare to the project's impacts (refer to Section 4.5 and Table 4-1 in the Draft EIR). The County does not concur that there is no basis for the findings related to the Existing General Plan Alternative's impacts. **Response to Comment O-1-395** and the response to the second part of this comment below address the regulatory and physical constraints applicable under the Existing General Plan Alternative.

The second part of the comment states that the EIR analysis makes assumptions about the development potential of the project without actually applying regulatory, physical, and market conditions that impact its development viability. The County does not concur with these comments.

As explained in **Response to Comment O-1-395**, the layout of the 99 residential lots was in conformance with the County's Subdivision Ordinance and the Rural Subdivision and Processing Guidelines. The Site Plan accounted for existing zoning requirements, accommodations for septic leach fields, the County's road standards, fuel modification requirements, and other physical constraints to such development. The office and commercial area was confined to those areas zoned C-30 and C-36 and amount to 58 of the 1,049 total acres of impact. The total grading footprint under the Existing General Plan Alternative would be limited to 213 acres of the 1985-acre project site, less than 11 percent of the total site. This is consistent with the County's Subdivision Ordinance, Table 81.401.1, and the Rural Subdivision and Processing Guidelines governing the amount a site can be impacted within a project's existing rural and semi-rural land use designations (e.g., the minimum avoidance required for the SR-10 and RL-20 designations is 75 percent and 80 percent, respectively). Therefore, the County does not concur that the analysis makes assumptions about the development potential of the site without applying regulatory and physical conditions that impact development potential. As it relates to market conditions, such factors are outside the control of the County, outside the scope of CEQA, and not relevant to application of the County's regulations and policies pertaining to development in this context.

The comment states that the Existing General Plan Alternative is a misleading, unreasonable, and unfairly biased description of the development allowed under the existing General Plan. As explained above, the County does not concur with this comment. Further, the comment is not supported by any evidence, it expresses an

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opinion, and does not raise any specific issue with the analysis that was done for the Existing General Plan Alternative. No further response is required.

**O-1-397** The comment begins by restating information in the Draft EIR. The comment states that the Draft EIR's description of impacts to the California gnatcatcher under the Existing General Plan Alternative are unfounded and not supported. The comment adds that it makes no logical sense that 99 homes, which could be clustered into an area where occupied gnatcatcher habitat did not exist, would impact the gnatcatcher more than the proposed project. To begin, under the Existing General Plan Alternative, impacts to the coastal sage scrub habitat (occupied by the California gnatcatcher) are due to the commercial and office development allowed under the existing General Plan, not the 99 homes allowed under the existing General Plan. The biological/habitat impacts associated with the Existing General Plan alternative are predominantly from the fuel modification zones that would be required for the 99 homes, which have been clustered in conformance with the minimum lot size requirements, the County's Subdivision Ordinance, and the Rural Subdivision and Processing Guidelines.

**O-1-398** The comment restates information in the Draft EIR and notes that any subdivision of the property to accommodate the allowed 99 units would require compliance with the County's Conservation Subdivision Ordinance. The comment states that 386.3 acres would be the maximum allowed for development or disturbance under the Conservation Subdivision Ordinance for the 1,926.6 acres designated as RL-20 or SR-10. The County does not concur with this comment.

Table 81.401.1 of the Subdivision Ordinance contains minimum avoidance percentages of 75 percent and 80 percent for SR-10 and RL-20 designated areas, respectively. Subdivision Ordinance Section 91.401, 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 allowed under the Existing General Plan Alternative within the SR-10 and R-20 designated areas is not 386.3 acres as stated in the comment. Instead, the acreage is the limit of the grading impacts allowed under

this Alternative, such as impacts associated with 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 above in the Subdivision Ordinance) is 444.3 acres. By comparison, the grading impacts under the Existing General Plan Alternative as presented in Figure 4-2 of Draft EIR Chapter 4, Project Alternatives, is substantially below this acreage (limiting grading impacts to 213 acres [including the commercial/office development area]). This amounts to approximately 11 percent of the project Site and less than half of the allowed grading 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 in the County’s Subdivision Ordinance.

Therefore, and as discussed in **Responses to Comments O-1-395 through O-1-397**, the subdivision design in the Existing General Plan Alternative complies with the applicable provisions of the County’s Subdivision Ordinance governing conservation subdivision design and the uses permitted inside the 75 percent and 80 percent conservation areas by limiting the grading impacts to approximately 11 percent of the project, by complying with the Rural Subdivision Design and Process Guidelines, and the County’s zoning, road, and other regulatory requirements.

Further, the County does not concur with the statement in the Delane Commercial Memo stating that an additional 17.46 acres would be needed to be preserved in the commercial area under the Existing General Plan Alternative (please refer to **Responses to Comments O-1.9-1 through O-1.9-7**). The Resource Protection Ordinance contains exceptions to the maximum encroachment allowances. Specifically, Section 86.604(e)(2)(cc) of the Resource Protection Ordinance states the following:

Additional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps which propose a Planned Residential Development, lot area averaging, conservation subdivision or cluster development when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists. The determination of whether or not a tentative map or tentative parcel map qualifies for additional encroachment shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

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Because the Existing General Plan Alternative is a conservation subdivision, additional encroachment into steep slopes (in the commercial/office area) would be permitted.

The comment concludes that because all of the lands conserved under the Existing General Plan Alternative are on site, the Existing General Plan would better preserve the biological functions of the area compared to the off-site mitigation offered by the project. The County does not concur with this comment.

As shown in the Draft EIR, the Existing General Plan Alternative would result in 272 more acres of biological impacts compared to the proposed project, including greater impacts to native habitats found on site, greater fragmentation, and greater impacts to wildlife movement and connectivity. Further, in addition to the 1,209 acres of habitat on site, the project proposes to preserve 212 acres of high quality habitat in a core biological linkage area off site. Accordingly, the proposed project would result in a greater biological preservation when compared to the Existing General Plan Alternative.

- O-1-399** The comment states that, under the Existing General Plan Alternative, the 99 lots could be clustered together on 99 one-acre lots, resulting in less site disturbance, fewer road improvements, and greater conservation compared to the proposed project. The comment states that the Draft EIR inappropriately assumes homes would be spread/sprawled across the entire 1,907-acre project, inflating the potential impact of development under the Existing General Plan. The comment concludes that the Draft EIR's analysis is misleading and improper under CEQA and that the Draft EIR must be revised and recirculated for further public review and comment. The County does not concur with the assumption that all 99 lots could be clustered on 99 one-acre lots or the statement that the EIR's Existing General Plan Alternative inflates the potential impacts by "sprawling" the 99 homes across the project.

As stated, the grading disturbance under the Existing General Plan Alternative, including the 58 acres of site disturbance associated with the commercial and office development in the Village designated portion of the site, is limited to 213 acres of the 1,985-acre project site. The 99 units could not be clustered onto 99 one-acre lots because, although there are no minimum lot sizes required by the General Plan, the zoning of the property still contains minimum lot sizes, predominantly a 4-acre minimum for the RL-20 designated areas. Further, the type of soils on site have poor infiltration rates, requiring significantly larger leach fields for septic systems than are required for other parts of the County. The Existing General Plan Alternative located the 99 units in the least environmentally sensitive areas of the property and clustered these units into discrete areas to minimize impacts while still complying

with the minimum lot size requirements applicable under the existing zoning. For further responsive information, please see **Response to Comment O-1-385**.

In addition, the comment states the Existing General Plan Alternative makes the “flawed” finding it is “not consistent with the General Plan.” No reference to the Draft EIR is provided in the comment. The statement is incorrect. On page 4-23, the Draft EIR states that the “Existing General Plan Alternative is feasible due to consistency with the existing General Plan land use designations and zoning.”

- O-1-400** The comment states that the Draft EIR’s characterization of the Existing General Plan land uses are incorrect and that the Draft EIR vastly understates the project’s impacts. The comment then states that the Draft EIR found that the Existing General Plan Alternative is not consistent with the General Plan, adding that substantial evidence shows that the Existing General Plan Alternative will have fewer impacts than the proposed project. The County does not concur with this comment.

As explained in **Responses to Comments O-1-391 through O-1-399**, the Draft EIR correctly describes and analyzes the Existing General Plan Alternative. The Draft EIR found that the Existing General Plan Alternative is consistent with the existing General Plan land use designations on the project; however, the alternative would not be consistent with the project’s objectives. See also **Response to Comment O-1-385** for additional responsive information.

The Draft EIR, Section 4.5.4, Feasibility, incorrectly states that the Existing General Plan Alternative “would not be in compliance with General policies M-3.3, S-3.1, S-3.3, and S-3.5 as well as the County Consolidated Fire Code.” This statement does not apply to the Existing General Plan Alternative and has been deleted, as reflected in Final EIR Section 4.5.4. Finally, the comment asserts that substantial evidence shows that the Existing General Plan Alternative would have fewer impacts than the proposed project; however, as explained in **Responses to Comments O-1-391 through O-1-399**, the Draft EIR’s analysis demonstrates otherwise, and the comment does not present substantial evidence to the contrary.

- O-1-401** The comment states that the land use findings in the Draft EIR are at odds with the staff reports for the NC 42 Property Specific Request. The County does not concur with this comment. As explained in **Responses to Comments O-1-377 and O-1-379**, NC 42 was not a development project, but rather a set of proposed land use designations with generally described boundaries for a different project site configuration. It constituted one of the many aspects of a complete project. A complete project includes a tentative map(s) and preliminary grading plans, delineation of habitat conservation areas, fuel modification areas, on-site and off-site water quality and flood control improvements; a Specific Plan with site-specific land

use regulations, landscaping and architectural standards, and overarching land use goals and policies for the proposed project; environmental mitigation strategies, off-site improvements, financial commitments, agreements, school, road, and park contributions, and public benefits; a fire protection plan and an evacuation plan; transportation and sustainability strategies, and other key project design features that collectively comprise a fully-developed project proposal that can be evaluated more completely in relation to the County's General Plan goals and policies. PSR NC42 contained none of these project elements and, therefore, has no bearing on the analysis contained in the Draft EIR for the Sierra project.

Instead, PSR NC42 was never formally analyzed, either from a land use or environmental perspective. Instead, it was made by a previous property owner/applicant with a different site configuration and acreage, and it proposed substantially different land uses compared to the proposed project. Further, PSR NC42 was part of a process the County established during the 2011 General Plan Update process to consider land use requests that differed from the recently adopted General Plan Update. PSR NC42 was not accompanied by a land use consistency analysis in the context of the County's updated General Plan Guiding Principles and goals and policies, and it was withdrawn before the County rendered any formal decision on it. PSR NC42 also proposed no project design features, mitigation strategies, public benefits, or any other specific project-level community and environmental benefits critical to the complete evaluation of a project by the Board of Supervisors. In conclusion, the County has determined that PSR NC42 bears no relevance to the County's consideration of the current proposed project. In addition, the Draft EIR's Land Use section need not evaluate PSR NC42 because it was withdrawn from consideration, and no purpose would be served by evaluating a withdrawn proposal.

- O-1-402** The comment states that County staff has previously determined that increasing density on the subject property would change the General Plan's objectives and likely require recirculation of the General Plan's EIR. The comment states that land use findings in the Draft EIR are at odds with the staff reports for the PSR NC42 during the County General Plan Update hearings. The County does not concur with the comments.

The Board of Supervisors never rendered any decision on PSR NC42 because it was withdrawn. The County staff reports from January and June of 2012 covered a range of property specific requests and generally outlined potential issues that would need to be addressed prior to the County taking further action. In addition, no environmental or General Plan consistency analysis was conducted in association with the 2012 staff reports. As stated, PSR NC42 was withdrawn prior to any formal

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analysis, and neither County staff nor the Board of Supervisors took any formal position or made any decision on PSR NC42. Please refer to **Responses to Comments O-1-377, O-1-379, and O-1-401**.

- O-1-403** The comment restates information contained in staff reports associated with a host of property specific requests, not just PSR NC42. The comment also makes inferences from the staff reports, which are not reflected in any formal County staff recommendation or Board action; and, thus, the staff reports stand as written and without the inferences made in the comment. Please see **Response to Comment O-1-402**.

In addition, the Draft EIR for the current proposed project has conducted an analysis of the County's Guiding Principles and policies in EIR Appendix DD. This analysis was not performed with regard to PSR NC42 because it was withdrawn.

- O-1-404** The comment states that PSR NC42 must be analyzed as a project alternative in the Draft EIR. As explained above, PSR NC42 was not a project but rather a set of proposed land use designations for a different project site configuration. The project's Draft EIR contains a sufficient range of alternatives, including two alternatives (see Draft EIR Project Alternative 7 [CDFW/USFWS Land Planning Alternative A – 1,353 dwelling units] and Alternative 8 [CDFW Land Planning Alternative B] – 1,333 dwelling units) with similar levels of residential development compared to the development proposed in PSR NC42 (approximately 1,100 dwelling units). Further, these project alternatives contain a sufficient level of detail, including lotting and road design and analysis of environmental impacts, making them suitable as project alternatives whereas, as explained in **Responses to Comments O-1-377, O-1-379, and O-1-401**, the withdrawn PSR NC42 proposal did not contain any of the details necessary to conduct environmental and General Plan consistency analyses.

- O-1-405** The comment states that PSR NC42 proposed to maximize the yield on the property while being consistent with the General Plan, adding that staff disagreed that the proposal was consistent with the General Plan, and concluding that this serves as separate evidence that any proposal with density above the amount proposed in PSR NC42 is inconsistent with the General Plan. The County does not concur with these comments.

As stated in previous responses, the County did not take any formal position on PSR NC42's environmental impacts or consistency with the General Plan. Instead, the 2012 staff reports (referenced in and attached to the comment letter) identified potential General Plan consistency issues associated with PSR NC42 that required further analysis by the County and subsequent direction or a decision from the Board of Supervisors. As explained in **Responses to Comments O-1-377, O-1-379, and O-**



**1-401**, no environmental or General Plan consistency analysis was conducted for PSR NC42 and, importantly, the request was withdrawn. Therefore, neither County staff nor the Board of Supervisors took any action or made any recommendation as to PSR NC42. As it relates to the yield and maximum density proposed by PSR NC42, many factors go into an analysis of whether a property specific request or a fully-developed project proposal is consistent with the General Plan. The proposed land uses and intensities (i.e., yields) are just two of those factors; higher or lower intensities are not necessarily more or less consistent, and no such threshold has ever been established for the County's General Plan related to any specific property, community, or area about how much development intensity/yield and/or proposed land uses would no longer be consistent with the County General Plan Guiding Principles and goals and policies. Therefore, PSR NC42's proposed land uses and development intensities/yields do not serve as evidence of what would constitute a threshold for land uses and yields that are incompatible with the General Plan Guiding Principles and goals and policies for the current proposed project.

**O-1-406** The comment cites language from the General Plan, page 1-15, addressing comprehensive (i.e., County-wide) updates of the General Plan completed in 2011, and then states that the proposed project requires a comprehensive update of the County's General Plan. The County does not concur with this comment. The comment is incorrectly equating a comprehensive update of the County's General Plan with a General Plan Amendment proposed for a specific property, in this case, the Newland Sierra project. The Newland Sierra Project's General Plan Amendment is not a comprehensive update to the General Plan. The project and proposed residential development yield constitute eight 100ths of a percentage of the County's unincorporated area ( $1,985 \text{ acres} / 2,286,059 \text{ acres} = 0.08 \text{ percent}$ ) and less than one percent of the unincorporated area's existing and future housing stock ( $2,135 \text{ units} / 232,300 \text{ units} = 0.9 \text{ percent}$ ), respectively. Such a proposal does not require a comprehensive update of the County's General Plan. Further, in the EIR, the County determined that the proposed project is proposing land uses and intensities that, in conjunction with project design features and mitigation strategies, are consistent with the County's Guiding Principles and goals and policies (please refer to Appendix DD, Land Use Consistency Analysis, to the Draft EIR). Finally, the project's Draft EIR contains a detailed environmental analysis and comparison of development allowed under the existing General Plan land use designations and zoning and the proposed project.

The comment states that the project only includes minor changes to maps and road alignments in the General Plan. The project would require amendments to the County's Land Use and Mobility Elements and the North County Metropolitan Subregional Plan, which includes the communities of Twin Oaks and Hidden

Meadows and surrounding unincorporated areas within the spheres of influence of the cities of Escondido, Vista, and San Marcos. A detailed description of these amendments is found in Section 1.6.2 of the Draft EIR and in Section 1.7 of the Specific Plan.

The comment states that the 2012 staff reports (referenced above) for the project specific requests found that PSR NC42 would require a comprehensive General Plan Update, therefore, so should the proposed project. The County does not concur. The January and June 2012 staff reports covered 137 separate Property Specific Requests, not just PSR NC42, and identified potential changes to the General Plan to accommodate the various Property Specific Requests. Both of these Board of Supervisors' presentations were workshops on the 137 separate Property Specific Requests and no formal Board decision was made at either hearing on these Property Specific Requests, including PSR NC42. Further, as explained, PSR NC42 was never formally analyzed; instead, it was a set of proposed land use designations, not a formal development project; it differed substantially from the proposed project, and it was withdrawn. Therefore, the County had determined that the PSR NC42 has no relevance to the proposed project or the environmental analysis contained in the Draft EIR.

- O-1-407** The comment states that the project uses the need for housing in San Diego as a main reason “for the massive increase in density proposed for the site,” but the project does not propose any change to the total unit count in the General Plan, nor does it require an amendment to the Housing Element or the Housing Sites Inventory. The comment states that the project is additive to the density already allowed in the General Plan and these additions must be reflected throughout the General Plan. The comment states that the Draft EIR contains no analysis of how concentrating density in the project area while leaving the current densities in the General Plan could “unbalance” the General Plan’s dispersal of uses throughout the County, adding that because the project “unbalances” the General Plan, the Draft EIR must discuss how adding density in this location will impact all of the remaining areas of the County. The comment concludes with the same statements made in **Comment O-1-406**, namely, that the project requires a comprehensive Countywide General Plan Update.

The County does not concur with this comment. Per County practices, a General Plan Amendment (GPA) to increase or decrease allowable development yield or alter land use designations on a specific site does not necessitate a comprehensive update of the General Plan. As it pertains to the Housing Sites Inventory, the County is required by state law to update the Housing Element per a fixed timeline (Government Code Section 65588). years. The Housing Sites Inventory is a focused analysis conducted as part of this five-year update that specifically reviews the availability of existing multi-family zoning in the County. That inventory analysis has no bearing on the

proposed project or more broadly, GPAs, and because the project is not currently zoned for multi-family housing, it was not included in the Housing Sites Inventory.

As to the claim that the project's proposed land use designations and development intensities may "unbalance" the General Plan, there is no specific requirement that the County "rebalance" the rest of its General Plan with each GPA to either remove or add housing in other parts of the County or to adjust its commercial, office, industrial, and institutional planned land uses based on the changes proposed by a specific GPA. There are projects approved in the County that achieve the planned density allowed under the General Plan, but instead proposed less allowable housing or less allowable development intensity than allowed by the General Plan — with no need or legal requirement to "rebalance" land uses on other properties within the General Plan. In the case of GPAs, each GPA must demonstrate consistency with the County General Plan Guiding Principles and goals and policies, but GPAs are not required to propose or analyze a comprehensive update of the General Plan to rebalance housing and other land uses.

- O-1-408** The comment states that the Draft EIR's Land Use section finds there will be no land use impacts from the project, adding that this finding is "unbelievable" because the project constitutes a "massive change in the allowed land uses for this site." The comment calculates the amount of people that would live on site under the existing General Plan compared to the proposed project. The comment states the project is proposing a 33 percent increase in the population of the Twin Oaks area, stating that this is a fundamental shift in the community character of the area. The comment states this demonstrates the project is not consistent with the General Plan and Subregional Plan. The County does not concur with this comment.

The property's General Plan land use designations and zoning currently allow up to 2 million square feet of office and commercial development under the existing 2011 General Plan, which would involve a substantial population of employees on site.

As it relates to the community character within Twin Oaks, population change in and of itself is not a criterion for either community character impacts or land use impacts. The County's Guidelines for Determining Significance, Report Format and Content Requirements: Visual Resources (County of San Diego 2007a), do not consider population change as a community character or visual resource impact. The population of an area can and often does increase without significant changes to the land use patterns or the natural environment within that area and, neither the community character nor the land use patterns of the area would necessarily be impacted by an increase in population; consequently, there is no clear nexus between population change alone and community character and/or land use impacts. For such

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reasons, the County does not concur that the projected population under the proposed project renders the project inconsistent with the General Plan and the North County Metropolitan Subregional Plan.

As it pertains to the project's visual impacts and land use impacts, those impacts are analyzed in Section 2.1, Aesthetics, and Section 3.3, Land Use and Planning, of the Draft EIR, respectively.

- O-1-409** The comment cites page 1-25 of the General Plan pertaining to the limited infrastructure, rugged terrain, and sensitive habitats in the communities of Rainbow, Twin Oaks, Hidden Meadows, Jamul, and Crest/Dehesa/Harbison Canyon/Granite Hills; and concludes that the proposed project would “clearly conflict” with applicable land use plans, policies, and regulations. The comment states that the Land Use section of the Draft EIR does not analyze the project's proposed increase in dwelling units and population. The County does not concur with this comment.

The existing conditions, including the amount and types of infrastructure and natural resources (e.g., habitat and terrain) do not make a project inherently inconsistent with a community plan or the General Plan. Further, the project and its vicinity are within the Vallecitos Water District sewer and water service territories and within the spheres of influence of the cities of Escondido and San Marcos, and the area supports significant existing and planned infrastructure, including the I-15 freeway, Deer Springs Road and Twin Oaks Valley Road (roads that are part of the Regional Arterial System and the National Highway System). The project supports a 1.3 million-gallon-VWD water tank and several miles of water transmission lines. The Final EIR includes a figure (refer to new Figure in **Appendix JJ-10** of the Final EIR) showing the existing and planned infrastructure, including existing and planned sewer and water infrastructure and existing and planned road and highway improvements. As shown in that figure, VWD water transmission and storage facilities exist on the project and expansion of water service is planned along the project's eastern boundary, along Deer Springs Road, and down Mesa Rock Road. Extension and expansion of sewer service by VWD is also planned along the southern portion of Deer Springs Road (less than one mile from the project) and along Twin Oaks Valley Road.

- O-1-410** The comment states that the project analysis is circular and evaluates the project against itself, that Section 3.3.3.2 of the Draft EIR is flawed because it analyzes the project as if the project already exists, adding that the Draft EIR may not analyze the project against a regulatory environment that does not currently exist on site. The comment states that the Draft EIR must disclose the change in land use that will occur due to implementation of the project and analyze how the proposed changes will conflict with the existing land use plans, policies, and regulations. The comment

states that the Draft EIR analyzes the project in isolation and against the regulatory environment the project seeks to create with its amendments to the plans, policies, and regulations, but does not evaluate the project against the appropriate baseline, citing CEQA Guidelines section 15125(a). The County does not concur with the comments.

First, as noted in the County's 2013 General Plan Annual Progress Report (March 2014), page 8, and in subsequently issued reports, the County's General Plan "was written as a macro-level document, which also includes more specific portions, such as the regional elements and land use map. As such, some new developments and project that do not conform to the General Plan are able to request General Plan Amendments (GPAs) that might alter specific aspects of the General Plan without altering the overall intention." This project is one of the pending privately initiated GPAs. County staff has determined that the project is not currently consistent with the General Plan, but with the GPAs in place – if the project is approved by the Board of Supervisors – it will not alter the overall intent of the General Plan, and thereby, be consistent with the General Plan guiding principles, goals and policies.

Second, Section 3.3.3.2 of the Draft EIR addresses conflicts with (existing) plans, policies, and regulations. The analysis related to conflicts is necessarily a "plan-to-plan" or "project-to-plan" analysis where the proposed project, including the project's Specific Plan and proposed land uses, is analyzed for conformance with the County's General Plan Guiding Principles, goals, and policies and the various other County General Plan Elements, the North County Metropolitan Subregional Plan, the City of Escondido and San Marcos Spheres of Influence (i.e., the City of Escondido General Plan Quality of Life Standards and the City of San Marcos General Plan Guiding Themes), and the I-15 Corridor Subregional Plan. The analysis found that the project, if approved, would not conflict with the County's General Plan, the North County Metropolitan Subregional Plan, and the I-15 Corridor Subregional Plan, and impacts would be less than significant.

Said differently, if the project were to proceed – without the proposed General Plan Amendments – it would conflict with the General Plan. However, if the project were to be approved – with the proposed General Plan Amendments – then, significant conflicts would be avoided or mitigated by virtue of the County Board's approval of the project's permits and authorizations, including approval of the requested General Plan Amendments.

Third, the Draft EIR analyzed whether the project's proposed land use changes, if adopted, potentially conflict with the existing applicable, adopted land use plans, policies, and regulations. The Draft EIR also analyzed the project against the

appropriate baseline, which is against the existing property condition (with no development) and against the existing goals and policies of the General Plan, the North County Metropolitan Subregional Plan, and the existing I-15 Corridor Subregional Plan. As to the later, without the requested General Plan Amendments, the project would conflict; however, with the requested plan amendments approved, there would be no conflict. Further, as stated, the Draft EIR also conducts the appropriate plan-to-ground analysis required by CEQA.

- O-1-411** The comment states that the analysis provides no context for how the change from rural residential land to urban densities will “promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development.” The comment states that the project proposes little to no new area or regional infrastructure to support the project. The County does not concur with this comment.

The Draft EIR and Land Use Consistency Table (Appendix DD to the Draft EIR) contain a detailed analysis of the project’s consistency with the County’s Guiding Principles, goals, and policies, including the guiding principle to “promote health and sustainability by locating growth near existing and planned infrastructure.” The project is not only planned for rural residential under the existing General Plan as the comment suggests, the land use designations are RL-20, SR-10, General Commercial (C-1), and Office Professional (C-2) and a portion of the project is designated as “Village” on the County General Plan Regional Category Map. As to the comment that the project proposes no new area or regional infrastructure to support the project, this statement conflicts with information contained in the Draft EIR.

Specifically, the project proposes off-site road improvements, including widening the entire 2.25-mile length of Deer Springs Road to four lanes, widening Twin Oaks Valley Road to four lanes, intersection improvements along Deer Springs Road, Twin Oaks Valley Road, Buena Creek Road, and S. Santa Fe Avenue, and building a new freeway interchange at I-15 and Deer Springs Road. All of these improvements would be fully funded by the project. The project also proposes off-site sewer and water improvements in Deer Springs Road, Sarver Lane, and Mesa Rock Road and new water and sewer infrastructure, including two new water tanks with 8 million gallons of capacity, on the project site. These infrastructure contributions mitigate the project’s impacts and improve the level of service over the existing condition for existing and future residents of the area, constituting a substantial public benefit to the area. As stated, the project also is already in close proximity to the I-15 corridor (situated on the west side of I-15), within the Water Authority’s service area, and nearby surrounding urban cities, such as San Marcos and Vista.

- O-1-412** The comment states that there is no analysis of how “creating a new city in a hilly rural area” will impact the existing community or how it meets the General Plan Guiding Principle to “promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development.” The comment states that the project looks inward only and makes the conclusory statement that it will be close to “existing regional employment centers,” but does not identify where any of those employment centers are located. The County does not concur with this comment.

The project does not propose to establish a new city. The project does propose new sewer and water infrastructure and a new K–8 school site. It also would be a new project in the unincorporated communities of Twin Oaks and Bonsall. The project is a 2,135 home mixed-use planned community with 81,000 square feet of retail space, a school site, and 36 acres of neighborhood and community parks confined to a grading footprint equal to 27 percent of the project site. The other 73 percent would constitute habitat preserve area and other community open space areas. However, it is incorrect to cast the project as a new city.

It is also incorrect that the Draft EIR “fails” to identify where existing job centers are located. Page 1-24 of the Draft EIR states that “the project is located at the Deer Springs Road interchange with direct access to I-15, providing regional access to existing job centers in San Marcos, Vista, Rancho Bernardo, Escondido, and Poway. The project is also located near California State University, San Marcos and Palomar College, and three Sprinter stations within 6 miles of the project Site (the San Marcos Civic Center Sprinter Station, the Buena Creek Station, and the Palomar College Station) — all as shown in EIR Figure 1-34, Proximity to Major Employment Centers.” Page 3.3-31 of the Draft EIR states that the “proposed project is located at the Deer Springs Road interchange with direct access to I-15, providing regional access to existing job centers in San Marcos, Vista, Rancho Bernardo, Escondido, and Poway. The EIR states that the project is also located near California State University, San Marcos (approximately 5.7 miles south) and Palomar College (approximately 6.4 miles south), and commuting options for project residents would be enhanced with proximity to four North County Transit District Sprinter stations within 8 miles of the project Site (the San Marcos Civic Center Sprinter Station, the Buena Creek Station, the Palomar College Station, and the Escondido Transit Center). A detailed discussion of the project’s proximity to these job centers in nearby cities and along the SR-78 corridor also is found in the Land Use Consistency Analysis (Appendix DD of the Draft EIR). Finally, Figure 1-34, Proximity to Major Employment Centers, of the Draft EIR, shows graphically where employment centers that have employee numbers ranging from 100 to 6,000 employees are located in relation to the project. (The Final EIR also updated this figure to reflect distances [in miles].)

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- O-1-413** The comment states that the project makes the conclusory statement the project will be served by existing and planned infrastructure, but fails to identify the needed infrastructure and ignores the General Plan statement that “(a)lthough within the CWA, growth potential is more limited in Rainbow, Twin Oaks...due to the absence of infrastructure, the rugged terrain, and sensitive habitats.” The County does not concur with this comment. Please refer to **Response to Comment O-1-409**.
- O-1-414** The comment questions the Draft EIR’s statement that the project would be “served” by the existing I-15 freeway, particularly when the Draft EIR discloses that “the project will create a failing condition on I-15.” The comment states that locating the project in this area would not promote health and sustainability, because the addition of the project would cause the existing community infrastructure to fail and the public health to be compromised by air quality impacts. The County does not concur with this comment. Although I-15 experiences congestion during the morning and evening peak periods, this does not mean that the freeway corridor would not serve the project. The statement that the project would cause existing community infrastructure to fail is also not correct. Instead, the project will restore acceptable levels of service by upgrading and improving existing community infrastructure, specifically by improving the existing failing traffic condition along Deer Springs Road and portions of Twin Oaks Valley Road. As it relates to the project’s impacts to the I-15 freeway, please see **Topical Response TR-1**.
- O-1-415** The comment states that “although the project may have some sustainable features, its location in a rural and isolated location will not promote sustainability, and it cannot be served by existing or planned infrastructure, because no project on this massive scale has ever been planned for this area under the existing regulatory framework.” The comment states that “virtually no infrastructure exists (around the project Site) today” and that the Guiding Principle to “promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development” is about targeting growth in areas where growth has already occurred so that the infrastructure investments of the past can be leveraged to support the infrastructure needs of the future. The comment states that the Draft EIR’s significance determinations related to land use consistency are not supported by any substantial evidence, because it only focuses on the project and ignores impacts on the communities around the project that will be affected by project impacts. The County does not concur with this comment.

As stated in **Response to Comment O-1-409**, the project is located in an area with “existing and planned infrastructure,” the project is located within the spheres of influence of two major cities, the City of San Marcos and the City of Escondido, and less than a mile from each city; the project is within the service boundaries for the



Vallecitos Water District for sewer and water service; and is immediately west of I-15 and north of Deer Springs Road and Twin Oaks Valley Road — two roads that are part of the County’s planned Regional Arterial System and the National Highway System. Deer Springs Road is planned as a six-lane prime arterial in the County’s General Plan and Twin Oaks Valley Road is planned as a four-lane major arterial in the City of San Marcos General Plan. Significant water infrastructure exists on-site and off-site, including a 1.3-million-gallon water tank on the project site and a County Water Authority water transmission line crossing through the site and surrounding area. The project is also within 6 to 12 miles of regional employment centers in five North San Diego County cities along the SR-78 corridor supporting over 280,000 jobs (refer to Figure 1-34 of the Draft EIR). Finally, the project’s VMT analysis demonstrated that the project’s residents would have a shorter commute and result in less VMT compared to the average commute for the surrounding area (refer to Appendix 2, “Newland Sierra VMT Analysis to Respond to SB 743” to the Draft EIR).

As it relates to the comment that the Guiding Principle “to promote health and sustainability...” is about targeting growth in areas where growth has already occurred so that the infrastructure investments of the past can be leveraged to support the infrastructure needs of the future, this wording is not contained in the County’s General Plan Guiding Principles or goals and policies. Instead, it is an interpretation advocated in the comment. In fact, there are many communities in the County, including portions of Otay Ranch, Otay Mesa, Harmony Grove, and areas along the I-15 Corridor where significant growth has not occurred and significant infrastructure has not been built yet, however, these areas are planned and approved for housing and job growth and infrastructure improvements. As it relates to the project site, both housing and job growth are planned on and around the project under the County’s existing General Plan. Deer Springs Road is planned as a 6-lane Prime Arterial in the County’s General Plan. Along the I-15 corridor adjacent to the project, managed toll lanes and Bus Rapid Transit service are planned from SR 78 to the Riverside County Line in SANDAG’s “San Diego Forward: The Regional Plan” (i.e., the 2050 Regional Transportation Plan). The California High-Speed Rail System is also planned along this stretch of the I-15 Corridor. Finally, the southeastern portion of the project is designated as a Village in the County’s General Plan.

As it relates to the comment that the Draft EIR’s significance determinations related to land use consistency are not supported by any substantial evidence, the County does not concur. The Draft EIR contains a detailed Land Use Consistency Analysis (refer to Appendix DD of the Draft EIR) addressing the goals and policies of the seven Elements of the County’s General Plan; it also addresses the project’s consistency with a broad range of issues, including everything from community character, environmental preservation, sustainability, transportation, noise, and public

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safety. The CEQA analysis contained in the Draft EIR's Land Use and Planning section, in conjunction with Appendix DD, serve as substantial evidence to support the determination that the project would not conflict with any of the General Plan goals and policies and that the project's land use and planning impacts would be less than significant.

**O-1-416** The comment states that the County has already determined that potentially significant impacts to land use would occur if the project were to be significantly densified over and above the land use shown in the General Plan and makes reference to PSR NC42. The County does not concur. As stated, no formal determination was made by the County Board of Supervisors pertaining to PSR NC42. PSR NC42 differs substantially from the proposed project and was withdrawn. Please see **Responses to Comments O-1-377, O-1-379, and O-1-401** for a more detailed explanation of why PSR NC42 is not relevant to the proposed project, or to the land use and planning analysis contained in the Draft EIR.

**O-1-417** The comment states that the County's Scoping Letter for the project identified General Plan consistency as a major project issue, that the Scoping Letter provided a list of policies with which the project would need to comply, and that the Draft EIR now concludes that the project has no significant land use impacts. The comment states that this is a drastic change from the conclusion in the Scoping Letter and that the County should provide an explanation for each General Plan policy or provision listed in the Scoping Letter. The County does not concur with this comment.

County scoping letters do not render any opinion or determination on a project. Consistency with the General Plan goals and policies is standard language for scoping letters to ensure appropriate General Plan consistency analysis as part of the project or environmental document. The Draft EIR evaluates the project's consistency with the General Plan in detail in Section 3.3, Land Use and Planning, and in the Land Use Consistency Analysis (Appendix DD to the Draft EIR). In undertaking this consistency evaluation, the Draft EIR analyzes whether the project was consistent with the ten Guiding Principles and the goals and policies of the County's General Plan (2011), the goals and policies of the North County Metropolitan Subregional Plan, the policy objectives of SANDAG's Regional Plan, the five strategies of SANDAG's Sustainable Communities Strategy (SCS), and the I-15 Corridor Scenic Preservation Guidelines. Based on this detailed review, the Draft EIR determined that impacts would be less than significant (Draft EIR pages 3.3-21 through 3.3-36 and 3.3-38).

**O-1-418** The comment states that the Draft EIR cannot merely focus inward and analyze the project's impacts on itself, that the Draft EIR must analyze how the change in land

use will impact the project as well as the surrounding community, and how the project fits into the context of that community and the County as a whole. The comment states that the Draft EIR does not provide this level of analysis and, therefore, provides no substantial evidence to underpin the significance determinations being made. The County does not concur with this comment. The Draft EIR has analyzed the project's impacts to the environment, including on-site and off-site direct and cumulative impacts, consistent with the County's CEQA Guidelines, including as it relates to Land Use and Planning. The Draft EIR includes a land use consistency analysis (refer to Appendix DD of the Draft EIR and **Response to Comment O-1-418**). The analysis contained in Section 3.3, Land Use and Planning, of the Draft EIR in conjunction with Appendix DD, constitute substantial evidence that underpins the significance determinations in the Draft EIR.

**O-1-419** The comment states that the Draft EIR finding that there would be similar impacts under the Existing General Plan Alternative when compared to the project makes no logical sense because, under the Existing General Plan Alternative, there is no change to the existing condition, while under the project, there is a massive increase in development. The County does not concur. Please refer to **Responses to Comments O-1-391 through O-1-399**.

**O-1-420** The comment states that the Draft EIR looks inward and evaluates the project in a circular manner. The comment states that the land use analysis for the Existing General Plan Project Alternative (in Chapter 4, Project Alternatives) concludes that the project is somehow superior to the Existing General Plan Alternative. The comment states that under the Existing General Plan Alternative, there is no change to the existing condition, adding that the Draft EIR cannot make the finding of superiority because the Board of Supervisors has already determined that the Existing General Plan Alternative is already consistent with the General Plan Guiding Principles. The comment concludes that the Draft EIR cannot claim that the Existing General Plan Alternative is inconsistent with the General Plan because it is the General Plan. The County does not concur with this comment.

The Existing General Plan Alternative is not the existing condition of the project site. The "No Project Alternative" is the existing condition of the project site. The analysis contained in the Chapter 4 of the Draft EIR does not conclude that the Existing General Plan Alternative is inconsistent with the General Plan; instead, it determines that the Existing General Plan Alternative is not consistent with the project objectives (refer to Chapter 1 of the Draft EIR for the project objectives). The analysis in Chapter 4, Project Alternatives, also does not conclude or claim any superiority of the project compared to the Existing General Plan Alternative. No such term is used in the Draft EIR and no such comparison is implied or can be reasonably inferred. The

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analysis in the Draft EIR and, more specifically, the comparison of the Existing General Plan Alternative with the proposed project, is based on the project objectives and environmental impacts comparison.

**O-1-421** The comment states that Draft EIR assumes that the project is already there or somehow has already been determined to be consistent with the General Plan, adding that the General Plan Amendment is evidence of a lack of compliance with the baseline General Plan. The County does not concur with this comment. The commenter is conflating an evaluation of how the Project Alternatives are or are not consistent with the Project Objectives as opposed to how the alternatives are or are not consistent with the General Plan Guiding Principles and Goals and Policies. Project Alternatives (in Chapter 4, Project Alternatives, of the Draft EIR) are evaluated against the Project Objectives as well as the General Plan Guiding Principles and Goals and Policies, however this does not mean that the Draft EIR assumes the project is already there or that the project Draft EIR is somehow “looking inward on itself.”

**O-1-422** The comment states that the existing General Plan designations for the project site already provide for a share of projected population growth because the General Plan as a whole has accommodated the projected growth by concentrating growth into existing villages within the County, adding that the project site was not one of the areas designated for growth. The comment states it is incumbent upon the Draft EIR to justify why growth should occur at the project site. The comment concludes that the Draft EIR must evaluate and analyze the change occurring to the land uses on-site, not just evaluate the project against itself. The County does not concur with this comment. The County’s General Plan recognizes that the General Plan is a “dynamic document” and allows for amendments that are “in the public interest and would not be detrimental to public health, safety, and welfare” (refer to Chapter 1 under “Implementing and Amending the Plan” on page I-15 of the General Plan). The County has maintained a process to consider General Plan Amendments (GPAs) for projects that can demonstrate compliance with the County’s General Plan Guiding Principles and goals and policies. The State of California also recognizes the need for GPAs. The General Plan Guidelines published by the State of California’s Office of Planning and Research in 2003 (General Plan Guidelines) emphasize the dynamic nature of General Plans and the need to consider and accommodate amendments to the General Plan. Chapter 3 of the General Plan Guidelines states the following (emphasis added):

A local government often faces one or more of the following tasks: (1) amending its general plan, (2) preparing or revising one or more elements, (3) completely revising its general plan, or, in the case of a newly incorporated

city, (4) preparing an entire general plan for the first time. In this chapter, we will primarily focus on publicly initiated general plan amendments—those described by items (2), (3), and (4) above. *The most common sort of amendment, that initiated for a specific private development project, usually affects a limited area and does not require the type of detailed consideration afforded publicly initiated changes.*

As it pertains to the project site, the existing General Plan designates a portion of the project as a Village and allows for up to 2 million square feet of office and commercial development. Therefore, the County has designated the project as an area for growth under the existing General Plan. As it pertains to the project being evaluated against itself, the comment appears to confuse the analysis in Chapter 4, Project Alternatives, with the balance of the analysis in the Draft EIR. The Draft EIR has evaluated and analyzed the land use changes and environmental impacts that would occur as a result of the project. Finally, the purpose of the Draft EIR is not to justify why growth should occur at the project site; instead, it is to analyze the project's environmental impacts and provide project alternatives and feasible mitigation for the decision-makers to consider.

**O-1-423** The comment states that the General Plan designation for the project site does not include a Village Boundary, adding that Figure 3, page A-2 of the North County Metro Subregional Plan provides a map of the North County Metro Village Boundaries. The comment states that there are no areas of the project site that are outlined in green on the North County Metro Village Boundaries Map; and, therefore, the project site is not within a Village boundary line. The comment cites language on page 1-11 of the General Plan, asserting that this language is very specific that the Community Plans “will define” the Village Boundaries and designated growth areas for each community. The comment states that the project is not located within a designated Village Boundary in the Community Plan (i.e., the North County Metro Subregional Plan); and, therefore, there is no existing or planned Village in the project area. The County does not concur with this comment.

First, the County does not concur with the interpretation of the General Plan language cited in the comment (General Plan, page 1-11) pertaining to the establishment of Villages. The General Plan does not state that Community Plans “will define” the Village Boundaries and designated growth areas for each community. Instead, the General Plan, at page 1-11, states only that a Village Boundary “*may* be defined in the Community Plan. ...” (Emphasis added.) Here, the North County Metro Village Boundaries Map did not delineate a Village Boundary on the project site, but the absence of the “permissive” designation does not mean there is no Village Boundary on the project site.

To the contrary, as explained below, the General Plan Land Use Element Regional Categories Map designates an existing Village on the project site, and that designation is controlling over the absence of such a designation in a community plan. Further, the North County Metropolitan Subregional Plan (2011), page 9, correctly acknowledges that it is “part of the County General Plan, [and] must conform to the County General Plan.” Consistent with applicable law, the Community Plan is subordinate to the General Plan, and it must not conflict with the General Plan.

Second, as stated, the project site includes a General Plan-designated Village area. Specifically, the project site contains a defined Village area per the General Plan Land Use Element Regional Categories Map (refer to Figure LU-1 of the General Plan Land Use Element). The 58.3 acres designated as Village on the General Plan Land Use Element Regional Categories Map is proposed to be retained in its existing configuration by the project. The project does not propose a new Village area or an expansion of the existing Village area as shown on the General Plan Regional Categories Map.

Further, the General Plan provides the following definition for the Village category:

The Village category identifies areas where a higher intensity and a wide range of land uses are established or have been planned. Typically, Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit (when feasible).

As it relates to the policy and land use structure of the General Plan versus Community Plans, the County General Plan establishes the Guiding Principles, goals and policies, and the Community Development Model. These three components of the General Plan (Guiding Principles, Goals and Policies, and Community Development Model) serve as the land use framework for the General Plan and this framework serve as the basis for creating and amending the Regional Categories Map and the individual Land Use Maps for communities or areas of the County.

Community Plans can establish goals and policies that are more tailored and specific to their communities; however, they cannot create goals and policies that conflict with the General Plan land use framework or remove, alter, or confine land uses within Village areas (as established by the Regional Categories Map) in a manner that would conflict with the General Plan, and they cannot establish goal and policies that

would impede implementation of the General Plan or the ability to amend the General Plan (i.e., General Plan Amendments). Therefore, the County General Plan, not Community Plans or Subregional Plans, establish the boundaries of existing and planned Villages. Further, while a community plan may create a village boundary, the absence of one shown in that plan does not mean there is no such village designation, particularly where, as here, the General Plan Land Use Element Regional Categories Map designates an existing Village on the project site, and that designation is controlling over the absence of such a designation in a community plan. Importantly, the County's interpretation of its land use framework also is entitled to great weight.

In addition, the General Plan Land Use Element, page 3-2, makes clear that generally “the majority of new development – approximately 80 percent – is planned within the County Water Authority (CWA) boundary” and this project is situated within CWA's boundary. Further, the Land Use Element, page 3-2, provides that this strategy (i.e., siting new development within CWA's boundary) “reflects the development pattern of the County's largest unincorporated communities, which are located in the County's western areas where demand for new development has and will continue to be greatest.” The project site is located west of I-15 in north San Diego County.

**O-1-424** The comment states that the Draft EIR does not provide analysis of how the project is consistent with the Leapfrog Development policy in the General Plan (Policy LU-1.2) and then refers to the 2012 staff reports on the Property Specific Requests (including PSR NC42) and policies LU-1.2 and LU-1.4. The County does not concur with this comment.

Neither Policy LU-1.2 or LU-1.4 apply to the project because the project site already contains a Village designation per the General Plan Land Use Element Regional Categories Map and the project is not proposing to expand the existing Regional Categories Village designation or create a new Regional Categories Village designation on the project site.<sup>96</sup>

Further, as it pertains to the General Plan Community Development Model, the project as proposed is consistent with the Community Development Model framework as outlined in General Plan Chapter 2, Vision and Guiding Principles, and General Plan Chapter 3, Land Use Element. The project would (a) maintain the Village area (as shown on the Regional Categories Map and defined in Chapter 3 of the General Plan) on the project; (b) apply Semi-Rural and Rural Category designations to those portions of the project not within the Village area in a manner

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<sup>96</sup> In contrast to the proposed project, PSR NC 42 proposed an expansion of the Regional Categories Village designation, which triggered application of these two policies.

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that is consistent with the Community Development Model; and (c) implement a Specific Plan and other project design features to achieve consistency with the General Plan Guiding Principles and Goals and Policies by minimizing impacts to the natural character and biological resources on the project, limiting grading and landform alteration to 27 percent of the project, and substantially preserving primary and secondary ridgelines, rock outcroppings, and major drainages of the project. In so doing, the project design would minimize impacts to the natural character of the project. In summary, by implementing the three Regional Categories designations of Village, Semi-Rural, and Rural in a manner that minimizes impacts to the natural character of the project and achieves consistency with the General Plan Guiding Principles and Goals and Policies, the project, if approved, would be consistent with the General Plan Community Development Model.

As it pertains to the proposed project, the Land Use Consistency Analysis (Appendix DD to the Draft EIR) also provides the following analysis pertaining to these two policies:

General Plan Policy	Project Conformance	Conformance Conclusion
LU-1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]	The Community Development Model is implemented by three Regional Categories: Village, Semi-Rural, and Rural lands. The project as proposed is consistent with the Community Development Model, because the Community Development Model has already applied an established Village Regional Category designation to a portion of the project Site. The project does not propose to create a new Village, or expand or reconfigure the existing Village area. The project is also within the established boundaries of the Vallecitos Water District	Not applicable.
LU-1.4 Village Expansion. Permit new Village Regional Category designated land uses only where contiguous with an existing or planned Village and where all of the following criteria are met: Potential Village development would be compatible with environmental conditions and constraints, such as topography and flooding Potential Village development would be accommodated by the General Plan road network	The project is located in an area where the Community Development Model has already applied the Village Category to a portion of the project Site; therefore, the project does not propose to create a new Village, or expand or reconfigure the existing Village area.	Not Applicable.



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General Plan Policy	Project Conformance	Conformance Conclusion
Public facilities and services can support the expansion without a reduction of services to other County residents The expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area		

**O-1-425** The comment states that the Draft EIR makes the conclusory statement that the Leapfrog Development Policy is not applicable but states that this finding is not explained or supported by any evidence. The comment then refers to Figure 3 of the North County Metropolitan Subregional Plan, stating that the Office Professional designated area of the project is not shown as being within a Village Boundary. The comment then refers to the 2012 County staff reports addressing the Property Specific Requests (including but not limited to PSR NC42) and language in those staff reports referring to Policy LU-1.2. The comment states that the Community Development Model does not apply Regional Categories to areas of the County, that instead the General Plan and Subregional Plan establish Village Boundaries, and that no Village Boundary exists on the project site. Finally, the comment states that County staff believed that this area was “outside of an existing or established village” in the PSR NC42 staff report. The County does not agree with this comment. Please see **Responses to Comments O-1-423 and O-1-424**.

As explained in **Response to Comment O-1-423**, the Community Development Model was the basis for the development of the Regional Categories Map and the General Plan Regional Categories Map establishes the location of existing and future Villages in the County. The Land Use Maps establish the various General Plan land use designations that apply inside Village, Semi-Rural, and Rural designated areas. In the case of the project site, the Village area is designated as General Commercial (C-1) and Office Professional (C-2) on the Land Use Map (Figures LU-A-12 and LU-A-12.1 of the Land Use Map Appendix of the General Plan). It is important to clarify that no Village areas are specifically delineated on the General Plan Land Use Maps for individual communities and subregions. Villages are instead delineated on the Regional Categories Map (Figure LU-1 of the General Plan). Instead, a wide range of village, semi-rural, and rural land use designations are shown on the Land Use Maps for individual communities and these land use designations conform to the Regional Categories Map in accordance with Table LU-1, “Land Use Designations and Compatible Regional Categories,” in the General Plan Land Use Element. In other

words, the Regional Categories Map determines whether property is designated as a village, and the Land Use Maps determine what the allowable land uses are.

As to the comment that County staff believed that this area was “outside of an existing or established village” in the January 20, 2012 PSR NC42 staff report, the comment is interpreting County staff’s assessment of the implication of the proposed expansion of the Regional Categories Village designation as proposed by PSR NC 42 to mean that no portion of the project area is within a Village, which is incorrect. The January 20, 2012 staff report references a prior County staff recommendation to apply a village residential land use designation (VR2.9) to the portion of the PSR NC42 site designated as Village in the Regional Categories Map and designated with office professional and commercial land use designations on the Land Use Map (Figures LU-A-12 and LU-A-12.1 of the Land Use Maps Appendix). In accordance with Table LU-1, the VR2.9 land use designation is only permitted in the Village Category. Therefore, the prior staff recommendation to apply a Village residential land use designation to the project site’s Village area affirms the Regional Categories designation of Village on the project site.

**O-1-426** The comment states that General Plan Policy LU-1.2 (“Leapfrog Policy”) clearly applies to the project and therefore would create a significant land use impact. The comment cites the text of Policy LU-1.2. The County does not agree that Policy LU-1.2 applies to this project. Please refer to **Response to Comment O-1-424**.

**O-1-427** The comment states that the project is inconsistent with the Community Development Model. The comment refers to page 1-11 and states that the General Plan is very specific that community plans “will define” Village boundaries and growth areas. The comment then concludes that “there are no areas within the project area that are outlined in the green outline which would designate the site as being within a Village Boundary...therefore, there is no existing or planned Village Boundary on the Site.” The comment concludes that the project, therefore, is not consistent with the Community Development Model and that the project is prohibited by Policy LU-1.2 of the General Plan. The County does not agree with this comment.

As stated in **Response to Comment O-1-423**, Village Boundaries are established by the County General Plan Land Use Element Regional Categories Map and associated (see Figure LU-1 of the General Plan). The Regional Categories Map designates the eastern portion of the project site (adjacent to I-15) as a Village. Areas immediately off site on the east side of I-15 are also designated as Village on the Regional Categories Map. As stated in Response to Comment O-1-423, the General Plan, page 1-11, states that a community plan “may” define a Village Boundary, but the General Plan itself controls. As stated in **Response to Comment O-1-423**, community plans

must be consistent with the General Plan Guiding Principles, and Goals and Policies, the Regional Categories Map, and the Land Use Maps, not the reverse. Community Plans can establish more community-specific policies for their community or subregion or for specific areas of their community, but Community Plans cannot conflict with or undermine the basic land use framework as governed by General Plan.

As it pertains to the General Plan Community Development Model, the project as proposed is consistent with the Community Development Model framework as outlined in General Plan Chapter 2, Vision and Guiding Principles, and General Plan Chapter 3, Land Use Element. The project would (a) maintain the Village area (as shown on the Regional Categories Map and defined in Chapter 3 of the General Plan) on the project; (b) apply Semi-Rural and Rural Category designations to those portions of the project not within the Village area in a manner that is consistent with the Community Development Model; and (c) implement a Specific Plan and other project design features to achieve consistency with the General Plan Guiding Principles and Goals and Policies by minimizing impacts to the natural character and biological resources on the project, limiting grading and landform alteration to 27 percent of the project, and substantially preserving primary and secondary ridgelines, rock outcroppings, and major drainages of the project. In so doing, the project design would minimize impacts to the natural character of the project. In summary, by implementing the three Regional Categories designations of Village, Semi-Rural, and Rural in a manner that minimizes impacts to the natural character of the project and achieves consistency with the General Plan Guiding Principles and goals and policies, the project, if approved, would be consistent with the General Plan Community Development Model.

As it relates to General Plan Policy LU-1.2, please refer to **Response to Comment O-1-424**. The project is not subject to Policy LU-1.2.

**O-1-428** The comment states that the project is inconsistent with the Community Development Model because there is no Village Boundary in the project, adding that the designation of the area near Mesa Rock Road as Village Core Mixed Use (C-5) as part of the proposed project is an acknowledgement that no Village currently exists and, therefore, one needs to be created for the project. The County does not concur with this comment. Please refer to **Responses to Comments O-1-423 through O-1-427**.

**O-1-429** The comment states that the project is a new Village and that the project design does not meet Policy LU-1.2 exemption criteria: consistency with the Community Development Model, provisions of services and facilities, and LEED-Neighborhood

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Development (LEED-ND) standard or equivalent. The County does not agree with the assertion that the project is proposing a new or expanded Village area on the General Plan Regional Categories Map. Please refer to **Responses to Comments O-1-423** through **O-1-428**.

- O-1-430** The comment states that the project's design is not consistent with the Community Development model because of its density allocation clustering residential units on the far side of the project from the area designated as Village. The County does not concur with this comment.

The project is proposing amendments to the Regional Categories Map to adjust the boundaries of the Semi-Rural and Rural designations within the project in a manner consistent with the Community Development Model and the County General Plan Guiding Principles, Goals, and Policies (refer to Appendix DD to the Draft EIR, "Land Use Consistency Analysis" and the Newland Sierra Specific Plan, Figure 5, "Proposed Regional Land Use Categories," Appendix C to the Draft EIR). Within the proposed Semi-Rural Regional Category designation, the project proposes a Semi-Rural Residential (SR-1) land use designation, which is consistent with the Semi-Rural Regional Category designation. Finally, consistent with General Plan Land Use Element Policy LU-1.8, the project proposes a Specific Plan (Appendix C to the Draft EIR) to allocate the density allowed by the project's proposed land use designations across the project site consistent with this policy. Therefore, the residential densities proposed by the project are consistent with the Community Development Model. Please refer to **Response to Comment O-1-427**.

- O-1-431** The comment states that there are not sufficient existing facilities and services to support the project. The County does not agree with this comment. Please refer to **Response to Comment O-1-415**.

- O-1-432** The comment states that the project does not meet LEED-ND or equivalent standards. As addressed in **Responses to Comments O-1-424** and **O-1-425**, the General Plan Policy LU-1.2 is not applicable to the project. Therefore, the requirement that the project be designed to meet the LEED-Neighborhood Development Certification or an equivalent does not apply. Notwithstanding the lack of LEED certification for the project Site the project proposes a host of sustainable development features that equal or exceed many LEED-ND or equivalent features. The project is a walkable and bikeable compact mixed-use community close to job centers and existing and planned infrastructure, and the project includes a Transportation Demand Management (TDM) Program with shuttle services and a community-sponsored electric bike-share program, solar on all residential and community buildings, solar powered street lights, electric vehicle (EV) chargers in all residential garages, low-water use landscaping

and restrictions on the use of turf throughout the project, pre-plumbing for grey water systems in single family homes, and a mitigation strategy that offsets 100 percent of the project's greenhouse gas emissions.

- O-1-433** The comment states that the project lacks connectivity to existing urban and job centers or public transportation and will require long single-occupant vehicle trips which increase VMT. The comment states that the project does not promote efficient energy and water use and is the antithesis of “new urbanist best practices.” The comment states that the Draft EIR cannot discard the central tenets of LEED-ND, such as connectivity, protection of the natural environment, and other such new urbanist best practices. The County does not concur with this comment.

Please see **Response to Comment O-1-432**. As stated above, LEED-ND is not required for the project because it is not “leapfrog” development pursuant to LU-1.2, nevertheless, the project includes a host of project design features that equal or exceed LEED-ND or equivalent features. As it pertains to the TDM plan, VMT reductions, and related GHG issues, please see **Topical Response GHG-1: Use of Carbon Offsets, Topical Response GHG-2: Additionality of Carbon Offsets, and Topical Response GHG-3: County’s 2018 Climate Action Plan**. The project has been shown to generate lower residential VMT per capita than the surrounding area, and the project’s proposed off-site roadway improvement mitigation requirements would reduce regional VMT both in the short-term and long-term. (See Draft EIR, Appendix R [VMT Analysis]; and see Draft EIR, Section 2.7, Greenhouse Gas Emissions, pp. 2.7-36 through 2.7-37; pp. 2.7-42 through 2.7-44 [including EIR Table 2.7-15].)

- O-1-434** The comment states that the project constitutes leapfrog development because it proposes Village densities located away from an “established village.” The comment states that an established village means that there are constructed buildings, an array of services and established businesses, and infrastructure to serve those services, adding that the project is totally bereft of any of these items. The comment concludes that there are no other areas of the County where a village is only a village on paper, and not in practice. The County does not concur with this comment.

As explained in **Responses to Comments O-1-423 through O-1-427**, the project is not “leapfrog” development subject to Policy LU-1.2. The area proposed by the project to be Village Core Mixed Use is already designated as a Village on the General Plan Regional Categories Map.

- O-1-435** The comment states that even if an existing Village Boundary did exist on the project, the small area in the corner of the project designated as “village” cannot exempt the entire project from the leapfrog policy. The County does not agree with the comment.

As explained in **Response to Comment O-1-427**, the southeastern area of the project has been designated as “Village” in the County General Plan Land Use Element General Categories Map and General Plan Policy LU-1.2 does not apply. I-15. Further, the project site is west of I-15, less than a mile and within the spheres of influence of two major North County cities, inside the San Diego County Water Authority service boundary as well as the water service boundary of the Vallecitos Water District, and supported by existing and planned infrastructure and services (refer to **Appendix JJ-10** of the Final EIR). And as explained in **Responses to Comments O-1-427** and **O-1-430**, the project does not propose a new Village or to expand the existing Regional Categories Village boundary; and the project is consistent with the Community Development Model and the General Plan Guiding Principles, goals, and policies. Therefore, the project is not subject to the requirements for leapfrog development set forth in Policy LU-1.2.

**O-1-436** The comment states that the project’s compliance with the General Plan Guiding Principles is conclusory and not supported by substantial evidence, adding that the project’s fundamental change to the Twin Oaks area and change to the General Plan land use designations for the project violate all of the Guiding Principles. The comment then refers to the County staff reports on PSR NC 42 and states that County staff found that the changes presented in PSR NC42 were “so at odds with the Guiding Principles of the General Plan that they could fundamentally change the entire policy construct of the General Plan.” The comment concludes that the project cannot possibly be consistent with the General Plan Guiding Principles. The County does not concur with this comment. The Draft EIR includes a detailed analysis of the project’s consistency with the General Plan Guiding Principles (refer to Appendix DD of the Draft EIR, Land Use Consistency Analysis, pages 1 through 13 for the consistency analysis with the County’s 10 Guiding Principles). As it relates to statements about PSR NC42 and information contained in the 2012 County staff reports pertaining to Property Specific Requests, please see **Responses to Comments O-1-377 and 379, and 401-404**.

**O-1-437** The comment references Guiding Principle 1 and language contained in the County’s General Plan Housing Element and cites language from SANDAG’s webpage with respect to the Series 13 growth projections for San Diego County. The comment states that the Draft EIR attempts to find the project is consistent with Guiding Principle 1 not because it would “support a reasonable share of projected population growth,” but simply because it would provide housing, adding that (by that logic) any change to the General Plan that provided even one additional home would be consistent with Guiding Principle 1. The comment then references the Regional Housing Needs Assessment Housing Sites Inventory in Appendix I of the Housing Element, stating that the Housing Sites Inventory provides 2,158 dwelling units in the

North County Metropolitan Subregion and states that the project is not one of the sites identified in the Housing Sites Inventory. The comment concludes that the project does not support a reasonable share of projected regional population growth, but instead acts counter to the Housing Element and SANDAG's growth projections. The County does not concur with this comment.

The Land Use Consistency Analysis contained in the Draft EIR (Appendix DD) contains a detailed discussion of how the project is consistent Guiding Principle 1, "Support a reasonable share of the projected regional population growth," as follows:

The proposed Newland Sierra Project (herein after referred to as "project" or "proposed project") would provide a mix of housing types and choices to meet the housing needs of a range of consumer life stages and income levels in a manner that would support a reasonable share of San Diego County's projected regional population growth to help the County of San Diego (County) meet its required Regional Housing Needs. The project's residential component includes 2,135 total homes, including 1,140 single-family homes on varying lot sizes and 995 multi-family homes. Of the 2,135 total homes, 325 would be age-qualified senior homes. Further, the [project's] Specific Plan contemplates several product types in the C34 and RS zones, including alley-loaded homes, row and grade-separated townhomes, clustered single-family homes and traditional single-family detached homes. In so doing, the project would provide a range of housing opportunities for existing and future residents of the County.

While Guiding Principle 1 is more of an overarching principle for the County to follow in crafting and implementing its General Plan, the provision of housing is fundamental to supporting "a reasonable share of the projected regional population growth." The project is providing housing in a subregion of the County that supports over 280,000 jobs (refer to "Innovate 78 Regional Profile," **Appendix JJ-13** of the Final EIR) and within the Highway 78 Corridor Competitive Market Area (CMA) where 63 percent of the jobs are filled by persons commuting into the CMA (refer to Draft EIR, MarketPointe Realty Advisors "Market Analysis," listed in the EIR Appendices as one of the "Additional Items").

As it relates to the Housing Sites Inventory (Appendix I of the Housing Element), that inventory analysis is specific to multi-family housing capacity that theoretically exists in the General Plan today for a given area, not all needed housing types based on what theoretically could be achieved with specific development projects, General Plan Amendments, etc. The inventory analysis is specific to what is allowed today under the General Plan in its current form and it is focused on housing densities that

can support very low and low housing income households. Therefore, the fact that the project is not included in the Housing Sites Inventory is not relevant to whether the project is consistent with Guiding Principle 1.

As it relates to the Housing Element text cited in the comment, specifically that the General Plan “accommodates 80% of the unincorporated County’s future population in communities located within the County Water Authority (CWA) Boundary” and “(w)ithin the CWA, the Land Use Plan has designated more land for multi-family units, thereby increasing the number of future residential sites as well as providing a large variety of homes,” the County acknowledges the accuracy of this text in the Housing Element and notes that the project is entirely within the San Diego County Water Authority boundary and the service boundary of Vallecitos Water District; it is located west of the I-15 corridor in San Diego County; and it supports existing and planned water and sewer infrastructure (refer to **Responses to Comments O-1-415 and O-1-423**).

As it relates to a general statement about growth in the region on SANDAG’s Series 13 webpage, nothing in SANDAG’s statement suggests that the County should no longer consider General Plan Amendments or housing projects. The County has an obligation under state law to plan for a reasonable share of the region’s population growth.

As it relates to the statement that the project acts counter to the Housing Element and SANDAG’s growth projections, the comment contains no supporting information for this conclusory statement, but instead expresses the opinion of the commenter and the County does not concur.

- O-1-438** The comment cites language from the General Plan Housing Element and states that “the project destroys the balance sought by the General Plan because it undermines the rural character of the Twin Oaks area and places almost 6,000 new residents far from existing infrastructure.” The comment cites additional language from the Housing Element, that “(t)he (General Plan) update also designated low densities within the County’s major agricultural areas, areas with significant biological sensitivity or diversity, and areas with significant physical or environmental constraints.” The comment states that the project would preclude agriculture in the area and provide significant impacts to threatened and endangered species on Merriam Mountain. The comment states that the project has been designated as a Resource Conservation Area (RCA), and, referring to the County January 2012 staff report on PSR NC 42, states that the project would undermine the balance by shifting the focus of the Twin Oaks Community from its center to its edge along I-15, potentially eliminate important agricultural lands, and necessitate a wholesale



upzoning of the area. The comment states that the County made a decision to set aside the area for preservation and low levels of development because it is an important agricultural and biological resource area. The comment concludes that adding housing in the area would be counter to the balance struck in the Housing Element and throughout the General Plan.

The County does not concur with this comment. The project would achieve a higher conservation outcome compared to the Existing General Plan Alternative. The project would not preclude agriculture; instead, as part of the project's accessory uses, it proposes professionally managed vineyards and community gardens onsite, and significant buffers or compatible uses adjacent to existing agricultural uses off site to minimize indirect impacts to agricultural resources (refer to Section 2.2.3.2, Indirect Impacts to Agricultural Resources, of the Draft EIR).

As the southeastern portion of the project and the land surrounding the I-15/Deer Springs Road interchange, such area is designated Village on the General Plan Regional Categories Map and the project proposes substantial preservation all along the I-15 corridor on its eastern boundary. Further, the County does not concur that the project would cause a shift in the center of Twin Oaks or up-zoning in the surrounding area.

**O-1-439** The comment states that the General Plan is “very specific” that Community Plans define designated growth areas for each community, referencing language in the General Plan pertaining to Community Plans. The comment refers to Figure 3 of the North County Metropolitan Subregional Plan and asserts that the project does not contain a Village boundary. The comment concludes that the project Site is not within an area identified for new development and that the project is not consistent with Guiding Principle 2. The County does not concur with this comment. Community Plans do not override the General Plan. Instead, the General Plan establishes the framework by which community plans must conform (please refer to **Responses to Comments O-1-423 and O-1-427** for a more detailed response to this issue previously raised).

As it relates to the Village designation on the project site, the southeastern portion of the project supports a General Plan Regional Categories Village designation (please refer to **Response to Comment O-1-423**). As it pertains to the project's consistency with Guiding Principle 2, as addressed in the Land Use Consistency Analysis (Appendix DD to the Draft EIR), the project is consistent with Guiding Principle 2 to “(p)romote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.”

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Please refer to detailed analysis provided in Draft EIR Appendix DD pertaining to this Guiding Principle.

- O-1-440** The comment states that the project is not consistent with Guiding Principle 2 because it is not located near existing and planned infrastructure and therefore does not provide the sustainability sought by the General Plan. The comment refers to text in the General Plan pertaining to the Twin Oaks area as having “an absence of infrastructure,” concluding that the General Plan designated areas where sustainable growth was possible and excluded areas that compromised the Guiding Principles of the General Plan. The comment states that the land use designation of the project is rural and therefore, determined to be an area where growth is unsustainable because it lacks infrastructure necessary to serve the project. The comment refers to the Housing Element Site Inventory analysis as not identifying the project as a potential site for housing. The County does not concur with this comment. While portions of the Twin Oaks area, specifically the northwestern area of Twin Oaks along N. Twin Oaks Valley Road, do not support significant infrastructure, much of the project area supports significant existing and planned infrastructure. Please refer to **Response to Comment O-1-415** for a detailed response on the extent of existing and planned infrastructure and services in the project area, and to **Appendix JJ-10** to the Final EIR. As it pertains to the Housing Element Housing Sites Inventory Analysis, please refer to **Responses to Comments O-1-407** and **O-1-437**.
- O-1-441** The comment refers to language in the General Plan Housing Element stating that “(m)any of the County’s lower income families live in remote, rural communities as shown Figure H-3 (Median Household Income). However, locating future growth in these areas is not consistent with the County’s multiple planning objectives.” The comment concludes the project is not consistent with the County’s multiple planning objectives. The County does not concur with this comment. The project and surrounding area are not considered a remote rural area. Instead, the project area is less than one mile from two major cities; within the spheres of influence of the two cities; bordered by I-15 to the east; within a General Plan Regional Category Village designation situated on the southwestern portion of the project; adjacent to other Village Regional Category-designated areas at the I-15/Deer Springs Road interchange; and within an area with existing and planned infrastructure (refer to **Response to Comment O-1-415**).
- O-1-442** The Comment states that there is no existing or planned infrastructure and very few jobs in the area. The comment states that SANDAG’s RTP does not plan any projects along the I-15 corridor prior to 2050, concluding it is inaccurate to state the project could connect to mobility improvements. The comment speculates that the project’s proposed shuttle service would sit in the same traffic commuters experience,

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rendering the shuttle service “useless.” The comment concludes that the project, therefore, is not consistent with Guiding Principle 2. The County does not concur with the comments.

Please refer to **Response to Comment O-1-415** for responsive information regarding the existing and planned infrastructure and services in the area. Please refer to **Responses to Comments O-1-412** and **O-1-437** for responsive information about the project’s proximity to job centers along the SR-78 corridor. As it relates to the project’s shuttle service, the shuttle would utilize Deer Springs Road and Twin Oaks Valley Road, proposed to be widened by the project to four lanes as mitigation for the project’s traffic impacts. The shuttle is to provide pick-up and drop-off service to the Escondido Transit Center and/or the San Marcos Civic Center. Therefore, the shuttle service would not be required to utilize the I-15 freeway.

- O-1-443** The comment states that the project runs counter to the rural community character of the Twin Oaks community and will “upend” the community and change the its focus from a rural community to a suburban one. The comment cites language in the Draft EIR pertaining to the agricultural uses in the Twin Oaks area. The County does not agree with this comment.

The Twin Oaks community is a community supporting a wide range of land uses. The more rural, equestrian aspects of the community are found along N. Twin Oaks Valley Road and include semi-rural estate homes, ranchettes, equestrian users, small avocado and citrus groves, and some intensive agriculture. The southern portions of the community and the northern reaches of the City of San Marcos support residential and commercial uses. The project would not be visible from most areas of the Twin Oaks community, including most portions of Deer Springs Road, and would limit grading and landform alteration to 27 percent of the project. The project would create a large habitat preserve of 1,209 acres and place an additional 378 acres into fuel modification zones, 235 acres of which would remain native vegetation. Therefore, the project substantially preserves the natural character and features of the project to the benefit of the surrounding area.

- O-1-444** The comment restates the assertion that the County has previously found a project of the proposed project’s magnitude to run counter to the community character of Twin Oaks, referring to PSR NC42. The comment restates information contained in the June 20, 2012, staff report on PSR NC42. The County does not concur with this comment.

Further, as addressed in previous responses to comments, PSR NC42 and the County staff report information on that Property Specific Request is not relevant to the analysis contained in the Draft EIR pertaining to the current proposed project.

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Further, the June 20 staff report lists environmental and land use issues that would need to be addressed if the County were to consider the land use changes proposed by PSR NC42, however, the staff report does not contain any formal analysis or render any County staff determinations about PSR NC42 related to the environmental and land use issues identified. Instead, the report only identifies these issues as requiring further analysis with regard to a withdrawn proposal. Further, that report was as to a different proposal and it in no way binds the discretion of the Planning Commission or the Board of Supervisors. Please refer to **Responses to Comments O-1-377, O-1-379, and O-1-401 through O-1-404.**

**O-1-445** The comment refers to information contained in the January 9, 2012, staff report on the withdrawn PSR NC42 proposal. Please see **Response to Comments O-1-377, O-1-379, and O-1-401 through O-1-404.**

**O-1-446** The comment refers to statements on the Twin Oaks Valley Sponsor Group's website, specifically that "(i)n the 1980s, the tranquility of Twin Oaks Valley began to change with land uses contrary to its rural way of life. Urban sprawl and distortion of General Plan and zoning regulations began introducing incompatible and impactive land uses in Twin Oaks Valley, resulting in major conflicts with community character." The comment states that the County Board of Supervisors did not approve the Merriam Mountains project, stating that the Board found the project to be incompatible with the community character of the area. The comment refers again to PSR NC42 and information contained in the County June 20, 2012, staff report on PSR NC42. The comment states that the Draft EIR failed to evaluate the project's consistency with General Plan policy LU-2.3, but instead makes a conclusory statement without providing substantial evidence and analysis. The County does not concur with this comment.

As it pertains to the changing land use character of the Twin Oaks community, the area has undergone substantial changes dating back to the 1940s. Significant portions of the south end of Twin Oaks have been annexed to the City of San Marcos and residential development as occurred along Deer Springs Road, Buena Creek Road, and Twin Oaks Valley Road. As it pertains to information contained in County staff reports relating to PSR NC42, please refer to **Responses to Comments O-1-377, O-1-379, and O-1-401 through O-1-404.** As it relates to the project's consistency with General Plan Policy LU-2.3, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, which contains a consistency analysis and determination.

**O-1-447** The comment states that the project proposes 81,000 square feet of retail space and states that this will hardly "reinforce the vitality of the local economy" because "it will have little to no effect on the local economy." The comment states that the

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commercial area will provide minimal jobs and economic activity, and will simply serve as a new strip mall for the area. The County does not agree with this comment.

The area around the project is lacking in grocery and other neighborhood-serving retail uses and the project's inclusion of these uses in the project's Village area near the I-15/Deer Springs Road interchange will benefit the surrounding neighborhoods and communities, including Twin Oaks, Hidden Meadows, Champagne Village, and Lawrence Welk. As it relates to reinforcing the vitality of the local economy, in addition to the neighborhood-serving retail, the project as a whole would provide a wide range of housing closer to job centers than the majority of North County workers are currently living; a 6-acre school site; 36 acres of neighborhood and community parks within the project, 1,209 acres of habitat preserve areas on site, 19 miles of trails and pathways, and 6 miles of bike lanes and routes; 20 acres of vineyards and two community gardens; and road, sewer, water and drainage improvements. The project's off-site road improvements would address the failing level of service along Deer Springs Road and portions of Twin Oaks Valley Road, and improve intersections along portions of Buena Creek Road and S. Santa Fe Avenue. The project's off-site drainage improvements along Deer Springs Road will eliminate the existing flooding condition that occurs along the road during major rainfall events. The project would also result in significant financial contributions and benefits to the Deer Springs Fire Protection District and local school districts.

**O-1-448** The comment states that the project is not consistent with General Plan Guiding Principle 3. The County does not agree with this comment. Please see **Response to Comment O-1-447** and refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis for a detailed analysis and consistency determination of how the project is consistent with Guiding Principle 3. Related to Guiding Principle 3, that consistency analysis states the following:

To reinforce the vitality, local economy, and individual character of these existing neighborhoods, communities, and surrounding land uses, the project incorporates various elements of each. Like the newly planned communities discussed above and to reinforce the more dramatic natural elements of the area such as the chaparral covered hills and open space, the project uses environmentally sensitive development patterns to preserve large blocks of native habitat with nearly three quarters of the project Site remaining its natural condition. Like the surrounding communities, the project provides a range of housing types and lot sizes. Like the more semi-rural areas, the project incorporates limited agriculture along the perimeter of some of its neighborhoods. Like the more developed areas surrounding the project, the project incorporates commercial/retail uses, including an anticipated

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neighborhood grocery store at the Town Center, and a school Site with a joint-use park. The Town Center would provide employment opportunities and the mix of uses within the project will reinforce and enhance the vitality and local economy of the existing communities and land uses around the project.

Ultimately, the project will support over 6,000 residents, a variety of local jobs within and as a result of the project, and a school Site which will help support the surrounding local economy. These residents, workers, and parents will shop in local stores and markets, play golf at nearby golf courses (Twin Oaks, Castle Creek, Lawrence Welk, and Boulder Oaks), stay or have their friends and family stay at the nearby resorts, visit the nearby Deer Park Winery along Old Highway 395, eat at local restaurants, and work and shop in the nearby cities.

Finally, the project's proposed large blocks of open space preserve would serve to reinforce a major feature of these existing communities near the project Site, serving as an amenity to both the project and these existing communities. A Community-wide network of public parks, pedestrian pathways, and trails with connections to open space areas would act as the connective thread uniting the project's various neighborhoods and creating pedestrian and bicycle-friendly streets throughout the project for the benefit of the project and existing communities.

**O-1-449** The comment cites the language in General Plan Guiding Principle 4 and states that the project would develop significantly more property than would be developed under the existing General Plan designations for the property. The comment refers to the County's Conservation Subdivision Ordinance and states that a total of 1,557.8 acres would be required to be preserved on site under the Existing General Plan condition for the project, stating this is in contrast to the project which only claims to conserve 1,209 acres on site and 212 acres off site for a total of 1,421 acres, stating that this is 136.8 fewer acres than the Existing General Plan designations. The comment states that the project would be much more invasive with over 6,000 residents in close proximity to sensitive biological habitats. The comment concludes that the project does not promote the environmental stewardship necessary to protect the range of resources on site. The County does not concur with this comment. Please refer to **Responses to Comments O-1-385 and O-1-395 through O-1-398**. In addition, please see the analysis of the project's consistency with General Plan Guiding Principle 4 in the Draft EIR, Appendix DD, Land Use Consistency Analysis.

**O-1-450** The comment refers to the wildlife connectivity review prepared by Dr. Meghan Jennings for the project (**Comment Letter O-1.5**). The comment states that the

connectivity review found that the project would degrade the natural resources and habitats on the property and that the property is a unique area that requires maximum preservation. The comment cites language in the connectivity review stating that “(t)he Merriam Mountains area is only one of two large habitat blocks that remain west of I-15 that are classified as Pre-Approved Mitigation Area (PAMA) with a goal of 75% conservation under the Draft North County Multiple Species Conservation Plan (NCMSCP),... [that] it appears that the Merriam Mountains are situated in a critical location that currently allows it to serve as a stepping stone between habitat patches north of Escondido, San Marcos, and Vista,... [that] the connections available for wildlife to move through this area are crucial for maintaining connectivity to the Santa Ana Mountains,... [and that] although the proposed design configuration of the Newland Sierra project is intended to preserve the core habitat on Merriam Mountain, it will rather serve to further isolate that area and limit its function in providing habitat that will contribute to regional biodiversity.” The comment concludes that the project fails to promote the environmental stewardship that would make it compatible with Guiding Principle 4.

The County does not concur with the conclusions in Dr. Jennings’ Merriam Mountains Wildlife Connectivity. In addition, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, for a discussion of the project’s consistency with County Guiding Principle 4.

- O-1-451** The comment states that the project does not account for the physical constraints and barriers that would be created to wildlife movement by the project and that the project is located in a very high fire hazard area with limited ingress and egress, with significant slopes of greater than 25 percent, which will require blasting to create suitable areas for development. The comment refers to language in the County staff report for PSR NC42, stating “[s]pecifically the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat.” The comment concludes that, therefore, a project with greater density and intensity cannot be found consistent with Guiding Principle 5. The County does not concur with this comment.

Please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, for a discussion of the project’s consistency with County Guiding Principle 5. As it pertains to wildlife movement, please refer to **Response to Comment O-1-450, including Responses to Comments O-1.5; and Topical Response BIO-2: Wildlife Corridors**. As it pertains to the project situated in a Very High Fire Hazard Severity Zone, the project’s road network design, and the Deer Springs Fire Protection District-approved Evacuation Plan, please refer to **Topical Response HAZ-1**. As it relates to the County staff report for PSR NC42, PSR NC42 was not a project, but

only a set of land use designations for the project site. The land use designations proposed by PSR NC42 and the previous County staff reports pertaining PSR NC42 are not relevant to the proposed project or the environmental analysis contained in the Draft EIR for the proposed project. Please see **Responses to Comments O-1-377, O-1-379, and O-1-401 through 404.**

- O-1-452** The comment states that the project does not account for or develop within the physical constraints of the land, but merely seeks to tame the land through blasting and grading that will degrade the overall form of the land and, therefore, the project is not consistent with Guiding Principle 5. The comment states that project is so inconsistent with the County's RPO, which requires preservation of slope areas, that the project requires an exemption from the RPO to allow for significant variances from regulations that would otherwise preclude development of the project. The comment states that the project is therefore not accounting for the physical constraints of the land, but it is disregarding them and seeking "work arounds" from regulations that have been developed over decades to preserve the unique topography of the County, concluding that the project cannot be consistent with Guiding Principle 5. The County does not concur with this comment.

First, the RPO itself contains exemptions and the RPO, including its exemptions, are not inconsistent with County's General Plan. Second, the project would limit grading to 27 percent of the project and is planned to preserve the project's prominent ridgelines, boulder outcroppings, peaks, and major drainages. The grading plan for the project's neighborhoods that fall within the I-15 Design Corridor B Designator Overlay is designed to minimize the project's visibility along the I-15 and within that corridor. Third, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, for a discussion of the project's consistency with County Guiding Principle 5. If approved, County staff has determined that the project would be consistent with Guiding Principle 5.

- O-1-453** The comment cites County General Plan Guiding Principle 6 and states that the project is located far from any public transportation and will create significant impacts on local roadways and the I-15 freeway. The comment states that the Draft EIR focuses internally as to the project's compliance with this Guiding Principle and ignores the connections to the larger community. The comment states that the Draft EIR touts the mixed-use nature of the project while ignoring the project's isolation as a suburban island on a mountain top and that the project attempts to claim credit for connectivity to transit by providing a shuttle system to the Sprinter station, but fails to discuss how the shuttle will sit in the same gridlock traffic as other vehicles coming to and from the project, rendering the project feature to be "of little practical use." The comment states that Guiding Principle 6 is meant to provide development in



areas where it “enhances connectivity” The comment states that the project generates over 28,000 average daily trips in an area that is rural in character and served by the I-15 freeway and Deer Springs Road. The comment states that the Draft EIR finds that there will be significant impacts to both Deer Springs Road and I-15 with no potential mitigation for impacts along the I-15 freeway. The comment concludes that the project cannot claim to enhance connectivity, because the Draft EIR finds that the project will degrade the connectivity for existing and future residents of the area. The County does not concur with the comments.

The project is immediately west of the I-15 freeway, an 8-lane freeway that accommodates over 125,000 vehicles per day, and immediately north of Deer Springs Road, a road that accommodates nearly 20,000 vehicles per day and, with buildout of the County’s General Plan, is planned as a six-lane prime arterial in the County’s General Plan Mobility Element. The project is less than a mile from two major North County cities, San Marcos and Escondido, within six miles of the SR-78 Corridor, a regional employment area for North San Diego County, and within two miles of multiple planned communities, including Lawrence Welk, Champagne Village, Boulder Oaks, Rim Rock, Emerald Heights, Castle Creek, and Vista Valley.

As to the project’s impacts on the road network, the project’s mitigation for traffic impacts would address the existing, failing Level of Service along Deer Springs Road and portions of Twin Oaks Valley Road. By implementing the project’s traffic mitigation measures, the project would significantly improve connectivity for the surrounding area. As it pertains to the project’s proposed community shuttle service, with implementation of the project’s improvements to Deer Springs Road and Twin Oaks Valley Road, the shuttle service would utilize roads operating at Level of Service C or D. Therefore, the project’s shuttle service would not be sitting in gridlock; it would be utilizing roads operating at acceptable Levels of Service. Further, as a measure included in the project’s Transportation Demand Management (TDM) plan, the project’s shuttle service would reduce vehicle trips from the project’s neighborhoods (see e.g., Draft EIR, Appendix R [VMT Analysis]). For further responsive information, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis relative to County Guiding Principle 6.

- O-1-454** The comment states that Guiding Principle 6 is meant to incentivize the growth of housing within existing areas that are near transit service. The comment refers to information on SANDAG’s website on the Series 13 growth model related to how policies in General Plans throughout the region are focusing growth into existing communities near existing and planned transit. The comment states that the project proposes growth in an area that is “completely disconnected” from transportation corridors and, therefore, is indicative of the suburban sprawl which SANDAG and the

General Plan seek to avoid. The comment concludes that the project is inconsistent with Guiding Principle 6. The County does not concur with this comment.

Please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, relative to County Guiding Principle 6. As to information contained on SANDAG's website about how more housing development in the region is occurring along existing and planned transit, that should not be taken to assume that all other forms of housing development are no longer occurring or should no longer be allowed, or that any housing project that is not served by existing or planned transit should not be permitted. There is a wide range of housing needs in the County, ranging from higher density apartments and condos to lower density estate housing. The majority of the County's communities are also served by limited to no transit services, yet these communities are growing. As it relates to the project Site, as addressed in **Response to Comment O-1-454**, contrary to the comment, the project Site is bracketed on two sides by major transportation corridors, I-15 and Deer Springs Road, both road facilities that are part of the National Highway System.

- O-1-455** The comment cites County General Plan Guiding Principle 7, "Maintain Environmentally Sustainable Communities and Reduce Greenhouse Gas Emissions that Contribute to Climate Change" and refers to the discussion of greenhouse gas emissions in the comment letter. The comment states that the project will generate over 28,000 average daily trips with minimal connections to transit, concluding that the project will generate large amounts of GHG emissions from mobile sources and increase traffic on local roads and freeways. The comment states that the Draft EIR underestimates the project's emissions and is a poor imitation of previous "net zero" proposals. The County does not concur with this comment.

The project generates a net of 22,209 average daily trips and the project's VMT analysis demonstrates that the project would generate less residential VMT per capita than the surrounding area. As it pertains to the project's VMT impacts, please see Draft EIR, Section 2.7, Greenhouse Gas Emissions, pp. 2.7-36 through 2.7-37; pp. 2.7-42 through 2.7-44 (including EIR Table 2.7-15). Further, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, for a discussion of the project's consistency with County Guiding Principle 7. Notably, the project would maintain a sustainable community and reduce greenhouse gas emissions that contribute to global climate change through numerous project planning tools, design features, and mitigation measures. The project also has committed to offset 100 percent of its greenhouse gas emissions to achieve and maintain carbon neutrality (i.e., zero net greenhouse gas emissions) for the life of the project. (See Draft EIR, Section 2.7, Greenhouse Gas Emissions.)

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- O-1-456** The comment states that although the Draft EIR “touts” the pedestrian and electric bike connectivity of the project, these resources will not be used due to the steep topography of the project. The comment states that the maintenance of the electric bicycle program will be in doubt due to the reliance on a homeowners association to maintain it. The County does not concur with this comment.

The project’s proposed electric bike-share program is a project design feature (PDF) and will be enforced as a condition of approval and as part of the project’s Mitigation Monitoring and Reporting Plan, as it is also a measure in the project’s TDM program. As it relates to whether the electric bikes, pedestrian pathways, and trails will be used by the project’s residents, it is important to clarify that no reduction in the project’s internal traffic volumes or VMT was assumed with the inclusion of these PDFs, because the EIR elected to take a conservative approach in forecasting trip reductions to the project’s electric bike-share program. (All internal project trips were assumed to be in the form of auto trips from the standpoint of traffic and VMT.) Nevertheless, given that the bikes will be electric, the terrain of the project will not deter their use; and it is reasonable to expect that the residents will use the electric bikes to commute internally around and between the project’s neighborhoods, to the project’s parks, and to the project’s Town Center. Further, the project’s network of trails and pathways is not just for pedestrians to walk from one end of the project to the other; they are for pedestrians to move around within neighborhoods – for example, between their homes and the project’s parks. The terrain design in the project’s neighborhoods allows for such movement.

- O-1-457** The comment states that the environmental sustainability discussed in Guiding Principle 7 is based on the General Plan’s guidance to grow from existing village areas where transit and transportation infrastructure already exist. The comment states that project seeks to create a new village and a development the size of the City of Del Mar in an area that was never intended to accommodate this type of growth or density. The comment concludes that the project is not sustainable, because it does not have the infrastructure to support it, and does not build on existing infrastructure. The County does not concur with this comment.

First, please refer to **Responses to Comments O-1-424 through O-1-427, and O-1-433, O-1-453**. Second, the project does not seek to create a new Village or expand a Village. The site already supports a General Plan Land Use Element Regional Category Map Village designation. As it pertains to the comment that the project would be a development the size of the City of Del Mar in an area that was never intended to accommodate this type of growth or density, the project area under the existing General Plan land use designations and zoning can support 99 dwelling units and up to 2 million square of office and commercial development, and the

surrounding area supports significant existing development. Finally, significant existing and planned infrastructure and services exist within the vicinity of the project. Please see **Appendix JJ-10** of the Final EIR. For further responsive information, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, relative to County Guiding Principle 7.

- O-1-458** The comment cites Guiding Principle 8, to “Preserve Agriculture as an Integral Component of the Region’s Economy, Character, and Open Space Network” and states the project is currently designated as rural lands that can be used for agriculture, including the potential to grow a wide array of crops from avocados to seasonal fruits. The comment refers to statements on the Twin Oaks Valley Sponsor Group’s website, specifically that “Twin Oaks Valley’s traditional character has been defined by its agricultural pursuits. Agriculture was the predominant feature of the community as it evolved through the years” and that “(i)n the 1980s, the tranquility of Twin Oaks Valley began to change with land uses contrary to its rural way of life. Urban sprawl and distortion of General Plan and zoning regulations began introducing incompatible and impactive land uses in Twin Oaks Valley, resulting in major conflicts with community character.” The comment states that the project would threaten the agricultural character of the community, referencing the staff reports for the PSR NC42. The comment states that the project’s community gardens and vineyards do not constitute agriculture as an integral component of the region’s economy and, therefore, cannot be considered as providing justification for consistency with Guiding Principle 8. The comment concludes that the project would preclude agriculture on the project and, therefore, be inconsistent with Guiding Principle 8. The County does not concur with this comment.

According to the project’s Agricultural Resources Technical Report (Appendix F of the Draft EIR), “the project Site does not contain any existing active agricultural areas” and “the project Site does not contain a history of agricultural production.” As such, there is no evidence of historic agricultural production per the County’s Guidelines for Determining Significance – Agricultural Resources, so the project was not designated as an agricultural resource. Although the project contains Farmland of Local Importance, per the County’s Guidelines, it is not considered an agricultural resource because there is no evidence to demonstrate that portions of the project have been used for agriculture. The Agricultural Resources Report also found the project’s rocky soils have severe limitations for crops. Section 1.4.2, On-Site Agricultural Resources, Soils, Crop Suitability, states “approximately 95% of the soils on the project Site had a LCC that correspond to having very severe limitations that restrict the choice of plants and that require very careful management (class IV) to soils the preclude commercial plant production (class VIII).” Therefore, the project is not conducive to agricultural operations. As it relates to the existing agricultural

operations in the Twin Oaks Valley area and adjacent to the project, the project's Agricultural Resources Report states the following:

The general Twin Oaks Valley area, where the project Site is located, contains soils and a climate well suited for agriculture. Although the area surrounding the project Site has a history of agricultural use, the project Site contains steep topography and rock outcroppings that are not favorable for agricultural activities.

Historical aerial photographs show use of the surrounding areas to the south and west of the project Site for agricultural purposes. In the late 1970s agricultural operations surrounding the project Site included orchards to the west near Twin Oaks Crest Drive and to the south near Deer Springs Road. Additional orchards to the south and west of the project Site were in operation during the 1980s and many of the existing agricultural uses immediately surrounding the project Site have remained in operation. Various commercial greenhouse operations also exist to the south of the project Site. On the southern edge of the project Site a small portion of the adjacent orchards that are primarily located off Site along Deer Springs Place encroach slightly onto the project Site. These orchards, which are based off Site with the exception of this small encroachment, began operation in the 1980s and have continued in relatively the same proximity to the present day.

Therefore, despite the growth that has occurred in Twin Oaks Valley over the last 40 years, the agricultural operations in the Valley have remained in operation throughout these periods of growth. More generally, many areas of the County are experiencing a loss of agricultural operations not because of population growth or new housing, but due to the rising cost of water. As the areas in Twin Oaks Valley, primarily the northwest portions of the Valley along N. Twin Oaks Valley Road (refer to Figure 5, On-Site and Zone of Influence Agricultural Operations, in the Agricultural Resources Report), that support agricultural operations are not served by sewer and water services from Vallecitos Water District, but instead are on well water and, therefore, insulated from the rising cost of water. In addition to lacking sewer and water infrastructure and only one primary road (N. Twin Oaks Valley Road), the areas of Twin Oaks Valley that support agricultural operations are also substantially parcelized with hundreds of different property owners involved, making new housing projects in that area of the Valley much less likely. For further responsive information, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, relative to County Guiding Principle 8.

**O-1-459** The comment cites Guiding Principle 9, to “Minimize Public Costs of Infrastructure and Services and Correlate Their Timing with New Development” and states that the project significantly increases major infrastructure costs for the Twin Oaks area and shifts those costs from the project to the taxpayers of San Diego County in direct contradiction to this Guiding Principle. The comment states that when the 2011 General Plan was approved, it reduced the allowable development in the County and incentivized growth within the incorporated cities throughout San Diego. The comment states that significant investments in infrastructure have been directed to public transportation projects like the San Diego Trolley, North County Sprinter, and Bus Rapid Transit projects throughout the County to provide connectivity to the areas where growth is planned. The comment states that none of these investments have been targeted to support the Twin Oaks area, because no substantial growth was planned for this area. The comment states that the fact that the project is growth inducing will necessitate a significant shift to investments in transportation infrastructure by SANDAG in an attempt to serve the project population. The comment states that the project creates significant impacts to the I-15 freeway, yet provides no money to mitigate these impacts, and that, because this corridor is already burdened by significant levels of traffic, additional taxpayer funds will be required to upgrade the I-15 freeway which will shift the infrastructure costs from the project to the taxpayer. The comment references the DELANE Fair Share Memo which the comment states that the project’s fair share costs for impacts to the I-15 freeway will be \$153 million in today’s costs. The comment states that the project’s refusal to pay the cost of their impacts will shift this cost to the County taxpayer which will maximize the cost of public infrastructure in direct contradiction of the Guiding Principle. The comment states that locating the project close to an existing public transportation line would minimize the costs of infrastructure, while locating the project in a rural area not served by public transportation maximizes costs of transportation infrastructure, and, therefore, the project fails to be consistent with Guiding Principle 9.

The County does not concur with this comment. As mitigation for its traffic impacts, the project proposes to build an interchange at Deer Springs and I-15, to widen and improve Deer Springs Road to four lanes from I-15 into San Marcos (under Deer Springs Road Option B), to widen and improve portions of Twin Oaks Valley Road to four lanes, and to improve off-site intersections to mitigate the project’s direct and cumulative traffic impacts. All of these improvements would be funded by the project – at no taxpayer cost. Further, the project’s off-site road improvements to Deer Springs Road and Twin Oaks Valley Road in addition to the project’s proposed interchange improvements, would serve as partial mitigation for the project’s impacts to the I-15 freeway mainline.

As it pertains to SANDAG's future plans for Bus Rapid Transit improvements and service along the I-15 corridor, the comment incorrectly states that SANDAG has no future plans for BRT along I-15. Refer to **Appendix JJ-10** in the Final EIR, which shows existing and planned infrastructure and services in the project vicinity. SANDAG's Regional Plan also includes new managed/toll lanes between SR-78 and the Riverside County line. The comment states that the project will somehow burden future taxpayers with the cost of these improvements along I-15, however, the BRT service and managed/toll lanes are included as projects to be funded by the existing Transnet Tax, which is in place until 2048. Therefore, the comment's assertion that the project will somehow create a new financial burden on taxpayers for off-site road improvements is not substantiated. Finally, the project will generate approximately \$11 million in County transportation impact fees which will assist the County with funding road and intersection improvements planned under the County's Transportation Impact Fee (TIF) Program. For further responsive information, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, relative to County Guiding Principle 9; and the Draft EIR sections addressing utilities and service systems (EIR, Section 2.14) and public services (EIR, Section 3.5).

**O-1-460** The comment cites Guiding Principle 10, "Recognize Community and Stakeholder Interests While Striving for Consensus." The comment states that the project has failed to provide adequate avenues of input on the project and the Draft EIR, stating that although the applicant made presentations to the local area sponsor groups about the benefits of the project months before the release of the Draft EIR, the project impacts in the Draft EIR have never been fairly presented to the community. The comment states that the surrounding communities have been allowed no meaningful opportunity to ask questions to the applicant or the County or gain information about a Draft EIR that is over 20,000 pages with appendices. The comment states that several of the official community sponsor groups have requested that the applicant or County staff provide workshops or presentations to their sponsor group on the Draft EIR and its findings, but all requests have been refused. The County does not concur with this comment. The project applicant has conducted outreach with community sponsor groups, neighborhood groups, business groups, and other stakeholders over a 3-year period. Please refer to **Response to Comment O-1-381**. For further responsive information, please refer to the Draft EIR, Appendix DD, Land Use Consistency Analysis, relative to County Guiding Principle 10.

**O-1-461** The comment states that the County staff informed the community sponsor groups that a public information meeting on the Draft EIR would be held on July 18, 2017, at the San Marcos Civic Center. The comment states that a meeting was held and attended by over 200 people, however, the County provided no meaningful information about the Draft EIR and told the assembled crowd that none of the

comments made at the meeting would be recorded and responded to unless they were written down and submitted to the County. The comment states that this “official” meeting on the Draft EIR neither “recognized” community and stakeholder interests nor “strove” for consensus, adding that the community has largely been locked out of the Draft EIR process because they lack the information and resources to provide adequate comments on the 20,000+ page Draft EIR. The comment states that the applicant has further retreated from the community, refusing to answer questions, or “recognize” community and stakeholder interests by presenting the findings of the Draft EIR at sponsor group meetings. The comment states that while it is not required for an applicant or the County to agree with comments from the community, recognition of the community means providing avenues for constructive input and that these have not been provided, despite the community’s requests for such forums. The County does not concur with this comment. The first portion of the public information meeting held on July 18, 2017, was used by County staff to explain the project, the information in the Draft EIR, and the process. The project applicant has also continued to meet with interested stakeholders and neighborhood groups, including Champagne Village, the Deer Springs Mobile Home Estates, and Chamber groups during and after the close of public review for the Draft EIR. The public review period and the public hearing process serve as additional opportunities for the public to provide input on the project. Please see **Response to Comment O-1-381**.

- O-1-462** The comment states that representatives for the applicant have provided inaccurate and conflicting statements to the community to mislead them about the impacts of the project, that the multitude of conflicting and inconsistent messages coming from the applicant leads to confusion instead of consensus, and does not allow the public to properly participate in the process, and concludes that the lack of access and the inability to form consensus has clearly shown that the project is not in compliance with Guiding Principle 10.

The project is consistent with Guiding Principle 10. The project’s conditions of approval require the construction of Deer Springs Road prior to the issuance of the first building permit in the project. As it pertains to the construction of a new interchange at I-15 and Deer Springs Road, the approval of those improvements is subject to a separate process under the purview of Caltrans. Based on the Traffic Impact Analysis, the Interchange improvements would need to be completed by the 370<sup>th</sup> Equivalent Dwelling Unit (EDU) in the project. As it relates to whether large format retail could be built under the existing General Plan land use designations, please refer to **Responses to Comments O-1-392 and O-1-393**.

- O-1-463** The comment states that the project is not in compliance with the North County Metropolitan Subregional Plan. The County does not concur with this comment.



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Section 3.3, Land Use and Planning, and the Land Use Consistency Analysis (Appendix DD of the Draft EIR) finds the project would be consistent with the County General Plan Guiding Principles, goals, and policies, as well as the North County Metropolitan Subregional Plan. For the project's consistency analysis relative to the North County Metropolitan Subregional Plan, please see Draft EIR, Appendix DD, pages DD-143 through DD-152.

- O-1-464** The comment states that the project is not consistent with the Goals of the North County Metropolitan Subregional Plan and, therefore, the project will create a significant land use impact. The comment states that General Plan at page 1-11 is very specific that the Community Plans “will define” the designated growth areas for each community, adding that the General Plan states, “(w)hen updating Community Plans, communities are encouraged to delineate areas within their plans that will assist with the future planning of developments, infrastructure, facilities, and regulations. An Urban Limit Line and/or Village Boundary may be defined in the Community Plan as community-specific growth boundary that identifies an area to which development should be directed. These boundaries may also serve as the basis for community specific goals and policies.” The comment refers to Figure 3, page A-2, of the North County Metro Subregional Plan showing a map of the North County Metro Village Boundaries. The comment states that Village Boundaries are the specific growth boundaries that identify where development should be directed, and indicates the “appropriate area” for development that is part of Goal 1. The comment states that there are no areas of the project that are outlined in the green that would designate the Site as being within a Village Boundary, and, as a result, the project is not identified as an area where new development should be directed. The comment states that the project Site is, therefore, not an appropriate area for development as designated by the Subregional Plan and fails to be consistent with Goal 1. The comment states that the project also does not propose any amendments to the Subregional Plan to change the areas designated for development, so under the project scenario the project is “clearly not consistent” with Goal 1 because it directs growth into an inappropriate area.

The County does not concur with the comments. Please refer to **Responses to Comments O-1-423, O-1-427, and O-1-439**. In addition, Goal 1 of the North County Metropolitan Subregional Plan does not make reference to village boundaries; and therefore, contrary to the comment, the plan's village boundaries are “not part of Goal 1.” Further, Goal 1 provides that the plan's goal is to “[a]ccommodate urban development in appropriate areas.” The goal is expressed because the plan acknowledges that the plan's subregion “is developing rapidly; and contains large areas of developable land with many basic urban services available or located nearby.” The project, which is situated in the North County Metropolitan Subregional

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Plan, is a large area of land capable of development due to its residential, commercial, and office General Plan land use designations and zoning. The Draft EIR and the above-responses also confirm that (a) the project would provide and fund numerous basic urban services; (b) the site itself currently accommodate numerous urban services, and (c) there are available urban services located near the project site. For further responsive information, please see the Draft EIR, Appendix DD, Land Use Consistency Analysis, page DD-143.

- O-1-465** The comment states that North County Metropolitan Subregional Plan encourages logical City annexations and that the County must “encourage the annexation of unincorporated land within each City’s adopted sphere of influence.” The comment states that the project is inconsistent with this goal because the project will discourage and frustrate City annexations instead of encouraging them.

The County does not concur with the comment. The comment does not provide any evidence of how the project would discourage or frustrate City annexations. Contrary to previous comments, this comment acknowledges that the project is in area planned for annexations (i.e., growth). At the present time, the project cannot be annexed to either the City of San Marcos or Escondido because of intervening property not part of the project site (including property owned by Golden Door Properties LLC) that would need to be annexed first. For further responsive information, please see the Draft EIR, Appendix DD, Land Use Consistency Analysis, page DD-143.

- O-1-466** The comment states that portions of the project are within the San Marcos Sphere of Influence and have been pre-designated by the San Marcos General Plan as County Rural Residential and Agricultural Residential and the project needs to comply with the requirements of these designations. The comment states that the project would change these areas to a Semi-Rural category, which would create a conflict between the San Marcos General Plan and the County General Plan and which would not “encourage logical City Annexations” (in accordance with the North County Metropolitan Subregional Plan). The comment states that the project area closer to San Marcos is designated agricultural residential and that the project would preclude agricultural uses as a primary use in favor of suburban housing and would, therefore, conflict with the areas pre-designated in the San Marcos General Plan for possible annexation. The comment states that if the project were developed at suburban densities, it would create an island of inconsistent land uses within the City’s sphere of influence which would not encourage logical annexation as the City annexes property from the City boundary toward the I-15 freeway. The comment states that the City’s pre-designation of land shows that the City wishes to maintain the rural character of the Twin Oaks area following annexation, and the project would thwart the City’s wishes. This action could create disincentives to the City from wanting to

annex the area, and therefore, be inconsistent with Goal 2 of the North County Metro Subregional Plan.

The County does not concur with this comment. The City of San Marcos General Plan land use designations do not apply to the land within the County, even land within their sphere of influence. Figure 2-5 of the City's General Plan has a footnote for land outside of the City's municipal boundary stating "Note 1: Contact the County of San Diego Land Use & Planning Department to verify the 'County Land Use Designations' for all properties that fall within the San Marco Sphere of Influence." Notwithstanding the fact that the County has land use authority over the project, the project's Draft EIR contains an analysis of the project's consistency with the San Marcos General Plan Guiding Themes (refer to Section 3.3, Land Use and Planning, City of San Marcos General Plan, of the Draft EIR). The comment states that changing the land use on the project would not "encourage logical City annexations" per the North County Metropolitan Subregional Plan, but provides no evidence as to why changing land uses would discourage annexations. In the case of the project, annexation is not currently possible because property between the project and the City's municipal boundary would need to annex first. As it pertains to previous annexations into the City of San Marcos, those annexed lands have predominantly been developed as residential uses at suburban densities.

**O-1-467** The comment states that a portion of the project is within the City of Escondido's sphere of influence and that the project would be inconsistent with the City's General Plan. The County does not concur with this comment. The City of Escondido's General Plan also does not govern land use on the project. Notwithstanding the fact that the County has land use authority over the project, the project's Draft EIR contains an analysis of the project's consistency with the Escondido General Plan Quality of Life Standards (refer to Section 3.3 of the Draft EIR).

**O-1-468** The comment cites language from the North County Metropolitan Subregional Plan Policy 7, which would limit new subdivisions to one dwelling unit per gross acre unless the project is consistent with the General Plan land use map or the project has sewer available, in which case the policy shall not apply. The comment then speculates that the intended purpose of the policy is to limit the County's ability to approve dense development within the City of Escondido's sphere of influence. The comment refers to the Escondido General Plan Land Uses (Figure 11-1 of the City's General Plan) and the land uses shown in that map for the project and states that the County is not able to approve density greater than one unit per acre. The comment cites to two court cases relating to General Plan consistency and concludes that the project is not consistent with the North County Metropolitan Subregional Plan.

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The County does not concur with this comment. The project has obtained sewer availability from Vallecitos Water District. Also, please refer to the consistency determination in the Land Use Consistency Analysis (Appendix DD of the Draft EIR) pertaining to the North County Metropolitan Subregional Plan, Goal 2 and Policy 7. In short, the project is processing a General Plan Amendment that, if approved, would amend the General Plan Land Use Map such that the project would be consistent with the County's General Plan; and the project has sewer available and can obtain sewer lateral connections to an existing sewer main. For those reasons, Policy 7 does not apply.

- O-1-469** The comment cites Goal 3 of the North County Metropolitan Subregional Plan, to “Promote Agriculture in Non-Urban Areas” and cites language in the North County Metro Subregional Plan stating that, “a large portion of the unincorporated territory of the Subregion is in some form of valuable agricultural production; and agriculture provides economic benefits to County residents.” The comment adds that, in furtherance of this goal, the County should, “promote agriculture by protecting semi-rural and rural areas from urbanization and incompatible development.” The comment states that the project is in direct conflict with this goal because it places urban and suburban densities in rural area, thus failing to protect them from incompatible development. The comment states that the project precludes agricultural use of the property by either developing it for housing, or placing it off limits for open space conservation. The comment refers to the County staff reports on PSR NC42 and the growth inducement analysis in the Draft EIR, stating that the project has the potential to induce other surrounding and adjacent areas in Twin Oaks to densify and change from rural agricultural lands to suburban housing. The comment states that the growth inducing nature of the project runs counter to the promotion and promulgation of agriculture on the property, concluding that, therefore, the project would be inconsistent with Goal 3 and a significant land use impact will occur.

The County does not concur with the comment. Please refer to **Response to Comment O-1-458**. Also, please refer to the consistency determination in the Land Use Consistency Analysis (Appendix DD of the Draft EIR) pertaining to the North County Metropolitan Subregional Plan, Goal 3, pages DD-143-144.

- O-1-470** The comment cites Goal 4 of the North County Metropolitan Subregional Plan, to “Protect Environmental Resources,” and cites language in the Subregional Plan pertaining to Resource Conservation Areas. The comment states that, in furtherance of Goal 3 of the Subregional Plan, the County must “protect natural and economic resources by designating appropriate lands as rural, semi-rural and environmentally constrained areas.” The comment states that, therefore, the County's action in the 2011 General Plan Update, designating the lands within the project as predominantly

rural lands was to protect the environmental resources of the area. The comment states that the designation of rural lands was provided to “appropriate lands” where development and growth were not to be allowed, specifically to protect environmental resources. The comment states that the majority of the project area is designated in figure 4 of the Subregional Plan as Conservation Area 23, Merriam Mountains, noting that the Conservation Areas were identified to help protect valuable resources and wildlife connectivity throughout the region. The comment states that a wholesale densification of the area would significantly reduce the conservation area on the project Site and would impact sensitive resources. The comment refers to the wildlife connectivity report provided by Dr. Jennings that concludes the project would interrupt wildlife corridors through the area, further degrading and not protecting the environmental resources of the project area. The comment concludes that, therefore, the project cannot be found to be consistent with Goal 4 of the Subregional Plan.

The County does not concur with this comment. The project would limit the grading footprint to 27 percent of the site, protect 61 percent of the site as a habitat preserve, and protect an additional 12 percent of the site as non-irrigated open space area of comprised of native habitat subject to selective thinning for a total on site resource avoidance of 73 percent. Additionally, the project would preserve 212 acres of very-high-quality habitat off site in a biological core and linkage area. As it pertains to the wildlife connectivity report prepared by Dr. Jennings, please refer to Responses to **Comment Letter O-1.5**. For further responsive information, please see the Draft EIR, Appendix DD, Land Use Consistency Analysis, page DD-144.

- O-1-471** The comment states that the Draft EIR does not disclose that the project will require an amendment to the Traffic Impact Fee (TIF) Program, referencing the General Plan Amendment Workplan Options for Property Specific Requests. The comment cites details contained in the Property Specific Request staff report, specifically that “(a)pproved GPAs that result in increased land use densities and/or expansion of the Mobility Element roadway network would have a direct effect on TIF program costs and fee rates which would prompt the need to update the TIF program. Therefore, adoption of a GPA that changes the General Plan’s land use map and/or Mobility Element network could very likely make the TIF program inconsistent with the General Plan.” The comment states that the project introduces even more complexity than the PSR NC42 due to the additional 1,000 units being placed in the project area and the unplanned and inconsistent nature of the project with the existing General Plan. The comment concludes that, therefore, a comprehensive TIF Program amendment must be made part of the project and that the Draft EIR must analyze this change in the TIF Program on the General Plan, requesting that this analysis be provided with a re-circulated version of the Draft EIR.

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The comment is conflating information contained in a staff report pertaining to 137 Property Specific Requests with implications specific to one PSR, PSR NC42, and, by association, the current proposed project. This report addresses a different proposal than the current proposed project, and it is not binding on the discretion of the Planning Commission or the Board of Supervisors.

The staff report pertaining to the 137 PSRs also specifically references “expansion” of the County’s General Plan Mobility Element. Deer Springs Road Option A would downgrade the classification of Deer Springs Road requiring an amendment to the County’s Mobility Element, but the proposed downgrade does not represent an expansion to the Mobility Element. Further, Deer Springs Road Option B would not require any amendments to the County’s Mobility Element. It is also important to note that Deer Springs Road is not currently a TIF eligible facility. Relatedly, the project’s Traffic Impact Analysis analyzed buildout of the County’s General Plan based on the traffic volumes generated by the existing General Plan land use designations and the traffic volumes generated by the project’s proposed land use designations. The Traffic Impact Analysis found that there are only marginal changes in buildout traffic volumes along the roads within the vicinity of the project. For example, compared the traffic generated by the Existing General Plan land use designations, the project would generate an additional 220 average daily traffic (ADT) for the segment of Deer Springs Road between Mesa Rock Road and Sarver Lane (i.e., 44,720 ADTs under the project vs. 44,500 ADTs under the Existing General Plan). Based on that analysis and the record, County staff has determined that this type of change in traffic under buildout conditions does not expand the Mobility Element or warrant a comprehensive update to the County’s TIF Program.

Further, the County performs comprehensive updates of the TIF Program due to a variety of factors, including changes in state law, changes to the Regional Arterial System, growth projections, etc. GPAs and any related Mobility Element changes are addressed during these comprehensive updates of the TIF Program, but County staff has determined that the current proposed project, due to its size, scale, and traffic analysis, does not warrant the need for an update to the County’s TIF Program. The County also performs annual reports of its TIF Program, allowing the County to conduct annual monitoring; and this monitoring permits the County to make decisions about updates to its TIF Program as needed. At this time, after accounting for all pertinent factor, County staff has determined that a comprehensive update to the TIF Program is not needed.

- O-1-472** The comment states that the project does not comply with the County General Plan Housing Element, that the project provides no analysis of how it is consistent with the Housing Element, and that it does not propose an amendment to the Housing Element

to increase the amount of housing needed in the County, nor does the project amend the Housing Sites Inventory of the Housing Element to identify the project Site as appropriate for housing. The comment states that the Draft EIR provides irrelevant information about a consumer survey the applicant performed to determine the type of housing people wanted to purchase, adding that page 3.3-33 of the Draft EIR states that the “consumer survey informed the applicant’s land planning for the neighborhoods, resulting in a mix of housing types,” but that the Draft EIR never makes the same statement about the policies and regulations of the General Plan informing the applicant’s land planning. The comment concludes that it is “clear the applicant has decided to attempt a wholesale re-writing of policies and regulations affecting the Twin Oaks Area instead of trying to work within those regulations.” The County does not concur with the comments.

The project, if approved, would be consistent with the General Plan Housing Element Goals and Policies (refer to the Land Use Consistency Analysis, Appendix DD of the Draft EIR). As addressed in **Responses to Comments O-1-407** and **O-1-437**, the Housing Sites Inventory does not pertain to the project or the project’s consistency with the Housing Element.

The comment’s remarks about the consumer survey prepared for the project (refer to the MarketPointe Realty Advisors Market Analysis in Additional Items to the Draft EIR) and the policies and regulations of the Twin Oaks Area express the opinion of the commenter, are not supported by any evidence presented in this comment, and do not raise an issue with respect to the adequacy of the environmental analysis in the Draft EIR.

For further responsive information, please see the Draft EIR, Appendix DD, Land Use Consistency Analysis, pages DD-64-DD-68, in which the project’s consistency with the County’s General Plan Housing Element is addressed. Based on that analysis and other related analyses in the EIR, County staff has determined that the project, if approved, would be consistent with County General Plan Housing Element policies and that there is no need for this project to process an amendment to the General Plan Housing Element.

The County’s Housing Element also seeks to reconcile housing needs, including affordability and housing choices, with competing land use interests. (See County’s Housing Element Background Report, April 2017, p. 7, which is incorporated by reference and available for public review upon request to the County.) In that report, Table 3-1 shows unincorporated County population growth from 2000 to 2015 (a 15-year period) by “Community Planning Area.” In 2015, the Community Planning Area with high estimated populations and a large share of the unincorporated County

population included “North County Metro” – the area where the project is situated. Between 2000 and 2010 (a 10-year period), the North County Metro had a 14% increase in population. (*Id.* pp. 10-11.)

The Background Report, pages 11-12, also provides projected population data for the unincorporated County. From 2010 to 2050, population in the unincorporated County is expected to increase by more than 33 percent, from 486,614 to 647,233. Table 3-2 shows projected population increases for 2010, 2020, 2030, and 2050. The table shows the Community Planning Areas that are projected to experience high percentages of population growth. The North County Metro is expected to grow by approximately 50.1% between 2010 and 2050.

The County’s obligations are to reconcile and balance the housing needs in the unincorporated County, including the North County Metro area, with other competing interests. This balancing of competing interests is ultimately the task of the County’s Board of Supervisors; and they will do so based on the information in the Final EIR and record for this proposed project, including the information obtained through the public hearing process.

**O-1-473** The comment states that SANDAG indicates a reduction in the need for housing in the unincorporated area, and, therefore, the policy justification for the project is unfounded. The comment cites language from SANDAG’s website pertaining to Series 13 and the 2050 Regional Growth Forecast. The comment states that cities within the San Diego region have revised their General Plans to accommodate growth in existing areas that are served by transit and other infrastructure and that the planning paradigm created by the County General Plan – to focus growth into the incorporated cities where infrastructure investments have been made and are planned – is working. The comment concludes that shifting growth to an “outlying area” of the County, such as Twin Oaks, would undermine the current trajectory of growth and place it outside of the “smart growth” principles that have been incorporated into the County General Plan and General Plans for cities throughout the region. The County does not concur with the comments.

The community of Twin Oaks is not an “outlying” area of the County. Instead, it is immediately adjacent to the City of San Marcos and that city considers its northernmost neighborhoods and all the land to the north within the City’s sphere of influence (including the southern half of the project) part of the Twin Oaks Valley Neighborhood (refer to the City of San Marcos General Plan, Land Use and Community Design Element, Figure 2-2). (A “sphere of influence” is a plan for the probable ultimate physical boundaries and service area of a city or local agency; and a



territory must be within a city's sphere in order to be annexed to that city. An annexation is a process whereby territory is added into a city.)

Rather than an outlying area, it is an unincorporated community in the County that is immediately adjacent to incorporated cities. Twin Oaks is also west of I-15 and within a few miles of regional North County job centers along the SR-78 Corridor. In fact, there are several communities in the unincorporated County area planned for significant growth that are well east of the project and east of the I-15 corridor, including the communities of Valley Center, Ramona, and Alpine. While the County acknowledges that the region's cities are accommodating the majority of the region's population growth, this does not relieve the County of its obligations under state law to plan for and accommodate growth in the unincorporated areas. Relatedly, the unincorporated County also has its own Regional Housing Needs Assessment obligations, and must meet those obligations.

Further, as noted in the Draft EIR, page 1-36, the fifth housing element cycle for the San Diego region covers an eight-year period from January 1, 2013 through December 31, 2020. To meet the goal of 22,412 residential units by 2020, the County would need to approve (on average) 2,037 units per year. To date, there have been only 3,175 units approved during this cycle. However, what is needed is to approve 3,847 units per year for the next few years. As a result, this project, if approved, would assist the County in meeting its residential unit goal as reflected in the latest housing element cycle.

The County's Housing Element also seeks to reconcile housing needs, including affordability and housing choices, with competing land use interests. (See County's Housing Element Background Report, April 2017, p. 7, which is incorporated by reference and available for public review upon request to the County.) In that report, Table 3-1 shows unincorporated County population growth from 2000 to 2015 (a 15-year period) by "Community Planning Area." In 2015, the Community Planning Area with high estimated populations and a large share of the unincorporated County population included "North County Metro" – the area where the project is situated. Between 2000 and 2010 (a 10-year period), the North County Metro had a 14% increase in population. (*Id.* pp. 10-11.)

The Background Report, pages 11-12, also provides projected population data for the unincorporated County. From 2010 to 2050, population in the unincorporated County is expected to increase by more than 33 percent, from 486,614 to 647,233. Table 3-2 shows projected population increases for 2010, 2020, 2030, and 2050. The table shows the Community Planning Areas that are projected to experience high

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percentages of population growth. The North County Metro is expected to grow by approximately 50.1% between 2010 and 2050.

The County's obligations are to reconcile and balance the housing needs in the unincorporated County, including the North County Metro area, with other competing interests. This balancing of competing interests is ultimately the task of the County's Board of Supervisors; and they will do so based on the information in the Final EIR and record for this proposed project.

**O-1-474** The comment states that the project is not consistent with the Guiding Principle of the Housing Element, and refers to page 6-5 of the Housing Element stating "(t)he foundation for Housing Element policy is based on the defined objectives of the General Plan update as well as the initiatives of the County's Strategic Plan. The objectives of improving housing affordability, assigning densities based on characteristics of the land, and locating growth near infrastructure, services, and jobs were of particular significance." The comment states that the Twin Oaks Valley is a rural area and notes that the guiding principle of the Housing Element states that the lack of infrastructure and services in rural areas dictates maintaining low densities. The comment states that housing policy should not emphasize increasing supply, it should be about lowering costs, adding that this is directly counter to the project's policy emphasis on the creation of new housing in a rural area at all costs, regardless of the policies and restrictions that have been placed on the project. The comment concludes that the project proposes no amendment to the Housing Element's policy to maintain low densities in rural areas, and therefore, the project will be inconsistent with the General Plan if approved. The County does not concur with the comments.

As addressed in **Responses to Comments O-1-412, O-1-441, and O-1-473**, the project area is not considered rural. Significant existing and planned infrastructure and services exist within the vicinity of and on the project (refer to **Appendix JJ-10** of the Final EIR). Relatedly, as shown in **Response to Comment O-1-473**, the Twin Oaks community is not a rural area. Instead, Twin Oaks is an unincorporated community in the County that is immediately adjacent to incorporated cities. Twin Oaks is also west of I-15 and within a few miles of regional North County job centers along the SR-78 Corridor. According to the County's General Plan, the western portions of the unincorporated County is where the General Plan has targeted to accommodate existing and future homes in response to anticipated population growth (see <https://www.sandiegocounty.gov/pds/generalplan.html>).

The comment that "housing policy should not emphasize increasing supply, (but instead) about lowering costs" conflicts with state law pertaining to Housing Element Updates, expresses the opinion of the commenter, and does not raise an issue with

regard to the adequacy of the environmental analysis in the Draft EIR. Further, the project's Draft EIR has analyzed the project's consistency with the County's 10 Guiding Principles and the goals and policies of the General Plan Housing Element (refer to the Land Use Consistency Analysis, Appendix DD to the Draft EIR). The comment may disagree with that analysis, but it constitutes substantial evidence should the Board of Supervisors decide to approve the proposed project.

- O-1-475** The comment states that adding density in a rural area is “not consistent with the County’s multiple planning objectives” and refers to page 6-7 of the Housing Element, which states that “future growth in these (rural and semi-rural) areas is not consistent with the County’s multiple planning objectives.” The comment states that those objectives include the preservation of rural community character and the preservation of habitat and agricultural areas. The comment concludes that, therefore, the County made a conscious policy choice to designate low densities within areas like Merriam Mountains to fulfill the other policy goals of the County General Plan and that the “project cannot now use the need for housing as a reason to discard the other policies in the General Plan.” The comment adds that the Housing Element makes this clear, stating that “(t)he goals and policies contained in the County of San Diego Housing Element are designed to be consistent with other elements of the General Plan.” The comment concludes that, therefore, if significant changes are being made in other elements of the General Plan, the Housing Element will also, likely need to be amended. The County does not concur with the comments.

The project area is not considered rural. Please see **Responses to Comments O-1-473**, and **O-1-474**.

The project, if approved, has demonstrated consistency with the County General Plan Guiding Principles, Goals, and Policies, including the Housing Element Goals and Policies, and County staff has determined that the project, due to its size and scale, does not trigger the need for a comprehensive update to the County's Housing Element. Please see **Responses to Comments O-1-407, O-1-437, O-1-438, O-1-472, and O-1-473**.

- O-1-476** The comment states that the Housing Sites Inventory for the RHNA did not identify Merriam Mountains for significant housing, adding that the Housing Sites Inventory for North County Metro provides locations where 2,158 units can be developed, that all of these areas are designated Village Residential and are zoned correctly to provide housing opportunities, and that the proposed project area is not identified in the Housing Sites Inventory as a location that can accommodate housing in the North County Metro area. The comment states that the proposed project also does not include an amendment to the Housing Sites Inventory to include it as an area that can

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accommodate housing, concluding that, therefore, the project is not and will not be in compliance with Housing Element of the General Plan if approved.

The County does not concur with this comment. The Housing Sites Inventory is an analysis of existing multi-family zoning in the County and has no direct relationship to Village designations or the project. Please refer to **Responses to Comments O-1-407** and **O-1-437**. Further, that a project is not listed on the Housing Sites Inventory does not mean the site is inappropriate for housing. The County retains its flexibility and discretion, even with the inventory in place.

**O-1-477** The comment states that the General Plan is already balanced and the Newland Sierra Project is additive. The comment states that the project was not designated for significant amounts of housing and that leaving the property rural provides the necessary balance between the preservation of agricultural and habitat areas and need for housing and cites language from the April 2013 County Background Report on the Housing Element, Section 2.1. The comment states that to maintain this balance, specific policy choices were made, citing text from the 2013 Housing Element Background Report. The comment states that the project proposes the opposite of this policy, adding that the project directs housing into an area that is rural and remote and lacks public services. The comment states that if the project proposes to change this policy of balance within the Housing Element, it must actually change the policy and provide amended language, adding that, because no amendment has been proposed, a significant impact will occur if the project is approved, and the project will be inconsistent with the Housing Element.

The County does not concur with the comments. The project is not in a rural area, the vicinity of the project area supports significant existing and planned infrastructure and services, and the project, if approved, is consistent with the Housing Element Goals and Policies. Please refer to **Responses to Comments O-1-412, O-1-440, O-1-441, O-1-472, O-1-473, and O-1-474**, as well as Appendix DD to the Draft EIR.

The County also notes that the comment's reference to the General Plan Housing Element Background Report was updated in April 2017, in response to the Housing Element Update. The 2017 report supersedes the prior 2013 version cited in the comment. The Housing Element Update retains the goals, policies, and implementation programs previously approved, and significant revisions have been limited to the Background Report, which contains updated statistics and analyses based on data from the 2010 Census and other sources. (See Background Report, April 2017, p. 1.)

Section 2.1 is similar to the 2013 version. However, the comment misconstrues the intent of Section 2.1. The section does not state that "policy choices were made," nor

does the section infer that policies are frozen in time. To the contrary, the Planning Commission and the Board of Supervisors retain the flexibility and discretion to consider General Plan Amendments and make policy decisions after balancing the sometimes competing interests in the General Plan. Section 2.1 summarizes the “key issues” that ultimately the Board must balance.

As to semi-rural and rural lands, Section 2.3 identifies the “issues” for consideration; it does not mandate any outcome. As shown in Section 2.3, the “issues” regarding semi-rural and rural lands center on redirecting growth “away from rural and remote areas with minimal public services to areas with higher density and a less rural character is consistent with the existing pattern of development and the availability of public services.” (Background Report, April 2017, p. 8.) As shown, the project area is not rural, the vicinity of the project area supports significant existing and planned infrastructure and services, and the project, if approved, is consistent with the Housing Element Goals and Policies. Please refer to **Responses to Comments O-1-412, O-1-440, O-1-441, O-1-472, O-1-473, and O-1-474**, as well as Appendix DD to the Draft EIR.

Page 1-24 of the Draft EIR shows that the project is located at the Deer Springs Road interchange with direct access to I-15, providing regional access to existing job centers in San Marcos, Vista, Rancho Bernardo, Escondido, and Poway. The project is also located near California State University, San Marcos and Palomar College, and three Sprinter stations within 6 miles of the project (the San Marcos Civic Center Sprinter Station, the Buena Creek Station, and the Palomar College Station) — all as shown in EIR Figure 1-34, Proximity to Major Employment Centers. See also Draft EIR, page 3.3-31.

A detailed discussion of the project’s proximity to these job centers in nearby cities and along the SR-78 corridor is found in the project’s Land Use Consistency Analysis (Appendix DD of the Draft EIR). The Draft EIR, Figure 1-34, Proximity to Major Employment Centers, shows graphically where employment centers that have employee numbers ranging from 100 to 6,000 employees are located in relation to the project. (The Final EIR also updated this figure to reflect distances [in miles].)

- O-1-478** The comment states that the project is inconsistent with the Zoning Ordinance and the Resource Protection Ordinance (RPO), stating that the “zone change constitutes ‘spot zoning’ that must be analyzed. The comment states that, as part of the PSR NC42 staff report, the County staff noted that “if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties.” The comment states that County staff’s concern raises the issue of whether the project

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constitutes “spot zoning.” The comment states that the Draft EIR must analyze whether the project’s General Plan and zoning changes “constitute discrimination against similarly situated properties, which could be construed as impermissible “spot zoning.””

The County does not agree with this comment. First, as to the PSR NC42 process, please refer to **Responses to Comments O-1-377, O-1-379, and O-1-401 through O-1-404**. Second, the project’s proposed underlying zoning is consistent with the land use designations associated with the project’s proposed GPA and the project’s proposed GPA is consistent with the County’s General Plan Guiding Principles, goals and policies and the Community Development Model (refer to Appendix DD to the Draft EIR and **Response to Comment O-1-427**). Therefore, the project’s proposed zoning does not constitute “spot zoning.” Third, the County reviewed the court decisions cited in the comment and they are inapplicable. Spot zoning is generally associated with downzoning a smaller parcel in circumstances where the surrounding land is similar in character, but which retains a more intensive zoning designation. However, in the *Foothill* decision, for example, rezoning can create the converse (i.e., smaller parcel rezoned to a more intensive zoning classification), which could give rise to a spot zoning claim. However, this is a fact-based determination. Here, the County has determined that no spot zoning would occur; and, in any event, such action can still be a legitimate exercise of power police if not done so arbitrarily. The Draft EIR and record show that spot zoning is not at issue with regard to this project.

**O-1-479** The comment states that the project is inconsistent with the Resource Protection Ordinance (RPO), adding that an exemption is required. The comment states that the Draft EIR explains that a Resource Protection Plan (“RPP”) will be put in place that will serve as the functional equivalent of the RPO. The comment states that the need to fully exempt the project from the RPO shows that the level of development proposed for the project was never anticipated, adding that the need for a blanket exemption for the project shows that the project is “so out of sync” with the policies and regulations for land use in the County that it “must write its own rules to receive special treatment from the County.” The County does not concur with the comments.

**O-1-480** The comment states that the Draft EIR discusses the need for a “wholesale exemption” from the RPO ordinance, but does not provide a determination of whether the project’s non-compliance with the RPO would be a significant land use impact. The County does not concur with the comments.

First, the RPO contains exemptions and the application of those exemptions does not render a proposed project inconsistent with the General Plan. Second, for further responsive information, please see **Response to Comment O-1-452**.

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**O-1-481** The comment states that the “functional equivalency is not equivalency” and that the project proposes an exemption from the RPO and cites language from the project’s Resource Management Plan (RMP) that “any project located within the approximately 1,985 acre property known as ‘Newland Sierra Specific Plan’ if determined to be consistent with a comprehensive Resource Management Plan (RMP) [that] has been adopted by the Board of Supervisors as the functional equivalent of RPO.” The comment states that even the RMP, which is supposed to be functionally equivalent to the RPO, needs an exception from the exemption stating that, “this Resource Protection Plan concludes that the project would be fully consistent with the County RPO, with the exception of impacts associated with RPO wetlands.” The comment states that the Draft EIR indicates that the exception is justified because of the design and density needs of the project, adding that this means that the project “cannot even design” an exemption that does not need a separate exception embedded within it.

The County does not concur with the comments. Please see **Response to Comment O-1-452**.

**O-1-482** The comment states that the Resource Protection Plan (RPP) is required by the exemption to be “functionally equivalent” to the RPO, however, the comment states there is no objective standard provided in the RPP or within any regulatory document as to what “functionally equivalent” means. The comment states that the RPP states that the RPP is equivalent except as it pertains to impacts to California gnatcatcher and RPO wetlands, leaving the reader asking if the RPP is indeed equivalent or not equivalent. The comment asks that if no objective standard exists, how is the RPP supposed to be evaluated.. The County does not concur with the comments.

Please see **Response to Comment O-1-452**.

**O-1-483** The comment states that the project is not consistent with SANDAG’ Sustainable Communities Strategy or SB 375, adding that the project is not “Smart Growth.” The comment states that the project is located far from urban and job centers—and without meaningful transit options—in stark contradiction to the planning principles encompassed in the County’s General Plan, LEED-ND, SANDAG’s RTP/SCS and RCP, and SB 375. The comment states that SANDAG’s RTP/SCS was developed based on the County’s General Plan current designation of rural residential and cites General Plan Goal LU-5. The comment states that the RTP/SCS assumed no urban development on the project, adding that the County’s 2013 General Plan Annual Progress Report states that “[t]he core concept for the County’s Land Use Element is to direct future growth to areas where existing or planned infrastructure and services can support that growth and to locations within or adjacent to existing communities.”

The comment states that the project will be located away from existing services, includes internal street designs with long looping roads and cul-de-sacs, includes no proposal for transit services, and will require long, single-occupant vehicle trips in contradiction of these policies. The comment states that the Draft EIR should analyze the project's consistency with the smart growth principles contained in the General Plan, SANDAG's RTP/SCS, and SB 375 and that the project lacks the connectivity and compact land use planning required of smart growth development. The comment states the claim that reduced vehicle trips within the project do not negate the impacts of long single-occupant vehicle trips required to job and urban centers. The comment states that the shuttle proposed for connections to local transit centers will wait in the same traffic created by the project as all other commuters in the area, diminishing the incentives to use this facility, adding that when a transit trip is no less efficient than a vehicle trip, the vehicle trip is more likely to be chosen. The County does not concur with the comments.

The project's Draft EIR, Section 2.7, Greenhouse Gas Emissions, includes an assessment and a consistency finding with regard to the project's consistency with SANDAG's RTP/SCS and adopted GHG plans and policies. (See, e.g., Draft EIR, Section 2.7, pages 2.7-42 through 2.7-44.) In addition, the project applicant has committed to offset 100 percent of the project's greenhouse gas emissions through sustainable project design features and mitigation measures. (See Draft EIR, Section 2.7, Greenhouse Gas Emissions.) Please also see Draft EIR Section 2.7.3.2, and specifically Table 2.7-15 therein, which evaluates the project's consistency with applicable policies from SANDAG's RTP/SCS. For further responsive information, please refer to **Responses to Comments O-1-139, O-1143, O-1-147, and O-1-149 through O-1-161**.

As it relates to existing and planned infrastructure and services within the vicinity of the project, please refer to **Responses to Comments O-1-412, O-1-440, O-1-441, O-1-473, and O-1-474**, as well as **Appendix JJ-11** of the Final EIR.

As it relates to the project's TDM Program, VMT reduction strategies, and consistency with the County's 2018 Climate Action Plan, please see **Response to Comment O-1-456** and **Topical Response GHG-3: County's 2018 Climate Action Plan**. The County also thoroughly responded to GHG-related comments in **Responses to Comments O-1-133 through O-1-186**, and those responses contain responsive information.

**O-1-484** The comment states that the project features such as a multi-use trail and bicycle share programs will do little to decrease vehicle trips internal to the project because the topography of the project will require vehicle use for internal trips to the



commercial area. The comment speculates that residents on the west side of the project are unlikely to walk or ride a bicycle or horse to the far eastern side of the project to visit a grocery store, leaving themselves to carrying bags of groceries long distances, uphill, to get back to their home. The comment states that the steep topography of the project does not lend itself to pedestrian or bicycle trips unless commercial and residential uses are more closely clustered. The comment states that the Draft EIR should analyze alternative designs for internal circulation and layout of units to reduce the length of internal trips, adding that even if such changes provide for a reduction in internal project trips, they do nothing to decrease external project trips that result in greater VMT and GHG emissions impacts. The comment concludes that project must do more than “merely pay lip-service to County, regional, and State planning requirements emphasizing smart growth principles” to be able to find consistency with the SCS. The County does not concur with the comments.

Please refer to **Response to Comment O-1-483** above. In addition, for further responsive information, please see Draft EIR, Section 1.0, Project Description, and Section 2.7, Greenhouse Gas Emissions. See also the project’s Specific Plan (Draft EIR, Appendix C), including the plan’s discussion of the project’s sustainable planning and design goals and policies. The County also thoroughly responded to GHG-related comments in **Responses to Comments O-1-133** through **O-1-186**, and those responses contain responsive information.

- O-1-485** The comment states that the project lacks any meaningful transit options, stating that the Sprinter stations located “within six miles” of the project preclude the Sprinter train from serving as a viable everyday commute option for project residents. The comment states that although the Draft EIR considers a shuttle that would connect the project to the closest Sprinter stations and the Escondido Transit Center, the operational nature of the shuttle is in question, because the project leaves it up to the HOA for the project to fund and manage the shuttle system, placing what the project considers a key piece of connective infrastructure into an uncertain future, adding that, therefore, the project’s shuttle service cannot be used as a mitigation measure or even relied upon to provide connectivity to transit. The comment states that the existence of a shuttle system is an acknowledgement of how far the project is located from transit and states that the project should perform a study of how long the shuttle will take to reach the transit station from the project and that the project should commit to funding the shuttle’s operation. The comment concludes that, because the shuttle will operate in the same diminished levels of service on the I-15 freeway, the shuttle is likely to be of little assistance to residents.

The County does not concur with the comments. Please see **Response to Comment O-1-442**. The County also thoroughly responded to GHG-related comments in

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**Responses to Comments O-1-133 through O-1-186**, and those responses contain responsive information.

- O-1-486** The comment states that because the project would be located in the “rural” I-15 corridor in North County, which lacks transit infrastructure, the project should take a “transit-first” approach to transportation, adding that, however, the project provides no funding or contributions to plan or construct transit facilities to ensure that the project’s added impacts and increased emissions are fully mitigated or avoided. The comment states that such facilities must be coordinated on a regional basis with SANDAG, rather than created on a partial, haphazard or unfunded basis at the project level. The comment concludes that the project is not “smart growth” and cannot be found consistent with SANDAG SCS. The County does not concur with the comments.

The project is not required to take a transit-first approach to transportation. The project includes a Transportation Demand Management Program that will provide a range of transportation choices to its residents that serve as alternatives to single-occupancy vehicle driving, including a Community-sponsored shuttle service and electric-bike share program. The project’s TDM Program has been structured around multimodal measures that have a demonstrated track record for reducing single-occupancy vehicle trips. The I-15 corridor also is not considered a “rural” corridor due to the existing and planned development along it. For further responsive information regarding the project’s consistency with SANDAG’s SCS, please see **Responses to Comments O-1-483 and O-1-484**.

The project’s Draft EIR, Section 2.7, Greenhouse Gas Emissions, includes an assessment and a consistency finding with regard to the project’s consistency with SANDAG’s RTP/SCS and adopted GHG plans and policies. (See, e.g., Draft EIR, Section 2.7, pages 2.7-42 through 2.7-44.) In addition, the project applicant has committed to offset 100 percent of the project’s greenhouse gas emissions through sustainable project design features and mitigation measures. (See Draft EIR, Section 2.7, Greenhouse Gas Emissions.) Please also see Draft EIR Section 2.7.3.2, and specifically Table 2.7-15 therein, which evaluates the project’s consistency with applicable policies from SANDAG’s RTP/SCS. For further responsive information, please refer to **Responses to Comments O-1-139, O-1-143, O-1-147, and O-1-149 through O-1-161**.

- O-1-487** The comment states that the project is inconsistent with County Board of Supervisors policies. The comment states that the Draft EIR attempts to summarize each of the Board of Supervisors’ policies which are analyzed in the Draft EIR, however, the summaries provided are not completely accurate and misstate the nature of the

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policies, referring to Board Policy J-33 as an example. The comment states that providing a summary of the policy precludes the reader from understanding the policy based upon their reading of the policy and not the interpretation of the Draft EIR writer, adding that the Draft EIR states each of the Guiding Principles of the General Plan in full, therefore, the Board Policies should be presented in full in the Draft EIR document. The County does not concur with the comments.

The County Board policies are found online at following website address: <https://www.sandiegocounty.gov/content/sdc/cob/policy.html> (last accessed May 7, 2018). It is not necessary or required by law to restate the complete text of each policy in the Draft EIR.

**O-1-488** The comment states that the Draft EIR at page 3.3-43 provides the conclusion that the project would be consistent with Board Policy J-33, but provides no analysis or substantial evidence to support that determination. The comment states that the Draft EIR states “the project applicant would work with County staff to ensure proper procedures for eminent domain are followed. The project would be consistent with this policy for public facilities.” The comment questions whether the project will utilize eminent domain to accommodate project infrastructure, and, if so, where will eminent domain be used. The comment states that the Draft EIR alludes to the potential for the use of eminent domain on Sarver Lane, Deer Springs Road, and Camino Mayor, but provides no map, or description of property that will be required to be obtained by eminent domain. The comment then cites language in Board Policy J-33 that the purpose of the policy is “to define and limit the circumstances in which the Board of Supervisors will use their power of eminent domain, on behalf of private developers, to acquire real property rights for public facilities.” The County does not concur with the comments.

The project applicant is required to acquire all necessary rights-of-way (ROW) and easements. Should the applicant not be successful in that regard, it can request that the Board of Supervisors use its eminent domain powers to acquire any outstanding ROW and easements. The County may use its powers of eminent domain, where necessary, to facilitate the acquisition of sufficient right-of-way and related easements for water quality, flood control, and construction purposes for improvements to County facilities such as Deer Springs Road, a Mobility Element Road in the County’s General Plan. The project applicant has secured the necessary ROW for Sarver Lane and the project applicant owns or controls the property necessary to secure access from N. Twin Oaks Valley Road (i.e., the Camino Mayor access) such that the Camino Mayor access would not require the use of eminent domain.

Exhibits showing the required ROW and other easements to accommodate the proposed improvements along Deer Springs Road and portions of Twin Oaks Valley Road were made available with the release of the Draft EIR for public review under the “Additional Items” heading. Please refer to the County’s Newland Sierra Public Review Draft EIR webpage to view and download these files: <http://www.sandiegocounty.gov/content/sdc/pds/ceqa/SP-15-001/NSDEIR.html>

- O-1-489** The comment states that it is not clear that eminent domain will be used solely for public facilities, and refers to the project’s proposed improvements to Camino Mayor. The comment refers to the Camino Mayor Alternatives Analysis (Appendix D of the Draft EIR), page 2 which states that “[b]oth Alternative Alignment 1 and Alternative Alignment 2 would be designated as private roads.” The comment concludes that the use of eminent domain to acquire property for either of these alignments would not be consistent with Board Policy J-33 as they will be private facilities. The comment states that concerns have been raised by residents along Camino Mayor that their property may be taken by eminent domain due to the alignments presented in the Draft EIR. The comment concludes that it is impossible to determine whether or not eminent domain will be used in this area because it is not disclosed in the Draft EIR and states that the Draft EIR does not disclose whether eminent domain will be required to acquire right of way along Sarver Lane or Deer Springs Road, concluding that the Draft EIR does not “define and limit” the use of eminent domain for this project and, therefore, the project cannot be consistent with this policy. The County does not concur with the comments.

Please see **Response to Comment O-1-488**. No ROW or use of eminent domain will be required for the Camino Mayor or Sarver Lane access. Therefore, the project would be consistent with Board Policy J-33.

- O-1-490** The comment references five provisions from Board Policy J-33 and states that the project does not disclose where eminent domain will be used or for what public facilities. The comment states that if eminent domain will be used, the Draft EIR must provide an analysis of elements 1–5 of the policy and make a determination if a significant impact will occur, adding that this disclosure and the analysis of any impacts related to the use of eminent domain must be provided in the Draft EIR. The comment then refers to the Delane Engineering analysis (referred to as the DELANE Offsite Memo), and states that the Delane Engineering analysis shows impacts to private drives along Deer Springs Road were not analyzed. The comment states that previous work by DELANE demonstrated numerous property impacts from a six-lane Deer Springs Road alignment that were not disclosed in the Draft EIR or analyzed pursuant to Policy J-33 (referred to as the DELANE Road Widening Memo). The County does not concur the comments.

The project's Preliminary Grading Plans detail the grading required along Deer Springs Road and how existing driveways and access will be maintained. Please refer to **Responses to Comments O-1.12-6** through **O-1.12-8** pertaining to driveway impacts to properties along Deer Springs Road. The project is not required to improve Deer Springs Road to six lanes, only to four lanes, in order to mitigate the project direct and cumulative impacts; and, therefore, the project is not required to analyze the impacts of constructing Deer Springs Road to a six-lane road.

- O-1-491** The comment states that cumulative land use impacts have not been adequately addressed by the Draft EIR, stating that the Draft EIR discusses the impact of growth inducement in the population and housing section of the Draft EIR, but fails to provide an analysis of the impacts on land use. The County does not concur with the comments.

First, the County reviewed both sections of the Draft EIR – the Population and Housing section and the Land Use section. It also carefully considered the project's growth inducing effects in the Draft EIR's Project Description section. Together, the EIR analysis is considered adequate and complete, and prepared in accordance with CEQA. As stated, the EIR's discussion of the project's growth inducing effects sufficiently evaluated the issues, and no further analysis is required without the County engaging in speculation as to the location, amount, rate, timing, scope, and extent of any potential development induced by this project.

Second, as addressed in **Response to Comment O-1-384**, the Land Use section and the Population and Housing section of the Draft EIR were prepared in compliance with the CEQA Guidelines, Appendix G. The EIR Project Description section contains a discussion about the project's land use details as well as a detailed description of the project's project design features (PDFs), many of them land use in nature. The CEQA significance thresholds used in the Land Use and Planning section are different thresholds evaluating different issues compared to those used in the Population and Housing section; these two sections of the Draft EIR are separate and distinct analyses from each other, but should be read together and in context. For example, the Land Use analysis is focused on a project's consistency with adopted plans whereas the Population and Housing analysis is focused on whether a project would induce substantial population growth in an area or whether a project would displace existing homes or people. The concepts of population growth and housing and population displacement are not found in the CEQA Guidelines for Land Use and, correspondingly, the concept of consistency with adopted plans is not found in the CEQA Guidelines for Population and Housing. For further information regarding cumulative impacts, please refer to the Draft EIR, and each environmental category evaluated, because each section includes a cumulative impacts assessment.

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**O-1-492** The comment states that the growth inducing impacts of the project will fundamentally alter the land uses in Twin Oaks area and create a “cascade of up-zoning” that will fundamentally change the rural character of the area and the underlying land uses and references the January 20, 2012, County staff report on PSR NC42, stating that the County reached this same conclusion in that staff report. The comment concludes that “this fundamental shift in the character and land use of the Twin Oaks area is not acknowledged or analyzed in the Draft EIR. The County does not concur with the comments.

The project has analyzed impacts on the visual character and aesthetic resources on site and in the surrounding area, including the potential for cumulative impacts to occur within the project viewshed from other cumulative projects (refer to Section 2.1 of the Draft EIR). The project EIR also analyzed growth inducing impacts (refer to Sections 1.8 and 2.12.3.1 of the Draft EIR). As it relates PSR NC42, as stated previously, that proposal was not a project, but rather a set of proposed land use designations that differ considerably from the proposed project’s land use designations; the Board of Supervisors never made a formal decision on PSR NC 42; and it was withdrawn. Additionally, as stated, neither the Planning Commission nor the Board of Supervisors are bound by this separate planning process. Please see also **Responses to Comments O-1-377 and O-1-379; and O-1-401 through O-1-404**. The County also notes that the comment provides no evidence or other support that if this project were approved, it would create a “cascade of up-zoning” in the area. Additionally, the County is unaware of any such proposed development in the area.

**O-1-493** The comment states that the Draft EIR fails to grasp that development of the project will induce a change in land use for the area and references language in the County staff report for PSR NC42 that “these increases in development potential on this property also required consideration of the designations on the properties in the surrounding community. It would not be appropriate to increase development substantially on the site while significantly restricting development on the surrounding properties.” The comment states that the Draft EIR must analyze the changes in land uses the project will induce on surrounding properties.

The County does not concur that the project will directly “induce” changes in land uses on surrounding properties. The comment provides no support for the proposition, and the County is not aware of any project-induced changes that would occur on surrounding properties. Nonetheless, CEQA requires that a project discuss its growth inducing impacts, which the Draft EIR has done (refer to Section 2.12 of the Draft EIR). In addition, please see **Response to Comment O-1-492**. More specifically, while the project may be growth inducing, the County finds it impossible to forecast with any accuracy the possible, future changes in surrounding land uses that would be

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triggered if this project were approved. Further, the County is unaware of the location, rate, amount, timing, scope, or extent of such changes. For those reasons, the County finds it would be speculative and potentially misleading to engage in any further assessment at this time.

- O-1-494** The comment states that a portion of the project falls within the City of Escondido's sphere of influence and that this inter-jurisdictional issue requires review of both the County General Plan and Escondido General Plan to analyze consistency. The comment concludes that PSR NC42's proposed density would be inconsistent with these General Plans. The County does not concur with the comments.

The City of Escondido General Plan does not apply to the project. The project has conducted analysis of the project's consistency with the Escondido General Plan Quality of Life Standards – refer to Section 3.3 of the Draft EIR. PSR NC42 is not relevant to the proposed project or the environmental analysis contained in the Draft EIR, nor is the Planning Commission nor Board of Supervisors bound by this separate process with its own facts, circumstances, and record. Please see **Responses to Comments O-1-377, O-1-401, O-1-410, and O-1-467.**

- O-1-495** The comment states that the North County Metro Subregional Plan is part of the County General Plan and includes the project and that the general goals and policies of that plan require the County to take the City of Escondido's planning into consideration. The comment also refers to that plan's Policy 7. The comment cites the policy text and concludes that the County's General Plan, therefore, limits the County to approving development at a density of one unit per acre within the City of Escondido's sphere of influence unless the Escondido General Plan allows for additional density.

The County does not concur with the comments. Please see **Responses to Comments O-1-410, O-1-467, and O-1-468.**

- O-1-496** The comment states that the Draft EIR does not address the proposed project's consistency with the North County Multiple Species Conservation Plan (MSCP) because it does not address consistency with General Plan Policy M-12.9 regarding siting and use of trails within MSCP Preserves. The comment states further that because the project is "basing its biological resources significance conclusion on the Project's compliance with the draft NC MSCP," that not addressing how the project is consistent with General Plan Policy M-12.9 renders the Draft EIR internally inconsistent. The County does not concur with this comment for the following reasons.

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First, as to compliance with General Plan Policy M-12.9, the Draft EIR analyzes the proposed project's consistency with this policy in Appendix DD, Land Use Consistency Table. Table DD-1 states the following:

The project would site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors, and agricultural lands. The project also would conform siting and use of trails to County plan requirements.

For instance, to protect the project's proposed open space preserve areas and minimize human encroachment, signage and designated routes would establish public access trails, and protect large patches of habitat that do not currently contain trails. Additionally, the project's proposed trails into open space preserve areas would be predominantly located along existing dirt roads and existing trails. In accordance with the project's Resource Management Plan, a preserve manager would monitor the use of these trails and address any encroachment or other impacts associated with the trails in the project's open space preserve areas. The proposed project's trail system has also been designed to be consistent with the overarching goals of the draft North County MSCP.

As noted in the above response, trails would be predominately located along existing dirt roads and existing trails; signage would direct trail users to designated routes and access points; and a preserve manager would monitor trail use. Accordingly, the Draft EIR concluded the proposed project's trail system would be consistent with Policy M-12.9. Nonetheless, the Final EIR has been revised as follows.

“For additional information on the proposed project's consistency with applicable plans, policies, and ordinances, see Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Table.”

Second, as to the status of the Draft MSCP, please see **Global Response BIO-2**.

**O-1-497** The comment states that the Draft EIR should acknowledge in Section 3.4 that the proposed project includes an amphitheater located near existing residences, and should describe the types of events and potential noise and traffic impacts that may result, including details on the number of people that may be accommodated at the amphitheater, the frequency of events, and whether amplified sound will be used. The County does not concur with this comment for the following reasons. First, contrary to the comment, the Specific Plan shows amphitheater seating around open turf areas and ball fields, not an amphitheater near existing residences. Appendix C, Specific Plan, includes a description of the various parks located throughout the project Site.



P-11 Peak's Park includes "amphitheater seating," which, as shown on Figure 77, surrounds open turf areas and ball fields. Also, there are no "existing residences" near P-11 Peak's Park, only those future residences proposed as part of the project (see, Appendix C, Figure 66, Park and Trail Plan). Note, however, subsequent Site Plans will dictate the final design and use at each park; as noted in Figure 77, these figures are for "illustrative purposes only."

Second, contrary to the comment, the analysis in Section 3.4.3.3, Consistency with Applicable Plans, Policies, and Ordinances, correctly states that, "[p]roposed amenities throughout the project Site include ... amphitheater seating." Accordingly, Section 3.4 of the Draft EIR does acknowledge and evaluate impacts of the amphitheater seating.

Third, as stated in Section 3.4.3.2, Construction of New Recreational Facilities, the impacts of recreational facilities are addressed throughout the applicable chapters of the Draft EIR. Section 2.10, Noise, evaluates the potential impacts of operational noise sources including recreational facilities. As explained in Section 2.10.3.2, Project-Generated Airborne Noise, "any activities considered a nuisance would be illegal under the County's Noise Ordinance, which would be enforced by the San Diego County Sheriff's Department." As a result, "no exceedance[s] of the County's noise standard are expected to occur from recreational ... activities."

Section 2.13, Traffic, evaluates the potential impacts of project vehicle trips, including relative to recreational facilities. Section 2.13.16, Project Trip Generation, states, "In the case of the parks, given that the parks are sized to support the recreational needs of the Project and are located predominantly within the Project's various neighborhoods, an internal capture rate of 75% was used for the parks to reflect the fact that the vast majority of the trips to the Project's parks would be generated by the Project's residential uses and would remain 'internal' to the Project Site." As a result, recreational facilities will reduce vehicle miles traveled (VMT). "Therefore, the parks have a beneficial effect on the project's residential home-based automobile VMT per capita and impacts related to park uses would be less than significant" (Draft EIR Section 2.13.10.4, Project VMT Analysis).

- O-1-498** The comment states that the Draft EIR's conclusion that impacts to public services are less than significant is not supported by substantial evidence, and; therefore, the Draft EIR needs to be revised and recirculated after making revisions based on the following comments. The comment is an introductory comment to the comments that follow and addresses general subject areas, impacts to public services, which were analyzed in Section 3.5, Public Services, of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific

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response can be provided or is required. Please see **Response to Comment O-1-499** through **O-1-502**, below, for more specific responses to this general claim. 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-1-499** The comment states that the fire fee agreement with the Deer Springs Fire Protection District (DSFPD) is not adequate or permissible mitigation because is it a pre-commitment for mitigation in support of a project and the agreement does not constitute adequate mitigation. The County does not concur with the comments for the following reasons.

First, with respect to the fire fee agreement as mitigation, the County does not concur with the comment. The applicable 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*)

As determined by Section 2.8, Hazards and Hazardous Materials, and Section 3.5, Public Services, the proposed project can be adequately served by Deer Springs Fire Protection District from existing fire stations, including DSFPD Station #12, located at 1321 Deer Springs Road, which is approximately 350 feet south of the Deer Springs Road/Mesa Rock Road intersection, and which is within a 5 minute travel time of the project, consistent with the County General Plan Safety Element. 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. Accordingly, the proposed project would not result in the need to construct of a new fire station. Thus, the fire fee agreement is not required as mitigation for a potentially significant impact.

Second, the County does not concur with the claim that the fire fee agreement implicates *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116. The agreement does not commit the County to any action in regard to the project, and does not foreclose meaningful or practical alternatives or mitigation measures from being considered by the County. To the contrary, the fire fee agreement only ensures that, if approved, the proposed project pre-pay the required County Fire Mitigation Fee and that the applicant 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. The agreement

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

- O-1-500** The comment states that relative to school impacts, the Draft EIR relies on current regulatory structures to justify the less than significant impact finding; and that the Draft EIR states that: “[a]ccording to the Project Facility Availability Form from the San Marcos Unified School District, it indicated that overcrowding would occur at the elementary, middle, and high school;” “Escondido ‘schools may exceed capacity due to new student growth as a result of the proposed project and it cannot be known at this time if the boundaries will, or will not, change in the future to meet changing student demand;” and “[e]xisting schools in San Marcos are over capacity.” The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

Nonetheless, as discussed in the Draft EIR, at pages 3.5-18 through 3.5-19, the proposed project reserves an 6-acre site onsite for a K-8 school. “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.” Yet:

“[e]ven 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....

Ultimately, the provision of schools is the responsibility of the school districts. SB 50 provides that the statutory fees found in the Government and Education Codes are the exclusive means of considering and mitigating for school impacts. Imposition of the statutory fees constitutes full and complete mitigation (Government Code Section 65995(b)).”

The Draft EIR contemplates that the proposed project would either pay the state-mandated school fees or enter into a School Mitigation Agreement(s) to ensure that schools are built as population increases during the phased development. Revenues to the District(s) from either of these payments could be used for capital improvements which are part of each district’s master plan for school facilities. Accordingly, as noted in the comment, the Draft EIR discusses potential effects to school facilities and finds such impacts would be less than significant.

Nonetheless, the Final EIR has been revised to clarify that (1) 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; (2) However, for K-8, impacts would be temporary; (3) Further, all new or expanded facilities would be required to undergo environmental review and be required to demonstrate compliance with the General Plan; (4) Due to uncertainty in enrollment numbers, boundaries, capacity, and project phasing, a more detailed evaluation of such effects would require speculation not required by CEQA; (5) Fees would fully mitigate effects to schools. Further, please also refer to **Response to Comment A-7-5** (San Marcos Unified School District).

Concerning cumulative effects, Section 3.5.5, Cumulative Impact Analysis, of the Draft EIR also discusses school services. Specifically:

“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**.”

As the comment does not raise any specific issue regarding that analysis, no more specific response can be provided or is required.

**O-1-501** The comment states that the Draft EIR relies on analysis from the Escondido General Plan EIR as justification for the less than significant impact finding for potential impacts to schools. The comment notes the Escondido General Plan EIR is not a project-level EIR and that such reliance on another jurisdiction's plan-level EIR does not constitute substantial evidence for reaching a conclusion in a project-specific EIR.

In response, the County does not rely solely on the Escondido General Plan EIR to conclude impacts related to school facilities would be less than significant. Rather, the Draft EIR includes a Project Facility Availability Form from the Escondido Union High School District (Appendix EE), which is specific to the proposed project because it contemplates the number of students generated by the proposed project that would attend District schools. As indicated on the documentation from the Escondido Union High School District, the proposed project is not anticipated to result in the overcrowding of high schools, and fees will be levied or land will be dedicated in

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accordance with Education Code Section 17620 prior to the issuance of building permits. Thus, the Draft EIR does not improperly rely on the Escondido General Plan EIR; rather, the Draft EIR analyzed the proposed project's potential impacts to school facilities and determined at the project-level that such impacts would be less than significant.

- O-1-502** The comment states that the Escondido General Plan EIR was adopted in 2012, yet the Draft EIR has not evaluated if the conditions and analysis underlying the General Plan EIR remain applicable. The County does not concur with this comment.

Please see above **Response to Comment O-1-501** regarding the Draft EIR's reliance on Project Facility Availability Forms in addition to the Escondido General Plan EIR. Further, the General Plan EIR found the Districts would maintain acceptable service levels so long as: (i) the School Districts collected fees pursuant to SB 50/Government Code section 65995 from development to fund construction of new schools; and, (ii) adhered to General Plan Update policies intended to reduce impacts associated with provision of school facilities. (City of Escondido 2012.) The comment provides no substantial evidence for why these determinations would no longer be valid where the General Plan EIR accounted for the need to construct new schools over time. No further response is required.

- O-1-503** The County notes the comment provides background information on CEQA's requirements for an alternatives analysis 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-1-504** The comment states that the EIR evaluated eleven alternatives, two of which were considered and rejected, and claims these alternatives were designed to fail, which is in contrast to CEQA requirements to analyze alternatives that would avoid or lessen impacts. The County does not concur with the comments.

Of the nine alternatives analyzed at the project-level, six alternatives (No Project/No Build; Existing General Plan; Multi-Family Town Center; and CDFW Land Planning Alternatives A, B and C) avoided or lessened impacts compared to the proposed project, in compliance with CEQA. Specifically, as to the comment that none of the alternatives were developed to avoid or substantially lessen any of the significant effects of the project, Table 4-1 compares the effects of the alternatives to those of the proposed project. As shown in Table 4-1, the Multi-Family Town Center Alternative would reduce impacts to Hydrology and Water Quality, Mineral Resources, and Paleontological Resources. CDFW Land Planning Alternatives A and C would reduce

impacts to Aesthetics, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities and Service Systems, and Energy. CDFW Land Planning Alternative B would have the same reduced impacts as CDFW Land Planning Alternative A with the exception of Paleontological Resources. Section 4.13 also identifies the Environmentally Superior Alternative as CDFW Land Planning Alternative A.

The only alternatives that did not avoid or substantially lessen impacts were the Newland Sierra Parkway Alternatives. Those alternatives were included because Golden Door requested that they be evaluated in the EIR.

**O-1-505** The comment states that the EIR did not develop or consider any of its own alternatives and that the EIR fails to follow the standard CEQA process of identifying significant and unavoidable impacts and designing an alternative to lessen or avoid that impact. The County does not concur with the comments.

CEQA Guidelines section 15126.6(a) 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 EIR presented nine alternatives, ranging from the No Project/No Build alternative, to the General Plan Alternative (99 du, 2.0m+ SF commercial/retail/office), CDFW Alternatives (1,333 to 1,549 DU), the Multi-Family Town Center Alternative (2,135 DU on 435 acres) and the Newland Sierra Parkway Alternatives (2,135 DU on the existing project footprint plus a new, 4-lane Circulation Element Road), and also considered and rejected an Alternate Site Location Alternative and Agricultural Alternative. Thus, the EIR considered a reasonable range of alternatives that would meet most of the project objectives, be feasible, and avoid or substantially lessen the significant impacts resulting from the project.

In addition, CEQA Guidelines section 15082(b)(1)(A) states that each responsible or trustee agency should provide a response on the EIR Notice of Preparation that identifies significant environmental issues and reasonable alternatives. The EIR includes the alternatives suggested by CDFW and USFWS,.

With respect to the comment that the EIR fails to follow the standard CEQA process of identifying significant and unavoidable impacts and designing an alternative to substantially lessen or avoid that impact, please see **Response to Comment O-1-505**, which states that six of the nine alternatives reduced or avoided impacts as prescribed by CEQA.

- O-1-506** The comment states that the EIR concludes that the County would be unable to direct traffic away from Deer Springs Road, requiring the widening of Deer Springs Road for each alternative except the No Build Alternative. The comment further states that these alternatives do not consider implementing traffic calming devices, and “assume that traffic will continue to flow onto Deer Springs Road.” Lastly, the comment states “the DEIR did not analyze travel times for the alternatives in concluding that Deer Springs Road would need to be widened, and only analyzed road lengths.” The County does not concur with the comments. Deer Springs Road is already an impacted roadway, operating at an unacceptable level of service (LOS F) between Twin Oaks Valley Road and the I-15 southbound ramps, as shown in EIR Table 2.13-17. As stated in the EIR, Section 2.12 (and shown in Table 2.13-14 - Measures of Significant Project Impacts to Mobility Element Road Segments – Allowable Increases on Congested Road Segments), the County considers the addition of 100 ADT to a 2-lane roadway as the maximum allowable increase on already congested road segments.

EIR Appendix II, Newland Sierra Project Alternative Traffic Analysis, provides an overview of the anticipated traffic under each alternative analyzed. As shown in Tables I-C, II, III-C, IV-C, V-C, and VI-C, the Existing General Plan Alternative, the Newland Sierra Parkway Alternatives, the Multi-Family Town Center Alternative, and the CDFW Land Planning Alternatives would result in the addition of over 100 ADT to Deer Springs Road. The appropriate mitigation for such an increase is to widen Deer Springs Road from 2-lanes to 4-lanes.

Accordingly, Section 4 of the EIR concludes that under each of these 8 alternatives, Deer Springs Road would be required to be widened, similar to the proposed project; and impacts associated with the widening of Deer Springs Road would be the same as the proposed project.

As to the comment that the EIR, Section 4.0 did not consider travel time and instead relied on segment volumes, the *County of San Diego Guidelines for Determining Significance* for Traffic is based on ADT and not travel time. As noted in the above response, Appendix II analyzed the alternatives and determined the potential impacts and corresponding mitigation measures based on the County Guidelines.

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As to the suggestion that the County could implement traffic calming on Deer Springs Road, please refer to **Response to Comment O-1.12-13**, which explains that traffic calming on a County General Plan Mobility Element roadway would be inconsistent with the intent of such Mobility Element facilities. In addition, traffic calming devices would slow travel times, contrary to the above suggestion that the County consider travel times in place of segment capacity when analyzing these alternatives.

Finally, Deer Springs Road first appeared on U.S. Geological Survey Maps in 1901. The road was added to the County's Maintained Road System in 1951, became County Route S12 in 1961, and added to the County's Mobility Element in 1967. In 1997, Deer Springs Road also was added to the San Diego Association of Government's (SANDAG) Regional Arterial System (RAS). In 2011, the County updated the General Plan and classified Deer Springs Road as a six-lane Prime Arterial roadway in the Mobility Element.

**O-1-507** The comment is an introduction to comments that follows. It provides background information on CEQA's requirements for the no project alternative analysis 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 concerning the adequacy of the EIR.

**O-1-508** The comment states the No Build Alternative is inadequate because it does not account for reasonably foreseeable improvements. The comment states the No Build Alternative does not assume any improvements to the I-15 mainline, the Deer Springs Road/I-15 Interchange, or Deer Springs Road. The comment states such assumptions are unreasonable and unsupported. The comment states the EIR "invents dire future conditions in which absolutely no improvements are made to the I-15 interchange or to Deer Springs Road." The County does not concur with the comments.

As to the I-15 mainline improvements, the EIR and previous comments clearly indicate that there are no planned improvements for the I-15. Accordingly, the EIR identifies impacts to I-15 as significant and unavoidable. The EIR states on Page 2.13-117:

As described previously for the project's direct impacts to I-15, the improvements necessary to mitigate the identified cumulative impacts are to provide additional mainline capacity along this segment of I-15. However, *there is no Caltrans program in place to implement the necessary improvements* into which the project could contribute a fair share and, thus, there is no feasible mitigation that would reduce the identified impact to less



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than significant. Therefore, the impacts are considered **significant and unavoidable**.

As to the I-15/Deer Springs Road interchange, as noted in **Response to Comment O-1-19**, the EIR states that 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. There is no known design information, schedule for improvements, or funding source; thus, the improvement to the interchange cannot be assumed under the No Build Alternative.

As to traffic calming improvements on Deer Springs Road, the County removed Deer Springs Road from the County TIF Program; thus, it cannot be assumed that Deer Springs Road will be widened because there is no secure funding source for these improvements. Further, because Deer Springs Road is a Mobility Element roadway currently operating at a failing level of service, traffic calming measures, as proposed by the comment, would not be reasonably foreseeable improvements.

**O-1-509** The comment states “the DEIR does not consider that building the proposed Project now would require recirculation of the General Plan, as County staff previously acknowledged would be required by the NC-42 PSR.” The County does not concur with this comment. The proposed project is not NC-42 PSR; in fact, the applicant withdrew the application. Further, the proposed project does not require recirculation of the General Plan. Please refer to **Response to Comment O-1-377, O-1-379, O-1-401 and O-1-402**.

**O-1-510** The comment claims the “DEIR paints a false picture of the development that could be developed under the existing general plan land use designations,” and “the site plan proposed in the Alternative has been designed to maximize its impacts, while unreasonably disregarding strategies and regulatory structures ...which would lower the potential impacts of development under the existing General Plan land use designations.” The County does not concur with this comment. Regarding the amount of development that could be achieved under the Existing General Plan, please refer to **Response to Comment O-1.9**, which concludes the EIR accurately calculates the amount of development permitted under the Existing General Plan for the project site. Also, EIR Section 4.5 accurately describes the potential impacts associated with implementation of the Existing General Plan Alternative. No further response is required.

**O-1-511** The comment states, “DEIR makes the startling finding that the Existing General Plan Alternative has a greater land use impact on the Project area than the Project itself. The finding defies logic, because the Existing General Plan Alternative represents the existing general plan, which has already been found to meet all of the policies within

the General Plan.” The comment indirectly refers to three specific General Plan Policies M-3.3, S-3.1 and S-3.6. The County agrees that the Existing General Plan Alternative would be consistent with the County General Plan; and the EIR text has been corrected. Please see **Response to Comments O-1-530, 531, and 532**.

- O-1-512** The comment states, “when the County staff reviewed PSR NC42, which was a smaller version of the current Project, they found that that Project would have potentially significant impacts on the property when compared to the existing general plan land use designations. The analysis in the DEIR incorrectly describes the existing general plan land use condition, and therefore, the analysis comes to incorrect determinations that are not supported by logic or evidence.” The County does not concur with the comments. As described in **Response to Comment O-1-377**, the proposed project is not the PSR NC42. Accordingly, the finding from that PSR are not applicable to the proposed project. Rather, the proposed project has been developed and refined based on project-specific analysis and incorporates project design features and mitigation measures, which differentiate it from NC-42.

As to the comment that the analysis in the EIR incorrectly describes the existing General Plan land use condition and; thus, comes to incorrect determinations that are not supported by evidence, the commentator is referred to **Responses to Comments O-1-515 and O-1-516**, which describe and conclude that the EIR accurately described the existing General Plan land use condition. Thus, the comment is incorrect to state the EIR comes to incorrect determinations, because the analysis accurately describes the impacts under the Existing General Plan. No further response is required.

- O-1-513** The comment states “The DEIR provides no site plan, or other substantial evidence to support the analysis of this Alternative...[and] makes conclusory statements that the Existing General Plan Alternative will degrade open space and increase biological impacts on the site, but provides no basis for these findings.” The comment also notes “the analysis makes assumptions about the development potential of the site without actually applying the regulatory measures impacting the site.” The County does not concur with the comments.

As to the comment that the EIR does not provide a site plan, the commenter is referred to Figure 4-2, which shows a Site Plan for the Existing General Plan Alternative based on the County’s General Plan land use designations. This is the footprint on which the analysis contained in Section 4.5 is based on and for which relative impact comparisons with the proposed project are drawn from.

With respect to the comment that the Alternative makes conclusory statements regarding degradation of Open Space and biological resources impacts, Figure 4-2 shows the areas of impact, both for residential pads, based on 20,000 sq. ft.

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development areas and associated leach areas with driveways and 250 feet for fuel modification. Impact areas also include a private park to serve the 99 residential units, private and public roads, fuel modification areas, and special management areas which are disconnected and otherwise impaired open space areas. As shown in the table that is part of Figure 4-2, the overall disturbed area under the Existing General Plan Alternative is 1,049 acres which includes 213 acres of grading, 855.3 acres of Zone 1 and Zone 2 Fuel Modification, and 71.2 acres of Special Management Area.

With respect to the comment that the analysis does not apply regulatory measures, please see **Response to Comment O-1-515** and **O-1-516**.

- O-1-514** The comment states, “2,008,116 square feet of commercial development may not be developed on the property given regulatory, physical, and market constraints.” The comment is an introduction to the comments that follow. 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-1-515** The comment states that “over 30% of the property is encumbered by steep slopes greater than 25%” and that after accounting for steep slopes and setbacks, “there are approximately 27.7 acres of “developable” land that are designated Office Professional and zoned C30 on the site.” The comment then calculates that applying the 2-story height limit and .8 floor area ratio (FAR), the maximum building square footage would be 635,000. The comment references the Delane Commercial Memo. The County does not concur with the comments. The Existing General Plan Alternative accurately calculates and analyzes the permitted land uses under existing land use and zoning designations. The EIR does not require any revisions accordingly. For further responsive information, please see **Response to Comment Letter O-1.9** and **Responses to Comments O-1-385 through O-1-396**.
- O-1-516** The comment states “the General Commercial area of the property is 4.6 acres” and “is allowed to develop to a maximum FAR of 0.7.” The comments then states that, “given requirements for parking, a 2-story height maximum, and required setbacks, the property could only develop to a maximum of 103,000 square feet per the analysis in the DELANE Commercial Memo.” The County does not concur with the comments. Please see **Response to Comment O-1-515**, and **Response to Comment Letter O-1.9**. For further responsive information, please refer to **Responses to Comments O-1-385 and O-1-389**.

The comment also notes that “the General Commercial parcels are divided by Mesa Rock Road, which would make it impossible for all of the development square footage to be used by a single building like a “Big Box” store.” The specific comment does not raise an environmental issue within the meaning of CEQA. Whether or not

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the alternative would allow for “Big Box” stores would not affect the underlying environmental analysis, which is based on area of impact and square footage of buildable area. For further responsive information, please refer to **Response to Comment O-1-387** and **Responses to Comments O-1.9-2 through O-1.9-4**. The County will include the comment 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-1-517** The comment sums the total buildable commercial and office professional square footages based on the above comments and concludes the total allowable is “738,000 square feet and not 2 million square feet.” The County does not concur with the comments. Please see **Response to Comment O-1-515**, and **Response to Comment O-1.9**.

**O-1-518** The comment restates the “total maximum development capacity of approximately 738,000 square feet could be developed on the property.” The comment refers to the Cushman Study (Comment Letter O-1.8) and states, “even if the Project Site’s commercial area could physically be developed to the maximum square footage, there is no economic demand for the square footage in the foreseeable future. Negative absorption rates for both office and retail shown in the Cushman Study illustrate that there will be little to no growth in demand for these land uses in the short or long term.” The County notes that the comment raises an economic issue that does not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. For further responsive information, please refer to **Responses to Comments O-1.6 through O-1.8-8**, which state:

“...the lack of office demand is consistent with the proposed General Plan Amendment, which would reduce the amount of office/professional from over 2.0 [million] square feet to 81,000 square feet of commercial/office in a mixed-use configuration. By reducing the supply of a land use that is currently being over-supplied in other markets, most notably along the 78-corridor, and processing a General Plan Amendment to increase housing supply, the proposed project provides for a more balanced overall land use in the project vicinity and North County Metropolitan Subregion.”

To the extent the comment implies that the EIR is insufficient because it analyzes an alternative which is infeasible, the County does not concur. The Cushman & Wakefield market analysis was prepared at a static point in time (i.e., 2017). Notwithstanding the reduction in the amount of office/professional space as part of the project, conditions could change that may make the Existing General Plan

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Alternative more economically feasible in the future. In the interim, however, the permitted General Plan uses, pending an amendment to the General Plan, remain the same; and thus, the EIR appropriately analyzes a feasible alternative, namely, the application of the existing, allowable General Plan land uses to the project site.

**O-1-519** The comment states “the previous owner of the Project Site and the applicant for the Merriam Mountains Project noted in an August 31, 2009 letter to the County of San Diego that, ‘the commercial and office professional designations in the draft General Plan Update are too small and isolated to be economically viable.’ Therefore, not even the former owners of the property believed that the commercial area of the Project could be developed to anywhere near the maximum build-out assumed in the DEIR.” The County notes that the comment raises an economic issue that does not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. Please also see **Response to Comment O-1-518**. No further response is required because the comment does not raise an environmental issue.

**O-1-520** The comment states “[t]he DEIR traffic study acknowledges that producing 2 million square feet of commercial uses on the property is unlikely. The technical report in the DEIR assesses traffic trips that relate to approximately 800,000 square feet of commercial development on the property and not 2 million square feet. Therefore, the DEIR cannot claim a maximum build out allowance of 2 million square feet of development in the Project Description and Land Use sections of the DEIR and use an alternative existing condition in the traffic study.” The County does not concur with the comments. Appendix II, Newland Sierra Project Alternative Traffic Analysis, Table I-A calculates the Exiting General Plan Alternative Trip Generation based on acreage, not square footage. Table I-A calculates a total of 22,848 gross ADT, with a net total of 20,969 ADT, which is 1,240 fewer ADT than the proposed project.

Because the exact uses are not known, the blended acre-based SANDAG rates for Commercial and Office were used; and the total calculated by Appendix II is based on gross square footage and, therefore, would underestimate the total, maximum daily trips if more refined trip generation rates were applied. For instance, using the same trip generation rate as the proposed project for the 81,000 square feet of commercial/retail (120 ADT/1,000 sq. ft.) would result in over 250,000 daily trips for commercial development on 2 million square feet, not the 20,969 ADT calculated by Appendix II. Working backwards, if the 20,969 ADT were based on the same 120 ADT per 1,000 Sq. Ft. of commercial/retail, the total allowable square footage would

be approximately 174,742 [20,969 ADT / (120 ADT/1,000 sq. ft.)], well below that suggested in the comment.

Finally, if Appendix II assumed the same generation rate for commercial/retail as the proposed project, the Existing General Plan Alternative would generate approximately 88,560 ADT [738,000 x 120 AD/1,000 sq. ft.], approximately 300% more than the proposed project.

- O-1-521** The comment states that any subdivision of the project site would have to comply with the Conservation Subdivision Ordinance (CSO). The comment then calculates that under the CSO, “a total of 386.3 acres would be the maximum allowed,” in contrast to the 1,049 acres of disturbance shown in the EIR for the Existing General Plan Alternative. The County does not concur with the comments. Table 81.401.1 of the Conservation Subdivision Ordinance contains minimum percent avoidance percentages of 75% and 80% for SR-10 and RL-20 designated areas, respectively. Conservation Subdivision Ordinance Section 81.401, Design of Major Subdivisions, subsection (r)(6)vii states (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 designated areas is not 386.3 acres as the comment contends; that 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 above in the Conservation Subdivision Ordinance) is 444.3 acres. The EIR’s Existing General Plan Alternative 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 EIR), which is approximately 11% 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 Conservation Subdivision Ordinance (refer above to Section 91.401, Design of Major Subdivisions, subsection (r)(6)(vii)).

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Therefore, and as discussed in **Responses to Comments O-1-396 and O-1-398**, the subdivision design in the EIR's Existing General Plan Alternative complies with the applicable provisions of the Conservation Subdivision Ordinance governing conservation subdivision design and what uses are permitted inside the 75% and 80% conservation areas — by limiting the grading impacts to approximately 11% 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-1-522** The comment states that the County's website lists incentives to encourage conservation. The comment suggests that "using smaller lot sizes and clustering would allow for even greater conservation of the property." The comment states the "DEIR inappropriately assumes that under the Existing General Plan, homes would be spread/sprawled across the entire 1,907 acres of RL-20 in an attempt to create the greatest possible impact by inflating the potential impacts of development under the Existing General Plan." The comment states "the DEIR ignores the fact that this type of site planning is prohibited by the County's Conservation Subdivision Ordinance. Therefore, the DEIR's analysis is misleading and improper under CEQA." The County does not concur with the comments. Please see **Response to Comment O-1-521**. The Existing General Plan Alternative accurately represents the development that would be allowed under the current land use and zoning designations for the project site.

**O-1-523** The comment states that the Conservation Subdivision Ordinance would require 1,557.8 acres would be required to be preserved under the Existing General Plan condition for the project site, which is 136.8 acre more than the proposed project. The comment then states that under this alternative, all lands conserved would be on-site and therefore "better preserve the biological functions of the area than the off-site mitigation offered by the project." The County does not concur with the total amount of preserved open space calculated for the reasons listed in **Response to Comment O-1-521**.

As to the comment that "all of the lands conserved under the Existing General Plan Alternative are on-site and therefore better preserve the biological functions of the area than the off-site mitigation offered by the Project," the County disagrees with this comment because, as noted in **Response to Comment O-1-521**, the EIR accurately describes the impact area of the Existing General Plan Alternative. As shown in the EIR, Section 4.5.2, the Existing General Plan Alternative would result in 272 more acres of biological impacts compared to the proposed project, including greater impacts to native habitats found onsite, greater fragmentation, and greater impacts to wildlife movement. Further, in addition to the 1,209 acres of habitat onsite, the project proposes to preserve 212 acres of habitat in a core biological linkage area

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offsite. Therefore, the project results in a significantly greater biological preservation outcome compared to the Existing General Plan Alternative.

- O-1-524** The comment states “[t]he DEIR statement that impacts to the California Gnatcatcher would be greater under the Existing General Plan Alternative are unfounded and not supported.” The comment states that the California Gnatcatcher is covered under the federal Endangered Species Act, and, therefore, would require the same level of protection under the Existing General Plan Alternative or the project. The County agrees that the Existing General Plan Alternative would have to protect the California Gnatcatcher to the same extent as the proposed project. However, the Existing General Plan Alternative would result in a greater disturbed area than the proposed project; and, therefore, impacts to California Gnatcatcher would be greater and require additional mitigation compared to the proposed project.
- O-1-525** The comment restates 1,557.8 acres would be required to be preserved under the Existing General Plan condition for the project site, which is 136.8 acre more than the proposed project. The County does not concur with the comments. Please see **Response to Comment O-1-523**.
- O-1-526** The comment restates that under this alternative, all lands conserved would be on-site and, therefore, “better preserve the biological functions of the area than the off-site mitigation offered by the project.” The County does not concur with this comment. Please see **Response to Comment O-1-523**.
- O-1-527** The comment restates that “Using smaller lot sizes and clustering under current zoning under the General Plan would allow for even greater conservation than the Project.” Please refer to **Response to Comment O-1-522** for responsive information.
- O-1-528** The comment summarizes the above comments on the Existing General Plan Alternative. Please refer to **Response to Comments O-1-511** through **O-1-527** for responsive information. The County also notes that the comment provides summary remarks that do not raise new or additional environmental issues concerning the adequacy of the EIR. For that reason, no further response is required.
- O-1-529** The comment restates the EIR conclusion that the Existing General Plan Alternative is not in compliance with the policies of the General Plan because it would be inconsistent with three General Plan policies, but states that the EIR does not provide information or reasoning why this Alternative would not comply with these policies. The County agrees with the comment that the EIR does not explain how the Existing General Plan Alternative would be inconsistent with the policies referenced in **Comments O-1-530** through **O-1-532** (specifically Policies M-3.3, S-3.1, and S-3.6).



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Instead, the Existing General Plan Alternative is found to be consistent with these three policies. Section 4.5.4 of Final EIR has been revised accordingly.

**O-1-530** The comment restates General Plan Policy M-3.3 as follows:

- M-3.3 Multiple Ingress and Egress. Require development to provide multiple ingress/egress routes in conformance with State law and local regulations.

The County agrees that the Existing General Plan Alternative would be consistent with this policy. Please see **Response to Comment O-1-529**.

**O-1-531** The comment restates General Plan Policy S-3.1 as follows:

- S-3.1 Defensible Development. Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.

The County agrees that the Existing General Plan Alternative would be consistent with this policy (see **Response to Comment O-1-529**). However, the County notes that maintenance of defensible space, other fuel modification zones, and building and landscape restrictions in low density rural estate development relies heavily on individual homeowners to perform the maintenance and adhere to applicable restrictions on landscaping and accessory structures in and around the primary residence. This can result in an inconsistent level of compliance and more County and/or fire district resources devoted to enforcing compliance. Conversely, communities where homeowner associations are tasked with that responsibility tend to achieve significantly better compliance with the various maintenance requirements and applicable restrictions on landscaping and structures. Through the CC&Rs and related rules and regulations, homeowner associations are also capable of enforcing rules applicable to new construction, remodels, the placement of accessory structures, and the common area and private yard landscaping.

**O-1-532** The comment states restates General Plan Policy S-3.6 as follows:

- S-3.6 Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.

Please see the **Responses to Comments O-1-529 and O-1-531**.

**O-1-533** The comment states that the project's claim that it would be more consistent with the General Plan than the existing General Plan is biased and illogical, and that the Draft EIR must be revised and recirculated. For an important correction in the text of the EIR, please see **Responses to Comments O-1-529 through O-1-532** regarding the

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Existing General Plan Alternative's compliance with specific General Plan policies. Also, please see EIR Table 4-1, which identifies that the Land Use and Planning impacts from the Existing General Plan Alternative are likely to be similar to the Land Use and Planning impacts from the proposed project. The County does not concur with the remaining comments (see also **Responses to Comments O-1-511 through O-1-527**).

- O-1-534** The comment provides information on the development of the Newland Sierra Parkway alternatives, and states that the EIR does not comply with CEQA because it “does not attempt to analyze or develop the best possible route across the Project Site. Instead, it takes the DELANE Option C Memo alignments—drafted without the benefit of the site knowledge the County and developer possess—and proceeds to say the alignments will not actually mitigate impacts to Deer Springs Road and will not achieve the Project’s objectives.” The comment concludes that “any failure to analyze an appropriate alternative that achieves a reduction of traffic on Deer Springs Road without resorting to widening Deer Springs Road to four lanes ...is bad faith on the County’s part.” The County does not concur with the comments for the following reasons.

First, the Newland Sierra Parkway Alternatives were developed at the recommendation of the commenter’s engineer, John Prince, of DELANE Engineering. These alternatives do not meet the basic CEQA requirement of avoiding or reducing an impact because they call for a parallel, four-lane roadway to take the place of an existing County Mobility Element road, while maintaining the same development footprint and operational uses as the proposed project. Thus, the overall impact area is significantly increased and corresponding operational impacts remain the same as the proposed project.

Second, the Newland Sierra Parkway Alternatives would also create a longer, more circuitous route between the same two points that must traverse up and then back down the project Site, resulting in a substantial increase in grading impacts, and would not meet County Public Road Standards.

Third, the Newland Sierra Parkway Alternatives would require an amendment to the County’s Mobility Element and would replace Deer Springs Road as County Route S12, however, as addressed in Appendix HH to the EIR, Newland Sierra Parkway would not divert enough traffic off of Deer Springs Road to avoid the need to widen Deer Springs Road. Deer Springs Road would still require widening to address the deficient Level of Service along the road.

Finally, even if Deer Springs Road were limited to two lanes as the comment suggests, implementation of a new, 4-lane road (in any alignment) would be greater than the physical impacts associated with widening Deer Springs Road, which is an

existing two-lane road and already anticipated to be ultimately widened to 6 lanes per the General Plan Mobility Element. Therefore, it is not “bad faith,” as the comment implies. Instead, the fact is that the existing Deer Springs Road is operating at LOS F and the County requires any project, which contributes over 100 ADT to a two-lane road operating at LOS F to widen the road to improve traffic conditions.<sup>97</sup>

**O-1-535** The comment states the EIR “improperly assumes a four-lane buildout of Deer Springs Road despite the added capacity on Newland Sierra Parkway” which “contradicts the DEIR’s ‘Option A’ proposal, which keeps Deer Springs Road at two lanes between Mesa Rock Road and Sarver Lane even without the added capacity of Newland Sierra Parkway.” The County does not agree with this comment. The Newland Sierra Parkway Feasibility Study demonstrated that the Newland Sierra Parkway Alternatives would not sufficiently divert traffic off of Deer Springs Road to bring the road back to an acceptable Level of Service. Instead, even with the addition of Newland Sierra Parkway to the County’s road network, Deer Springs Road would continue to experience a failing Level of Service (LOS), operating at LOS E under the Newland Sierra Parkway Alternatives in its existing condition before project traffic is added. Additionally, the Newland Sierra Parkway Feasibility Study found that the Sierra project would add more than 200 trips to Deer Springs Road and would, therefore, trigger the widening of Deer Springs Road to mitigate this impact. The Feasibility Study identifies the same two options the project identifies as mitigation for its impacts to Deer Springs Road, Option A and Option B, with Option B (the four-lane version) being the only option that mitigates impacts to less than significant. Section V.D.2 of the Newland Sierra Parkway Feasibility Study states the following:

As described above and shown in Table 1, the SANDAG Series 12 Modeling results show that the hypothetical Newland Sierra Parkway would serve as a marginal, ineffective solution to addressing the traffic congestion along Deer Springs Road. Without any Sierra Project traffic included, the road would operate at LOS E, a failing level of service. When the Project’s traffic (1,400 ADTs) is added, the traffic volume on Deer Springs Road would cause the road to operate at LOS F, with nearly the same congestion problem the road experiences today. As the Project would add more than 200 trips to Deer Springs Road, a two-lane Mobility Element Road that would operate at LOS E

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<sup>97</sup> Per the County’s General Plan Mobility Element (page 4-32, Table M-3), six levels of service (LOS) capacity thresholds are defined for each type of roadway, with letters A through F used to establish the LOS measure. Criteria for each LOS threshold include speed, travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS F represents forced flow where more vehicles are attempting to use the road facility than can be served resulting in stop and go traffic.

before the Project traffic is added, in accordance with the County's CEQA "Guidelines for Determining Significance, Transportation and Traffic", the Project would be required to identify this added traffic as a significant direct impact and to identify the mitigation necessary to mitigate this impact to "Less than Significant". Consistent with the two Deer Springs Road Options proposed by the Project, the Project would logically identify improving Deer Springs Road to either a two-lane Community Collector or a four-lane Major Road as the mitigation for these impacts, with the four-lane Option being the only one to mitigate the impacts to Less than Significant.

In summary, the County concurs with the findings of the Newland Sierra Parkway Feasibility Study.

- O-1-536** The comment states the Newland Sierra Parkway Alternatives analysis in the EIR "assumes that this Alternative will require more grading and off-site hauling (see DELANE Offsite Memo)" and that "the DEIR makes no efforts to suggest that cuts may be utilized on site and that the Project will be designed to balance, like they attempt to do in the Project's analysis." The comment suggests that the Newland Sierra Parkway Alternatives should have included a redesign of the Sierra project to reduce or eliminate the need to export or import dirt to incorporate each of the Newland Sierra Parkway alignments into the project design. The County does not concur with the comments.

The inclusion of the Newland Sierra Parkway Alternatives as project Alternatives in the EIR was intended to respond to the comment's NOP comment letter and additional studies and correspondence from the comment requesting these alternatives be analyzed in the EIR for the purpose of analyzing alternatives, which eliminate or reduce the need to widen and improve Deer Springs Road. The Newland Sierra Parkway Feasibility Study demonstrated that none of these alternatives achieved this core goal. Further, the alignments analyzed in the EIR were all provided by the comment. Alternative A was also engineered by the commenter's consultant Delane Engineering whereas Alternatives B and C were engineered by the project applicant's engineer, Fuscoe Engineering. While the balance of the project could have been redesigned to accommodate these road alignments without the need for large export or import, doing so would have required a major redesign of the project that would lead to new, greater impacts compared to the proposed project as it relates to air quality, visual resources, biology, greenhouse gas emissions, etc. Such a redesign effort in association with these alternatives would not have reduced any impacts compared to the project.

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- O-1-537** The comment states “the DEIR makes no effort to suggest traffic calming measures or other improvements to Deer Springs Road in order to encourage traffic to utilize Newland Sierra Parkway, minimize the impact to Deer Springs Road, and improve safety on Deer Springs Road.”

The County does not concur with the comments. Deer Springs Road is a County General Plan Mobility Element roadway; and such measures on Mobility Element roadways is not appropriate or desirable from a roadway flow standpoint. Please also refer to **Response to Comment 1.12-13**, which determines that such improvements “would require a design exception for the incorporation of traffic calming measures.”

As to “other improvements” to help encourage traffic to utilize Newland Sierra Parkway, the comment does not identify an impact to Deer Springs Road, which is not adequately analyzed, nor does it identify any other improvements to direct traffic to Newland Sierra Parkway. 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-1-538** The comment states the Multi-Family Town Center Alternative is flawed because “it describes very high grading figures with no support,” and “neglects the land use benefit of locating development closer to existing infrastructure such as the I-15 and clustering development in order to decrease traffic trips.” The comments notes that the EIR “admits this alternative would decrease operational mobile source GHG emission,” however, it questions “the DEIR’s unsupported assumption that construction-related GHG emissions would decrease.” The County believes the comment meant to suggest construction-related GHG emissions would **increase** and is responding accordingly.

Relative to the comment that the Multifamily Town Center Alternative does not provide any support for the grading figures, the commenter is directed to EIR Figure 4-9, which depicts the Multi-Family Town Center Alternative. The table in the lower left hand corner shows the project statistics for the plan, including the cut/fill quantities, as calculated by Fuscoe Engineering. The overall cut volumes are approximately 16.9 million cubic yards based on a preliminary site plan and grading study prepared by Fuscoe Engineering for the Multi-Family Town Center Alternative. This would be much greater than the proposed project’s total of approximately 10.7 million cubic yards. As a result, there would be an imbalance, which would require an export of dirt from the project site. The total export operation would result in increased construction GHG emissions because GHG emissions are based on overall emissions during the construction phase, whereas AQ emissions are based on daily maximum activity; and thus, even though AQ

emissions might be greater due to the export, the maximum daily emissions are not expected to be greater than the proposed project.

As to the comment that this alternative neglects the benefits of co-locating development closer to existing infrastructure and clustering developed to decrease traffic trips, the comment is correct that VMT may be reduced on-site to account for shorter trips to the on-site retail/commercial; however, this reduction would only account for approximately 9.2% (2,228 Residential ADT Internal Capture / 24,055 Gross ADT) of trips due to the number of internal trips compared to the total number of trips. (See Appendix II, Newland Sierra Project Alternatives Traffic Analysis, LLG, May 2, 2017.) The proximity of development to existing infrastructure would not reduce the number of trips or the demand for improvements to infrastructure, such as the I-15/Deer Springs Road Interchange and Deer Springs Road. Further, clustering residential development near I-15 would result in exposure of additional individuals to toxic air contaminants (TACs) from the freeway, which could increase impacts to health risk compared to the proposed project.

**O-1-539** The comment states that the EIR analyzed the California Department of Fish and Wildlife (CDFW) alternatives, “but designed them in a manner fundamentally designed for failure.” The comment questions how the CDFW Land Planning Alternatives would have increased land use impacts compared the proposed project, which the comment notes already includes a General Plan Amendment. The comment states it is unclear why the CDFW Land Planning Alternatives could not also include a GPA. The comment concludes that the EIR did not consider locating the commercial uses in a different location under the CDFW Land Planning Alternatives to allow for wildlife connectivity. The County does not concur with the comments for the following reasons.

First, as to the comment that these alternatives were designed for failure, the County notes CEQA Guidelines 15082(b)(1)(A), which states that each responsible or trustee agency should provide a response on the EIR Notice of Preparation that identifies significant environmental issues and reasonable alternatives. The County has included the CDFW and USFWS alternatives as requested.

As to the question of whether the CDFW Alternatives have greater land use impacts than the proposed project, none of these alternatives have an internal connection between Sarver Lane and Mesa Rock Road. As a result, the EIR explains that each of these alternatives “proposes the main entrance to the project Site be from Sarver Lane and the additional access be from Camino Mayor, which connects to Twin Oaks Valley Road and eventually back to Deer Springs Road.” This configuration was recommended by the wildlife agencies, and, because of this configuration, “[t]he

intersections of Sarver Lane and Twin Oaks Valley Road with Deer Spring Road are too close together to be considered remote. This would result in the alternative not being in compliance with County's Consolidated Fire Code Sections 503.1.2 and 503.1.3 and General Plan Policies M-3.3 and S-3.5." Further, "Moving the main entrance to the project to Sarver Lane would result in some of the project Site being farther than 5 minutes travel time from the nearest responding fire station, which is the GP standard for projects of this density" which "would be inconsistent with Policy S-6.4 of the General Plan, which requires a travel time of 5 minutes or less." As noted in the comment, the EIR concluded that the proposed project would be consistent with the General Plans Goals and Policies. Accordingly, Sections 4.10, 4.11 and 4.12 found the CDFW Land Planning Alternatives would have inconsistencies with the General Plan and, thus, would have greater impacts compared to the proposed project.

With respect to the question regarding the CDFW Alternatives proposing General Plan Amendments and potentially re-locating the commercial center, neither of these would reduce the land use impacts noted above because the GPA would require Table S-1 to allow for greater travel times for fire response, and re-locating the commercial center would not achieve any reduction in fire response times unless a fire station was included in the commercial center, which was not called for by the CDFW in their NOP letter. Please refer to **Response to Comment O-1-540** below for the issues associated with adding or relocating the Deer Springs Fire Protection District Station #12.

With respect to moving the commercial center to improve wildlife connectivity, CDFW Alternatives A and C eliminate the Town Center and the EIR concludes these alternatives would "primarily result in benefits to wildlife movement and preserve design. With the elimination of the eastern and southeastern planning areas, a larger block of open space more consistent with County preservation goals would be available to wildlife for north/south movement. Reduction in impediments (internal roadways) would allow for more points of movement. This alternative would also preserve the coastal California gnatcatcher biological ladder along the I-15 corridor that the proposed project would otherwise impact."

For CDFW Alternative B, the EIR already considers wildlife movement to be improved under this alternatives. Specifically, the EIR states: "This alternative would primarily result in benefits to wildlife movement and preserve design. With the elimination of the middle planning areas, a larger block of open space, more consistent with County preservation goals, would be available to wildlife for north/south movement. This reduction in impediments (internal roadways) would allow for more points of movement."

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The EIR has thus, considered wildlife connectivity based on removing the Town Center under two alternatives, and the EIR concludes this would be an improvement from a preserve design standpoint.

- O-1-540** The comment states “the DEIR concludes that these alternatives would have an increased hazards impact due to the delay in fire services, but failed to analyze placing a fire station on the Project Site to reduce the impact to a less than significant level.”

The EIR did not consider the inclusion of a fire station on the project Site under any of the project alternatives analyzed. Deer Springs Fire Protection District (Deer Springs FPD) Station #12 currently exists immediately across the street from the project Site along Mesa Rock Road and Deer Springs FPD has no plans to move the fire station to a new location or add a fire station in the project area. Moving fire stations and/or incorporating new fire stations into a given area requires an analysis of the District’s ability to meet response times, not only within that area, but to other areas of the District. It is not an efficient use of District capital and operating funds to add fire stations wherever gaps in response capability exist without conducting this analysis as part of that process of determining where new fire stations should best go to optimize the District’s ability to meet response times to the greatest amount of its residents as possible.

More generally, it is considered an inefficient distribution of facilities to have two fire stations within close proximity to each other. In the case of the USFWS/CDFW Alternatives, each of these alternatives would require a new fire station at the Sierra Farms site or inside either the Valley, Knoll, or Summit neighborhoods on the western end of the project Site in order for Deer Springs FPD to be able to meet response times to these neighborhoods. This would place a new station (that would presumably replace Station #12) on the western edge of its territory and further away from existing, more populated areas that it currently serves, including Deer Springs Oaks Mobile Home Estates, Champagne Village, Lawrence Welk, and portions of Hidden Meadows to the east. Without other adjustment across the District’s service territory to compensate for this potential reduction in response capability, it would be impractical to arbitrarily include a new fire station in each of these USFWS/CDFW Alternatives.

- O-1-541** The comment states the EIR the “fails to consider additional improvements to Sarver Lane that would mitigate” traffic impacts resulting from the CDFW Alternatives even though the Alternatives would decrease the number of overall trips. The comments states that because of this, “the DEIR’s conclusion is not supported by substantial evidence.” The County does not concur with this comment for the following reasons.



First, with respect to the number of trips on Sarver Lane, Appendix II Newland Sierra Project Alternatives Traffic Analysis was prepared to analyze total ADT and the corresponding segment volumes for the different alternatives to compare each to the impacts and required mitigation for the proposed project. Table IV-A shows that under CDFW Alternative A, approximately 8,000 fewer ADT would be generated; however, due to the location of the development under this Alternative, Sarver Road would experience approximately 4,000 more ADT compared the proposed project, and thus, would be impacted and required to be widened to a Community Collector (Appendix II, Table IV-C). The remaining impacts and mitigation would be the same compared to the proposed project. Please refer to Section 4.10.2 of the EIR.

Table V-A shows that under CDFW Alternative B, approximately 5,500 fewer ADT would be generated. Due to the location of the development under this Alternative, and the lack of an internal connection to Mesa Rock Road and the Town Center, Sarver Road would experience approximately 1,300 more ADT compared the proposed project, and thus, would be impacted and required to be widened (Appendix II, Table V-C). The remaining impacts and mitigation would be the same compared to the proposed project. Please refer to Section 4.11.2 of the EIR.

Table VI-A shows that under CDFW Alternative C, approximately 9,000 fewer ADT would be generated. Similar to Alternative A, due to the location of the development under this Alternative, Sarver Road would experience approximately 4,000 more ADT compared the proposed project, and thus, would be impacted and required to be widened to a Community Collector (Appendix II, Table VI-C). The remaining impacts and mitigation would be the same compared to the proposed project. Please refer to Section 4.12.2 of the EIR.

Accordingly, the EIR is supported by substantial evidence, Appendix II, for concluding that impacts not be reduced on Sarver Lane under the CDFW Land Planning Alternatives even though the overall ADT would decrease between approximately 5,500 and 9,000 ADT.

**O-1-542** The comment states “Wildlife Agency Alternatives would reduce the impacts to biological resources. The three ‘increased’ impacts are easily avoidable.” The County agrees that under the CDFW Land Planning Alternatives, impacts to Biological Resources would be reduced compared to the proposed project. Please refer to Table 4-1 of the EIR, which shows that under all three CDFW Land Planning Alternatives would reduce impacts to Biological Resources compared to the proposed project. No further response is required.

**O-1-543** The comment states Public Resources Code section 91159.16 should not apply in this circumstance. The comment states the EIR did not “attempt to reduce significant

impacts through meaningful project alternatives, instead setting up straw-man assumptions in order to predetermine the failure of the alternatives.” Relative to the CDFW Land Planning Alternatives, the comment notes “in addition to reducing biological impacts, the USFWS Alternative could potentially reduce impacts to public health and safety. For instance, by shifting development away from Deer Springs Road, the sensitive receptors in the Deer Springs Oaks mobile home community may not face as many air quality impacts.” The County does not agree with this comment.

The CDFW Land Planning Alternatives A, B and C avoided or lessened impacts compared to the proposed project, in compliance with CEQA. As shown in Table 4-1, CDFW Land Planning Alternatives A and C would reduce impacts to Aesthetics, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities and Service Systems, and Energy. CDFW Land Planning Alternative B would have the same reduced impacts as CDFW Land Planning Alternative A with the exception of Paleontological Resources. Section 4.13 identifies the Environmentally Superior Alternative as CDFW Land Planning Alternative A.

**O-1-544** The comment states that the conclusions in the Agricultural Alternative are inconsistent because “The DEIR states that less than 18 percent of the site has a high agricultural potential” but “assumes that the entire project site will be used as agricultural,” and “states that this alternative is inconsistent with the Project’s objective to preserve open space.” The comment suggests if only 18% of the site were used for agriculture, the remaining 82 could be preserved as Open space, which would exceed the proposed project. The County does not concur with this comment for the following reasons.

First, with respect to the comment referring to only using 18% of the project Site for agricultural uses, Appendix GG, Agricultural Alternative Analysis, was prepared to determine the agricultural potential of the project from both a suitability and viability standpoint. This analysis at Page 51 of 54 reported that while only 18% of the project Site was designated as Productive Lands with a higher agricultural potential, “about half of the project Site (> 1,000 acres) has potential to be managed through Holistic Planned Grazing to improve ecosystem functions, such as water retention and effectiveness, and mitigate some fire risk while providing a potentially profitable enterprise.” Further, only 15 percent of the site could be used for small-plot-intensive farming. Accordingly, the EIR concluded that, “compared to the proposed project, under this alternative the disturbed area (which equates to the limits of grading and fuel modification zones (FMZs) for the proposed project) would increase by

approximately 311 acres, decreasing the amount of open space by the same amount.” (EIR, pg. 4-8)

Second, as to the suggestion that 18% of the project site could be used for agricultural purposes while the remaining 82 percent be dedicated for open space, the EIR states that less than “18 percent of the project site (approximately 300 acres) has been designated as Productive Lands,” with a higher agricultural potential and that such areas are “the flatter lands (primarily less than 15 percent slopes) with deeper soils[,] more supportive of vineyards and olive trees.” (Drat EIR, p. 4-9.) Appendix GG concludes the following at page 52.

“Although the site has potential to be profitable, this potential has significant limitations and risk associated with it. Only a small portion of the whole site (15%) has potential for intensive agricultural production. The majority of the site (46%) is either inaccessible and not productive or limited to grazing as the primary enterprise (39%). Even with improvement (but not irrigation) the carrying capacity of the land is estimated at ~266 AU. The enterprise examined with the highest returns is SPIN Farming, however, this enterprise needs both good soils and has a high water demand, so it is limited to a small portion of the site and has minimal opportunities for expansion over time.”

Further, as indicated in at page 52 of 54 in Appendix GG, although wine grapes and oil olives could potentially be profitable in the long-term on this Site, returns would not be realized for 20 to 30 years. The EIR states that “The capital investment required to establish these types of operations is considered high risk and sensitive to market and weather fluctuations and the rising cost of water.” (See EIR, pgs. 4-9)

Thus, it would not be economically viable to limit agricultural operations to only 18% (or 15%) of the project Site.

Third, with respect to the project objective, the comment does not accurately describe the project objective for preserving open space, which also includes “the permanent dedication and management of open space,” thus, simply limiting agricultural operations to 18% of the project site would not ensure the permanent dedication and management of open space because there would not be a funding mechanism for the ongoing management.

Accordingly, the EIR rejected the Agricultural Alternative.

- O-1-545** The comment restates information on avocados from the County Agricultural Guidelines and states “areas of Important Farmland designations/agricultural zoning are potentially suitable for crops such as avocado, and the conclusion in the

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alternatives is inaccurate.” The County does not agree with this comment. Avocados were considered as a potential crop; however, they were not recommended for the project Site because, as described in Appendix GG:

“While historically, avocados and citrus have been grown extensively throughout San Diego County the combination of increased price of water for these thirsty crops and disease pressure (*Phytophthora* sp.) has led to a decline in production and even removal of many orchards and groves in the region. For these reasons, this report focuses on alternative crops that show promise in the region.” (Appendix GG, pg. 8 of 54)

Whereas the comment pulls general information from a Countywide guidance document and draws conclusions based on the commenters opinion; Appendix GG at page 8 of 54, considered avocado crops but determined they would be infeasible in this location based on specific market conditions for avocados. Accordingly, the EIR draws an accurate conclusion based on project-specific analysis.

- O-1-546** The comment states this alternative “assumes that Deer Springs Road needs to be widened and improved.” The comment does not raise a specific analysis within the meaning of CEQA, thus, no more specific response can be provided. The comment will be 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 because the comment does not raise an environmental issue. Nonetheless, as noted elsewhere, such as in **Response to Comment O-1-506**, As stated in the EIR, Section 2.12 (and shown in Table 2.13-14 - Measures of Significant Project Impacts to Mobility Element Road Segments – Allowable Increases on Congested Road Segments), the County considers the addition of 100 ADT to a 2-lane roadway as the maximum allowable increase on already congested road segments. A large-scale agricultural operation of over 1,000 acres would increase traffic by over 100 ADT on Deer Springs Road; thus requiring the widening of the roadway in compliance with County requirements.
- O-1-547** The comment states the EIR, “only briefly analyzes the Golden Door’s proposed site alternative with any detail,” and that “The analysis is flawed for several reasons.” The County acknowledges the comment as an introduction to comments that follow, specially comments O-1-548, 549, and 550. Please refer to the following **Response to Comments O-1-548** through **550** for detailed responses. 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-1-548** The comment states the EIR “fails to analyze the development of multiple sites to reach the same unit count.” The County does not agree with this comment. The

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commenter recommended during the NOP that the EIR consider site NC2-1 as a potential alternative site for the proposed project. As stated in the EIR, “Site NC 2-1 consists of 25 individual parcels totaling approximately 63 acres.” It is due to this limited acreage that the EIR then states, “To achieve a yield of 1,500 units, the NC 2-1 site would need to be built entirely as a high density, multifamily project at or above 24 to 30 dwelling units/acre.” This takes into account that a portion of the 63-acres would be required for streets, parks and other non-residential uses. Thus, the EIR did consider the development of multiple sites to reach a similar unit count as the proposed project.

**O-1-549** The comment states “the DEIR assumes that the alternative site has to have a Village designation pursuant to the Project objectives.” The comment then states the project site is not within a Village boundary and “thus, because the Project fails meet its own objectives, the alternative site should not be rejected for the same flaw.” The County does not concur with this comment. The project Site contains a Village designation, please refer to the Regional Categories Map (Figure LU-1 of the General Plan). Please also refer to **Response to Comment O-1-423**.

**O-1-550** The comment states “DEIR fails to acknowledge or consider that if the housing is properly located near an existing mix of uses, the Project will not have to build mixed use.” The County understands the comment and agrees that a project sited near existing retail and commercial would be within a mixed use environment; however, the County notes that the NC 2-1 site is not located near existing commercial or retail uses. The immediate surrounding uses include large-lot single-family residential uses, multi-family residential and agricultural operations. Accordingly, the EIR is not required to consider that such existing uses are in operation at the NC 2-1 site; and thus the EIR appropriately analyzes the Alternate Site Location Alternative. Further, the EIR did not reject the NC 2-1 site due to any failure to provide for mixed use.

**O-1-551** The comment states “[t]he DEIR should be revised to consider additional alternatives that reduce or avoid significant impacts.” The County acknowledges the comment as an introduction to comments that follow, specifically Comments O-1-552 through 557. Please refer to the following **Responses to Comments O-1-552 through O-1-557** for responsive information. 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, CEQA Guidelines Section 15126.6(a) 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 EIR presented nine alternatives, ranging from the No Project/No Build alternative to the General Plan Alternative (99 dwelling units, 2.0 million+ square feet of commercial/retail/office), the CDFW/USFWS 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, 4-lane Circulation Element Road). The EIR also considered and rejected an Alternate Site Location Alternative and an Agricultural Alternative. Thus, the EIR considered a total of 11 alternatives; and County staff determined that those alternatives represented a reasonable range of alternatives to the proposed project.

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

**O-1-552** The comment states “[t]he County should study an alternative that constructs 99 homes in accordance with existing General Plan’s residential density on the Project Site.” The comment suggests that this alternative “would have the benefit of fewer biological, air quality, and traffic impacts than the proposed Project” and “should be designed to minimize or avoid all other impacts.” The County does not concur with this comment for the following reasons.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA by providing a range of reasonable project alternatives.

The EIR did not analyze the suggested General Plan Residential Only Alternative for several reasons aside from the fact that the EIR already described and analyzed a range of reasonable alternative to the proposed project in accordance with CEQA. First, this suggested alternative would only address that portion of the project site that is General Plan-designated for residential development; it would not include that portion of the site that is General Plan-designated office and commercial use. This alternative is not feasible or desirable from the County's perspective because it would break-up or piecemeal the project site and the associated permitting.<sup>98</sup>

Further, the suggested alternative would eliminate the General Plan office and commercial land use designations, which include a Village designation; and in doing so, the alternative would eliminate the Town Center land uses from those General Plan-designated land uses. County staff finds that such elimination or removal would not be feasible or desirable from an economic or planning standpoint and from a community benefits perspective.

Moreover, the suggested alternative is eliminated from consideration because it fails to meet most of the basic project objectives. The alternative would impair project objective 2, by not creating compact, sustainable interrelated neighborhoods and a Town Center/Village use consistent with the General Plan land use designations. The alternative also would frustrate project objective 4, by not providing a range of recreational amenities and facilities that are accessible to residents of both the project's community and the surrounding area. Specifically, the alternative would eliminate the Town Center/Village uses that are intended to provide the balance of the community with recreational amenities and facilities making it a sustained community. The suggested alternative would not meet project objective 5, because it would not integrate, maintain, and preserve unique landscape features and distinct landforms along the I-15 corridor due to the 99-large lot configuration, as shown on EIR Figure 4-2. Additionally, the suggested alternative would not meet project objective 6, because it would not accommodate existing, planned, and future growth in north San Diego County by providing a diverse range of housing opportunities in conjunction with a Town Center that supports a mix of uses for the benefit of the project's community and the surrounding areas.

Further, for information purposes, due to existing deficiencies on Deer Springs Road, which is currently operating at a failing level of service, the introduction of any

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<sup>98</sup> Notably, CEQA case law recognizes that feasibility, as used in CEQA (Pub. Resources Code sections 21081(a)(3), 21061.1; CEQA Guidelines sections 15126.6 (f)(1), 15364), involves a balancing of various factors. In that sense, "feasibility" under CEQA "encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

significant development would trigger impacts because the addition of more than 200 average daily trips (ADT) on Deer Springs Road (as few as 20 homes) would result in a direct impact per the County's traffic guidelines. Thus, the suggested General Plan Residential Only Alternative would require widening of Deer Springs Road, resulting in the same or similar grading, air quality, cultural, and other impacts in that key location as the proposed project.

- O-1-553** The comment states the EIR “should study an alternative that constructs 99 homes in accordance with existing General Plan’s residential density on the Project Site and constructs 81,000 square feet of commercial development consistent with the proposed Project’s plans.” The comment refers to this as the “Existing General Plan Residential with Limited Commercial Alternative” and suggests this alternative, “would have the benefit of fewer biological, air quality, and traffic impacts than the proposed Project. It would also provide a mix of uses. This alternative should be designed to minimize or avoid all other impacts.” The County does not concur with the comments for the following reasons.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA and provided a range of reasonable project alternatives.

Further, the EIR already studies a reduced density alternative with the same square footage of commercial – notably, CDFW Land Planning Alternative B, which would reduce impacts to air quality and biological resources as noted in the comment. However, as described elsewhere, this alternative, along with the suggested “Existing General Plan Residential with Limited Commercial Alternative” would result in a direct impact to Deer Springs Road, due to existing deficiencies on Deer Springs Road, which is currently operating at a failing level of service per the County's traffic guidelines. Thus, the suggested “Existing General Plan Residential with Limited Commercial Alternative” would require widening of Deer Springs Road, resulting in the same or similar grading, air quality, cultural, and other impacts in that key location as the proposed project.



Additionally, the suggested alternative would not meet project objectives 2 and 6 (see Section 4.2.1, Project Purpose and Objectives). For example, the alternative would eliminate the project's residential planning areas, which are interrelated with other neighborhoods; and, thus, the alternative would not meet Objectives 2 and 6. In addition, under this alternative, eliminating the project's residential planning areas would frustrate the objective of creating interrelated neighborhoods, which is considered desirable from an overall land planning standpoint. On balance, the alternative would not attain the project's underlying purpose to implement a new, mixed-use, interrelated planned community that would assist the County in meeting its housing needs, including a range of housing opportunities. Lastly, while just a factor, the suggested alternative would still require a General Plan Amendment with regard to the alternative's office and commercial land uses.

For all the above reasons, the County rejects the suggested alternative as both undesirable and infeasible.

**O-1-554** The comment states the EIR “should study an alternative that is consistent with the density of the proposed Project but that delays certain land use approvals” by only adopting the proposed General Plan Amendment under a “Smart Planning Bifurcation Alternative.” The comment suggests this alternative would “allow for other agencies with jurisdiction over the Project or over facilities impacted by the Project to revise their planning documents to account for the drastic proposed density increase.” The comment notes the other agencies include Caltrans, SANDAG, and Vallecitos Water District (VWD). The comment also suggests this alternative would allow the County to complete the Climate Action Plan (CAP) and North County MSCP (NC MSCP). The County does not concur with the comments for the following reasons.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA by providing a range of reasonable project alternatives.

Second, the alternative proposed by the comment would not enable the project to be built in any near term scenario. Rather, consideration of land use approvals by the

County that would enable project development (subject to issuance of ministerial grading and building permits) would be delayed for an indefinite period until after other agencies, outside the County's jurisdiction, decide to approve or update future plans and/or programs. This alternative is effectively the No Project Alternative, which has been studied in the EIR. Additionally, the suggested alternative is not consistent with the County's practices and procedures. The County does not generally "approve" only portions of a proposed project, contingent upon other future approvals from other agencies. Instead, the County, as the lead agency, acts on the applicant's requested project approvals by either approving them subject to CEQA compliance, or denying the requested project approvals. Of note, the comment suggests that the County should await acting on certain of the project approvals pending the County's approval of its Climate Action Plan. For the record, the County already took final action on its Climate Action Plan as of February 14, 2018 (see [http://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate\\_Action\\_Plan\\_Public\\_Review.html](http://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html)). The approved Climate Action Plan is now the subject of litigation.

Relatedly, while the North County MSCP remains a draft plan, other MSCPs in San Diego County went through their own separate processes over the past several years, and the County did not await approval of such plans before taking land use action. The County elected, instead, to take action within its purview, while other concurrent planning takes place through other agencies at different times under separate considerations. In short, as to the draft North County MSCP, there is no legal obligation to await approval of that plan before proceeding with the County's local land use decision of whether to deny or approve the proposed project. These reasons support why the County finds it both undesirable and infeasible to approve portions of a privately-initiated project while other agencies take future action. Further, the suggested alternative, after the possible later approvals by other agencies of some updated plans, would not change the project or the potential impacts as a result of the project, and; thus, would not comply with CEQA requirements for alternatives. There would be no assurance that any plan or program would be updated, revised, or amended. Subsequent environmental analysis, much like the EIR, would not be able to rely on these unfunded, unapproved plans and programs and thus, impacts would remain the same unless and until such programs, plans or updates were approved.

Regarding the comment that a "pause" is needed to allow other agencies to address "new infrastructure needs," the County does not concur with this comment. Interstate 15 and Deer Springs Road are already operating at deficient levels of service. The proposed project would widen Deer Springs Road to an acceptable level of service within the County's jurisdiction, and with the approval of Caltrans and the City of San Marcos, additional roadway and intersection capacity measures could be implemented to improve existing traffic deficiencies. Further, water, sewer, and

electrical infrastructure already exists in the area and the proposed project would extend existing infrastructure to the project to meet the project's capacity needs – and all at the project applicant's costs.

The County also does not concur with the comment that “bifurcation” of the project approvals is needed to “allow for regional planning agencies to take into account” what the comment calls a “drastic density increase.” As shown, the proposed project increases density, but the County does not consider it a “drastic density increase” because: (a) it has been in the planning stages for some time now, (b) it is part of an open and public planning and environmental review process, (c) general plan amendments that increase density are allowable requests if supported by the record, and (d) other regional agencies routinely plan their own processes, while local agencies make their land use decisions.

For all the above reasons, the County finds it both undesirable and infeasible to approve portions of a privately-initiated project while other agencies take future action.

**O-1-555** The comment states the EIR should consider a “Smart Planning Contingency Alternative,” which “is consistent with the density of the proposed Project but that delays certain land use approvals in order to allow for other agencies with jurisdiction over the Project or over facilities impacted by the Project to revise their planning documents to account for the drastic proposed density increase.” The comment states that under this Alternative, “the County would provide all approvals immediately, but would make the issuance of grading permits, or some other appropriate trigger event, contingent upon specific planning updates being completed by other agencies with jurisdiction over the Project or over facilities impacted by the Project within five years.” The comment states that certain impacts identified in the EIR could be avoided under this alternative. The County does not concur with the comments for the following reasons.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered eleven project alternatives, including nine

full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA by providing a reasonable range of alternatives.

Second, the alternative proposed by the comment would not enable the project to be built in any near term scenario. Rather, issuance of ministerial grading and building permits by the County would be delayed for an indefinite period until after other agencies, outside the County's jurisdiction, may approve unidentified, updated plans. This alternative is effectively the No Project Alternative, which has been studied in the EIR.

Third, similar to the Smart Planning Bifurcation Alternative, there is no assurance that if the alternative were implemented, it would result in avoiding or substantially lessening the project's significant impacts identified in the EIR, which is a fundamental purpose of any alternatives analysis. Accordingly, the County finds that this alternative does not satisfy the purpose of an alternatives analysis under CEQA.

The County adds that this alternative would act as a de facto moratorium on the project, and the County does not find any reason for implementing such a moratorium on a project-by-project basis.

Additionally, this alternative is similar to the "bifurcation alternative," above. Thus, the County adopts the same or similar reasons for rejecting this alternative as were provided in rejecting the "bifurcation alternative," above.

For all the above reasons, the County rejects the suggested alternative as both undesirable and infeasible.

**O-1-556** The comment states the EIR should consider an "Increased Housing Alternative," which "is consistent with the density of the proposed Project but that includes a General Plan Amendment to the Housing Element that adds 2,036 housing units to the County's inventory." The comment states this alternative "would increase the County's planned housing supply and allow planning for the additional housing units." The County does not concur with the comments for the following reasons.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered eleven project alternatives, including nine full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA by providing a reasonable range of alternatives.

Second, as stated in **Response to Comment O-1-556**, the “Increased Housing Alternative” would not avoid or substantially lessen an impact as required by CEQA for an alternative.

Third, local and regional planning often does not occur concurrently or in parallel with one another; and there is no legal requirement that there be a concurrent or parallel process. The County retains its discretion to update its Housing Element as required and in compliance with applicable state law; and not as part of every privately-initiated project that comes forward.

For all the above reasons, the County rejects the suggested alternative as both undesirable and infeasible.

**O-1-557** The comment states the EIR should consider a “Reallocated/Balanced Housing Alternative,” which is “consistent with the density of the proposed Project but that includes a General Plan Amendment to the Housing Element that adds 2,036 housing units to the North County Metro housing inventory while subtracting a total of 2,036 housing units from other subregional planning areas’ housing inventories.” The comment states this alternative would balance the total planned housing supply in the County and identify where housing would be removed from the inventory. The County does not concur with the comments.

First, as stated in **Response to Comment O-1-505**, CEQA Guidelines Section 15126.6(a) 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. The EIR considered eleven project alternatives, including nine full comparisons and two alternatives considered but rejected. The EIR has complied with CEQA by providing a reasonable range of alternatives.

Second, the “Reallocated/Balanced Housing Alternative” would not avoid or substantially lessen an impact as required by CEQA for an alternative.

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Third, since adoption of the General Plan, the County has approved projects that are below the total number of housing units permitted by the General Plan; and, thus, the increase in residential units proposed by the project would not result in more units being constructed than anticipated under the General Plan.

Relatedly, there is no requirement to balance the total planned housing supply in the County as part of a privately-initiated project. Indeed, in March 2017, the County Board of Supervisors adopted the 2017 Housing Element Update (Fifth Revision) in compliance with state law. There is no legal requirement to amend the Housing Element each time a privately-initiated General Plan Amendment is processed.

For all the above reasons, the County rejects the suggested alternative as both undesirable and infeasible.

### **O-1.1 L&W Attachment 1**

- O-1.1-1** The comment is a list of attachments which are referred to in **Comments O-1-1** through **O-1-557**. The County has reviewed and considered the cited documents and provided responses as applicable in **Response to Comments O-1-1** through **O-1-557**. As none of the cited documents are specific to the Draft EIR, no further response is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

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### O-1.2 L&W Attachment 2

- O-1.2-1** The comment states the letter is written on behalf of Golden Door Properties, LLC. The comment is an introduction to comments that follow. No further response is required or necessary.
- O-1.2-2** The comment states the following comments are offered in response to the Notice of Preparation prepared for the proposed Project, which is located “across Deer Springs Road from the Golden Door.” The comment states the commenter has attended public meetings and workshops and held meetings with the County and the Project applicant and reviewed information available to date. The comment states the commenter has a number of concerns.

First, CEQA does not require responses to comments on the NOP. (See, Guidelines Sections 15082, 15083.) CEQA only requires that a lead agency evaluate and provide written responses to comments on the Draft EIR. (Pub. Resources Code Section 21091(d); CEQA Guidelines Sections 15088(a), 15132.) However, early consultation with the public is recommended by the CEQA Guidelines to help promptly resolve disputes over the scope and content of the EIR to be prepared. Accordingly, the County sought public and agency input, and all NOP comment letters were reviewed and considered during preparation of the Draft EIR. The NOP comment letters also were made part of the publicly-circulated Draft EIR and are found in Draft EIR Appendix A.

Second, each section of the Draft EIR summarizes the concerns raised in response to the NOP, and these concerns were addressed throughout the body of the Draft EIR as applicable and more fully described in **Response to Comments O-1.2-3 through O-1.2-99**. These are generally referred to on the first page of each Section of the Draft EIR, including the following pages: 2.1-2 (Aesthetics), 2.2-1 (Agricultural Resources), 2.3-1 (Air Quality), 2.4-1 (Biological Resources), 2.5-1 (Cultural Resources), 2.6-1 (Geology and Soils), 2.7-1 (Greenhouse Gas Emissions), 2.8-1 (Hazards and Hazardous Materials), 2.9-1 (Mineral Resources), 2.10-1 (Noise), 2.11-1 (Paleontological Resources), 2.12-1 (Population and Housing), 2.13-1 (Transportation and Traffic), 2.14-1 (Utilities and Service Systems), 3.1-2 (Energy), 3.2-1 (Hydrology and Water Quality), 3.3-1 (Land Use and Planning), 3.4-1 (Parks and Recreation), 3.5-1 (Public Services) and pages 4-4 through 4-6 (Alternatives).

Third, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. Accordingly, no further response is required or necessary.

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Fourth, and for information purposes only, the County nonetheless provides the following responses.

- O-1.2-3** The comment states the proposed Project would implement urban-style development in a rural area that lacks connectivity and transit to comply with smart growth principles. The comment states the project “risks turning Deer Springs Road into a massive freeway bypass system and destroying the community’s rural character.” The comment concludes that the commenter has proposed several alternatives that would mitigate or avoid impacts, as well as specific issues that require review in the EIR.

The comment raises general issues (smart growth and planning, traffic, community character, EIR alternatives) that received extensive analysis in the Draft EIR, specifically in Section 2.1 (Aesthetics), 2.13 (Transportation and Traffic), 3.3 (Land Use and Planning) and 4.0 (Alternatives). As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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-1.2-4** The comment states the previous project proposed at the project site, Merriam Mountains, was denied. The comment continues that the 2011 General Plan Update decreased the density permitted on the project Site to approximately 100 units. The comment then describes a Property Specific Request which County staff noted “would require amendments to the General Plans Guiding Principles and additional environmental review of the General Plan.” The comment then states the Project proposes 2,135 residential units and 81,000 square feet of commercial, a charter school and a widening of Deer Springs Road.

The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

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It should be noted that the 2011 General Plan Update, while reducing residential development to 99 dwelling units, also provided for over 2.0 million square feet of office/professional and retail uses as more fully explained in Global Response LU-1 – General Plan Consistency. Further, as explained in **Response to Comment O-1-377**, the property specific request was withdrawn from consideration. The proposed Project is different from both PSR-42 and the previously denied Merriam Mountains project.

- O-1.2-5** The comment states the community values the rural character and wants it to be preserved with the actions taken related to the Project site. The comment states that public participation is imperative. The comment concludes by thanking the County for the opportunity for public comment and education and encourages further outreach.

The County acknowledges the comment and notes it does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

Nonetheless, the County notes that in addition to the NOP, the County and applicant held various workshops throughout the planning process, as well as provided for the CEQA-required 60 day public review period which included a public meeting.

- O-1.2-6** The comment states the Draft EIR should consider alternatives that reduce impacts as required by CEQA. The comment states appropriate findings must also be made. The comment states the Draft EIR should analyze alternatives that reduce density on the project site, mitigate the impacts of density increase on the project site, or shift density increases to alternative locations. The comment concludes by offering potential alternatives.

The County notes the comment provides factual background information regarding the preparation of EIR Alternatives, and does not raise an environmental issue within the meaning of CEQA. As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County agrees with the comment and refers the commenter to Chapter 4.0, which analyzes eleven project alternatives, including alternatives that reduce density on the project site (Chapter 4.4 through 4.12, excepting Chapter 4.9, Multi-Family Town Center Alternative which retains the same number of residential units), mitigates the impacts of density increase on the project site (Sections, 4.4, 4.5 and 4.9 through 4.12), or shift density increases to alternative locations (Chapter 4.3.1.1 – Alternative Site Location Alternative).

Please refer to the following **Response to Comment O-1.2-7** through **O-1.2-16** for more specific responses regarding the alternatives offered by the commenter.

**O-1.2-7** The comment states the Draft EIR should include an alternative that includes a four-lane road (termed “Newland Sierra Parkway”) which traverses through the project Site rather than widening Deer Springs Road. The purpose of this alternative would be to reduce traffic volumes on Deer Springs Road, especially traffic from the western portion of the project site exiting on Sarver Lane and using Deer Springs Road to access the school site and commercial center. The comment states this alternative should include traffic calming features on Deer Springs Road to discourage such trips and improve safety.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County refers the commenter to Chapter 4, specifically pages 4-4 through 4-6 which describe that in response to this NOP comment letter, the Draft EIR includes three such “Newland Sierra Parkway” alternatives. These alternatives are analyzed in Sections 4.6, 4.7 and 4.8 (DEIR, Pages 4-24 through 4-55). As explained in Chapter 4.6.5, 4.7.5 and 4.8.5, these alternatives “[do] not reduce any impacts from the proposed project. Because [these] alternative[s] [do] not reduce any impacts, [they are] not considered an alternative under CEQA,” however, they are “provided in full to allow decision makers and the public to evaluate and understand the[se] alternatives suggested by Golden Door Properties, LLC.”

Accordingly, the Draft EIR analyzes the Newland Sierra Parkway alternative (three versions) as requested by the commenter in the NOP Comment Letter (and subsequent correspondence).

**O-1.2-8** The comment states that the Alternative Route Alternative (i.e., Newland Sierra Parkway) would also include a traffic circle or four-way intersection with a full stop at Sarver Lane/Deer Springs Road, adding that this design would increase safety to motor vehicles as well as pedestrians, cyclists, and equestrians. The comment states that the design could substantially decrease the need to condemn private property near the Deer Springs Road/Sarver Lane intersection. The comment refers to a “direct connect high speed curve” as being proposed by the project. Finally, the comment states that the four way intersection would allow traffic to travel north and connect to Newland Sierra Parkway and the project’s proposed commercial center.

The County acknowledges the comment and notes that three Newland Sierra Parkway Alternatives were studied by the project (refer to the “Newland Sierra Parkway Feasibility Study”, Appendix HH to the EIR). The three alternatives were also included as Project Alternatives (refer to the Newland Sierra Parkway Alternatives A, B, and C analyzed in the Project Alternatives Sections 4.6, 4.7, and 4.8 of the EIR) and determined to have greater impacts to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Population and Housing, Transportation and Traffic, and Energy. From an engineering and traffic circulation/congestion relief standpoint, the Feasibility Study found all three alternatives to be “an ineffective, counterproductive solution to reducing traffic congestion on Deer Springs Road and [to] result in greater grading, private property, and construction traffic impacts when compared to the Project’s proposal to widen and improve Deer Springs Road”. Chapter VI, Conclusions, of the Feasibility Study states the following:

Table 6 below provides a comparative summary of the engineering features of the Proposed Project under Options A or B and the Newland Sierra Parkway Alternatives A, B, and C. As shown on the table, each of the Alternatives would require substantially more grading than the improvements to Deer Springs Road proposed by the Project as Option A or B, and each would require either the export or import of substantial amounts of soil to/from the Project site. Additionally, each of the Alternatives would require a Design Exception from the County for the approval of grades in excess of County standards. Each of the Alternatives significant practical limitations and feasibility issues as follows:

- The grade of each Alternative would present a significant impediment to truck traffic, which means that trucks would likely continue to use Deer Springs Road.

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- The length and steepness of the road under each Alternative (between 9% and 12%) may create traffic safety issues, particularly in the context of the hypothetical road being internal to the Sierra Project site, without other mitigating design features to control speed.
- Under each Alternative, Newland Sierra Parkway effectively exits and then rejoins Deer Springs Road, significantly undermining its effectiveness as an alternative route to Deer Springs Road since all traffic would still need to utilize the constraining intersections along Deer Springs Road (e.g., Sarver Lane and Mesa Rock Road).
- During non-peak hours, drivers will likely prefer the shorter, less steep, and more direct route of Deer Springs Road, even as a two-lane road, over each of the three Alternatives, undermining the effectiveness of Newland Sierra Parkway as a by-pass to Deer Springs Road.
- A General Plan Amendment would be required under Option A and each of the Parkway Alternatives; however, any proposal to declassifying Deer Springs Road under each of the Parkway Alternatives, despite its expected continued use as the preferred route for the majority of local and regional traffic, may present a General Plan consistency issue for decision-makers.
- Each Alternative presents significant design, engineering, and constructability issues and would result in greater impacts to offsite properties when compared to the Project's proposed Options A and B.
- Construction of the Parkway Alternatives would result in large, highly visible cut or fill slopes.
- Alternative C may require partial removal and reconstruction of the 66-inch San Diego County Water Authority aqueduct, a regional water supply transmission facility.

As it pertains to the “direct connect high speed curve” referenced in the comment, the comment appears to be referring to the curved section of Deer Springs Road between Sarver Lane and Sycamore Road, south of the project Site, and along the stretch of Deer Springs Road which eventually enters the City of San Marcos. The project's proposed improvements to Deer Springs Road would lengthen the radius of this section of the road to soften the curve and improve the safety of the road. The project also proposes a fully signalized intersection at the intersection of Sarver Lane and Deer Springs Road which does not exist today. The addition of a four-way signalized intersection at Sarver Lane would be expected to reduce the travel speed of vehicles entering the curve. Thus, the project's proposed improvements to Deer Springs Road, including the wider curve and the signalized intersection, would have the net effect of improving the safety of travel along this stretch of Deer Springs Road.

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- O-1.2-9** The comment states that the Alternative Route Alternative (Newland Sierra Parkway) should be designed to encourage and route trips through the project Site rather than on Deer Springs Road in order to avoid traffic, noise, air quality, and safety impacts to the community and pedestrians, bicyclists, and equestrians traveling along Deer Springs Road. The comment states that Newland Sierra Parkway should be re-designated as County Route S12. The comment states that the project's proposed commercial center portends to be a significant draw of trips from the west and these trips should be routed through the project instead of along Deer Springs Road. Please see the **Response to Comment O-1.2-8** above.
- O-1.2-10** The comment states the Draft EIR should analyze a transit-oriented alternative to reduce greenhouse gas emissions. The comment states this alternative would cluster all the residential units around the commercial center near Mesa Rock Road and Interstate 15. The comment suggests this alternative include a shuttle system to the Escondido Transit Center. Under this alternative, the comment suggest all development on the west side of the Project Site would be removed. The comment states such an alternative would minimize single-occupancy vehicle trips and embrace smart growth per the County General Plan.

The County refers the commenter to Chapter 4, specifically page 4-5 which states:

“In addition to requesting the project analyze alternatives to widening and improving Deer Springs Road, Golden Door Properties, LLC, through Latham & Watkins, LLP, recommended that the EIR focus on a multi-family project alternative with all of the units (2,135) built as multi-family homes situated within and around the Town Center on the east side of the project. This Multi-Family Town Center Alternative would not include any single-family residential units. Instead, it would provide a transit connection via an expanded park-and-ride facility, a transit center with direct access onto I-15, and a shuttle system to the Escondido Transit Center. The goal of the alternative would be to provide a clustered, transit-oriented design that would reduce greenhouse gas (GHG) emissions. This alternative is assessed in Chapter 4.9...”

Chapter 4.9 analyzes the Multi-Family Town Center Alternative and determined this Alternative would avoid, reduce, or substantially lessen significant impacts to Hydrology and Water Quality, Mineral Resource and Paleontological Resources. This alternative was determined to not satisfy objectives 2 because “all of the residential, interrelated neighborhoods would be removed and thereby eliminate all single-family and age-qualified residences,” (Draft EIR, pg. 4.6-92) or Objective 6, because it would not provide a diverse range of housing types. It was further determined in

Chapter 4.9.4 that this alternative “would result in a substantial increase in land use intensity ... resulting in various potential inconsistencies with the County General Plan and I-15 Scenic Preservation Guidelines. Similar to the proposed project, this alternative would require a General Plan Amendment.”

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-11** The comment states background information on SANDAG’s Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The comment states the I-15 corridor in North County is not urbanized and lacks existing transit infrastructure. The comment states that, as proposed, the Project lacks transit proposal and requires long single-occupant vehicle trips to regional job centers. The comment states the proposed Project “sprawls” across the project Site without an internal roadway that can reach the commercial center. The comment concludes that the GHG Reduction Alternative would favor policies of connectivity and transit, RTP/SCS the community development model and planning policies in SB 375.

With respect to the GHG Reduction Alternative, please refer to **Response to Comment O-1.2-10**.

With respect to the comments suggestion that the proposed Project would not comply with the RTP and SCS and SB 375, the Draft EIR does analyze the proposed Project’s consistency with the documents. Please refer to Section 2.7.3.2, and Table 2.7-15, which conclude the following:

“implementation of the project would be considered consistent with planned land uses and associated VMT projections for the project Site accounted for in SANDAG’s Regional Plan, and thus, the project would be consistent with the goals of SB 375. Impacts would be **less than significant**.”

With respect to the comments suggestion that the proposed Project would not comply with the community development model and County General Plan, please refer to Section 3.3, Land Use and Planning, as well as Appendix DD, Land Use Consistency Analysis. These conclude the proposed Project would be consistent with the Community Development Model and the County General Plan’s Goals and Objectives.



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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-12** The comment states the GHG Reduction Alternative would cluster development near the area currently designated as Village in the County General Plan. The comment states this alternative should be consolidated around the proposed commercial center such that residents could reach the center by walking and biking.

A Multi-Family Town Center Alternative is included in the Draft EIR in Chapter 4.9. Please refer to **Response to Comment O-1.2-10**. As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-13** The comment states the Draft EIR should consider an Alternative Location that is located in closer proximity to existing communities. The comment states such an alternative would comply with County General Plan policies to focus development in and around existing communities. The comment suggests this Alternative would maintain the rural character of existing rural lands such as the project Site. The comment states the Draft EIR should consider areas identified by the North County Metro Sites Inventory for housing development. The comment then provides NC 2-1 as an example of a site which is located in the same planning area but in closer proximity to existing communities and infrastructure.

The County refers the commenter to Chapter 4, specifically Chapter 4.3.1.1, Alternative Site Locations Alternative. Chapter 4.3.1.1 analyzes NC 2-1 as suggested by the comment. As stated in Chapter 4.3.1.1, “the NC 2-1 site ... would not feasibly accommodate a similar number or mix of residential units as the project due to its smaller size. Therefore, this site would not provide the range of housing units as the proposed project.” In addition, “new impacts resulting from noise, air quality, and traffic would likely occur, due to the size of the NC 2-1 site, proximity to existing sensitive land uses, and the capacity of the existing roadways/intersections.” Further,

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a portion of the NC 2-1 site is located in a floodplain, and it would require the purchase of 25 individual properties with existing residential and agricultural uses. Finally, the NC 2-1 site “would not reasonably meet project objectives for preserving substantial open space, providing the same number and type of recreational opportunities, and providing a diverse range of housing opportunities.” This alternative also would not guarantee preservation of unique landscape features along the I-15 corridor because the project site would still be available for development under the existing General Plan. This Alternative was rejected.

In addition to NC 2-1, other potential alternative locations within the County that currently possess a Village designation that could feasibly meet most of the project objectives were assessed. This assessment “did not yield any other locations that would meet most of the project objectives, specifically by being site that includes a Village designation and of sufficient size to provide a range of housing opportunities and in close proximity to a major transportation corridor and job centers.”

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-14** The comment states the Draft EIR should evaluate an agricultural alternative which would implement the agricultural use of the property that would utilize the steep slopes for product of avocados and produce. The comment states that agriculture is an appropriate use on the project Site because most of the site is designated as Rural Lands and agriculture would be consistent with this designation. The comment suggests avocado growing, as well as citrus, wine grapes and nursery plants, and also notes that organic farming may produce higher economic returns.

The County refers the commenter to Chapter 4, specifically Chapter 4.3.1.2, Agricultural Alternative. Chapter 4.3.1.2 analyzes agricultural production on the project Site as suggested by the comment. As stated in Chapter 4.3.1.2, and supported by Technical Appendix GG, Agricultural Alternative Study, the Agricultural Alternative anticipated:

“different agricultural uses would be spread across the project Site for grazing and wide-spaced silvopasture, olive silvopasture, olive orchard, vineyard, and small-plot-intensive farming for vegetables. Approximately half of the Site (more than 1,000 acres) could be managed through Holistic Planned Grazing to

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improve ecosystem functions, such as water retention, and reduce fire risk. Less than 18 percent of the Site (approximately 300 acres) has been designated as Productive Lands with a higher agricultural potential....The remainder of the agriculturally suitable land, approximately 15 percent of the site, could be used for small-plot-intensive farming.”

Chapter 4.3.1.2 concludes this alternative is not feasible due to significant limitations and risks associated with agricultural production including the relatively small portion of the project Site available for intensive production with limited opportunity for expansion, inaccessible of the project Site or areas that are too rocky to be productive. Further, small-plot-intensive farming, which has the highest potential returns; requires suitable soils and has a high water demand. Wine grapes and oil olives could potentially be profitable but returns would not be realized for 20 to 30 years and the capital investment is considered high risk and sensitive to market and weather fluctuations and the rising cost of water.

Further, Chapter 4.3.1.2 concluded the project Site “has never supported any significant agricultural use or operation despite previous attempts to establish such uses on the project Site, reinforcing the determination that it is an unlikely choice for such a use.” The Draft EIR also notes that, counter to the comment, “the Agricultural Alternative Study (Appendix GG) does not recommend avocados or citrus due to these crops’ high water demand and the prevalence of the disease *Phytophthora* sp., which is leading to removal of many established orchards in the region.”

Lastly, the Draft EIR concluded the agricultural alternative would not meet the project objectives. Based on the above, this alternative was rejected from further consideration.

- O-1.2-15** The comment states the farming provides carbon sequestration that can reduce GHG emissions as opposed to the proposed Project which would generate GHG emissions due to VMT and construction.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-16** The comment states the Draft EIR should consider other reduced-density alternatives that would minimize environmental impacts.

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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County agrees with the comment and refers the commenter to Chapter 4.0, which analyzes several alternatives that reduce density on the project site, including Chapter 4.4 (No Project/No Build), Chapter 4.5 (Existing General Plan Alternative) and Sections 4.10 through 4.12 (CDFW Land Planning Alternatives). As stated in Chapter 4.13, the CDFW Land Planning Alternative A is the Environmentally Superior Alternative.

- O-1.2-17** The comment states the Draft EIR should provide a broad base environmental review to ensure it analyzes all of the project's impacts. As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County notes the comment provides factual background information on CEQA requirements and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County notes the Draft EIR was prepared in compliance with CEQA and the County of San Diego's *EIR Format and General Content Requirements*. The Draft EIR analyzes all potential impacts of the proposed Project and identifies mitigation measures, where appropriate, to reduce impacts.

- O-1.2-18** The comment states that the Project constitutes a project of statewide, regional, or area-wide significance because it proposed a General Plan Amendment and therefore, it must hold a public scoping meeting and provide sufficient copies of the Draft EIR to the State Clearinghouse, and allow a 45-day public comment period. The County notes the comment provides factual background information on CEQA requirements 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.

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Nonetheless, the County agrees and notes that this approach was followed and included a public scoping meeting on March 4, 2015, as well as a public meeting on July 18, 2017 for input during the 60-day public review comment period.

- O-1.2-19** The comment states the County must consult with and request comments from Caltrans, SANAG, and North County Transit District and any other agencies with transportation facilities. The County notes the comment provides factual background information on CEQA requirements and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County agrees and refers the commenter to responses to **Comment Letters A-2 (Caltrans), A-6 (NCTD) and A-8 (SANDAG)**.

- O-1.2-20** The comment states based on the proposed density increase and lack of proximity to existing communities and connectivity issues, the EIR should encompass a broad array of communities to determine the extent of the project's impact. The comment concludes that the following comments (O-1.2-21 through O-1.2-99) are offered by the Golden Door. As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR.

Nonetheless, the County notes the Draft EIR was prepared in compliance with CEQA and the County of San Diego's *EIR Format and General Content Requirements*. The Draft EIR analyzes all potential impacts of the proposed Project and identifies mitigation measures, where appropriate, to reduce impacts.

The comment is an introduction to comments that follow. 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-1.2-21** The comment states that urbanization of the Twin Oaks Valley area would destroy the community's rural character. The comment states the proposed Project design would exacerbate this disruption because many of the housing units are placed on the far west side of the property without a direct connection to the commercial center on the far east side and there is no direct connection for project traffic to access the commercial center internal to the project site, rather, the project would "dump" trips onto Deer Springs Road.

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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR does consider the proposed Projects impacts to community character. Please refer to Appendix DD, Land Use Consistency Analysis, specifically for policies LU-1.1.3, LU-1.2.1, LU-3.1.2, LU-11.2, LU-12.4, and COS-11.3.

With respect to the comment regarding the internal connection between the residential units on the west side of the project Site and the commercial center, please refer to **Response to Comment O-1.2-7**, above. Further, traffic impacts on Deer Springs Road are discussed in Section 2.13, Transportation and Traffic, which concludes that with implementation of Option B to widen Deer Springs Road to 4-lanes, impacts to the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road would be reduced to less than significant.

**O-1.2-22** The comment states that the proposed Project's improvements to Deer Springs Road would allow high speed travel on Deer Springs Road and the community trail on the north side of Deer Springs Road would be rendered unusable and inaccessible from the South.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR considered traffic safety in Section 2.13.9.6, Traffic Hazards Analysis and determined that:

“All off-site roadway and intersection improvements to Deer Springs Road, ... also would comply with applicable public road standards (e.g., County's *Public Road Standards*, *City of San Marcos Urban Street Design Criteria*, *etc.*) or other engineering design requirements, including any design exceptions granted as part of the approval, of the agency having jurisdiction over the improvements to ensure adequate safety of travel and use by motorists, cyclists, and pedestrians.”

The Draft EIR also notes that:

“The project’s proposed improvements to Deer Springs Road and Twin Oaks Valley Road include a ten-foot-wide multi-use pathway and dedicated bicycle lanes that would connect directly to the project’s internal network of pathways and trails, and the bicycle lanes on Sarver Lane and Mesa Rock Road as well as to the existing multi-use pathway and bicycle path along Twin Oaks Valley Road heading into the City of San Marcos. Compared to existing conditions where facilities do not exist or only partially exist, these pedestrian and bicycle improvements would create safer conditions for these two alternative forms of travel along the project’s off-Site road improvements.”

Accordingly, the comment was considered as part of the Draft EIR and the impacts were determined to be less than significant.

- O-1.2-23** The comment states the County acknowledged the proposed density increase in an existing semi rural community as a “Major Project Issue” and states the Draft EIR should analyze the project’s impact to community character and consider alternative designs and mitigation measures.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR considered impacts to community character. Please see **Response to Comment O-1.2-21**, above. With respect to considering alternative designs, please see **Response to Comment O-1.2-6** regarding the range of alternatives analyzed in the DEIR.

- O-1.2-24** The comment states the Draft EIR should not just consider the project Site when analyzing impacts to agriculture, but should also consider the surrounding area, including impacts related to increased traffic, decreased water supply, and fugitive dust, as well as cumulative growth-inducing impacts which could decrease land available for agricultural production.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of

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the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, the Draft EIR analyzes impacts to agricultural resources in Section 2.2, Agricultural Resources. Cumulative impacts are discussed in Section 2.2.4, and the proposed Project is determined not to result in a cumulatively considerable impact on agricultural resources. Section 2.2.5 identifies Impact AG-1, which impacts to “approximately 5.82 acres (total parcel size of parcels with Prime Farmland or Farmland of Statewide Importance) of off-site important agricultural resources.” Section 2.2.6 provides mitigation in the form of participation in the County’s PACE Program, which would mitigate this impact to less than significant.

Growth including impacts are discussed in Section 1.8. No potential growth inducing impacts to agricultural resources were identified in Section 1.8.

Finally, Section 2.2.3.2, Indirect Impacts to Agricultural Resources concluded on page 2.2-14 of the Draft EIR, “The project’s proposed development would be buffered from the existing off-site active agricultural land uses within the 0.25-mile radius and indirect impacts from the conversion of agricultural land would be **less than significant**.”

- O-1.2-25** The comment states the proposed Project could result in potentially significant odor impacts and states the Draft EIR should discuss both construction related and operational odors.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR analyzes odors in Section 2.3.5.4 and determines that odors from both construction and operation of the proposed Project would be less than significant.

- O-1.2-26** The comment states the Draft EIR should analyze the impacts of air quality emissions caused by the urbanization of the rural area and potential impacts to surrounding agricultural crops.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments



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could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, indirect impacts to agriculture are analyzed in Section 2.2.3.2. This section acknowledges the proximity of the proposed Project to the Golden Door and other agricultural operations. The Draft EIR states on page 2.2-:

“...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, and existing road improvements. The closest proposed project land use to an active agricultural operation would be the residential lots in the Sierra Knoll planning area located approximately 150 feet from the nearest active agricultural use, which are the orchards to the southwest of the project along Lynn Lane. The County’s Guidelines for Determining Significance states, “[t]he type of agricultural uses surrounding the project Site will affect the degree of agriculture interface conflicts that would be expected to occur. For example, orchard crops such as avocados and citrus are often compatible with residential uses” (County of San Diego 2007). As such, the less intensive interface conflicts or orchard operations and the 150-foot buffer between these orchards and the nearest residential lot on the project Site would reduce potential indirect land use conflicts.”

**O-1.2-27** The comment states the Draft EIR should analyze impacts for multi-year construction, including rock crushing, and operation of the proposed Project.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR analyzes the proposed Project’s construction-related air quality emissions, including from blasting and rock crushing, and operation emissions in Sections 2.3.5.2 and 2.3.5.3. Please also refer to **Topical Response AQ-1, AQ-2** and **AQ-3** for further details regarding air quality impacts associated with construction.

**O-1.2-28** The comment states the project Site includes sensitive habitat with very high, high, and moderate habitat value and is identified as Pre-Approved Mitigation Area

(PAMA) in the Draft North County MSCP. The comment states the Draft EIR should analyze the proposed Project's conformance with the NC MSCP and PAMA.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR analyzes impacts to biological resources, including compliance with applicable policies, ordinances and adopted plans, in Section 2.4, specifically Section 2.4.12.5. The commenter is referred to **Topical Response BIO-1** for a summary of the proposed Project's consistency with the draft NC MSCP, which concludes that the proposed Project would not preclude implementation of the NC MSCP.

**O-1.2-29** The comment states that County staff noted the project Site contained sensitive habitat and that development would not comply with County General Plan Guiding Principle #5 for impacts to steep slopes and that further detailed analysis would be required to assess impacts to habitat conservation. The comment states the Draft EIR should contain analysis that addresses the concerns raised in County's staffs report on property specific request NC42.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR extensively analyzes the proposed Project's impacts to biological resources. Section 2.4, Biological Resources, identifies impacts to sensitive plant and wildlife species, core wildlife areas, riparian habitat or sensitive natural communities, wildlife movement and nursery sites, local policies, ordinances and adopted plans (including Impact P-1, which includes impacts to steep slopes), and cumulative impacts (as summarized in Section 2.4.14). Section 2.4.15, Mitigation Measures, provides 13 mitigation measures which would reduce impacts to biological resources to less than significant.

Further, please refer to Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Analysis, which analyze the proposed Project's compliance with

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General Plan Guidelines Principle 5 and determine the proposed Project would comply with this and all Guiding Principles.

- O-1.2-30** The comment states the proposed Project could impact various populations and habitats.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the comment addresses general subject areas, which received extensive analysis in Section 2.4, Biological Resources, more specifically Sections 2.4.12.1 and 2.4.12.2. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

- O-1.2-31** The comment states the project Site includes north/south and east/west wildlife corridors, including for California gnatcatcher.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR.

Nonetheless, County notes the comment provides factual background information that is presented in the Draft EIR in Section 2.4, Biological Resources, 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.

- O-1.2-32** The comment states the Draft EIR should study impacts to species, including the California Gnatcatcher, due to urbanization of the area.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

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Nonetheless, the comment addresses general subject areas which received extensive analysis in Section 2.4, Biological Resources, more specifically Sections 2.4.12.1 and 2.4.12.2.

Specific to California Gnatcatcher, the Draft EIR identifies Impacts W-1 and W-2 as stated below:

**Impact W-1** Direct loss of federally threatened coastal California gnatcatcher nesting individuals (including nests and/or young).

**Impact W-2** Significant long-term direct impacts to coastal California gnatcatcher as a result of removal of suitable habitat.

Section 2.4.16.2 concludes Impact W-1 would be reduced to less than significant “through implementation of mitigation measures M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-4, M-BIO-5, M-BIO-6, and M-BIO-7, which require biological monitoring during construction, temporary construction fencing, preparation of a biological monitoring report, review of landscape plans, preconstruction surveys for nesting birds and setbacks, and minimizing night lighting.”

Similarly, Impact W-2 would be reduced to less than significant “through implementation of mitigation measures M-BIO-8A through M-BIO-8E, which would provide commensurate on- or off-site habitat management and conservation that is demonstrated to contain habitat for these species.”

**O-1.2-33** The comment states the Draft EIR should analyze the proposed Project’s impacts to wildlife movement.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the comment addresses general subject areas which received extensive analysis in Section 2.4, Biological Resources, more specifically Section 2.4.12.4. . The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

**O-1.2-34** The comment states the proposed Project will require mitigation for impacts to biological resources and that the Drat EIR should analyze mitigation measures including off-site mitigation. The comment also notes

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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the commenter is referred to Section 2.14.15, Mitigation Measures, which provides for 13 mitigation measures to reduce impacts to biological resources, including off-site mitigation in the form of the 212-acre Ramona Parcel.

- O-1.2-35** The comment states the project Site itself could be mitigation land and states the Draft EIR should analyze how development of a potential mitigation site may impact other projects in San Diego County. The comment opines that development of the project Site would preclude its use as a mitigation site for other projects within more urban areas that require biological mitigation. The comment states the Draft EIR should analyze this potential impact to population and housing and land use in the applicable sections of the DEIR

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, with respect to the comment that the Draft EIR should consider how development of the project Site may reduce mitigation sites for other projects in San Diego County, including more urban areas, the County notes that the project Site is not an approved mitigation site or bank, and that the project Site has not been identified to be set aside as mitigation by any prior EIR or as part of an approved HCP or NCCP. This analysis would be speculative and not supportable and; therefore, is not included in the DEIR.

- O-1.2-36** The comment states there is a conflict between biological resources and fire protection due to the thinning and clearing required of fuel management zones. The comment states the Draft EIR should analyze the potential impacts to biological resources from the proposed project's fire safety measures and vice versa.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information

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presented in the prepared 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.

Nonetheless, the County notes that a 250' fuel modification zone would be implemented in accordance with the requirements of Appendix N, Fire Protection Plan. This fuel modification zone would be made of up two zones and totals approximately 235 acres surrounding the proposed Project. Section 2.4, Biological Resources, considers the entire fuel management zone area as "impacted" for purposes of assessing impacts to biological resources, even though fuel management areas would remain available for wildlife movement.

Further, Appendix N-1, Fire Protection Plan, includes a flame length assessment that was modeling using the on-site fuel loads. Accordingly, the required 250' fuel modification zone accounts for the site's existing vegetation character. Thus, the Draft EIR has considered the potential impacts of the proposed Project's fire safety measures on biological resources and the proposed project's biological resources effects on fire safety requirements.

**O-1.2-37** The comment states construction of the project could exhume fossils or cultural remains of Native American tribes. The comment provides background information on SB 18, which requires consultation with the tribes. The comment also states the Draft EIR must analyze the proposed Project's compliance with the County RPO. The comment concludes by noting the Merriam Mountains project identified two RPO resources that were considered exempt under RPO because they were within the improvement area for Deer Springs Road, which is an essential public facility.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, Section 2.5, Cultural Resources, of the Draft EIR analyzes the proposed Project's impacts to cultural resources.

With respect to SB 18, the Draft EIR states:

"In compliance with the SB 18 requirements, the County has engaged in consultations with the Pauma Band of Luiseno Indians, Pechanga Band of

Luiŝeño Indians, Rincon Band of Luiseno Indians, and the San Luis Rey Band of Mission Indians.

Note, however, that because the Project's Notice of Preparation was filed on February 15, 2015—five months prior to the effective date of Assembly Bill (AB) 52 on July 15, 2015—the project is not subject to AB 52's additional requirements regarding consultation with Native American tribes. For this reason, the County and applicant did not conduct a formal AB 52 consultation with the Pechanga Band of Luiŝeño Indians and the San Luis Rey Band of Mission Indians. Nevertheless, the County contacted the Native American Heritage Commission (NAHC) to request information and/or input regarding Native American concerns associated with the proposed project, and to request names of individuals or tribes that may have an interest in or information regarding cultural resources at the Site. The NAHC responded by stating that any impacts to significant cultural resources and mitigation, as necessary, must be described in the EIR, and provided a list of Native American contacts with knowledge of or interest in the Site. Letters were sent to those individuals and organizations identified by the NAHC, requesting information about cultural resources at the Site.

In addition, Mark Mojado (San Luis Rey Band of Mission Indians) and Manuel Masiel (Pechanga Band of Luiŝeño Indians) provided monitoring surveys during the 2007 archaeological fieldwork, and PJ Stoneburner, and Banning Taylor (on behalf of the San Luis Rey Band of Mission Indians) provided monitoring services for surveys and test excavation fieldwork from 2014 to 2017. Monitors were selected based on availability and proximity of the tribe to the project Site. The San Luis Rey Band of Mission Indians is in direct proximity to the project Site; therefore, monitors from the San Luis Rey Band were used most frequently.

On August 14, 2016, the County held an on-site consultation meeting with Native American representatives regarding sites CA-SDI-4558 and CA-SDI-9822. Native American representatives from the San Luis Rey Band of Mission Indians, Pechanga, and Pauma attended the Site visit. During the meeting, the project's design and development impacts, including road alternatives, were discussed. All open space planning efforts, including use of cultural resources for public interpretation and/or capping and protecting the resources, were discussed with local Native American Tribal governments. Several other meetings were held with consulting tribes. These included meetings between the County and tribes, and meetings among tribal representatives, the applicant, and Dudek. During these meetings, tribal

representatives provided information on the importance of local resources, such as archaeological sites CA-SDI-4558, CA-SDI-9822, which were visited in person with participating tribes (representatives from Pechanga, Pauma, Rincon, and San Luis Rey Bands were present), the applicant, Dudek staff, and County staff.

Pechanga also provided a region-specific, written ethnography to the applicant and County in February 2017 (the Pechanga Ethnography). The ethnography provided specific tribal information on the project APE and overall landscape. The ethnography and records of all tribal correspondence are in a confidential on file maintained by the County and summarized in Appendix I. Based on its review of the ethnography and its confidential discussions with the San Luis Rey Band, the County conducted further meetings with the San Luis Rey Band, Pechanga and the applicant for purposes of defining a boundary for the *Pavxin* TCP. As part of the ongoing consultation, the applicant and representatives from the San Luis Rey Band and Pechanga inspected the archaeological sites to “ground-truth” the TCP boundary and develop appropriate mitigation strategies for any project-related impacts to it.”

Regarding the proposed Project’s compliance with RPO, Section 2.5.3.1 analyzes impacts to cultural resources. Three sites were determined to be significant under RPO criteria, but are within the area identified for widening of Deer Springs Road and thus are considered exempt under Section 86.605.(c) the RPO. Those sites are summarized below for informational purposes.

### “CA-SDI-4558

Site CA-SDI-4558 is located within the area identified for the proposed widening of Deer Springs Road. However, only certain portions of the site contribute to its CRHR and CEQA significance, and the project proposes to preserve and protect these portions within a natural park. There is still the possibility to inadvertently disturb significant archaeological deposits within the Deer Springs Road improvement area; impacts to these deposits would be considered significant absent mitigation. The natural park, including public trails, has been designed to avoid the significant portions of the site. During past archeological excavations, a wide range of artifacts were recovered, including cobble and flake tools, bifaces, milling tools, bone tools, a crystal, ceramics, shell, and bone that primarily dated to the Archaic period (i.e., pre AD 500). As described in Section 2.5.1.4, CA-SDI-4558 contains or has the potential to contain information important to prehistory. CA-SDI-4558 is identified as significant under CEQA and RPO criteria. The RPO protections



do not apply to this site because the County has identified the proposed Deer Springs Road improvements as an essential public facility that includes public use (County of San Diego 2007a). However, even if the RPO did apply, no significant impact has been identified because the proposed road widening would not affect the significant portions of the site. Instead, the Deer Springs Road improvements would affect only that portion of site CA-SDI-4558 deemed not significant.

### CA-SDI-5951

Site CA-SDI-5951 is located at the south end of the proposed project Site within the area identified for the widening of Deer Springs Road. Significant archaeological deposits containing a diverse range of artifacts, including glass, shell, and stone beads; ceramics (sherds and pipe fragments); multiple forms of stone tools; and food remains (faunal bone and marine shell), were identified in two locations within the transportation corridor impact area. Multiple bedrock milling features and less-dense archaeological deposits are located outside of the impact area to the north. The significant archaeological deposits located within the impact area contribute to the site's CRHR eligibility, and qualify it as a historical resource and a "unique archaeological resource" under CEQA, and it is considered significant under the RPO. However, because the County has identified Deer Springs Road off-site improvement as an essential public facility that includes public use, the RPO does not apply for this type of impact.

### CA-SDI-9822

Site CA-SDI-9822 is located within the area identified for the widening of Deer Springs Road. As described above, five STPs were excavated at CA-SDI-9822 as part of the investigation for this project. Three STPs were positive and two STPs were negative. The positive STP results represent a significant intact subsurface deposit, adjacent to and south of Deer Springs Road. In addition, Palomar College performed academic-oriented excavations at the site some years ago, generating a collection that includes tens of thousands of artifacts, including glass, shell, and stone beads; bone artifacts; ceramic artifacts (including pipe fragments); myriad stone tools; and large amounts of food remains (i.e., animal bone, marine shell). Numerous burned artifacts and possible cremated human remains are also contained in the collection generated by Palomar College. On the basis of previous and current work, and the presence of a pictograph feature and cremations, site CA-SDI-9822 is identified as significant under CEQA and RPO criteria, and it qualifies

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as a historical resource and a “unique archaeological resource” under CEQA. As the County has identified Deer Springs Road off-site improvements as an essential public facility that includes public use, the RPO does not apply for this type of impact.”

- O-1.2-38** The comment states the project Site includes steep slopes and is subject to landslides. The comment states the Draft EIR should also analyze the potential for earthquake faults.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, Section 2.6, Geology and Soils, of the Draft EIR analyzes the proposed Project’s impacts to geology and soils. Section 2.6.3.1, 2.6.3.2, and 2.6.3.4 analyze potential impacts related to Fault Rupture, Ground Shaking and Landslides, respectively. Section 2.6.3.1 determined that impacts due to Fault Rupture would be less than significant. Section 2.6.3.2 determined that impacts due to Ground Shaking would be less than significant. Section 2.6.3.4 determined that impacts due to Landslides was potential significant and identified Impacts GE-2, GE-3 and GE-4, which are restated below.

**Impact GE-2:** Natural slopes at the site contain local areas of potential surficial instability, as indicated by the presence of slopewash deposits, source area scars, and perched granitic boulder outcrops. Such areas are of particular significance when located above and immediately adjacent to proposed development.

**Impact GE-3:** If areas of adverse conditions are identified during geotechnical observation and/or laboratory testing during grading, cut slopes may be subjected to surficial instability.

**Impact GE-4:** Approximately 14 localized areas that will not be graded and are located above proposed building pads where rocks appear to have a potential to become dislodged.

Section 2.6.6 of the Draft EIR provides for appropriate mitigation measures, which when implemented, would reduce these impacts to less than significant. As concluded in Section 2.6.7, Conclusion:

“Natural slopes at the site containing local areas of potential surficial instability, as indicated by the presence of slopewash deposits, source area scars, and perched granitic boulder outcrops (Impact GE-2), would be mitigated to less than significant with implementation of mitigation measure M-GE-2. Mitigation is achieved through buffering areas without structural development, construction debris walls, catchment basins, or slope buttressing.

Cut slopes that have the potential to be subject to surficial instability (Impact GE-3) would be mitigated to less than significant with implementation of mitigation measure M-GE-3. Mitigation for this impact requires mapping of all cut slopes and stabilization if necessary.

Locations on site where rocks appear to have a potential to become dislodged (Impact GE-4) would be mitigated to less than significant with implementation of mitigation measure M-GE-4. Mitigation is achieved through boulder removal or breaking the boulder in place.”

**O-1.2-39** The comment states the proposed Project is auto-centric development sprawling across the project Site in a disconnected manner. The comment states that because of the project’s location in proximity to existing communities, job centers, and transit infrastructure, the project will cause long single occupant trips that increase VMT and GHG emissions. The comment states the Draft EIR should analyze mitigation measures and alternatives that reduce the project’s VMT, including a developer-funded shuttle or transit.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, Section 2.7, Greenhouse Gas Emissions, of the Draft EIR analyzes the proposed Project’s impacts to Greenhouse Gas Emissions, and Section 2.13 includes an analysis of the proposed Project’s VMT. As described on page 2.7-36 of the DEIR:

“total project-generated VMT would be 294,804 daily miles traveled, with 28,862 average daily trips generated. Therefore, the average trip length for each trip generated by the project would be approximately 10.21 miles (294,804 VMT / 28,862 trips).

Additionally, the VMT reduction that would be achieved through implementation of the project's Travel Demand Management (TDM) Program was evaluated by Fehr and Peers (see Appendix D of the Greenhouse Gas Emissions Technical Report (EIR Appendix K)). Each element of the proposed TDM Program was evaluated to determine the VMT reduction attributable to its implementation. As a result of this evaluation, it was determined the project would achieve an 11.1 percent reduction in overall VMT. This 11.1 percent reduction in VMT was directly applied to reduce the project's mobile emissions."

The Draft EIR further analyzes the proposed Project VMT in comparison to the region and it's consistent with regional planning. As stated in Section 2.7.3.2 Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases, "the overall VMT in the region and at the project level with implementation of the project would be within 4.5 percent of SANDAG-forecasted VMT for the region. Thus, the project would be generally consistent with the planned uses and VMT under the No Project (General Plan) condition (Appendix R)."

The proposed Project includes a Transportation Demand Management (TDM) Program, which consists of twenty Project Design Features (PDFs). As analyzed in Appendix R3, the TDM would achieve an 11.1 percent reduction in overall VMT. Implementation of PDFs is a mitigation measure (M-GHG-3), thus, the Draft EIR accounts for mitigation measures that reduce VMT as suggested by the comment.

With respect to the suggestion the Draft EIR consider alternatives that reduce VMT, please refer to **Response to Comment O-1.2-10**, above, which describes the Multi-family Town Center Alternative (Chapter 4.9 of the DEIR) and as requested by the commenter for this very purpose.

Finally, with respect to the comment that the Draft EIR should consider a developer funded shuttle, the County directs the commenter to PDF TR-6, which requires the project to "coordinate a ride share or shuttle system that connects the various project neighborhoods to the Town Center and to external transit facilities and resources such as the park-and-ride lots and the Escondido Transit Center."

**O-1.2-40** The comment states the County's Climate Action Plan (CAP) was invalidated and the Draft EIR cannot rely on the CAP, but rather must propose enforceable mitigation measures and alternatives. The comment also questions whether the County can move forward with the proposed Project without a CAP.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments

could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Please refer to **Response to Comment O-1-142** and **Topical Response GHG-3**.

The Draft EIR identifies Mitigation Measures M-GHG-1, M-GHG-2 and M-GHG-3, which would reduce the proposed Project's impacts to greenhouse gas emissions to less than significant because through implementation of these measures, "the project achieves carbon neutrality (i.e., a net zero emissions level) thereby resulting in *no* net increase in GHG emissions relative to existing environmental conditions. Accordingly, the project would not interfere with implementation of any of the above-described GHG reduction goals for 2030 or 2050..." These mitigation measures are enforceable and have been used in other jurisdictions to reduce impacts to GHG emissions, including the purchase and offset of carbon credits. Please see **Topical Response GHG-1** regarding the use of Carbon Credits.

Further, because the mitigation measures identified in the Draft EIR would result in no net increase in GHG emissions relative to the existing conditions, the County does not require a Climate Action Plan prior to approval of the proposed project because the proposed Project would not interfere with the implementation of the CAP, as the proposed project would not result in greater GHG emissions than the CAP anticipated for the project Site.

Finally, with respect to the suggestion the Draft EIR consider enforceable alternatives, please refer to **Response to Comment O-1.2-10**, above, which describes the Multi-Family Town Center Alternative (Chapter 4.9 of the DEIR) and as requested by the commenter for this very purpose.

**O-1.2-41** The comment states the Draft EIR should analyze the feasibility of relying on the proposed project's proximity to several sprinter stations given that the application did not include any proposal to link to these stations with a shuttle or transit. The comment also notes that the Draft EIR can not rely on early coordination with MTS and NCTD for transit services to mitigation GHG impacts, but must result in enforceable mitigation measures.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR does not rely on it's proximity alone to sprinter stations for GHG reductions, rather, Appendix R3 of the Draft EIR analyzes the proposed Project's TDM Program based on guidance from the California Air Pollution Control Officer's Association (CAPCOA) and M-GHG-3 requires implementation of the TDM. As stated in the Draft EIR (page 2.7-36), "it was determined the project would achieve an 11.1 percent reduction in overall VMT." This includes a 1.2% reduction due to PDF-6, which requires "coordinat[ing] a ride share or shuttle system that connects the various project neighborhoods to the Town Center and to external transit facilities and resources such as the park-and-ride lots and the Escondido Transit Center."

**O-1.2-42** The comment states the project Site is in a High Fire Hazard Severity Zone which increases danger from fire hazards and the potential for fire-related damage to property value which conflicts with General Plan Policy S-1.1. The comment continues that as part of the General Plan Update in 2011, the County staff report for PSR NC 42 noted the project Site is in a Very High Fire Hazard Severity Zone. The comment states the Draft EIR should analyze reduce density alternatives and mitigation measures that would avoid or mitigate density-related fire safety impacts.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR discloses that the project Site is within a Very High Fire Hazard Severity Zone (see DEIR, pg. 2.8-18 and 2.8-19). The Draft EIR analyzes the proposed Project's consistency with all applicable General Plan policies, including policy S-1.1, in Section 2.8.3.5 and Section 3.3, Land Use and Planning. As stated on page 2.8-31:

"The proposed project would be consistent with applicable fire safety policies of the County General Plan, including Policies S-1.1, S-3.1, S-3.3 S-3.7, S-4.2, and S-6.1 through S-6.5, by preparing required FPPs in coordination with DSFPD, SMFD, and the County. The project's FPP (EIR, Appendix N), which already has been incorporated into the project design, demonstrates that the proposed project would be in compliance with applicable portions of the County's 2014 Consolidated Fire Code and the SDFPD's Ordinance Number

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2013-01.... The proposed project would also be consistent with the 2013 California Building Code, Chapter 7A, 2013 California Fire Code, Chapter 49, as adopted by the County. The project's FPP prepared for the project demonstrate adequate defensible space, project siting, access, construction materials, fuel management, water supply, emergency response times and adequate staffing, and overall coordination with DSFPD and SMFD.

The proposed Project's Fire Protection Plan (Appendix N-1) prescribes a 250' fuel modification zone (FMZ), which is over twice the standard width for such FMZ's. In the few instances where this setback can not be achieved, the Draft EIR proposed mitigation to reduce the potential impacts due to wildfire hazard to less than significant.

Finally, with respect to the request that the Draft EIR analyze reduced density alternatives, the County refers the commenter to Chapter 4.0, which analyzes several alternatives that reduce density on the project site, including Chapter 4.4 (No Project/No Build), Chapter 4.5 (Existing General Plan Alternative) and Sections 4.10 through 4.12 (CDFW Land Planning Alternatives).

**O-1.2-43** The comment states that the proposed Project's design and influx of residents, commercial shoppers, students, faculty and staff would severely hinder evacuation efforts during a fire. The comment notes residents could be trapped within the project due to the potential for surrounding road closures and limit emergency access points. The comment notes it is important to provide multiple points of access in the event of an emergency. The comment states the Draft EIR should analyze a plan that includes a northerly evacuation route and that improvements to such a route cannot be deemed infeasible due to costs.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the County refers the commenter to response to **Comment Letter O-1.13** (Cova), which thoroughly discusses the proposed project's ability to evacuate in the event of an emergency. The Draft EIR analyzes evacuation impacts in Section 2.8.3.1 and 2.8.3.3 and determines that impacts related to evacuation would be less than significant. This finding is supported by Appendix N-2, Wildland Fire Evacuation Plan. As stated on page 2.8-20 of the DEIR, the Wildland Fire Evacuation Plan:

“indicates how the project would evacuate during a wildfire emergency. The evacuation plan has been prepared in coordination with DSFPD and San Diego County such that it does not conflict with existing evacuation and pre-plans. The evacuation plan does not interfere with the countywide Operational Area Emergency Plan, as it was reviewed by County staff to ensure consistency with other applicable/overlapping emergency plans. In addition, the Newland Sierra Homeowner’s Association (HOA) would provide ongoing resident education outreach regarding wildfire safety, the “Ready, Set, Go!” pre-planning model, and the project’s FPP requirements. Informational handouts, facility website page, mailers, fire safe council participation, inspections, and seasonal reminders are some methods that would also be used to disseminate wildfire and relocation awareness information. The HOA would coordinate with DSFPD regarding wildfire educational material/programs before printing and distribution.

The intent of the evacuation plan is to guide implementation of an evacuation procedure such that the process of evacuating people from the Site is facilitated in an efficient manner and according to a pre-defined, practiced evacuation protocol. The evacuation plan (see Appendix N) also provides a contingency option for temporary refuge, if evacuation is considered less safe. It is estimated that the minimum amount of time needed to move the Newland Sierra population to urbanized and/or designated evacuation areas may require up to 4 hours after notification to evacuate is given. The available evacuation routes for the project are: (1) egress to the south via Mesa Rock Road, (2) egress to the south on Sarver Lane, and (3) egress to the west via Camino Mayor. The evacuation plan requires adjustment and continued coordination by the Newland Sierra HOA and/or developer and DSFPD/Law enforcement agencies during each of the construction phases. With each phase, the evacuation routes may be subject to changes with the addition of both primary and secondary evacuation routes.”

As more fully explained in response to **Comment Letter O-1.13**, the proposed Project includes three access points, including a four-lane connect at Mesa Rock Road, a fully improved access at Sarver Lane, and additional access at Camino Mayor. These points were determined to provide sufficient ingress/egress in the event of a wildland fire emergency. Accordingly, because impacts were determined to be less than significant, no additional mitigation measures or alternatives are required under CEQA.



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**O-1.2-44** The comment states that the commenter supports an independent analysis and additional information regarding response times, the internal circulation network and the effects of other development projects.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the County agrees with the comment and notes that Appendix N-1 and Appendix N-2 of the Draft EIR were prepared and reviewed by the County Fire Marshal and Deer Springs Fire Protection District. As noted in the Draft EIR (pg. 2.8-18), “The project’s FPP was approved by the County of San Diego on May 15, 2015 and DSFPD on May 18, 2015.” Further, Section 2.8.4, Cumulative Impacts the Draft EIR analyzes the potential for impacts as a result of the propose Project and surrounding projects. As stated in Section 2.8.4:

“All cumulative projects are subject to the fire codes and regulations and, with some projects, the preparation of FPPs to determine the potential risk for wildland fires. Larger cumulative projects similar to the proposed project, such as Lilac Hills Ranch and Campus Park West, are required to include such features as FMZs, fire access roads, and fire hydrants to reduce the risk of potential wildland fires. Any project in a given area cannot be approved unless the project is determined to meet the fire codes and regulations for the fire authority having jurisdiction over the cumulative projects.

However, the proposed project, along with cumulative projects, would result in an increased population in wildland interface and urbanized areas, thereby potentially increasing the risk of wildland fires through factors such as human carelessness, arson, and vehicle fires. However, the best available technologies for fire protection have been included in project design, and its FPP further demonstrates that the fire spread rate would be sufficiently reduced for adequate response by the fire authority having jurisdiction. Through the proposed project’s and cumulative projects’ compliance with the numerous fire-related regulations, and incorporation of fire protection features, the potential cumulative impacts from wildland fires would be **less than significant.**”

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Accordingly, the proposed Project includes the independent analysis and potential impacts of other development as requested by the comment. No further response is required.

- O-1.2-45** The comment states that the Draft EIR must consider a mitigation measure to redesign the project to include a direct four-lane internal road (Newland Sierra Parkway) and elimination of internal loops roads, which would provide east/west connection and an evacuation route for the residents on the west side of the project site in the event of a fire. The comment states it is crucial that all residents and the community have access to such an east-west road to evacuate to the east.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the commenter is referred to **Response to Comment O-1.2-7** regarding the evaluation of three “Newland Sierra Parkway” alternatives in the Draft EIR (Sections 4.6, 4.7 and 4.8). Further, the County notes that the proposed route would result in the same practical effect of connecting residents to Deer Springs Road at Mesa Rock Road as the proposed Project, thus limiting the effectiveness of the suggested evacuation route. The County further notes that the most likely path of a fire would be from the east; thus, evacuation to the west is more likely to occur (Appendix N-2, Section 4, pg. 15). See **Topical Response HAZ-1**.

- O-1.2-46** The comment states the County should ensure the proposed Project does not adversely impact existing water and wastewater services. The comment states the Draft EIR should analyze the project's impacts on water supply, as well as impacts to the water availability and quality of the area's water resources including wells.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

First, please see **Topical Response UTL-1**.

Section 2.14, Utilities and Services Systems analyzes the proposed Projects impacts to water and wastewater systems.

Regarding Water Supply, the Draft EIR analyzes potential impacts to Water Supply in Section 2.14.1.4. The Draft EIR states on page 2.14-48:

“First, under the Water Supply Assessment, the project’s demand – with conservation and without land use deductions – is 1,196 afy (or 1,068,220 gpd), which is 35 percent lower than the demand estimate for the property’s land uses shown in the 2011 General Plan.

Second, under the GSI Report, the project’s demand – with conservation and the “land use deduction”– is 870 afy (or 776,980 gpd), which is 52 percent lower than the demand estimate used in the County’s 2011 General Plan and the Vallecitos 2015 UWMP.

Each table shows that the County and Vallecitos can feasibly achieve the 35 and 52 percent reductions in water demand through the identified water conservation requirements and the “land use deduction.” Thus, Vallecitos and the regional water agencies have adequate supplies to meet Vallecitos service area demands during the average/normal, single-dry, and multiple-dry years through the 20-year planning period reflected in the local and regional UWMPs.

Further, Vallecitos continues to make programmed investments in both its operations and water capacity in the future as needed. At the same time, the Water Authority and the retail agencies in San Diego (including Vallecitos) benefit from regularly issued annual water reports and the five-year updates to UWMPs, which allow the Water Authority and the retail water agencies in the San Diego region to regularly monitor supplies, demands, and the reliability of those supplies annually.

Based on the above analysis, the project’s operational water supply impacts would be **less than significant**.

Impacts to Groundwater Resources are discussed in Section 3.2.4.3. As analyzed in the DEIR:

The project would not use on-site groundwater and would be served by the Vallecitos Water District, which does not pump groundwater, nor use it as a local water supply source (VWD 2015a). As discussed in this EIR, Section 3.2.1.3, the primary bedrock unit onsite is Cretaceous-aged Granitic rocks

(monzogranite) which is very hard, moderately weathered, slightly fractured and exhibits steep topographic relief. Based on these characteristics, much of the project Site is not likely to support significant groundwater resources and the potential recharge rates within the Site are very low. In addition, the majority of the groundwater recharge within Twin Oaks Creek and the larger San Marcos Creek Watershed likely occurs off of the project Site in the sedimentary, volcanic, and alluvial deposits along the valley bottoms, and the project proposes to retain 73 percent of the existing natural topography, the project would also not interfere substantially with groundwater recharge. Therefore, the project would not result in a cumulatively considerable impact to groundwater resources resulting from cumulative withdrawal from active wells in the area.

Accordingly, the Draft EIR addresses the proposed Project's impacts to water supply and well water quality as requested in the comment, and determined that such impacts were less than significant. No further response is required or necessary.

**O-1.2-47** The comment states the project requires both a Water Supply Assessment and Water Supply Verification Report in compliance with state law. The comment notes that the Water Supply Verification must analyze water supply in normal, single-dry, and multiple-dry years within a 20-year time period, and consider future growth in the region.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

First, please see **Topical Response UTL-1**.

Further, the commenter is referred to Appendix S, Water Supply Assessment, prepared by HDR, Inc. Further, mitigation measure M-UT-4 has been identified to ensure that impacts to water supply would remain less than significant. M-UT-4 requires the following:

“Prior to recordation of a final map, a “written verification” and supporting documents from the water supplier indicating the availability of a “sufficient

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water supply” as required by Section 66473.7 of the Subdivision Map Act (Senate Bill 221) shall be provided to the satisfaction of County departments.”

**O-1.2-48** The comment states that State Planning and Zoning Law requires the County’s project approvals to be consistent with the General Plan and provides a general description of the General Plan designations on the project Site. The comment incorrectly describes the office and commercial zoning on the property as a “sliver of village, office, and commercial”. The project Site supports 53.6 acres of C-2 (Office Professional) and 4.6 acres of C-1 C(General Commercial) for a total of 58.3 acres of Village office and commercial designations. The comment states that it is important that the EIR provide an in-depth analysis of the project’s compliance with the General Plan’s policies and Guiding Principles and whether any General Plan Amendment (GPA) will have an impact on similarly situated property elsewhere in the County. The project’s EIR includes a detailed analysis demonstrating the project’s consistency with the General Plan Guiding Principles, Goals, and Policies (please refer to Appendix DD of the EIR).

As it pertains to project’s proposed General Plan Amendment, the GPA is one of many aspects of the project description and the project has been analyzed for its direct and cumulative impacts on the environment as required by CEQA. Further, each GPA is individually and fully evaluated by the County for consistency with the County’s General Plan Guiding Principles, Goals, and Policies. The project does not propose or require any amendments to the General Plan Guiding Principles or the General Plan Goals and Policies, therefore, the project’s GPA would not facilitate GPAs on similarly situated properties. Any GPAs on similarly situated properties would be analyzed separately based on the specifics related to those properties and any project that may be proposed as part of those GPAs.

More generally, as stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-49** The comment lists the ten (10) Guiding Principles of the County’s General Plan and states the project should be analyzed for consistency with the Guiding Principles. As stated in **Response to Comment O-1.2-48** above, the EIR contains a detailed analysis of the project’s consistency with the General Plan Guiding Principles (refer to

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Appendix DD of the EIR), and the project has been found to be consistent with the Guiding Principles.

More generally, as stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-50** The comment states the EIR should analyze the project's compliance with each of the Guiding Principles, the comment lists 10 ways the commenter believes the project could violate the Guiding Principles. The County acknowledges the comment and notes that the project has prepared an analysis showing how the project is consistent with the County's Guiding Principles (refer to Appendix DD of the EIR). Please see the **Response to Comment O-1.2-48** above.

More generally, as stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-51** The comment states that any change to the County's Guiding Principles would require an analysis of the impacts of the change on similarly situated properties through the County and could require additional public input on the County General Plan's EIR. The project does not require any amendments to the General Plan Guiding Principles or the General Plan Goals and Policies, therefore, the project's GPA would not facilitate GPAs on similarly situated properties. Please see the **Response to Comment O-1.2-48** above.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

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**O-1.2-52** The comment states that, as part of a Property Specific Request (NC 42), the County had previously determined that increasing density on the project Site would change the General Plan's objectives and would likely require recirculation of the General Plan EIR. The comment references a January 9, 2012, County staff report prepared for a Property Specific Requests Workshop and refers to information within that staff report pertaining to the Property Specific Requests. The County does not agree that a previous determination was made about increasing density on the project Site being inconsistency with the General Plan's objectives. An analysis pertaining PSR NC 42 was prepared for County decision-makers, but no formal decision by the Board of Supervisors was rendered on PSR NC 42.

Further, compared to the proposed project, PSR NC 42 was for a different property configuration, proposed different land uses, and did not include any of the project specific elements (e.g., project design features, mitigation, or extraordinary public benefits) necessary for decision-makers to do a complete evaluation of a proposal's consistency with the General Plan Guiding Principles, Goals, and Policies. Please see **Response to Comment O-1-377, O-1-379, and O-1-401 through 406**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-53** The comment states a follow-up report on PSR NC 42 was deemed "very high" complexity because the significant changes being sought could alter the basic policy structure of the General Plan and references six statements contained in that report pertaining the potential implications of PSR NC 42 on Twin Oaks, the adjacent study area, and certain land use policies of the County General Plan. These six specific issues are addressed in **Responses to Comments O-1.2-54 through O-1.2-60** below.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

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- O-1.2-54** The comment is the first bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that the addition of over 1,000 dwelling units will require extensive study to determine the impact on the community and to address consistency with General Plan Policy LU-2.3.

The County acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. As it relates to the proposed project, a complete analysis of the project's consistency with the General Plan Guiding Principles and Goals and Policies, including Policy LU-2.3, was prepared (please refer to Appendix DD of the EIR). Please see the **Response to Comments O-1-377, O-1-379**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-55** The comment is the second bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that it would be necessary to review the proposed changes (proposed by NC 42) to address consistency with the Community Development Model, Policy LU-1.1, and Guiding Principle 2.

The County acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. As it relates to the proposed project, a complete analysis of the project's consistency with the General Plan Guiding Principles and Goals and Policies, including Policy LU-1.1, was prepared (please refer to Appendix DD of the EIR). Please see the **Response to Comments O-1-377, O-1-379**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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



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decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-56** The comment is the third bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that the study area affects over 250 property owners and, therefore, the such a change increases the complexity involved in notifying owners of the proposed changes.

The County acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. Please see the **Response to Comments O-1-377, O-1-379**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-57** The comment is the fourth bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that the adjacent study area constitutes primarily agricultural lands and that further analysis would be required to determine the effect of a density increase on efforts to preserve important agricultural areas of the county.

The County acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. Please see the **Response to Comments O-1-377, O-1-379**.

Further, the County notes that the project site does not support agricultural uses; the proposed project's impacts to agricultural resources have been thoroughly analyzed in Section 2.2, Agricultural Resources, were determined to be less than significant with mitigation; and that high water use, low margin agricultural uses such as avocado groves and citrus groves have significantly decreased in the county with the rising cost

of water, including in the vicinity of the project Site. See **Response to Comment O-1-42**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-58** The comment is the fifth bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that portions of the NC 42 site contain High and Very High Value Habitat, impacts to which would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.

The County acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. Please see the **Response to Comments O-1-377, O-1-379**.

As it pertains to the proposed project, the project would establish a 1,209-acre preserve onsite (61% of the project Site), preserve an additional 212 acres of very high quality habitat in a core biological resource area offsite, and place into open space an additional 235 acres of native habitat onsite thinned for fuel modification purposes. The project's biological impacts would be less than significant with mitigation, as analyzed and disclosed in Section 2.4, Biological Resources of the Draft EIR.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-59** The comment is the sixth bullet of six potential issues identified in the June 20, 2012, staff report on PSR NC 42, stating that an analysis of NC 42's consistency with General Plan Policies LU-1.2 and LU-1.4 would be required. The County

acknowledges the comment and notes that PSR NC 42 was only a set of proposed land use designations for a different project site configuration that differ substantially from the proposed project and that constituted only one of the many aspects of a complete project. PSR NC 42 also was never formally analyzed and was made by a different property owner. As it relates to the proposed project, a complete analysis of the project's consistency with the General Plan Guiding Principles and Goals and Policies, including Policies LU-1.2 and LU-1.4, was prepared (please refer to Appendix DD of the EIR). Please see the **Response to Comments O-1-377, O-1-379**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-60** The comment incorrectly refers to PSR NC 42 as “Newland’s Project Specific Request NC 42” and states that PSR NC 42 was designated as “Major” and “Very High” complexity. The comment also incorrectly states that these designations indicated inconsistency with the General Plan Guiding Principles and extensive changes to the General Plan environmental review. The comment concludes that the proposed project’s EIR must analyze whether the greater number of units—2,135 residential units—is consistent with the General Plan Guiding Principles and whether it requires additional environmental review of the General Plan. The comment also states that the project’s EIR should analyze any changes in County staff position. The County does not agree with the comment. The proposed project is consistent with the General Plan Guiding Principles and Goals and Policies (please refer to Appendix DD of the EIR). The project has also prepared a stand-alone EIR analyzing all of the project’s impacts as required by CEQA. As it relates to the County’s position on the proposed project, no such change in position has occurred as the County had no previous position on the proposed project. As it pertains to previous applications (PSR NC 42 and the Merriam Mountains Project) that included all or the majority of the project Site, neither those applications nor County staff positions, staff reports, or recommendations relate to the proposed project. Please see the **Response to Comment O-1-377**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information

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presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-61** The comment states that the EIR should also analyze the project’s consistency with each of the General Plan’s specific policies and refers to Policy LU-2.3 as an example. The comment states that the project would violate this policy. The project was analyzed for its consistency with the policy framework of the General Plan. This analysis is in the Land Use Consistency Analysis (Appendix DD of the Draft EIR). Specifically related to Policy LU-2.3, the analysis found the project to be consistent with this policy as follows:

General Plan Goal or Policy	Project Conformance	Conformance Conclusion
LU-2.3 Development Densities and Lot Sizes. Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.	The project assigns densities and minimum lot sizes in a manner that is compatible with the character of the unincorporated communities surrounding the project Site. Proposed project densities and lot sizes are consistent and compatible with the Community Development Model, which influences the North County Metropolitan Subregional Plan area and surrounding areas. Please see the responses to Guiding Principle 3.	Consistent.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-62** The comment restates information that was contained in June 20, 2012, staff report on PSR NC 42 related to consistency with the Guiding Principles. The comment states that the EIR must analyze whether the project’s General Plan and zoning changes constitute discrimination against similarly situated properties which could be construed as impermissible “spot zoning”. The County acknowledges the concern raised by the comment pertaining to “spot zoning”. Please see **Response to Comment O-1-478**. The project’s proposed underlying zoning is consistent with the land use designations associated with the project’s proposed GPA and the project’s proposed GPA is consistent with the County’s General Plan Guiding Principles,

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Goals and Policies, Community Development Model, and Regional Categories Map (refer to Responses to **Comment O-1-427**). Therefore, the project's proposed zoning does not constitute "spot zoning".

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-63** The comment states that the EIR should analyze the project's consistency with the General Plan's leapfrog development policy, Policy LU-1.2 and restates the text of the policy. The EIR includes an analysis of the project's consistency with all the entire policy framework of the General Plan. Refer to the Land Use Consistency Analysis (Appendix DD of the EIR). As it pertains to Policy LU-1.2, that analysis found Policy LU-1.2 to not be applicable to the proposed project, as follows:

General Plan Goal or Policy	Project Conformance	Conformance Conclusion
LU-1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]	The Community Development Model is implemented by three Regional Categories: Village, Semi-Rural, and Rural lands. The project as proposed is consistent with the Community Development Model, because the Community Development Model has already applied an established Village Regional Category designation to a portion of the project Site. The project does not propose to create a new Village, or expand or reconfigure the existing Village area. The project is also within the established boundaries of the Vallecitos Water District.	Not Applicable.

As it pertains to the applicability of Policy LU-1.2 to the project, please also see **Responses to Comments O-1-423 and O-1-424**

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments

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could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-64** The comment states the project proposes to alter the boundary of the existing village designation and that this alteration would result in areas not previously designated as “Village” being changed to a Village designation and that this change should be analyzed by the EIR. The County does not agree with the comment. The project does not propose altering the boundaries of the existing village designation on the project Site. Therefore, the project does not propose to designate new areas as Village.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-65** The comment states that a plain reading of the Leapfrog Policy contradicts the County’s position that the Leapfrog Development policy does not apply to the project because the project does not create a new “village”, stating that the first sentence of the policy makes no reference to new or existing village designations, the second sentence provides a limited exemption from the prohibition for “new villages” that meet certain criteria, adding that this exemption therefore applies only to a subset of “new villages” and does not apply to an “existing village”. The comment states that if the County determines the project is not a “new village”, the second sentence exemption does not apply. The County does not agree with the interpretation of Policy LU-1.2 as outlined in this comment. The first sentence of Policy LU-1.2 is clear: “Prohibit leapfrog development which is inconsistent with the Community Development Model.” The project is consistent with the Community Development Model. Therefore, the prohibition outlined in the first sentence of the policy does not apply. The second sentence only clarifies that “Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent.” The project is not proposing a new village or an expansion of the existing Village designation. Therefore, this clarification is unrelated to the proposed project. This policy does not apply to the proposed project because the project

proposed to maintain the Village designation on the project Site, and the project is consistent with the Community Development Model.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-66** The comment states that even if an existing village designation could trigger the Leapfrog Development policy's exemption, the small area in the corner of the project site designated "village" cannot exempt the entire project from this policy, adding that this would be an absurd result allowing even the smallest Village designation on the General Plan Land Use Map to provide protection for clear-cut leapfrog development. The comment concludes that if the existing Village designation provides protection from the Leapfrog Development policy, it can only do so for units clustered closely around the existing Village designation, such as those proposed by the Golden Door's GHG Reduction Alternative. The County does not agree with this comment. Policy LU-1.2 states clearly "to prohibit development that is inconsistent with the Community Development Model". Therefore, development that is consistent with the Community Development Model is not prohibited by Policy LU-1.2. The second part of the policy applies to "new villages", which the project is not, the project contains 58 acres of existing Village designation. Therefore, that aspect of the policy is also not applicable to the project. Therefore, Policy LU-1.2 does not apply to the project.

The project as proposed is consistent with the Community Development Model framework as outlined in General Plan Chapter 2, Vision and Guiding Principles, and General Plan Chapter 3, Land Use Element. The project would maintain the Village Regional Category designation (as shown on the Regional Categories Map and defined in Chapter 3 of the General Plan) on the project Site, the project would apply Semi-Rural and Rural Regional Category designations to those portions of the project Site not within the Village Regional Category in a manner that is consistent with the Community Development Model, and the project would implement a Specific Plan and other project design features to achieve consistency with the General Plan Guiding Principles and Goals and Policies. Further, the project would minimize impacts to the natural character and biological resources on the project Site by limiting grading and landform alteration to 27% of the project Site, by limiting grading for the project's building pads and roads to 20% of the project Site (398

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acres/1,985 acres = 20%), and by substantially preserving ridgelines, rock outcroppings, major drainages, and other prominent geologic features of the project Site. In so doing, the project design would minimize impacts to the natural character of the project Site.

In summary, by implementing the three Regional Categories designations of Village, Semi-Rural, and Rural in a manner that minimizes impacts to the natural character of the project Site and achieves consistency with the General Plan Guiding Principles and Goals and Policies, the project is consistent with the General Plan Community Development Model.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-67** The comment states that County staff has previously taken a position on PSR NC 42 that an increase in density on the project Site has to be reviewed for consistency with Policy LU-1.2 and Policy LU-1.4. The County acknowledges the comment that PSR NC 42 required a consistency analysis pertaining to the two referenced policies. PSR NC 42 proposed an expansion of the existing Village area whereas the proposed project does not. The expansion of the Village area triggered the application of these two policies.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-68** The comment states that even if the exemption found in the second sentence of Policy LU-1.2 could apply to the project, the project does not meet the exemption's three criteria: consistency with the Community Development Model, provision of services and facilities, and LEED-Neighborhood Development (LEED-ND) standard or its equivalent. The comment adds that the project is not consistent with the Community Development Model because of its density allocation clustering residential units on the far side of the project Site from the area designated as Village, because there are



not sufficient services and facilities to support the project, and because the project is not LEED-ND. The County does not agree with this comment. Policy LU-1.2 does not apply to the project because the project is consistent with the Community Development Model and the project is not proposing a new or expanded Village; therefore, the second part of Policy LU-1.2 pertaining to exemptions for “new villages” has no application to the proposed project. Please refer to **Responses to Comment O-1.2-65 and O-1.2-66** above. As it relates to existing and planned infrastructure and services within the vicinity of the project Site, please see **Response to Comment O-1.7-4**.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-69** The comment states that the project lacks connectivity to existing urban and job centers or public transportation and will require long single-occupancy vehicle trips which increase VMT, that the project does not promote energy and water efficiency, and is the antithesis of “new urbanists best practices”. The comment states that the County cannot discard the central tenets of LEED-ND. The County does not agree with this comment for the following reasons:

- (1) As it pertains to the project’s VMT, the project has prepared a VMT analysis which shows that, through implementation of the project’s TDM Program and mix of residential, school, and retail uses onsite, the project’s home-based per capita VMT would be within 6% for single-family residential types and 4% for multi-family and age-qualified residential compared to the North County East Subregion within which the project Site lies (Draft EIR, pg. 2.13-95). Project home-based automobile VMT per capita would reduce home-based VMT per capita by approximately 6.1%; therefore, all three residential use types would be lower than the existing average with implementation of the Transportation Demand Management (TDM) Program. The project Site is also within one mile of the Cities of San Marcos and Escondido, within six miles of several Sprinter stations, and within six to 12 miles of approximately 124,250 jobs along the Highway 78 Corridor.
- (2) As it pertains to water and energy efficiency, in addition to complying with the California Green Building Standards Code (CCR, Title 24, Part 11 or

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“CalGreen”) and the County Landscape Ordinance and Water Efficient Landscape Design Manual (i.e., County’s Model Water Efficient Landscape Ordinance in accordance with the Water Conservation in Landscaping Act and amended state Model Water Efficient Landscape Ordinance) for all construction and landscaping within the project, the project proposes a number of project design features that would exceed current state and local regulatory requirements, including:

- a. solar on all residential units in the project
- b. solar-powered street lights
- c. electric vehicle chargers in all private residential garages
- d. electric vehicle charging stations in all onsite public parking areas with ten or more spaces (e.g., commercial parking lots and at community and public parks) for 3% of the parking spaces
- e. lower water use high efficiency irrigation systems that meet or exceed an evapotranspiration adjustment factor of 0.55 within residential neighborhoods and 0.45 within all other areas
- f. prohibition turf grass in residential front yards and within streets
- g. restrictions on turf in rear yards to warm season turf or turf with a plant species factor of 0.6 or lower.
- h. pre-plumbing for greywater systems in all single family homes
- i. incorporation of open vegetated swales along roadways and within neighborhoods and use of permeable paving materials or pervious surfaces to detain and treat storm water runoff.
- j. community-wide green waste collection and onsite mulching and reuse.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-70** The comment states that the EIR should analyze the project’s consistency with Policy LU-1.2 in light of the points made in **Comments O-1.2-63** through **O-1.2-69** above. Please see the **Responses to Comments O-1.2-63** through **O-1.2-69** above.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of

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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-1.2-71** The comment states that the EIR must analyze whether and to what extent the project is consistent with County and regional plans, including SANDAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and SANDAG's Regional Comprehensive Plan (RCP), adding that the EIR should analyze the project's consistency with SANDAG Climate Action Plan and measures that go further to limit GHG emissions. The comment states that the EIR should analyze the project's consistency with County and SANDAG growth forecast maps, including SANDAG's Smart Growth Concept Maps. The project was analyzed for consistency with SANDAG's 2050 RTP/SCC. Please refer to Table DD-2 of Appendix DD of the EIR.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-72** The comment states the project proposes to develop 2,135 residential units and 81,000 square feet of commercial development on rural lands far from urban and job centers and without meaningful transit options. The comment references and restates General Plan Goal LU-5. The comment also references a 2013 General Plan Annual Progress Report stating that "[t]he core concept for the County's Land Use Element is to direct future growth to areas where existing or planned infrastructure and services can support that growth and to locations within or adjacent to existing communities." The comment states that the project will be located away from existing services, includes no proposal for transit or shuttle services, and does not provide for compact development within the project Site, does not direct road access from residential areas to the project's commercial center, and will require long single occupancy vehicle trips. The County does not agree with this comment for the following reasons:

- 1) The project is located close to urban areas. The project Site is within 1 mile of the Cities of San Marcos and Escondido and within six to twelve miles of approximately 124,250 jobs along the Highway 78 Corridor.
- 2) The project is consistent with General Plan Goal LU-5 as follows:

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General Plan Goal or Policy	Project Conformance	Conformance Conclusion
<p>LU-5 Climate Change and Land Use. A land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health.</p>	<p>The proposed project includes a land use plan and associated development techniques and patterns that reduce emissions of greenhouse gases in accordance with state initiatives, while promoting public health. The project would incorporate a walkable Town Center to create a central core in the community of Twin Oaks. Neighborhood serving retail uses in the Town Center would serve the existing communities of Twin Oaks, Hidden Meadows, and Champagne Village as well as the Sierra Community. On the north end of the Town Center, a planned school site would include a joint-use field open to the public during weekends and after school hours during weekdays. The Town Center would be close to the school site and to new homes and be linked via bicycle lanes and multi-use trails to all of the remaining neighborhoods within the Community. The project would include parks, pedestrian pathways, and multi-use trails within one quarter mile or less from each residence in the project, emphasizing walkability and deemphasizing individual motorized transportation, thereby promoting public health and reducing GHG emissions.</p> <p>In the same vein of promoting public health, reducing individual motorized transportation, and reducing GHG emissions, the project proposes a number of TDM Program measures including: an electric bike-share program, support for ride-share and car-share programs, subsidized transit passes for the project's residents, and shuttle services within and around the project and to the Escondido Transit Center. The land use pattern and TDM Program measures would reduce overall GHG emissions and promote public health. This manner of project development complies with the objectives and meets the mandates of the California Global Warming Solutions Act of 2006 (AB 32), and SB 375, and meets the County's land use goals.</p>	<p>Consistent.</p>

- 3) The vicinity of project Site supports significant existing and planned infrastructure, including a freeway interchange, existing County Route S12 (Deer Springs Road) which is planned as a six-lane Prime Arterial in the County General Plan Mobility Element, an eight-lane interstate freeway (I-15) with \$3 billion worth of mainline improvements planned in SANDAG's 2050 RTP (refer to DELANE Engineering Fair Share Memo prepared on behalf of the Golden Door), two County Water Authority water transmission pipelines, and a 100-million gallon per day water treatment plant, two Vallecitos Water District (VWD) Water Reservoirs with a combined capacity of 1.9 million gallons in conjunction with a network of water transmission and distribution lines on and around the project Site, and the Deer Springs Fire Protection District (DSFPD) Fire Station #12 immediately across the street from the project.

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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.2-73** The comment states that the EIR should analyze the project's consistency with the smart growth principles contained in the General Plan, SANDAG's RTP/SCS, and SB 375. The comment states that the project simply lacks the connectivity and compact land use planning required of smart growth development and that the project's multi-use trails and bicycle-share program will do little to decrease vehicle trips internal to the project because of the Site's topography and internal circulation. The County does not agree with this comment for the following reasons:

- 1) As it relates to connectivity, the project would incorporate six miles of bicycle lanes and routes and 19 miles of trails and pathways on and offsite of the project, including along Deer Springs Road and Twin Oaks Valley Road all the way into the City of San Marcos, to connect the project's internal neighborhoods to each other as well as the surrounding community. The project's proposed electric bike-share program would include kiosks throughout the project and, as the bikes would be electric, the site's topography would not present the same challenges compared to conventional human-powered bicycles. The incorporation of multi-use pathways and dedicated bicycle lanes along the project's backbone roads and Deer Springs Road and Twin Oaks Valley Road would provide both internal and external connectivity for safe walking, hiking, bicycling, and horseback riding. The project's community sponsored shuttle service would be routed through the project Site with stops in the project's individual neighborhoods, and provide service to the Escondido Transit Center. It's worth noting that the project did not take any vehicle trip reductions for these mobility alternatives and project design features in its Traffic Impact Analysis. Refer to **Responses to Comments O-1-253**.
- 2) In terms of a compact land use pattern, the project would provide 2,135 homes, 81,000 square feet of retail space, a six-acre school site, and 36 gross acres of parks in seven discrete neighborhoods on approximately 540 acres (27% of the project Site), while leaving approximately .

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- 3) The EIR includes a detailed analysis of the project's consistency with SANDAG's 2050 RTP/SCS Policy Objectives (refer to Table DD-2 in Appendix DD of the EIR) and the **Response to Comment O-1.2-71** above.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.2-74** The comment states that noise due to construction would persist for years, including rock crushing and blasting. The comment states that no details on the volume, duration, or location of rock crushing is provided. The comment states noise produced by rock crushing and blasting would pose long-lasting and significant impacts to the community. The comment states the Draft EIR should analyze alternatives to on-site rock crushing, as well as noise-reducing mitigation measures.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR analyzes construction-related noise impacts in Section 2.10.3.2, beginning on page 2.10-16. Please refer to Global Response NOI-1 regarding construction noise, including blasting, and **Response to Comment O-1.2-75**, below, regarding rock crushing.

- O-1.2-75** The comment states the Draft EIR should also identify the specific location(s) that will mitigate noise impacts from rock crushing.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR discusses the location of rock crushing on page 2.10-19. The Draft EIR states:

“Preliminarily, two rock-crushing locations would be located within or adjacent to the Hillside and Knoll neighborhoods, as depicted in Figure 2.10-8, Potential Rock Crusher Locations. The closest existing off-site residence property line or NSLU would be located more than 1,800 feet from the proposed rock-crushing areas and acoustically shielded by rugged intervening terrain. At this distance, the noise level (both 8-hour average and impulsive noise) associated with the rock-crushing activities would be less than significant. In addition, there would be intervening topography that would shield adjacent homes from the rock-crushing facilities.

Construction would occur in two phases. The project would be phased so that the future closest occupied homes would be located approximately 600 feet or more from operational rock-crushing equipment. Based on noise measurements conducted for portable rock-crushing operations, the rock-crushing activity would generate a 1-hour average noise level of approximately 80 dBA at a distance of 100 feet from the primary crusher (Appendix Q). Maximum noise levels associated with the primary crusher could reach approximately 88 dBA at 100 feet. Assuming an 8-hour work day, the rock-crushing average noise level at the property lines of the closest project occupied homes would be approximately 64 dBA or less and would be less than significant. The maximum noise level associated with impulsive noise from the primary crusher would be 72 dBA or less at the closest project occupied homes' property lines. This noise level would comply with the County's impulsive noise criteria, and, thus, would be less than significant.

Because the proposed Project would not result in a significant impact due to rock crushing, no further mitigation measures are required as suggested by the comment. No further response is required or necessary.

**O-1.2-76** The comment states the Draft EIR should analyze noise and groundborne vibration impacts on surrounding properties from construction and operation of the proposed Project site and Deer Springs Road.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

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Nonetheless, groundborne vibration is analyzed in Section 2.10.3.3 of the Draft EIR. The Draft EIR identifies potentially significant impacts related to groundborne vibration due to both construction activities and blasting (Impacts N-8 and N-9, respectively). Mitigation measures are provided in Section 2.10-6, including M-N-8 (preparation of a vibration monitoring plan) and M-N-5 (preparation of a blasting plan requiring compliance with applicable standards). Implementation of these measures would reduce impacts to Groundborne Vibration to **less than significant**.

- O-1.2-77** The comment states the Draft EIR should analyze appropriate mitigation measures for noise impacts to surrounding property owners.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the County refers the commenter to Section 2.10.6 of the Draft EIR, which identifies eight mitigation measures (M-N-1 through M-N-8) which would reduce noise and vibration impacts to surrounding property owners. All impacts would be reduced to less than significant with the exception of Impact CUM-N-1 (off-site traffic noise).

- O-1.2-78** The comment states the Project proposes urbanization in a rural area and could result in growth inducing impacts because adding a new community on the project Site could induce other communities to develop nearby. The comment states the project could create incentive for in-fill development of rural areas between the project site and urbanized areas. The comment states the Draft EIR must analyze growth inducing impacts to rural lands surrounding the project Site, as well as other areas of the County.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR discusses the potential for growth inducement in Section 1.8. Page 1-38 of the Draft EIR concludes:



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

Growth inducement is further discussed in Section 2.12, Population and Housing, specifically in Section 2.12.3.1, Inducing Substantial Population Growth. The Draft EIR concludes, “the project has the potential for growth-inducing effects, which may result in subsequent adverse environmental effects as a result of such growth,” and Impact PH-1 is identified as a potentially significant impact.

Section 2.12.4, Cumulative Impact Analysis, also analyzes the potential for growth inducing impacts due to the proposed Project and cumulative projects. Section 2.12.4.1 considers

“Several ... cumulative projects are large, master-planned communities, including Lilac Hills Ranch, Warner Ranch, Campus Park, Campus Park West, Valiano, Harmony Grove Village South, and Meadowood. In combination with the proposed project, thousands of new residential units would be introduced to northeastern San Diego County. Additionally, several large commercial projects, which can indirectly lead to population growth, would be developed, including Campus Park, Campus Park West, Palomar College North Education Center, Palomar Station, Kaiser Medical Office Building, and the Pauma Casino and Hotel, which would bring new permanent workforce populations and potentially attract additional growth beyond that listed in Table 1-10 of this EIR.... Overall, the combination of the cumulative projects listed in Table 1-10 would have a potentially significant cumulative impact related to substantial population growth. As discussed in Section 1.8 and summarized in Section 2.12.3, the proposed project would be considered growth inducing at the project level as it would introduce a substantial increase in population when compared to planned growth, and off-site roadway improvements would increase available roadway capacity and accessibility to the vicinity. Therefore, the proposed project would result in a **cumulatively considerable impact (Impact PH-2)** related to population growth.”

Accordingly, the Draft EIR considered the potential for growth inducing impacts as requested by the comment. No further response is required or necessary.

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**O-1.2-79** The comment states the proposed project will cause traffic impacts on freeways and surface streets, and the design causes traffic from the project to be “dumped” onto Deer Springs Road, which experiences cut through traffic. The comment states the Draft EIR should analyze the project’s traffic impacts at a broad scale, and include feasible mitigation measures and alternatives, such as those identified in the NOP comment letter.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the comment addresses general subject areas, Transportation and Traffic, which received extensive analysis in Section 2.13 and Appendix R of the Draft EIR. Mitigation measures are identified in Section 2.13.12, and include 18 measures that would serve to potentially reduce impacts caused by the proposed Project, including improvements to Deer Springs Road. The analysis was prepared in accordance with the County’s requirements for Traffic Impact Studies, as well as guidance from adjacent jurisdictions to ensure all potential impacts from the proposed Project were analyzed and disclosed. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

With respect to the reference considering alternatives such as the Newland Sierra Parkway alternative, please refer to **Response to Comment O-1.2-7**, above.

**O-1.2-80** The comment states the Draft EIR should study mitigation measures and alternatives to maintain a two-lane configuration on Deer Springs Road. The comment restates information and repeats claims previously presented in the NOP comment letter regarding traffic on Deer Springs Road, including project traffic accessing the commercial center and cut-through traffic. The comment provides factual background information regarding CEQA requirements for analyzing and mitigation traffic impacts and does not raise an environmental issue of the proposed Project.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR in fact does include an Option to maintain a portion of Deer Springs Road as a two-lane road. As explained in the Project Description:

“Of the off-site mitigation requirements identified in Section 2.13 of this EIR, the improvements to Deer Springs Road (mitigation measures M-TR-8 through M-TR-10) would involve two options (see Figures 1-28 and 1-29, Deer Springs Road). Option A would improve an approximately 6,600-foot-long section of the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road to a 2.1B Community Collector (two lanes of travel with a continuous center turn lane). The balance of the road southwest into the city of San Marcos and east to I-15, including its intersections with Sarver Lane and Mesa Rock Road, would be improved to a 4.1A Major Road (a four-lane road with a raised median). Consistent with these sets of improvements, Option A would reclassify Deer Springs Road in the Mobility Element of the County’s General Plan (County of San Diego 2011a) from a 6.2 Prime Arterial (six-lane) to a 4.1A Major Road with Raised Median and a 2.1B Community Collector with Continuous Turn Lane classifications. The centerline of Deer Springs Road would be realigned to ensure a minimum 750-foot turning radii along the entire alignment.

Option B would construct the entire length of the road from the I-15 interchange to its intersection with Twin Oaks Valley Road as a four-lane road, with an approximately 7,600-foot-long section of the road between Sarver Lane and Mesa Rock Road as a 4.1B Major Road (four lanes of travel with a continuous center turn lane), and the balance of the road, including its intersections with Sarver Lane and Mesa Rock Road, as a 4.1A Major Road. Option B would not reclassify Deer Springs Road; the roadway would remain as a 6.2 Prime Arterial (six-lane) in the Mobility Element of the General Plan (County of San Diego 2011a). The centerline of Deer Springs Road would be realigned to ensure a minimum 750-foot turning radii along the entire alignment.

Both Option A and Option B would provide increased capacity on Deer Springs Road relative to existing conditions, although when considering level of service, only Option B would meet the County’s level-of-service standards at project buildout. As is standard, the ultimate design of the road would be subject to County final engineering review and approval, whereby the County may require minor adjustments to the design details described herein.”

Section 2.12.13 concludes that “Under Deer Springs Road Option A, Mitigation Measure **M-TR-9** would reduce **Impact TR-10** but not to less than significant, and

therefore, impacts would remain **significant and unavoidable.**” The Draft EIR also notes that, “Under Deer Springs Road Option B, mitigation measure **M-TR-9** would reduce **Impact TR-10** to **less than significant.**”

As stated in **Response to Comment O-1.2-79**, mitigation measures are identified in Section 2.13.12 of the Draft EIR, and include 18 measures that would serve to potentially reduce impacts caused by the proposed Project. The analysis was prepared in accordance with the County’s requirements for Traffic Impact Studies, as well as guidance from adjacent jurisdictions to ensure all potential impacts from the proposed Project were analyzed and disclosed.

Chapter 4.0, Alternatives, considers nine alternatives (Chapter 4.4 through 4.12) for the project Site, including 5 alternatives (Sections 4.4, 4.5, 4.10-4.14) which would reduce the total unit count and traffic volumes from the project Site. The County notes that due to the existing failing level of service experienced on Deer Springs Road without the proposed Project, the introduction of any development exceeding 200 ADT would cause impacts to Deer Springs Road and trigger widening to four lanes, as explained throughout Chapter 4.0.

- O-1.2-81** The comment states that another county project found impacts to I-15. As a result, the comment states the proposed Project’s traffic studies should analyze impacts, mitigation measures, and alternatives within a broad study area, including I-15, SR-78, Twin Oaks Valley Road, and Buena Creek Road, which could be impacted by bypass trips on Deer Springs Road. The comment states any mitigation measures should be fully funded before the project moves forward. The comment states the traffic study should also consider project funding for improvements to I-15 and SR-78.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR covers a broad study area in compliance with the County’s requirements for Traffic Impact Studies. Section 2.13.2.1, Project Study Area, of the Draft EIR explains that “The project study area was determined using the San Diego County criteria, which require an analysis of all transportation facilities that would receive 25 or more peak hour trips from the proposed project. The 25 peak-hour trip threshold is based on the combined two-way (i.e., both directions, two-way peak hour total) traffic volume of the roadway segment for either the AM or PM

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peak period.” As a result, 33 intersections, 28 roadway segments, and 21 freeway segments were analyzed, as well as two metered on-ramps.

Specific to the comment, the following segments were analyzed on Twin Oaks Valley Road and Buena Creek Road.

### Twin Oaks Valley Road

- Solar Lane to Deer Springs Road
- Deer Springs Road to Buena Creek Road
- Buena Creek Road to Cassou Road
- Cassou Road to La Cienega Road
- La Cienega Road to Windy Way
- Windy Way to Borden Road
- Borden Road to Richmar Avenue
- Richmar Avenue to San Marcos Boulevard
- San Marcos Boulevard to SR 78 WB Ramps
- SR 78 to Barham Drive/Discovery Street

### Buena Creek Road

- S. Santa Fe Avenue to Monte Vista Drive
- Monte Vista Drive to Twin Oaks Valley Road

In addition, the following Freeway Mainline Segments were analyzed:

### I-15

- Riverside County Boundary to Old Highway 395
- Old Highway 395 to SR-76
- SR-76 to Old Highway 395
- Old Highway 395 to Gopher Canyon Road
- Gopher Canyon Road to Deer Springs Road
- Deer Springs Road to N. Centre City Parkway
- N. Centre City Parkway to El Norte Parkway
- El Norte Parkway to SR 78
- SR 78 to W. Valley Parkway

- W. Valley Parkway to Auto Parkway
- Auto Parkway to W. Citracado Parkway
- W. Citracado Parkway to Via Rancho Parkway
- Via Rancho Parkway to Bernardo Drive
- Bernardo Drive to Rancho Bernardo Road
- Rancho Bernardo Road to Bernardo Center Drive
- Bernardo Center Drive to Camino Del Norte

### SR 78

- Mar Vista Drive to Sycamore Drive
- Sycamore Drive to Rancho Santa Fe Drive
- Rancho Santa Fe Drive to Las Posas Road
- Las Posas Road to San Marcos Boulevard
- San Marcos Boulevard to Twin Oaks Valley Road

Mitigation measure identified in Section 2.13.12 of the Draft EIR include thresholds by which each must measure be implemented to avoid or reduce each impact.

Relative to mitigation for impacts to mainline freeway segments, the Draft EIR discloses that for direct impacts to I-15, “No feasible mitigation exists to mitigate the project’s impact to the segment of I-15 between Deer Springs Road and Pomerado Road (Impact TR-18). Therefore, Impact TR-18 is considered significant and unavoidable.”

For cumulative impacts, Section 2.13.13.2 of the Draft EIR states:

“As it relates to the project’s cumulative impact to the segment of I-15 between Old Highway 395 and Pomerado Road (Impact TR-41), no feasible mitigation exists to mitigate the project’s impact to less than significant. Therefore, Impact TR-41 is considered significant and unavoidable.

As it relates to the project’s cumulative impact to the segment of SR 78 between Mar Vista Road and Sycamore Avenue (Impact TR-42), potentially feasible mitigation exists in the form of a fair share contribution to Caltrans for the planned improvement to add high-occupancy-vehicle (HOV) lanes in both directions on State Route 78. However, as the timing and implementation of these improvements are under the jurisdiction and control of Caltrans and,

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thereby, subject to their concurrence and approval, Impact TR-42 is considered significant and unavoidable.”

- O-1.2-82** The comment restates that the Draft EIR should consider improvements to Deer Springs Road without adding lanes to discourage cut through trips, and that instead, the County should consider a four-lane east/west connection on the project Site rather than widening Deer Springs Road to four lanes.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, please refer to **Response to Comment O-1.2-80**. Further, the County notes that Deer Springs Road is a Mobility Element Road per the County General Plan. It has been planned for six lanes through the General Plan Update.

- O-1.2-83** The comment states the General Plan update does not consider road widening as a one-size fits-all solution to congestion. The comment restates information from the Mobility Element regarding only pursuing road widening only after environmental and community character impacts are also considered.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, please refer to **Response to Comments O-1.2-80** and **O-1.2-82** regarding the Draft EIR’s Option A for keeping Deer Springs Road as a two-lane road. Please also refer to the following **Response to Comment O-1.2-84**.

- O-1.2-84** The comment states the Draft EIR should study the environmental and community impacts of expanding Deer Springs Road, including: (1) rural character, (2) grading and impacts to habitat and potential water flow, (3) blasting impacts, (4) impacts to resident south of Deer Springs Road at Mesa Rock Road, (5) safety of a high speed road, and (6) potential impacts to wildlife movement and pedestrian, bicycle, and equestrian movements across the road.

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As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR analyzes the “worst case” widening for Deer Springs Road based on the 4-lane Deer Springs Road option. Please refer to response to **Comment Letter O-1.12** for additional information regarding off-site improvements.

With respect to Community Character, please refer to **Response to Comment O-1.2-21** and see Appendix DD, Land Use Consistency Analysis, of the Draft EIR. With respect to impacts to habitat and water flows, as explained in response to **Comment Letter O-1.12**, the Draft EIR analyzed impacts assuming the widening of Deer Springs Road, thus, the analysis contained therein, including Section 2.4, Biological Resources (impacts to habitat and wildlife movement), and Section 3.2, Hydrology and Water Quality, includes the requested analysis. Similarly, impacts due to blasting are analyzed in Section 2.10, Noise, as are potential construction and operational noise impacts to residents south of Deer Springs Road. The Draft EIR considered traffic safety in Section 2.13.9.6, Traffic Hazards Analysis. Please refer to **Response to Comment O-1.2-22**.

Accordingly, the Draft EIR adequately analyzed the proposed project’s potential impacts for widening Deer Springs Road. No further response is required or necessary.

- O-1.2-85** The comment restates concerns regarding Deer Springs Road being used by motorists as a cut through between I-15 and SR78.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

The County acknowledges the comment as an introduction to comments that follow. Please see the following **Response to Comments O-1.2-86** and **O-1.2-87**.

- O-1.2-86** The comment states County General Plan Mobility Element Policy M-1.1 prioritizes travel within communities by encouraging a road network that accommodates travel



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within community planning areas than accommodating overflow traffic from State highways and freeways. The comment states the Twin Oaks Valley community should not be burdened by a widened Deer Springs Road because of congestion on I-15 and SR78. The comment states the Draft EIR should study alternatives and mitigation to maintain the areas rural character.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, it should first be noted that Deer Springs Road is a County General Plan Mobility Element Road which is designed as a 6-lane prime arterial. The proposed Project would implement improvements which are consistent with the current designation for Deer Springs Road.

Second, it should be noted that Deer Springs Road is currently operating at a failing level of service (LOS F) from Twin Oaks Valley Road to the Southbound I-15 Ramp, without the proposed Project.

The Draft EIR analyzes the proposed Project's consistency with County General Plan Policy M-1.1, which is extracted and repeated below (from Appendix DD, Land Use Consistency Analysis):

M-1.1 Prioritized Travel within Community Planning Areas. Provide a public road network that accommodates travel between and within community planning areas rather than accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands.	The proposed project provides a public road network that accommodates travel between and within community planning areas rather than accommodating overflow traffic from state highways and freeways that are unable to meet regional travel demands. Specifically, the project proposes a network of roads, pedestrian trails, and bicycle pathways to link the project's seven neighborhoods and provide alternatives to single vehicle trips. The project also proposes off-site improvements to Deer Springs Road and Twin Oaks Valley Road (that portion within the City of San Marcos). The project proposes two options for Board of Supervisors' consideration for the improvements to Deer Springs Road between Sarver Lane and Mesa Rock. Option A would widen and upgrade Deer Springs Road to a two-lane Community Collector Road. Option B would widen and improve this same segment of Deer Springs Road to a four-lane Major Road. Both of these Options would improve the capacity of Deer Springs Road, both Options include bike lanes and a 10-foot-wide multi-use pathway along the road to accommodate alternative modes of transportation not accommodated today along the road, including bicyclists, walkers, joggers, and horseback riding, and both Options have been designed to substantially follow the existing alignment of the road to minimize impacts to biology, the existing natural terrain surrounding the road, and existing residences and properties along the road. Under both of these options, the other portions of Deer Springs Road would be widened and improved consistent with the County's four-lane Major Road standard and include the same bicycle and multi-use pathway improvements connecting all the way into the City of San Marcos.
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Please also refer to **Response to Comment O-1.2-80** regarding mitigation measures for Deer Springs Road.

**O-1.2-87** The comment states that General Plan policy M-2.1 describes situations where the County may accept failing levels of service to achieve other General Plan goals. The comment states that the Policy allows for such justification when widening is the result of accommodating traffic due to congestion on state freeways and highways, and when road widening would cause environmental impacts and impacts to cultural resources due to grading. The comment states that in addition to County General Plan Policy M-2.1, SANDAG's RTP/SCS includes a policy of keeping freeway to freeway trips on freeways and off local roads. The comment concludes it would be inconsistent for the County to approve a project which "funnels traffic onto surface streets and requires their widening to accommodate increased traffic." The comment finally expresses the commenters opinion that the environmentally superior alternative would be to accommodate bypass traffic using improvements on I-15 and SR-78 corridors, which the commenter suggests would also assist in meeting GHG reduction goals in SANDAGs SCS.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, it should first be noted that Deer Springs Road is a County General Plan Mobility Element Road which is designed as a six lane prime arterial. The proposed Project would implement improvements which are consistent with the current designation for Deer Springs Road.

Second, it should be noted that Deer Springs Road is currently operating at a failing level of service (LOS F) from Twin Oaks Valley Road to the Southbound I-15 Ramp, without the proposed Project.

The Draft EIR analyzes the proposed Project's consistency with County General Plan Policy M-2.1, which is extracted and repeated below (from Appendix DD, Land Use Consistency Analysis):

M-2.1 Level of Service Criteria. Require development projects to provide associated road improvements necessary to achieve a level of service of "D" or higher on all Mobility Element	The proposed project requires associated road improvements necessary to achieve a level of service of "D" or higher on all roadways except for those where a failing level of service has been accepted by the County. However, the proposed project requires feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program.
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<p>roads except for those where a failing level of service has been accepted by the County pursuant to the criteria specifically identified in the accompanying text box (Criteria for Accepting a Road Classification with Level of Service E/F). When development is proposed on roads where a failing level of service has been accepted, require feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program, consistent with the Mobility Element road network.</p> <p>Refer to the Background Material section (Road Segments Where Adding Travel Lanes is Not Justified) at the end of this chapter for list of road segments accepted to operate at LOS E/F.</p>	<p>To demonstrate consistency with this goal, project-related traffic modeling indicates that the levels of service (LOS) for Deer Springs Road would be acceptable save for the center two-lane segment, following construction of the east and west legs of Deer Springs Road to four lanes and keeping the center leg between Mesa Rock Road and Sarver Lane as a 2.1B Community Collector with Continuous Turn Lane (Option A). The center two-lane segment would remain at its current failing level of service during peak hours, as it is today. However, a reduction in cut-through trips may occur since traffic on I-15 may be discouraged from using Deer Springs Road during peak hours because of the constrained capacity of the two-lane segment of Deer Springs Road. Option A reduces environmental impacts (biological resources, cultural resources, aesthetics) and preserves of the rural character of this segment. Option A would require a Mobility Element reclassification of Deer Springs Road. This approach is consistent with General Plan Goal M-2 (and, more specifically, Policy M-2.1), which addresses roadways where adding capacity can induce additional traffic and growth.</p> <p>Were the project to be approved under Option A, a portion of Deer Springs Road would continue to operate at LOS F.</p>
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With respect to SANDAG's RTP/SCS, the County notes the selected language refers to arterials "typically" being used for shorter trips; however, as noted above, Deer Springs Road is an identified 6-lane prime arterial in the County General Plan Mobility Element. Implementation of either Option A (two lanes) or Option B (four lanes) would be consistent with this designation. Further, the Draft EIR analyzes the proposed Project's consistency with this plan in Section 2.7.3.2 and determines the proposed project would have a less than significant impact.

**O-1.2-88** The comment states that widening Deer Springs Road would require additional right-of-way acquisition which may result in a "taking" of adjacent property and require the County to compensate property owners. The comment states the EIR should analyze the impacts to local property owners due to the potential for condemnation for expanding Deer Springs Road.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the County acknowledges the comment and notes it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County refers the commenter to **Response to Comment Letter O-1.12** regarding off-site improvements, as well as **Response to Comment O-1.2-80**,

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above, regarding Options for improvements to Deer Springs Road. The County further notes that Deer Springs Road is designated as a Six Lane Prime Arterial in the County General Plan Mobility Element, and as such is considered an Essential Public Facility. The County has a process with which the applicant must comply before the County would consider condemnation, including making a fair offer for acquisition based on an appraisal.

Regarding the potential for conversion to other uses, the commenter is referred to **Response to Comment O-1.2-78**.

- O-1.2-89** The comment states the County should implement measures to reduce speeds on Deer Springs Road. The comment states the Draft EIR should study alternatives and mitigation measures that maintain Deer Springs Road as two lanes.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the Draft EIR considered traffic safety in Section 2.13.9.6, Traffic Hazards Analysis, including safety on Deer Springs Road. Please refer to **Response to Comment O-1.2-22**.

Further, please refer to **Response to Comment O-1.2-80**, above, regarding mitigation measures and alternatives to maintain Deer Springs Road as two lanes. As stated in **Response to Comment O-1.2-80**, due the existing failing level of service experienced on Deer Springs Road without the proposed Project, the introduction of any development exceeding 200 ADT would cause impacts to Deer Springs Road and trigger widening to four lanes, which is explained throughout Chapter 4.0.

- O-1.2-90** The comment states Caltrans is development a Project Study Report (PSR) for the Deer Springs Road/I-15 interchange. The comment states the County should analyze the impacts of all alternatives proposed in the PSR, as well as additional mitigation measures and alternatives not included in the PSR.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared Draft EIR. The County will include the comment as part of

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the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, the County notes the PSR being processed by Caltrans for the Deer Springs Road/I-15 Interchange has not been completed. Further, the Draft EIR analyzed the potential impacts of the Deer Springs Road/I-15 Interchange to the extent possible as required by CEQA. As stated on Page 2.1-1 of the Draft EIR:

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. (emphasis added)

Based on comments received from Caltrans during the public review period and further discussions between the County and Caltrans staff, the discussion of the I-15/Deer Springs Road interchange improvements has been revised in the FEIR. Please see the Final EIR.

The County further notes that because the freeway interchange is not within the County's jurisdiction, the County cannot ensure its implementation, thus, impacts related to the interchange were determined to be **significant and unavoidable**.

**O-1.2-91** The comment states that the Draft EIR should study transit options because the project Site is located in an area that lacks transit infrastructure; and that the project

should take a “transit-first” approach to transportation. The comment restates information/ comments provided in Comment O-1.2-41. The comment also notes that the project, if approved, should only be allowed to proceed after constructing planned transit facilities to ensure that the project’s added impacts and increased emissions are mitigated or avoided.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, regarding the “transit-first” approach to transportation, the County notes the proposed Project includes a Transportation Demand Management Program (TDM Program, see PDF-1 through PDF-20, restated below), which was determined to result in a reduction in GHG emissions by 11.1%.

### Land Use Strategies

Land use strategies consist of land use diversity (mixed-use) and supporting design features that encourage residents/employees to walk, bike, or take transit within the project:

- PDF-1** Provide a mix of land uses, including residential, commercial, educational, and parks, so that residents of the project have access to basic shopping, school, and recreation opportunities without having to travel outside of the project Site. This would lower vehicle miles traveled because residents can use alternative transportation modes to reach the various land uses available within the Site.

### Commute/Travel Services for Residents

Commute and travel strategies would provide residents with travel options other than private automobile trips to destinations inside and outside of the project Site:

- PDF-2** Develop a comprehensive trail network designed to provide multi-use trails between the various project components, land uses, parks/open spaces, school, and the Town Center. The trails network would provide connections to the various recreational trails and multi-modal facilities accessing the project Site. Additionally, the loop road includes 5-foot-wide bike lanes on both sides of the roadway.

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- PDF-3** Provide bicycle racks along main travel corridors, adjacent to commercial developments, at public parks and open spaces, and at retail and multi-family buildings within the project Site.
- PDF-4** Implement an electric bike-share program to further link the project neighborhoods to one another and to reduce motorized vehicle trips. The bike share program includes the placement of eight kiosks throughout the Community. Electric bikes can be taken from one kiosk and left at another to promote sustainable transportation between planning areas. It is anticipated that each kiosk will contain 10 to 20 electric bikes.
- PDF-5** Coordinate with a car-share organization to install three car-share stations with one car each (for a total of three cars) in the commercial area of the project Site, available to residents on an on-demand basis.
- PDF-6** Coordinate a ride share or shuttle system that connects the various project neighborhoods to the Town Center and to external transit facilities and resources such as the park-and-ride lots and the Escondido Transit Center.
- PDF-7** Coordinate with the San Diego Association of Governments (SANDAG) iCommute program for carpool, vanpool, and rideshare programs that are specific to the project's residents.
- PDF-8** Promote the adjacent park-and-ride lots at the northeast quadrant of the Deer Springs Road/Mesa Rock Road intersection and at the northwest quadrant of the Deer Springs Road/Old Highway 395 intersection to residents to encourage carpooling.
- PDF-9** Provide transit subsidies for residents.
- PDF-10** Promote available websites providing transportation options for residents.
- PDF-11** Create and distribute a "new resident" information packet addressing alternative modes of transportation.
- PDF-12** Promote a transportation option app for use on mobile devices.
- PDF-13** Coordinate with NCTD and SANDAG about future siting of transit stops/stations at the adjacent park-and-ride lots.

### Commute Services for Employees

Commute strategies would allow employees at the Town Center and other employers within the project Site to travel to work by means other than private auto:

- PDF-14** Provide transit subsidies for employees of the project's Town Center.
- PDF-15** Promote available websites providing transportation options for businesses in the Town Center.
- PDF-16** Promote the adjacent park-and-ride lots to employees to support carpooling.
- PDF-17** Implement a demand-responsive shuttle service that provides access throughout the project Site, to the park-and-ride lots, and to the Escondido Transit Center.
- PDF-18** Coordinate with SANDAG's iCommute program for carpool, vanpool, and rideshare programs that are specific to the project's employees.
- PDF-19** Coordinate with NCTD and SANDAG on the future siting of transit stops/stations at the adjacent park-and-ride lots.

### Transportation Coordinator

- PDF-20** To ensure that the TDM Program strategies are implemented and effective, a transportation coordinator (likely as part of a homeowner's association (HOA)) would be established to monitor the TDM Program, and would be responsible for developing, marketing, implementing, and evaluating the TDM Program.

As noted in PDF-6, the TDM includes a "ride share or shuttle system that connects the various project neighborhoods to the Town Center and to external transit facilities and resources such as the park-and-ride lots and the Escondido Transit Center," as suggested by the comment. As provided by PDF-20, implementation of the TDM Program is ensured through the designation of a transportation coordinator to monitor the TDM Program, and who would be responsible for developing, marketing, implementing, and evaluating the TDM Program to ensure the metrics identified in Appendix R3 of the Draft EIR are being achieved.

Regarding the suggestion that the proposed project must construct and/or contribute to planned transit facilities to ensure the project's added trips are mitigated, the County refers the reader to Section 2.13.12, Mitigation Measures, which identify the



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appropriate triggers by which identified traffic improvements are required to avoid or reduce traffic impacts. Further, the County refers the commenter to Section 2.7.6, Mitigation Measures, which identifies the process through which Greenhouse Gas Emissions impacts are mitigated. As noted in M-GHG-1 and M-GHG-2, mitigation is required prior to actual GHG impacts occurring because construction-related emissions are mitigated prior to the issuance of a grading permit, and operational emissions are mitigated at the time a Site Plan is prepared and submitted, in advance of actual construction and habitation of project residences. Thus, the Draft EIR does include mitigation measures which would avoid or reduce the proposed Project's traffic impacts as requested by the NOP comment letter. No further response is required or necessary.

**O-1.2-92** The comment states the Traffic analysis should be analyzed using both LOS and VMT criteria.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Nonetheless, the commenter is referred to Section 2.13, Transportation and Traffic. Specifically, Section 2.13.9 analyzes the proposed Project's traffic impacts using LOS and identifies 45 potentially significant impacts using the LOS criteria. Section 2.13.10, VMT Analysis, analyzes the proposed Project's impacts based on vehicle miles travels and identifies three impacts (TR-46 through TR-48). Thus, the Draft EIR analyzes both LOS and VMT as requested by the NOP Comment Letter. No further response is required or necessary.

**O-1.2-93** The comment states that Vallecitos Water District (VWD) will provide water and wastewater services to the proposed Project. The comment states that additional study is required and that the Draft EIR should analyze impacts to water and wastewater services, including potential impacts to other users in the VWD service area.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

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Nonetheless, water and wastewater services are analyzed in Section 2.14 of the Draft EIR. As analyzed in Section 2.14.1, direct and cumulative impacts to water services were determined to be less than significant. However, four mitigation measures (M-UT-1 through M-UT-4) were identified to ensure the impact to water services remain less than significant over the buildout of the proposed Project. Section 2.14.2 analyzed impacts to wastewater services and determined both direct and cumulative impacts were less than significant. Thus, the Draft EIR analyzes impacts to water and wastewater services as requested by the NOP Comment Letter. No further response is required or necessary.

- O-1.2-94** The comment summarizes that the proposed Project would increase the density of the project Site and poses connectivity issues that could affect a broad geographic area, and raises policy issues that could alter the County's General Plan. The comment states the Draft EIR should require a broad analysis of potentially significant impacts. The comment concludes that the Golden Door has proposed four distinct alternatives for analysis (Comments O-1.2-7, 10, 13, and 14) and encourages analysis of additional alternatives and mitigation measures to mitigate or avoid impacts.

As stated in **Response to Comment O-1.2-2**, at the time the NOP comments were submitted, the Draft EIR had not yet been prepared; and, thus, the NOP comments could not and do not raise concerns with regard to the adequacy of the information presented in the prepared 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.

Please refer to the above responses. The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

- O-1.2-95** The comment thanks the County for its review of the comments and provides contact information. The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

### O-1.3 L&W Attachment 3

**O-1.3-1** The comment is a transcript from the July 18, 2017 County public meeting on the Draft EIR for the proposed project. The comments are submitted on behalf of the Golden Door for the County's consideration and response. The County acknowledges the comment as an introduction to comments that follow. 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-1.3-2** The comment introduces several County staff in attendance at the public meeting. The comment thanks those in attendance for their participation. The comment describes the process the public meeting will follow, and notes that spoken comments would not be considered formal comments on the Draft EIR. The comment states that the County only accepts written comments on EIR's, and that the public comment period closes on August 14, 2017, at 4:00 PM. The comment states the Draft EIR and technical reports are available on the County's website, as well as the San Marcos and Vista county libraries, and the County office. The comment walks through the process for the project, including the public review comment period, response to comments, revisions to the Draft EIR, and preparation of the Final EIR, the recirculation process, and then the public hearing process including the Planning Commission and Board of Supervisors. The comment states individuals can be added to a contact list for all future notices and meetings. The comment notes that there will be other opportunities to provide input on the project, including at the public hearings. The comment states the schedule for the project anticipates Planning Commission hearing in the first quarter of 2018 and Board of Supervisors in 2<sup>nd</sup> quarter 2018, but notes that schedule is only a forecast and could change.

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

**O-1.3-3** The comment provides a description of the proposed project, noting the location of the project site in the North County Metropolitan Subregional Plan Area, Bonsall Community Plan Area and communities of Twin Oaks and Hidden Meadows. The comment states the project site is 1,985 acres and proposes 2,135 units, consisting of 1,140 single family homes and 995 multi-family homes. The proposed project also includes 81,000 square feet of commercial uses, 36 acres of public and private parks, 1,209 acres of biological open space, and a six-acre school site. Access is provided at Sarver Lane and Mesa Rock Road off Deer Springs Road. An additional access is

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provided at Camino Mayor. Services would be provided by Vallecitos Water District (VWD), Deer Springs Fire Protection District. The proposed project includes a General Plan Amendment, Re-Zone, Specific Plan, Tentative Map and an EIR.

The County notes the comment provides factual background information about the proposed project 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-1.3-4** The comment states the Draft EIR identified six significant and unmitigated impacts for which there are no feasible mitigation measures, including impacts to Aesthetics, Air Quality, Mineral Resources, Noise, Population and Housing, and Traffic. The comment explains because there are significant, unmitigated impacts, the Board of Supervisors will have to adopt a statement of overriding considerations. The comment states the Draft EIR considers nine alternatives based on reducing significant impacts and attaining most of the project objectives. The comment states the alternatives include a No Project Alternative, the Existing General Plan Alternative, three Newland Sierra Parkway alternatives, a Multi-Family Town Center Alternative, and Three United State Fish and Wildlife Services/California Department of Fish and Wildlife Alternatives.

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

- O-1.3-5** The comment lists the first five speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-6** The comment states (Paul Warren) the commenter achieved his childhood dream and purchased land “a year and a half ago.” The commenter states he believes the community has forgotten the debt we owe our children’s children and allowing them to achieve the same dreams. The commenter states the proposed project is good for economic growth, creates jobs, and allows people to have a home. The commenter questions how people can afford rent in San Diego and noted homeless encampments.

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The comment concludes that building more development projects is needed in San Diego and the proposed development is a good thing for San Diego.

The County notes that the comment expresses general support for the project, but does not raise any issue concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

- O-1.3-7** The comment states (Georgann Higgins) the commenter disagrees with the proposed project's position on sound walls. The comment notes the noise measurements were taken in September, 2014 and noise levels exceeded 67 decibels, which the comment notes is Caltrans criteria for installing a sound wall. The comment suggests if the noise measurements were "more current," there would be an increase in sound at all levels. The comment restates information from the U.S. Department of Transportation about the effectiveness of sound walls.

The County does not concur with the comment. The Noise Technical Report (Appendix Q to the Draft EIR) was prepared in accordance with the County's *Content and Format Requirements for Noise Impact Reports*. Representative noise measurements were taken to calibrate the noise modeling software used to project future noise levels based on future traffic levels. Figure 9 and Table 14 of Appendix Q show the location of off-site, modeled noise receivers along Deer Springs Road and the corresponding noise levels at these locations under Existing and Project conditions. Based on the analysis in Appendix Q, locations where future year sound levels exceed County standards were identified at receivers O5, O11, and O12. **Section 2.10.7.4** of the Draft EIR concludes:

"Noise level increases attributable to the proposed project along Deer Springs Road at Receivers O5, O11 and O12 would be 3 to 4 dBA CNEL with the Deer Springs Road Option B configuration (Impact CUM-N-1). Several methods and measures are available to reduce traffic noise, such as noise barriers, road surface improvements, regulatory measures (such as lower speed limits), and traffic-calming devices (such as speed bumps). However, none of these measures are considered feasible. For example, assuming noise barriers could be constructed entirely within the County's right-of-way, such barriers may not be effective due to the need to provide driveways and other access points, which would limit the continuity, and effectiveness, of the barrier. Additionally, constructing noise barriers on private property would be effective, although residents may not approve of such for various reasons; however, there are both liability and long-term maintenance concerns that would need to be addressed. For these reasons, noise barriers are considered infeasible."

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Please further responsive information, please see **Response to Comment Letter O-1.15**, specifically **Response to Comment O-1.15-12**.

The comment also states the Draft EIR finds impacts to noise, air quality, all forms of pollution, water availability and fire hazard are “less than significant” or “not significant” but states that while these may be the findings of the Draft EIR, residents are “left with the after effects” which is the downside to “overdevelopment.”

The County does not concur with this comment. As noted in **Response to Comment O-1.3-3**, the Draft EIR finds significant, unavoidable impacts to air quality and noise. Further, the Draft EIR finds additional impacts and proposes appropriate mitigation for air quality, noise, and fire hazard impacts.

The comment addresses general subject areas, (noise, air quality, all forms of pollution, water availability and fire hazard), which received extensive analysis in Sections 2.3, Air Quality, 2.8, Hazards and Hazardous Materials, 2.10, Noise, 2.14 Utilities and Service Systems, and 3.5, Public Services, in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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-1.3-8** The comment states (Joan Slovenski) the commenter cannot see the density that is being proposed working on the project site. The commenter states the homes are not going to be affordable due to the cost of infrastructure to serve the project site. The commenter states the community will be affected by the density and that it’s “hard enough to come down Twin Oaks anyway” and questions if widening the road will “solve the problem.”

The County acknowledges the comment regarding traffic on Deer Springs Road and directs the commenter to Appendix R, Traffic Impact Study, as well as Section 2.13, Transportation and Traffic. The Draft EIR concludes in Section 2.13.13:

Mitigation Measure **M-TR-11** would mitigate the project’s impact to the segment of Twin Oaks Valley Road from Deer Springs Road to Buena Creek Road (**Impact TR-12**) to less than significant. However, because the improvements are under the jurisdiction and control of the City of San Marcos and, thereby, subject to their concurrence and approval, **Impact TR-12** is considered **significant and unavoidable**.

Mitigation Measure **M-TR-5** would mitigate the project’s impact to the segment of Twin Oaks Valley Road from Buena Creek Road to Cassou Road

(**Impact TR-13**) to less than significant. However, because the improvements are under the jurisdiction and control of the City of San Marcos and, thereby, subject to their concurrence and approval, **Impact TR-13** is considered **significant and unavoidable**.

With respect to the comment regarding density of the project, the comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically Section 2.12, Population and Housing and Section 3.3, Land Use and Planning. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

With respect to the comment regarding affordability and cost of infrastructure, the raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

**O-1.3-9** The commenter states (Mark Seebeck) Champagne Village is downwind of “everything this development is going to put in the air.” The commenter questions the proposed project’s water usage and states that it’s estimated that 36% conservation will be needed. The commenter restates the traffic totals from the project. The comment restates information regarding the findings on cancer risk, noting the Town Center site will exceed SDAPCD thresholds. The commenter states the construction activity will emit particulate matter and that people who live downwind are already susceptible to respiratory infections and disease.

The County notes that the comment restates and addresses general subject areas, which received extensive analysis in the Draft EIR. Specifically, air quality impacts, including cancer risk, are analyzed in Section 2.3, Air Quality; traffic is analyzed in Section 2.13, Transportation and Traffic; water supply and conservation are analyzed in Section 2.14, Utilities and Service Systems. Please refer to **Topical Responses AQ-1** through **AQ-3** for further responses regarding air quality emissions as a result of project construction. For responsive information regarding water supplies, please see **Topical Response UTL-2: Reduction in Water Consumption for Existing Residents**.

The comment does not raise any specific issue regarding the Draft EIR analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

**O-1.3-10** The commenter states (Greg Laurtin) the proposed project air quality emissions will exceed the applicable significance thresholds, including carbon monoxide, nitrogen oxide, and PM10. The comment notes that one of the mitigation measures is for the Air Pollution Control District to change the State Implementation Plan and Air Quality Strategy. The commenter states this is not something APCD “is looking forward to” and that it is “not something that they can accommodate in the time frame” of the proposed project. The comment expresses concern that the Draft EIR did not address criteria pollutants for increased traffic on I-15.

With respect to the Regional Air Quality Strategy and State Implementation Plan, the County notes M-AQ-1 (restated below) only requires the County to prepare a revised population, employment, and housing forecast for SANDAG. Updating either the SIP or RAQS is not required by the County. As noted in Section 2.3.5.1 of the Draft EIR, “[a]lthough coordination with SANDAG and the SDAPCD would be initiated, the proposed project would not be in conformance with the RAQS and SIP until population growth and associated trip generation is incorporated into the next update to the RAQS.” Therefore, the Draft EIR concludes that because “[i]t is unknown at this time when this update would occur, as the update is not within the control of the County of San Diego or the project applicant; therefore, impacts would remain **significant and unavoidable** following implementation of M-AQ-1.”

**M-AQ-1** Prior to SANDAG’s next update to the Regional Housing Needs Assessment, the County of San Diego shall prepare a revised population, employment and housing forecast for SANDAG that reflects anticipated growth generated from the proposed project. The updated forecast provided to SANDAG shall be used to inform the SDAPCD update to the Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP). The County of San Diego also shall prepare and submit a letter notifying the SDAPCD of this revised forecast for use in the future update to the RAQS and SIP as required.

With respect to the exclusion of traffic on Interstate 15 from the air quality analysis, the County does not agree with this comment. The Health Risk Assessment for the proposed project analyzes the impacts of I-15 on the project site, and, as noted in the Comment, Section 2.3.5.3 determined:

“the school site (analyzed under a 9-year exposure scenario) would be exposed to a maximum cancer risk of approximately 4.2 in 1 million, and project residents located closest to I-15, under a 30-year exposure scenario, would be exposed to a maximum cancer risk of 26.4 in 1 million. The 70-year



and 9-year cancer risk on project residents was estimated to be 31.1 and 18.8 in 1 million, respectively. As illustrated in Figure 2.3-1, Cancer Risk: 30-Year Exposure on Residential Receptor Locations, only residents located in the northeast and southeast corners of the Town Center residential area would be exposed to potentially significant cancer risk impacts (greater than 10 in 1 million) (Appendix G). Estimated cancer risk on other residential units would be below the threshold of significance.

In summary, the cancer risk at the proposed project's school site would not exceed the SDAPCD threshold of 10 in 1 million; however, the cancer risk in the northeast and southeast corners of the proposed project's Town Center residential area would exceed the SDAPCD significance thresholds and impacts would be **potentially significant (AQ-6)**.

Mitigation Measures M-AQ-13 through M-AQ-17 would apply to residential units and buildings located in the Town Center that are identified as having a risk factor of 10 in 1 million or higher, as illustrated in Figure 2.3-1, Cancer Risk: 30-Year Exposure on Residential Receptor Locations. These mitigation measures include:

- installing high-efficiency return air filters on all heating, ventilation, and air conditioning (HVAC) systems,
- locating air intake vents on the residential buildings such that they do not face Interstate 15 (I-15) and are as far from I-15 as practicable,
- having a County of San Diego–approved, ASHRAE-certified specialist verify the implementation of the installation of high-efficiency air filtration systems on return vents prior to occupancy of residential units,
- openable doors and windows shall be located on building faces that do not face Interstate 15. All windows facing Interstate 15 shall be fixed in place and not openable,
- no playgrounds, benches, or other passive or active activity areas shall be located in the risk-impacted northeastern and southeastern corners of the Town Center, in order to limit outdoor activities and exposure, and
- installation of tiered vegetative landscaping is encouraged, including the installation of evergreen trees between Interstate 15 and the Town Center residential units

With implementation of these measures, the proposed project would, “reduce the maximum cancer risks at the residential point of maximum impact to 9.1 in 1 million, which is below the threshold of significance.” (Draft EIR, p. 2.3-55)

The County notes the rest of the comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The

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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-1.3-11** The commenter introduces the next five speakers. The County acknowledges the comment as an introduction to comments that follow. 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-1.3-12** The commenter (Kim Holmes) asks, “[h]ow does the Draft EIR take into account existing development in the area, and also how would they interact with Newland Sierra.”

The County notes that the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

Nonetheless, the County directs the commenter to Section 1.3, Project Location, and Section 1.4, Environmental Setting, of the Draft EIR. As explained on page 1-27:

“Surrounding land uses north, west, and south of the Site include single-family and semi-rural residential development, including small farms and ranches. Many of the prominent ridges and valleys surrounding the Site are developed with existing homes. Lawrence Welk Village, Champagne Village, and the community of Hidden Meadows are located to the east of the project Site, across I-15. South of the Site is the Deer Springs Oak Mobile Home Estates, Golden Door Luxury Resort and Spa (owned and operated by Golden Door Properties LLC), and residential development along the border of the city of San Marcos and the unincorporated portion of the County of San Diego, as shown in Figure 1-37, Aerial Map and Surrounding Land Uses. “

Each subsequent section of the Draft EIR (Section 2.1 through 2.14 and Section 3.1 through 3.5), include a description of Existing Conditions applicable to each impact analysis. Further, each EIR section includes a cumulative analysis, which analyzes the potential cumulative impacts of the proposed project in combination with other projects. See Figure 1-46, Cumulative Projects Map, and Table 1-10 for a record of the cumulative projects analyzed as part of the Draft EIR.

**O-1.3-13** The commenter (Mark Slovick) explains how the County considers existing development. The comments notes the analysis considers existing development as part of the baseline conditions. The commenter uses traffic as an example. The

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commenter requests if the response was not clear that the question be further explained in writing.

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

**O-1.3-14** The commenter (Tony Eason) states the project site is located in a very high fire hazard severity zone. The commenter states that the main thing that causes fire is people and the proposed project would add over 6,000 new residents. The commenter states the Draft EIR does not include an approved emergency evacuation plan. The commenter states the proposed project includes an evacuation plan, but that the preparer “admits it’s not a good plan, it might not work in a county-wide emergency.” The comment states the evacuation plan doesn’t account for emergency vehicle ingress during an evacuation. The comment states that evacuating traffic is dumping...on a failing road...and a failing freeway, I-15. The comment states this happened in 2007. The commenter ends by suggesting a new, four lane road through the project site that outlets further north on the I-15 to bypass the Deer Springs Road/I-15 interchange.

The County does not concur with the comment. As the comment states, a Wildland Fire Evacuation Plan has been prepared for the proposed project (see Appendix N-2 to the Draft EIR). Appendix N-2 notes on page 2:

“It must be recognized that wildfire and other emergencies are often fluid events and that the need for evacuations are typically determined by on-scene first responders or by a collaboration between first responders and designated emergency response teams, including Office of Emergency Services and the Incident Command established for larger emergency events. As such, and consistent with all emergency evacuation plans, this Emergency Evacuation plan is to be considered a tool that supports existing pre-plans and provides for citizens who are familiar with the evacuation protocol, but is subservient to emergency event-specific directives provided by agencies managing the event.”

Appendix N-2 describes the roadway network and reasonably foreseeable evacuation routes (see Appendix N-2, Section 4.0). The Wildand Fire Evacuation Plan explains that “[f]ire and law enforcement officials will identify evacuation points before evacuation routes are announced to the public. Evacuation routes are determined

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based on the location and extent of the incident and include as many pre-designated transportation routes as possible” (page. 18).

Section 4.2 of Appendix N-2 describes the roadway capacities and maximum evacuation time estimate. As explained in Section 4.2:

“...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, 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.”

The Wildland Fire Evacuation Plan notes these times may be longer if traffic flow is not maintained.

Evacuation is further analyzed in Section 2.8 of the Draft EIR. Section 2.8.3.1, Wildfire Hazards, states that the Wildland Fire Evacuation Plan “it does not conflict with existing evacuation and pre-plans... [and] does not interfere with the countywide Operational Area Emergency Plan, as it was reviewed by County staff to ensure consistency with other applicable/overlapping emergency plans.” Further, “the Newland Sierra Homeowner’s Association (HOA) would provide ongoing resident education outreach regarding wildfire safety, the “Ready, Set, Go!” pre-planning model, and the project’s FPP requirements...[and] would coordinate with DSFPD regarding wildfire educational material/programs before printing and distribution” (Draft EIR, p. 2.8-20).

Section 2.8.3.3 determines that, “[t]he evacuation plan has been prepared in coordination with the County” and “it does not conflict with existing evacuation and operational pre-plans.” Further, the Draft EIR finds “[t]he evacuation plan is consistent with the policies, guidance, and procedures of the Unified San Diego County Emergency Services Organization, the County of San Diego Operational Area Emergency Plan, Annex Q – Evacuation, and the County Multi-Jurisdictional Hazard Mitigation Plan.” Based on the analysis in the Draft EIR and record, impacts related to Emergency Response Plans are considered less than significant.

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**O-1.3-15** The commenter (Karen Benz) states traffic, dust, noise, blasting, rock crushing, silica dust, bad air during the 10 to 15 years on construction. The commenter states traffic is bad now, and suggests it will be worse during the construction phases. The comment restates information from the Draft EIR regarding the expected project population (6,063), amount of rock crushing (5,650 tons per day), duration of grading 244 weeks or 1,464 working days, and blasts every two to three days.

Regarding the construction impacts, please refer to **Topical Responses AQ-1 through AQ-3, and NOI-1**. Regarding construction traffic, the Draft EIR analyzes construction traffic in Section 2.13.9.1. PDF-39 requires the preparation of a Traffic Control Plan (TCP), which would incorporate the following measures:

- During peak periods of construction activity, construction shifts shall be staggered to the extent feasible such that worker and contractor arrivals and departures from the project Site avoid the peak hours of the day (i.e., arrive by 7:00 a.m. and leave by 4:00 p.m.).
- The TCP shall identify delivery vehicle routes for all vehicles delivering materials and equipment to the project Site or off-site work zones. Unless directed otherwise by the Director of Public Works, heavy trucks and the delivery of heavy equipment shall use the nearest interchange and/or arterial road (e.g., the Deer Springs Road/I-15 interchange) to gain access to and from the project Site and off-site construction zones. To the extent feasible, the delivery of materials and equipment shall occur outside the AM and PM peak hours of traffic.
- In off-site construction zones, where possible, construction vehicles, contractors, and workers shall remain confined to active work areas for movement throughout the construction zone to minimize impacts on those portions of the road that remain open to through traffic.
- Vehicular access to nearby communities shall be maintained at all times. To the extent feasible, one lane in each direction on all roadways subject to construction shall remain open at all times. In the event that temporary lane closures require that only a single lane can be open for traffic in both directions, such a condition shall be limited to off peak hours and temporary traffic signals/stop lights and flaggers shall be used as a traffic control measure.
- Where applicable, the TCP shall include traffic control measures specific to each phase or sub-phase of work associated with the improvements.
- The TCP shall identify sufficiently sized staging areas and construction worker parking areas. Construction worker parking along off-site roads

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(outside of designated construction worker parking areas as described in the TCP) shall be prohibited.

- Construction activities requiring travel on local roads, including worker commute trips, shall be limited to off-peak hours to the extent possible.
- Temporary traffic signals/stop lights, if necessary, shall be installed in the event traffic volumes and safety concerns warrant such an installation.
- Signage for advance noticing of pending major construction activities or any temporary lane closures shall be placed along affected roadways in accordance with the Traffic Control Plan at least two weeks prior to the start of construction.
- The disruption of use for any pedestrians and/or bicyclists along the affected roadway shall be limited to the extent feasible. Wherever possible, along roads with existing sidewalk improvements, safe, through pedestrian access shall be maintained on one side of the affected roadway at all times. Temporary closures of pedestrian access along both sides of a roadway shall be noticed at least two weeks in advance. Permanent pedestrian access improvements shall be constructed as soon as is feasible in the construction process.

The Draft EIR concludes that impacts due to construction traffic would be less than significant (Draft EIR, page 2.13-63).

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

**O-1.3-16** The commenter (Michael McIntyre) states there are homes within 50 feet of Deer Springs Road. The commenter states the existing traffic volume of 19,000 on Deer Springs Road, and notes there is congestion in the afternoon. The County notes this is an existing condition and not part of the proposed project.

The commenter restates information from the Draft EIR regarding CO hotspots and states the proposed project is directly across the street from residences, and that the air quality will be affected, especially during construction when Deer Springs Road is flag-controlled as a one-lane roadway. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Nonetheless, CO hotspots are analyzed in the Draft EIR in Section 2.3.5.3, from pages 2.3-45 to 47. The intersection of Deer Springs Road and Mesa Rock Road were not determined to meet the criteria

for performing a CO hotspot analysis due to the expected level of service; however, eight other intersections, including Deer Springs Road and the I-15 SB Ramps were evaluated. As determined in the Draft EIR:

“[t]he maximum CO concentration predicted for the 1-hour averaging period at the studied intersections would be 4.9 ppm, which is below the 1-hour CO CAAQS of 20 ppm (CARB 2016b). The maximum predicted 8-hour CO concentration of 3.43 ppm at the studied intersections would be below the 8-hour CO CAAQS of 9.0 ppm (CARB 2013). Neither the 1-hour nor 8-hour CAAQS would be equaled or exceeded at any of the intersections studied. Accordingly, the project would not cause or contribute to violations of the CAAQS and would not result in exposure of sensitive receptors to localized high concentrations of CO. As such, impacts would be less than significant to sensitive receptors with regard to potential CO hotspots resulting from project contribution to cumulative traffic-related air quality impacts, and no mitigation is required.

For these reasons, construction-related traffic is not expected to impact local intersections and cause an exceedance of the CO CAAQS. Impacts would be **less than significant.**”

Please further see Table 2.3-19 for the specific results of the CO hotspot modeling analysis.

**The commenter also states that silica dust is carcinogenic. The County refers the reader to Topical Response AQ-2.**

Lastly, the commenter states the developer doesn’t want to build a sound retaining wall or wall of protection for residents. The County notes the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

- O-1.3-17** The commenter (Alan Rings) states the proposed project has done a good job of developing amenities inside the project but has not considered impacts “on the rest of the area.” The commenter states the project will double the number of people living from SR-78 to SR-76 along I-15.

The commenter states the traffic plan is “miserable” because all project traffic is directed to Deer Springs Road. The commenter suggest the project should be revised

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to provide two roads to Gopher Canyon Road. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR.

The commenter states the project should remove traffic off the Deer Springs Road/I15 interchange if possible, but even then the interchange would have to be widened and I-15 would have to be widened. The commenter suggests another interchange down at Mesa Rock at the undercrossing. The County acknowledges notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR.

The commenter states he's not sure how much the infrastructure costs will be spend by the public as a result of the proposed project and stats that if the project complied with the General Plan, "not [one] penny of public money has to be spent." The County notes that the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

The County notes that Section 4.5, Existing General Plan, analyzes the potential impacts associated with development under the approved General Plan land uses for the project and notes that many of the same improvements, including improvements to the I-15/Deer Springs Road interchange, would be required.

**O-1.3-18** The commenter introduces the next five speakers. The County acknowledges the comment as an introduction to comments that follow. 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-1.3-19** The commenter (Diane Hodely) states that during a wildfire, Highway 395 is a "parking lot" and that I-15 is also a "parking lot." The commenter questions what happens when adding the proposed project to this situation. The comment states the proposed project is not widening Highway 395 or I-15 so there is no evacuation route.

The County directs the commenter to **Responses to Comment Letter O-1.13**, which addresses wildland fire and evacuation, as well as **Response to Comment O-1.3-14**, above. The County notes that the proposed project would include improvements to roadways to expand capacity that would provide for additional east/west capacity in the event of an evacuation.



The County notes that wildfire hazards, including evacuation, received extensive analysis in Section 2.8 the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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-1.3-20** The commenter (Megan Jennings, Ph.D.) states concerns regarding wildlife connectivity. The commenter states the proposed project would fragment one of the last remaining large, in-tact landscapes in North County west of I-15. The commenter states habitat loss and fragmentation are threats to biodiversity. The commenter notes this can greatly impact wildlife, limiting access to suitable habitat, affect reproduction and survival, causing mortality. The commenter states ultimately this can lead to extirpation and extinction. The commenter states that configuration of open space, not total acreage of open space is important for connectivity and notes that contiguous habitat is recommended, unencumbered by roads and houses. The commenter states that the current design will impede movement corridors and questions whether the County has plans to require design changes to mitigate these impacts or to assess connectivity more thoroughly.

The County refers the reader to **Responses to Comment Letter O-1.5**, which was prepared by the commenter and submitted to the County with more specific comments regarding wildlife connectivity. As to the questions regarding assessing connectivity and mitigation for impacts to wildlife movement, the County notes that the Draft EIR has evaluated wildlife movement and corridors in Section 2.4.12.4. The Draft EIR identifies five potentially significant impacts to wildlife movement (WM-1 through WM-5). The impacts are mitigated to less than significant with implementation of mitigation, as described in Section 2.4.16, which is restated below:

- Impact WM-1** The significant short-term direct impacts to potential foraging and nesting habitat would be reduced to less than significant through implementation of mitigation measures M-BIO-1, M-BIO-2, M-BIO-3, and M-BIO-6, which require biological monitoring, preparation and implementation of a SWPPP, preparation of a biological monitoring report, and preparation of a revegetation plan for temporarily impacted areas. Temporary construction fencing, biological monitoring and reporting would ensure that additional habitat is not impacted during construction and that the BMPs outlined in the SWPPP are adhered to. Revegetation of temporary impacts would ensure that native vegetation would be restored, thus reducing

the potential for invasive species to encroach upon existing native habitat.

**Impact WM-2** The significant permanent, direct impact to the loss of potential foraging and nesting habitat would be reduced to less than significant through implementation of mitigation measures M-BIO-8A through M-BIO-8E, which provide commensurate habitat management and conservation of open space areas. This would reduce the impact to less than significant because there would be adequate habitat to support wildlife species in perpetuity and in accordance with the County's *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources* for habitat with equivalent function and value, as well as management of that habitat.

**Impact WM-3** Short-term or long-term indirect impacts to suitable foraging and nesting habitat for wildlife species would be less than significant as a result of the proposed project, and no mitigation is proposed. The significant impact to movement of large mammals from loss of wildlife corridors would be reduced to less than significant through implementation of mitigation measures M-BIO-8A through M-BIO-8E, which would provide for commensurate habitat management and conservation of open space areas. This would reduce the impact to less than significant because there would be adequate habitat conserved within the open space available for wildlife movement to cross through the project Site to adjacent open space. In addition, the preserve created by the open space would constitute a core habitat for most species.

**Impact WM-4** Significant impacts to habitat connectivity for larger wildlife species would be less than significant through implementation of 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 unimpeded wildlife movement and use. This would reduce the impact to less than significant because the proposed open space design consists of two large continuous blocks of key biological resources situated within the northern half along the eastern boundary of the project Site, and open space in the center of the proposed development that would connect the above-mentioned blocks of open space to regional open space located east and south of

the project Site. This analysis demonstrates that there would be adequate habitat available for wildlife to use on Site or to move to available habitat areas outside of the project Site.

**Impact WM-5** Significant impacts to wildlife behavior resulting from noise and/or nighttime lighting in a wildlife corridor would be reduced to less than significant through implementation of mitigation measure M-BIO-7, which would minimize nighttime and outdoor lighting, and M-BIO-8A, which would provide commensurate habitat management and conservation of open space areas. This would reduce the impact to less than significant because lighting would not interfere with nocturnal wildlife movements, and the proposed open space design consists of two large continuous blocks of key biological habitat that are buffered by FMZs where adjacent to residences. These features would help reduce the urban/wildland interfaces and allow wildlife to move through the open space areas relatively uninterrupted.

Accordingly, the County has assessed impacts to connectivity and required mitigation measures to reduce those impacts to less than significant (See Draft EIR, Section 2.4.16).

**O-1.3-21** The commenter (Rob Peterson) states the Board of Supervisors “voted this thing down two times previously” and questions, “why are we here again” and “why are the taxpayers funding this whole process once more?” The County notes that the proposed project is a separate application and different from the previously denied project proposed on the project site. The comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter also states there is “nothing affordable about this housing” and states, “our children want to move away when they’re done with college, it’s getting too crowded.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The commenter asks “how much more traffic can we sustain?” The comment addresses general subject areas, traffic, which received extensive analysis in Section

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2.13, Transportation and Traffic, of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment concludes with the commenter encouraging others to submit comments on the EIR and call the Board of Supervisors. The County notes that the comment provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.3-22** The commenter (Nancy Lane) asks about the contributors to the Draft EIR.

The County notes that the comment raises issues that do not appear to relate to any physical effect on the environment. Please refer to Section 6.0, List of Preparers. 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-1.3-23** The commenter (Mark Slovick) explains the County's process for selecting the EIR prepare and drafting technical reports and environmental analysis, as well as the County's review process. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.3-24** The commenter (Nancy Lane) asks how the proposed project compares to the Existing General Plan.

The County notes that the comment addresses general subject areas (Existing General Plan Alternative), which received extensive analysis in Section 4.5 of the Draft EIR. The County refers the reader to Section 4.5 of the Draft EIR, which compares the proposed project with the Existing General Plan. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

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- O-1.3-25** The commenter (Mark Slovick) directs the audience to the EIR, Section 4.0, Alternatives. The commenter states the Existing General Plan Alternative is the second alternative analyzed in the Draft EIR, and notes there is a summary table (Table 4-1) of all the impacts compared to the proposed project.

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

- O-1.3-26** The commenter states a question about the purchase of 200 acres. The comment is restated in **Response to Comment O-1.3-27**, below. Please refer to the following **Response to Comment O-1.3-27**.

- O-1.3-27** The commenter (Mark Slovick) states the previous question was in regards to the purchase of the property in Ramona and whether it will be used for mitigation for the project. The commenter confirms there is a specific property that would be used for mitigation for project impacts. The commenter notes this is not for the entire project, rather, for specific habitat types that require mitigation. The commenter states if there are specific concerns about the Ramona site, those should be provided in a formal comment.

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

- O-1.3-28** The commenter makes an unclear comment about foxes and coyotes appreciating something.

The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Section 2.4, Biological Resources, analyzes potential impacts to wildlife. Please refer to Section 2.4 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. No further response is required or necessary.

- O-1.3-29** The commenter (Mark Slovick) reiterates his request that if there are specific concerns about the Ramona site, those should be provided in a formal comment.

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

- O-1.3-30** The commenter (Nancy Lane) states the entire state of California is in a housing crisis and that there is not enough housing for everyone. The comment states the average price of a home in Valley Center is \$800,000 and that it's getting less and less affordable. The comment concludes, "we need to be careful about how we build things and how we stop things."

The County notes that the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.3-31** The commenter (Suzanne Brahna) states there are no additions to infrastructure that are needed to protect ourselves, no new fire stations, no new water supply, no additional law enforcement. The commenter states this results in greater stress on existing infrastructure. The commenter states "we're not going to be able to get out" in an evacuation and that with less law enforcement and fire assets, "the likelihood of your home burning down is greater." The comment states the Draft EIR does not take this into account. The County does not concur with this comment. The proposed project includes on-site and off-site improvements, including roadway improvements to increase road capacity that would facilitate evacuations. In addition, the proposed project would include fuel modification zones, which would serve as buffers to advancing wildfires, and which would reduce the risk of wildlife spreading from the project site outwards.

The County notes that the comment addresses general subject areas, Public Service, Wildland Fire Hazards, and Water Supply, which received extensive analysis in the Draft EIR, specifically in Sections 2.8.3, 2.14.1, and 3.5. Further, please refer to **Topical Response HAZ-1** regarding wildfire evacuation, which concludes that the project would provide adequate emergency access routes and evacuation plans, comply with all applicable fire codes, and not create any significant wildfire hazards impacts.

The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the

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comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment also states the proposed project is not affordable housing and it will not solve the housing crisis in California. The comment states the problem in San Diego is rents are too high and the housing crisis was created by greedy developers. The commenter provides a listing of companies who may profit from new development. The commenter concludes by asking “why should we absorb that risk and decrease the quality of life, and the safety of our life?”

The County notes that the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.3-32** The commenter introduces the next five speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-33** The commenter (Chris Nava) states he is attending the public meeting on behalf of the Escondido Chamber of Citizens and that his group wants to go on record as being opposed to the project. The County notes that the comment expresses general opposition for the project, but does not raise any issue concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

The commenter continues that the Chamber of Citizens has not had a chance to review the Draft EIR but agrees with everything that has been said. The County refers the commenter to **Response to Comment O-1.3-5** through **O-1.3-32**, above.

The commenter states the Chamber of Citizens greatest issue is seeking exemptions to the General Plan. The commenter states the general plan costs the County time and money, and the latest update was done for a reason, which was smart, sustainable growth, not sprawl. The County notes that the comment addresses general subject areas (General Plan compliance), which received extensive analysis in the Draft EIR, specifically in Section 3.3, Land Use, and Appendix DD, Land Use Consistency Analysis. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County further refers the commenter to **Topical Responses LU-1** and **LU-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.

The commenter raised the issue of water supply and asks where the project's water is going to come from. The County notes the proposed project would be served by Vallecitos Water District. Please refer to Section 2.14.1 of the EIR, which analyzes the proposed project's impacts to water supply. As stated in Section 2.4.1, impacts to water supply, both at the project-level and cumulative impacts, were determined to be less than significant. The County further notes that four mitigation measures, M-UT-1 through M-UT-4, have been recommended, "to ensure water supply impacts remain less than significant." The measures are repeated below:

- M-UT-1** Prior to the issuance of building permits that allow construction, the project applicant of any subdivision map, or its designee, shall fund, or pay fair-share fees toward, all new or expanded water facilities and infrastructure shown in the project's Master Plan of Water (January 30, 2017).
- M-UT-2** The project applicant or its designee shall be prohibited from installing irrigation in any of the project's dedicated open space (approximately 1,209 acres) and non-irrigated fuel modification zones (approximately 272.2 acres) within the project.
- M-UT-3** Pursuant to CEQA Guidelines Section 15091(a)(2), the Vallecitos Water District's 2014 water demand factors are within the responsibility and jurisdiction of the District, and those water demand factors can and should be revised to remove the allocation of any water usage assigned to dedicated open space and non-irrigated fuel modification zones within its service area unless it is shown to be needed for health or safety concerns, which is not the case for the Newland Sierra Specific Plan project that is the subject of this EIR.
- M-UT-4** Prior to recordation of a final map, a "written verification" and supporting documents from the water supplier indicating the availability of a "sufficient water supply" as required by Section 66473.7 of the Subdivision Map Act (Senate Bill 221) shall be provided to the satisfaction of County departments.

The comment concludes that if the proposed project is approved, "we are going to lose precious, previous treasures that are part of North County and which we want to leave to our children." The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific



section or analysis 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. No further response is required or necessary.

- O-1.3-34** The commenter (Jim Healey) states there is plenty of open space up and down the I-15 where “they can build single family homes, and garden apartments.” The commenter states the argument about affordable housing is not valid. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. The County also directs the commenter to Section 4.3.1.2, Alternative Site Locations Alternatives, for a discussion of potential off-site alternative locations as suggested by the comment. This alternative was considered and rejected.

The commenter notes the construction would take 10-15 years and 244 weeks of grading. The comment states Champagne Village will suffer from this. The County refers the commenter to **Topical Response AQ-1 through AQ-3**.

The commenter references sound walls and states, “they don’t want to build sound walls” because “they don’t have to live here.” The County refers the reader to **Response to Comment O-1.3-7**.

The commenter questions the traffic on Deer Springs Road between 3:00 and 5:00 PM and during morning rush hour. The comment addresses general subject areas, Traffic on Deer Springs Road, which received extensive analysis in Section 2.13, Transportation and Traffic, in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter raises fire and evacuation as concerns. The County acknowledges the comment and notes that it address general subject areas, Wildland Fire Hazards, which received extensive analysis in the Draft EIR, specifically in Sections 2.8.3. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-35** The commenter (Michael Hunsaker) states the City of San Marcos has 7,000 new homes going in over the next four years, and that with this and other developments, it

totals 30,000 new residents. The County notes the comment provides background information, but does not include any supporting documents for these assertions, 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.

The comment states the reason this development is happening is because of water. The comment notes that 68% of local water comes from the Colorado River and this supply is going to be cut back in three years, which will be a 20% reduction for the state and more for the community. The comment states when this happens, all development stops. The comment states VWD is considering a resolution for existing rate payers to pay for the water infrastructure of new developments.

The County notes the comment raises general subject areas, water supply, which received extensive analysis in the Draft EIR, specifically in Sections 2.14.1. As stated in Section 2.4.1, impacts to water supply, both at the project-level and cumulative impacts, were determined to be less than significant. The County further notes that four mitigation measures, M-UT-1 through M-UT-4, have been recommended “to ensure water supply impacts remain less than significant.” The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

**O-1.3-36** The commenter (Clarissa Loughlin) questions if the need for housing was studied in the Draft EIR and why types of housing are needed.

The County notes that the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County notes that Objective 6 of the proposed project is to “[a]ccommodate existing, planned, and future growth in north San Diego County by providing a diverse range of housing opportunities in conjunction with a Town Center that supports a mix of uses for the benefit of the new Community and surrounding areas.”

In addition, EIR Section 2.12, Population and Housing, discusses Housing Needs (pg. 2.12-8). Section 2.12.3.3 (p. 2.12-11) states “The proposed project would provide a

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range of housing types that would aid the County in meeting required regional housing needs for projected population growth.” Consistency with applicable General Plan goals and policies regarding housing is further discussed in Section 3.3 and Appendix DD, Land Use Consistency Analysis.

Lastly, the County notes that a MarketPoint Realty Advisers study was prepared and made available as part of the public review.

- O-1.3-37** The commenter (Mark Slovic) states the Draft EIR does not address the need for this type of housing and refers the previous commenter to the County’s Regional Housing Needs Assessment. The comment states that report details the types of housing the county needs and how short the County is on supplying its share of the region’s housing.

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

- O-1.3-38** The commenter (Michael O’Connell) states when all the roads are going to be installed. The County refers the reader to EIR Section 2.13.12, Mitigation Measures for Transportation and Traffic. The County notes that each measure includes a trigger, and EDU threshold, by which the improvement is required to avoid or reduce the identified impact. Where the improvements are outside the control of the County, the impacts is determined to remain significant and unavoidable.

The comment states that the proposed project is “leapfrog development” according to the General Plan and the “infrastructure is not going to support it.” The County refers the reader to **Topical Response LU-1**, General Plan Consistency, as well as Appendix DD, Land Use Consistency Analysis, and Draft EIR Section 3.3, Land Use and Planning. As explained, the proposed project would not constitute Leapfrog Development.

The comment notes “the tax base is going to be hit,” and water rates are going to increase. The County notes that the comment raises economic issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states that traffic is going to be terrible. The comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically

in Section 2.13, Transportation and Traffic. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states that “fire protection’s going to be even harder.” The comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically Section 2.8.3.1 and Section 3.5, Public Services. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment notes the Board of Supervisors adopted a plan after the 2003 and 2007 fires to stop building homes on mid-slopes and they would start providing roads for development. The County is not aware of what plan or policy the comment refers to, nor was the plan or policy provided by the commenter. Therefore, no more detailed response can be provided. Nonetheless, the Draft EIR analyzes the proposed project’s compliance with applicable plans and policies in Section 3.3, Land Use and Planning, as well as wildfire related plans and policies in Section 2.8.3.5 and Section 3.5.4.

The comment refers to another project, Lilac Hills Ranch, which was rejected by voters. The County notes that the comment applies to another project 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.

The comment restates comments raised above about building roads, traffic, wildfire hazards, and conformance with the General Plan. Please see prior responses, above.

- O-1.3-39** The commenter (Greg Kazmer on behalf of Pat Martin) states Lawrence Welk is a complex of 457 homes, age 55 and over who will be affected due to the blasting proposed by the project. The County notes that the comment raises general subject areas, air quality and blasting, which received extensive analysis in the Draft EIR, specifically in Sections 2.3.5.3. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The commenter is further referred to Section 2.3, Air Quality, of the Draft EIR, as well as **Topical Responses AQ-1 through AQ-3**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment introduces the next four speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-40** The commenter (Ruth Mattis) reiterates concerns regarding “traffic, fire, water, environmental, noise, density, going directly against the general plan.” The comment addresses general subject areas listed above, which received extensive analysis in the Draft EIR, specifically in Sections 2.4 (Biological Resources), 2.8 (Hazards and Hazardous Materials), 2.10 (Noise), 2.13 (Traffic), 2.14.1 (Water Supply), and Section 3.3 (Land Use/General Plan Consistency). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states this is “ruining our landscape” and “does not attract people to San Diego.” The commenter states “we avoid Temecula because they over-developed” and “we’re not looking for another Los Angeles.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

The comment states the community is “stuck with the aftermath of the traffic, the pollution, the noise, the fire danger.” The comment addresses general subject areas listed above, which received extensive analysis in the Draft EIR, specifically in Sections 2.3 (Air Quality), 2.8 (Hazards and Hazardous Materials), 2.10 (Noise), and 2.13 (Traffic). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states it is irresponsible to expose the population to fire, and that the project would be putting people in an inferno on I-15 because there is no escape route. The County refers the commenter to **Response to Comment O-1.3-19**, above. The County notes that wildfire hazards, including evacuation, received extensive analysis in Section 2.8 the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is

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

The comment concludes that the housing shortage is a temporary bump because in 10 to 15 years, seniors will pass away and leave homes to their children. The County notes that the comment raises issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

**O-1.3-41** The comment (Jack Fox) states the proposed project is a “carbon copy” of the Lilac Hills Ranch project. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states “there’s no infrastructure” and “the roads are impacted.” Regarding infrastructure, please refer to **Response to Comment O-1.7-4**. Regarding impacts to roadways, the comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. Transportation and Traffic, received extensive analysis in Section 2.13 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states traffic on I-15 has been backed up because of fires, which are a major threat to the project area. The commenter notes that “developers build and leave” and don’t care about fire. The County refers the reader to Section 2.8.3.1, Wildfire Hazards, and Section 2.13, Transportation and Traffic, as well as **Topical Response HAZ-1**. The County notes the comment refers to existing conditions on I-15 that occur without the proposed project and that the proposed project includes mitigation measures identified in Section 2.13.12 of the Draft EIR which would provide for additional East/West capacity on Deer Springs Road for fire evacuations.

The comment again compares the proposed project to the Lilac Hills project. Please see above response. No additional responses is required or necessary.

The comment states that water companies “don’t care about what we have to do as people” and are now requiring additional water conservation “to provide these developers to be able to build and leave town.” The County refers the reader to **Topical Response UTL-1** regarding water supply, which was analyzed in Section 2.14.1 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment concludes his remarks by telling the developer to go back where they came from “and let them build where the infrastructure is, and create jobs and all the other stuff” in communities where it’s needed. The County notes that the comment provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

- O-1.3-42** The comment (John Prince, Delane Engineering, on behalf of Golden Door) states there are things that are missing and don’t paint a whole picture. The County acknowledges the comment as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states the geotechnical investigation (Appendix J) does not address slopes and walls along Deer Springs Road. The commenter states there are many access points, roads and steep driveways on Deer Springs Road.

The comment states drainage facilities are not really addressed in the right of way analysis and the grading plans, and in some instances, the ROW analysis and grading plan “don’t really match up.”

The comment states that the General Plan calls for Deer Springs Road to be widening to six lanes, but the proposed project does not address this topic. The comment states there is language that the proposed project should at least grade for the ultimate widening of Deer Springs Road to six lanes in anticipation of future growth, but this is not analyzed. The comment states Delane Engineering did a study in 2016 based on plans at that time.

The comment states the main question for the County is whether there are going to be revised documents that address these issues, where judgments are needed to be made, or where the preliminary analysis is conservative to understand the full impacts.

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The County refers the reader to **Responses to Comment Letter O-1.12**, which was prepared and submitted by the commenter and which includes responses to these and other comments regarding off-site improvements especially to Deer Springs Road.

- O-1.3-43** The commenter (Larry Grano) states Deer Springs is quiet and nice. He states that he sees the impact on Old Castle and Lilac. The commenter questions Deer Springs Road if the proposed project is built.

The comment addresses general subject areas which received extensive analysis in the Draft EIR, specifically in Section 2.13 (Traffic). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The remainder of the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

- O-1.3-44** The commenter (Mark Slovick) states there are forty minutes remaining and asks subsequent commenters to limit their comments to two minutes.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-45** The commenter introduces the next five speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-46** The commenter (Ross Banks) states Buena Creek Road is a dangerous road that will be impacted by several projects. The commenter states the Draft EIR proposed a parkway on Buena Creek and that the intersections just don't work. The County does not agree that the project proposes a parkway along Buena Creek. The project proposes to improve the Twin Oaks Valley Road/Buena Creek Road intersection, the Buena Creek Road/Monte Vista Drive intersection (with a mitigation option to build a



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roundabout at this intersection in lieu of a conventional signalized intersection), and the S. Santa Fe Avenue/Buena Creek Road intersection.

The County also refers the commenter to Section 2.13.9.6, Traffic Hazards Analysis. As stated in the Draft EIR (2.13-82):

“All off-site roadway and intersection improvements to ...Buena Creek Road... also would comply with applicable public road standards (e.g., County’s Public Road Standards, City of San Marcos Urban Street Design Criteria, etc.) or other engineering design requirements, including any design exceptions granted as part of the approval, of the agency having jurisdiction over the improvements to ensure adequate safety of travel and use by motorists, cyclists, and pedestrians.”

Section 2.13.9.6 concludes that “Compliance with the applicable *Public Road Standards*, the County’s Mobility Element safety-related policies, and other applicable engineering requirements, and incorporation of the project’s TDM measures and transportation-related project design features would ensure that the project results in **less-than-significant impacts** related to traffic hazards.”

The County also directs the reader to Impacts TR-6, TR-7, TR-14, TR-15, TR-26, TR-28, TR-35, and TR-36 regarding impacts to Buena Creek Road. As noted in Section 2.13.13:

“Mitigation Measure M-TR-6 would mitigate the project’s impact to the intersection of Buena Creek Road/Monte Vista Drive (Impact TR-6) to less than significant.

Mitigation Measure M-TR-7 would mitigate the project’s impact to the intersection of Buena Creek Road/S. Santa Fe Avenue (Impact TR-7) to less than significant.

Mitigation Measures M-TR-5 and M-TR-6 would mitigate the project’s impact to the segment of Buena Creek Road from Monte Vista Drive to Twin Oaks Valley Road (Impact TR-14) to less than significant. However, because the improvements identified in M-TR-5 are under the jurisdiction and control of San Marcos and, thereby, subject to their concurrence and approval, for the purposes of this EIR, Impact TR-14 is considered significant and unavoidable.

Mitigation Measures M-TR-6 and M-TR-7 would mitigate the project’s impact to the segment of Buena Creek Road from Monte Vista Drive to S. Santa Fe Avenue (Impact TR-15) to less than significant.

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Mitigation Measure M-TR-6 would mitigate the project's cumulative impact to the intersection of Buena Creek Road/Monte Vista Drive (Impact TR-26) to less than significant.

Mitigation Measure M-TR-7 would mitigate the project's cumulative impact to the intersection of Buena Creek Road/S. Santa Fe Avenue (Impact TR-27) to less than significant.

Mitigation Measures M-TR-5 and M-TR-6 would mitigate the project's cumulative impact to the segment of Buena Creek Road from Monte Vista Drive to Twin Oaks Valley Road (Impact TR-35) to less than significant. However, because a portion of the improvements are under the jurisdiction and control of the City of San Marcos and, thereby, subject to their concurrence and approval, Impact TR-35 is considered significant and unavoidable.

Mitigation Measures M-TR-6 and M-TR-7 would mitigate the project's cumulative impact to the segment of Buena Creek Road from S. Santa Fe Avenue to Monte Vista Drive (Impact TR-36) to less than significant."

Accordingly, the Draft EIR has analyzed impacts to Buena Creek Road.

The comment also urges those in attendance to provide comments on the proposed project. The comment states he was surprised the project has "already been rejected a few times" The County notes that the proposed project is a separate application and different from the previously denied project. The comment does not raise an issue that appears to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-47** The commenter (Margaret Lyles) questions "where are our great grandchildren, or our great-great grandchildren going to have a planet to live upon?" The commenter states there are two ways to grow in San Diego, building out like Hong Kong, or through controlled growth, following the General Plan. Under either scenario, prices will go up.

The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states if you want affordable housing, the County is going to have to have subsidized housing. The County notes that the comment raises economic, social,

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or political issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states there are approximately 72,600 houses that could be built under the General Plan. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states the proposed project is not affordable housing, it is sprawl. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

Nonetheless, the County refers the commenter to **Topical Responses LU-1 and LU-2** regarding the proposed project's consistency with the General Plan. Further, EIR Section 3.3, Land Use, finds the proposed project would have a less-than-significant impact with respect to conflicts with plans, policies and regulations (see Draft EIR, Section 3.3.3.2).

**O-1.3-48** The commenter (Tom Kumura) states the Draft EIR is difficult to follow. The County notes that the Draft EIR was prepared in accordance with the County of San Diego Format and Content Requirements.

The comment states there are conclusory statements which are not supported by factual information. The County does not concur with this comment. The County notes that the Draft EIR is supported by technical appendices, which provide more detailed analysis. The comment does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states the County received over 35 letters in response to the NOP and that there were not responses provided to those questions. The County refers the comment to Comment O-1.3-51. The County published the comment letter as Appendix A to the Draft EIR.

Further, as explained in **Response to Comment O-1.2-2**, CEQA does not require responses to comments on the NOP. (See, Guidelines sections 15082, 15083.) CEQA

only requires that a lead agency evaluate and provide written responses to comments on the draft EIR. (Pub. Resources Code section 21091(d); CEQA Guidelines sections 15088(a), 15132.) However, early consultation with the public is recommended by the CEQA Guidelines to help promptly resolve disputes over the scope and content of the EIR to be prepared. Accordingly, the County sought public and agency input, and all NOP comment letters were reviewed and considered during preparation of the Draft EIR. The NOP comment letters also were made part of the publicly-circulated Draft EIR and are found in Draft EIR Appendix A.

Each section of the Draft EIR summarizes the concerns raised in response to the NOP, and these concerns were addressed throughout the body of the Draft EIR as applicable and more fully described in **Response to Comments O-1.2-3 through O-1.2-99**. These are generally referred to on the first page of each Section of the Draft EIR, including the following pages: 2.1-2 (Aesthetics), 2.2-1 (Agricultural Resources), 2.3-1 (Air Quality), 2.4-1 (Biological Resources), 2.5-1 (Cultural Resources), 2.6-1 (Geology and Soils), 2.7-1 (Greenhouse Gas Emissions), 2.8-1 (Hazards and Hazardous Materials), 2.9-1 (Mineral Resources), 2.10-1 (Noise), 2.11-1 (Paleontological Resources), 2.12-1 (Population and Housing), 2.13-1 (Transportation and Traffic), 2.14-1 (Utilities and Service Systems), 3.1-2 (Energy), 3.2-1 (Hydrology and Water Quality), 3.3-1 (Land Use and Planning), 3.4-1 (Parks and Recreation), 3.5-1 (Public Services) and pages 4-4 through 4-6 (Alternatives).

The comment states it is not a finished EIR. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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

The comment states the Draft EIR “lump[s] the Twin Oaks Valley Community Sponsor Group with the North County Metro Area” and states that there is nothing about the Twin Oaks Community Sponsor Group. The comment states the Draft EIR needs to develop facts and figures that address how the proposed project affects the community.

The County does not concur with the comments. Twin Oaks Valley does not have its own Community Plan or Land Use Map; rather, it is a Planning Area within the North County Metropolitan Subregional Plan Area. Section 1.0, Project Description, states, “[t]he project is located in the community of Twin Oaks” (Draft EIR, page 1-1, second sentence of Draft EIR) and that “[t]he majority of the project Site is within the community of Twin Oaks, which is part of the larger North County Metropolitan Subregional Plan area,…” (Draft EIR, pg. 1-2) Further, Section 1.3, Project Location

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notes, “[w]ithin the vicinity of the project Site, the North County Metro area includes the communities of Hidden Meadows and Twin Oaks. Most of the project Site is located in the community of Twin Oaks, with a portion located in the Bonsall Community Plan area.” (Draft EIR, p. 1-25)

The Draft EIR analyzes the proposed project’s consistent with the appropriate Land Use Map and Regional Categories. Section 1.6.1, General Plan and Zoning Amendments, describe the proposed amendments to the North County Metropolitan Plan area, which are further analyzed throughout the Draft EIR, specifically Section 3.3, Land Use and Planning, and Appendix DD, Land Use Consistency Analysis.

The comment states there are other points that are lacking but they would take all night. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.3-49** The commenter (Wayne Dauber) restates several of the comments made in Comment O-1.3-48, including that “it takes forever to find anything.” Please refer to **Response to Comment O-1.3-48**, above.

The comment states his issue is traffic and the number of dwelling units. The commenter states the level of service on the Deer Springs Road/I-15 interchange is LOS F. The comment states the Draft EIR discusses mitigation being planned by Caltrans. The comment states adding so many units on the interchange with nothing being changed is horrible. The County notes that the Draft EIR identifies a significant and unavoidable impact at the interchange under both the project and cumulative scenario. Mitigation is identified; however, because implementation of the improvements [are] not within the County of San Diego’s jurisdiction and control, for purposes of this EIR, the impacts are considered **significant and unavoidable.**”

The comment states that if something is going to be built on the project site, it should wait until the I-15 interchange and improvements to Deer Springs Road are complete. The County directs the reader to Mitigation Measure M-TR-9, which requires improvements to Deer Springs Road prior to the issuance of a Certificate of Occupancy for the 58<sup>th</sup> EDU (i.e., only 58 homes can be sold and occupied prior to widening of Deer Springs Road).

Similarly, improvements to Deer Springs Road between Mesa Rock and the I-15 SB Ramps, as well as improvements to the I-15/Deer Springs Road interchange are required prior to the 24<sup>th</sup> and 370<sup>th</sup> EDU, respectively; however, as noted in the Draft

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EIR, “because implementation of the improvements [are] not within the County of San Diego’s jurisdiction and control, for purposes of this EIR, the impacts are considered **significant and unavoidable**.”

**O-1.3-50** The commenter (Debbie Seibert) states she lives 120 feet from Deer Springs Road and the project does not propose a wall. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, the County clarifies that noise impacts along Deer Springs Road are analyzed in EIR Section 2.10. Impacts of offsite noise receivers are analyzed and potentially significant cumulative impacts are identified at receiver locations O5, O11 and O12 (Draft EIR, pp. 2.10-26 and 2.10-27; Section 2.10.5.4). These impacts were determined to be significant and unavoidable (Draft EIR, Section 2.10.7.4).

The comment states she is going to be a “great test candidate” and will be “documenting every day” and that she has “no problem going to the doctors and finding out how everything is looking.”

The comment addresses general subject areas, which received extensive analysis in the Draft EIR. The County references **Topical Responses AQ-1 through AQ-3** regarding construction schedule and air quality impacts information. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states there are “so many things that have not been brought up in the EIR, especially for those of us that are right there.”

The comment does not raise any specific issue regarding the Draft EIR analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.3-51** The commenter (Mark Slovick) states if a letter was submitted in response to the NOP, those comments were included in Appendix A of the Draft EIR. The comment states all those comments were addressed throughout the Draft EIR, and that each section summarizes the environmental issues raised through the NOP comments. The

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comment states that the County will respond in writing to all comments submitted on the Draft EIR.

**O-1.3-52** The comment introduces the next five speakers.

The County notes the comment as an introduction to comments that follow. 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-1.3-53** The commenter (Cameron Currie) states that “there has been a lot of talk about carbon neutral” and asks “what does that really mean to our community?”

The County notes the comment addresses general subject areas, GHG emissions and mitigation measures, which received extensive analysis in Section 2.7 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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.

Further, please see **Response to Comment O-1.3-54**, below.

**O-1.3-54** The commenter (Mark Slovick) states the Draft EIR addresses comment O-1.3-53 in Section 2.7, Greenhouse Gas Emissions. The comment states the mitigation measure to reduce greenhouse gases is being provided off-site to reduce all emissions to zero. The comment explains there are other projects in California implementing similar mitigation to reduce greenhouse gas emissions.

**O-1.3-55** The commenter (Andrew Yancey, Attorney at Latham Watkins representing Golden Door) asks if the comments made at the public meeting were being taken down and recorded? The comment restates the County will respond to formal written comments on the EIR.

The County notes the comment as an introduction to comments that follow. 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-1.3-56** The commenter (Mark Slovick) restates that the County is not transcribing the meeting and the comments are not considered formal comments on the Draft EIR. The commenter restates that formal, written comments must be submitted by 4:00PM, on August 14, 2017.

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

- O-1.3-57** The commenter (Andrew Yancey) states Latham and Watkins is recording the meeting and will make a transcript of the video, which they will then submit to the County as part of the formal, written comments.

The County refers the commenter to **Response to Comments O-1.3-1 through O-1.3-94**, herein, for responses to the transcribed meeting comments. The responses have been prepared in compliance with CEQA.

The specific comment (**O-1.3-57**) does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-58** The commenter (Mark Slovic) states there are forms available and the previous commenter may write down the comments.

The County refers the commenter to **Response to Comments O-1.3-1 through O-1.3-94**, herein, for responses to the transcribed meeting comments. The responses have been prepared in compliance with CEQA.

The specific comment (**O-1.3-57**) does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-59** The commenter (Andrew Yancey) states the proposed project puts over 6,000 new residents in rural Twin Oaks Valley which will cause long car trips that will worsen problems on the I-15. The commenter restates information from Section 2.13, Transportation and Traffic, of the Draft EIR, noting that the Draft EIR identifies a cumulative impact from the proposed project that would result in an LOS F from the Riverside County line to Pomerado Road, which is the equivalent of 25 miles of freeway.

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-



makers prior to a final decision on the project. No further response is required or necessary.

The comment also restates information from EIR Section 2.13, Transportation and Traffic, that the justification for not proposing a single dollar to mitigate impacts to mainline freeway impacts is because Caltrans does not have “a specific program to mitigate impacts to that section of freeway.”

Further, the comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

The commenter states the reason why Caltrans and SANDAG do not have such a program is that, when these agencies look at the land use plan from the County, “[they] said that rural North County was going to remain rural” and did not include the proposed project.

The County does not agree with this comment. As analyzed under the Existing General Plan Alternative (Draft EIR, Section 4.5), and more specifically analyzed in Appendix II, Newland Sierra Project Alternatives Traffic Analysis, the Existing General Plan Alternative (the land use plan in the County General Plan) included 4.64 acres of General Commercial and 53.64 acres of Office/Professional, plus 99 units of Estate Residential, which would total 22,848 (gross) ADT and 20,969 (net) ADT, or approximately 6% fewer ADT than the proposed project.

Further, as evidences in Table 2.13-30, even without the proposed project, the section of I-15 in question would operate at failing level of service (LOS E or LOS F), thus, even without the proposed project (as the comment alludes), Caltrans and SANDAG planning efforts include failing freeway service levels.

The comment concludes by asking, “what is being done prior to project approval, to make sure that Caltrans and SANDAG have updated their plans to include something that will help people’s way of life, that drive on I-15 everyday.”

The County refers the reader to EIR Section 2.13.12.2, which states that these impacts are significant and avoidable, and that no feasible mitigation measures exist to reduce the identified impacts to less than significant. The County notes that, because the proposed project will result in significant, unavoidable impacts, a Statement of Overriding Considerations is required. Please refer to the statement of Overriding

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Considerations for further explanation of the benefits of the proposed project. No further response is required or necessary.

**O-1.3-60** The commenter (Cliff Williams, Latham and Watkins on behalf of Golden Door) states the General Plan Update was an eight to ten year process, cost \$20 million dollars, and “choices were made, compromises were made.” The County notes the comment provides background information and expressed 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.

The comment states that because of those choices, SANDAG made decisions on where future infrastructure would go. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter states the County made a specific decision to reduce growth in the County to force it into incorporated cities. The County directs the comment to **Topical Responses LU-1 and LU-2**. As the comment does not raise a specific issue regarding the analysis in the Draft EIR, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states as a result of these decisions, there is great development in San Marcos, Vista, along Sprinter lines, lots of development in the City of San Diego along Morena Boulevard. The comment notes thousands of units are being built in these areas. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter states the project site is in an area with “absolutely no infrastructure” and the General Plan “said that there wasn’t going to be there.” The County does not concur with this comment. The County General Plan Mobility Element anticipated a six lane Deer Springs Road. The proposed project would be consistent with this by requiring the widening of Deer Springs Road to four-lanes (or two lanes per Option A). The comment is further referred to **Response to Comments O-1.7-17 and O-1.16-4**.

The comment states the General Plan was updated six years ago, and includes new planning principles. The comment states the General Plan “was a covenant that was made with” the community. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. The County further refers the commenter to **Topical Response LU-1 and LU-2**.

The comment states that it is “very odd” to hold a public forum but not provide any information about the EIR and not record any comments. The commenter states Latham & Watkins is going to “do that for you,” and encourages those in attendance to contact their representatives and ask the applicant to come to their respective planning groups.

The County refers the commenter to **Response to Comments O-1.3-1 through O-1.3-94**, herein, for responses to the transcribed meeting comments. The responses have been prepared in compliance with CEQA.

The specific comment (**O-1.3-57**) does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-61** The commenter (Samantha Seikkula, Attorney at Latham & Watkins, on behalf of Golden Door) states the alternatives analysis in the Draft EIR is illusory, and the County did not develop its own alternatives but took shortcuts. For responsive information, please see **Responses to Comments O-1-503 through O-1-557**.

The comment states the alternatives “make the fatally flawed assumption that the County would be unable to direct traffic away from Deer Springs Road. The County does not concur with this comment. Appendix II, Newland Sierra Project Alternatives Traffic Analysis, analyzes the traffic impacts from each of the alternatives and supports the findings in Sections 4.6 through 4.8 that Deer Springs Road would have to be widened under the Newland Sierra Parkway alternatives. As stated in these sections, Deer Springs Road is currently operating at an unacceptable level of service. Accordingly, the County of San Diego Guidelines for Determining Significance requires that any project, which would add as little as 200 ADT would trigger additional impacts and require mitigation measures. Accordingly, and consistent with the County’s requirements, the alternatives conclude that impacts to Deer Springs Road would result under the three Newland Sierra Parkway alternatives.

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The comment states that CEQA prohibits the County from creating and analyzing alternatives that are designed to fail. The County notes that the County analyzed eleven alternatives, five of which were suggested by Golden Door as part of the NOP scoping period. As noted in Sections 4.6 through 4.8, three of these alternatives (the Newland Sierra Parkway alternatives) do not comply with CEQA requirements to reduce or avoid significant impacts; however, they were included in the Draft EIR in response to the NOP comment letters received from Golden Door.

Further, the County notes that the remaining alternatives, including the Multi-Family Town Center Alternative (also suggested by the Golden Door), No Project/No Build Alternatives, Existing General Plan alternative and the three CDFW Land Planning Alternatives, would reduce significant impacts compared to the proposed project. Lastly, the County notes that, as required by CEQA, EIR Section 4.13 determined that because the No Project/No Build Alternative was the environmentally superior alternatives, the Draft EIR further analyzed and determined that CDFW Land Planning Alternative A was the environmentally superior alternative.

The comment states that the Draft EIR analyzes 2 million square feet of office use and 99 homes and questions the viability of the office when the previous developer wrote a letter stating that commercial is not a viable use for the site. The comment asks why the Draft EIR did not consider an alternative that only considers the 99 homes permitted under the General Plan. The County refers the reader to **Responses to Comments O-1-552 through O-1-557** for further responsive information.

- O-1.3-62** The commenter (Stacy Green) states she has been a San Diego County resident for 40 years, when the population was about 300,000 and there were cows and pastures and rural roads along Interstate 8. She states the population now exceeds 3 million. The comment states the way housing is developed and built today has changed to meet growing demands of the people in San Diego. The comment states the reality today is that an average apartment costs \$2,500/month for 950 square feet. The commenter states there is a huge housing shortage and urges those in attendance to consider options for generations to come in San Diego.

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

- O-1.3-63** The commenter introduces the next five speakers.

The County notes the comment as an introduction to comments that follow. 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-1.3-64** The commenter (Taiga Takahashi, Attorney at Latham & Watkins on behalf of Golden Door) states that relative to water supply, the water district (VWD) projects a supply deficit for 2020 and future years, starting at 36% and increasing over time. The commenter states the Draft EIR says that the supply deficit will be met by conservation measures, but that the Draft EIR does not explain what those measures are, who is going to implement them, and to what extent. The commenter states the Draft EIR should disclose to the community what needs to be done to meet the water supply demands. The commenter questions what the County is going to do to ensure conservation measures are fair to existing residents.

The County refers the commenter to the Draft EIR, Section 2.14.1, and **Topical Responses UTL-1 and UTL-2** for a thorough explanation of the water supply and water conservation measures.

The comment states the evacuation plan is focused on the proposed project and how residents would leave the project site. The comment states in an emergency evacuation, leaving the project site is not the concern, rather the concern is getting on I-15 and away from the project area. The comment states the evacuation plans do not address this, or how long it could take to get away from a major wildfire. The commenter asks if the County will consider the effect of the project on evacuation from a broader (five or six mile) area.

The County refers the reader to Section 2.8.4, Cumulative Impact Analysis. As stated on Page 2.8-33 of the Draft EIR:

The evacuation plan has been prepared in coordination with DSFPD and San Diego County such that it does not conflict with existing evacuation and operational pre-plans. The evacuation plan would not interfere with the countywide Operational Area Emergency Plan or the County Multi-Jurisdictional Hazard Mitigation Plan, as it has been reviewed by County staff to ensure consistency with other applicable/overlapping emergency plans. Other cumulative projects in the area, and specifically large residential projects similar to the proposed project (such as Lilac Hills Ranch, Campus Park West, and Meadowood), that require the preparation of evacuation plans would be coordinated with the Office of Emergency Services and applicable emergency service districts to ensure that conflicts do not occur. Therefore,

the proposed project would **not result in a cumulatively considerable impact**.

The County notes the proposed project would widen Deer Springs Road prior to the 4<sup>th</sup> certificate of occupancy, which would provide additional East/West capacity in emergency evacuation scenarios. Further, the County notes that the most likely fire hazard would be from a Santa Ana wind fueled fire from the east, which would likely result in evacuations being ordered to the west, and not to I-15 as the comment suggest (thus heading toward an advancing fire).

**O-1.3-65** The commenter (Chris Garrett, Attorney at Latham & Watkins on behalf of Golden Door) states that the County did not provide all the information to address a previous question regarding what carbon neutral means. The comment states the EIR is missing information about where the offsets are being purchased from and how those offsets comply with the General Plan's commitment to reduce the County's emissions below 1990 levels.

The County notes that the Draft EIR, M-GHG-1 and M-GHG-2 include the following language regarding geographic priorities for carbon credits:

“...the County of San Diego Planning & Development Services Department will consider, to the satisfaction of the Development Services Director, the following geographic priorities for GHG reduction features, and GHG reduction projects and programs: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally. As listed, geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide cross-over benefits related to air quality criteria pollutant reductions within the San Diego Air Basin, and to aid in San Diego County jurisdictions' efforts to meet their GHG reduction goals. The project applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such offset projects and programs are financially competitive in the global offset market.”

The County refers the commenter to **Response to Comment O-1-142** regarding the County General Plan EIR mitigation requirements for reducing greenhouse gas emissions in San Diego County.

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The comment further states this information has to be “plugged into the County’s Climate Action Plan...which is still not finished.”

The County notes the CAP was not complete prior to the filing of the proposed projects Notice of Preparation or prior to circulation of the Draft EIR, and; therefore, the proposed project could not analyze compliance therewith. The proposed project would not impede the County’s CAP because, through implementation of mitigation measures M-GHG-1 through M-GHG-3, the proposed project would reduce emissions of greenhouse gas emissions to net zero. Because emissions would be reduced to net zero, the proposed project would necessarily have fewer GHG emissions than what was anticipated by the General Plan Update Draft EIR for the project Site because the Existing General Plan would not be required to achieve the same “net zero” threshold.

The commenter states his second comment relates to housing and regional housing needs. The commenter asks, under the County’s adopted plans, how much of the housing need has been unmet? The comment opines that the answer is zero. The comment states that the General Plan is balanced and has a place for all the housing needs. The comment states if this is not correct, the Draft EIR needs to say so.

The County notes that the comment addresses general subject areas, Housing Element consistency, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. Nonetheless, the County refers the commenter to EIR, Section 3.3, specifically pages 3.3-32 and 33, and Appendix DD, Land Use Consistency Analysis, pages DD-64 through DD-68, which determined the proposed project was consistent with applicable policies of the Housing Element. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment asks what the design of the future I-15/Deer Springs Road interchange will be. The comment states that the design is not complete, but the “consultants used it.” The comment asks why the design is not part of the EIR process.

In response to the comment, the County notes that the EIR has been revised to clarify how the I-15/Deer Springs Road interchange improvements, which are proposed as mitigation by the project, would be funded by the project but reviewed and approved by Caltrans. The Final EIR states the following on pages 2.1-1 and 2.1-2 (*emphasis added*):

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

Caltrans will serve as the lead agency with purview over ~~for~~ the project's proposed 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 review and hold final approval of the environmental analysis of ~~analyze~~ the project's proposed I-15 interchange improvements, including interchange alternatives, and whether one or both of the existing park-and-ride lots (lots #33 and #34 at Deer Springs Road and Mountain Meadow Road, respectively) should be expanded, reconfigured, and/or enhanced to support transportation alternatives (e.g., bicycle facilities, electric vehicle charging stations, ride-share, car-share, and/or transit). This EIR identifies the I-15 interchange improvements and improvements to the park and ride lots as a mitigation measure that will be initiated and fully funded and constructed by the project (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's PID 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.*

The County further refers the reader to **Topical Response TR-1**. As stated, as to the improvements specific to the I-15 interchange, mitigation measure M-TR-1 requires that the project applicant, or its designee, coordinate with Caltrans to improve the I-15/Deer Springs Road interchange consistent with the Caltrans PSR.

Accordingly, the project applicant is to coordinate with Caltrans to improve the interchange based on the lane configuration ultimately approved by Caltrans. Construction of the interchange improvements will mitigate the project's identified significant impacts at that location. Moreover, the Draft EIR identifies the 370th dwelling unit as the trigger for improving the I-15/Deer Springs Road interchange to avoid a significant impact. (See Draft EIR Appendix R, Table 16-11, Existing +



Project Mitigation Phasing Summary – Intersections.) Because implementation of the I-15 interchange improvements is within the jurisdiction and control of Caltrans, and the County cannot assure their implementation, the Draft EIR properly identifies the impact as significant and unavoidable. However, the project applicant to date has been coordinating closely with Caltrans regarding the interchange improvements and, therefore, it is reasonable to conclude as a practical matter that the improvements will be in place prior to the triggering of a significant impact.

- O-1.3-66** The commenter (Patricia Borchman) states that the Draft EIR is a voluminous document but “quantity is no substitute for quality.” The speaker notes that other speakers have pointed out technical aspects that are missing, assumptions and conclusions that are not supported by evidence in the record.

The County notes that the comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County refers the comment to **Response to Comment O-1.3-1** through **O-1.3-94** for responses to the comments raised by previous speakers. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter states a concern regarding cumulative impact analysis. The commenter restates information from a previous speaker (Mike Hunsaker, Comment O-1.3-35), and states that based on the projected land use designations, there is going to be an exception growth rate beyond the general plan. The County notes that the comment addresses general subject areas, Cumulative Impacts, which received extensive analysis throughout the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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.

Further, EIR Section 2.12, Population and Housing, analyzes the proposed project and its compliance with projected growth. As stated in Section 2.12.4.1, the Draft EIR states:

As shown in Table 1-10 and Figure 1-46 in Chapter 1 of this EIR, the majority of cumulative projects listed have a residential component. ... In combination with the proposed project, thousands of new residential units would be introduced to northeastern San Diego County ... Overall, the combination of the cumulative projects listed in Table 1-10 would have a potentially significant cumulative impact related to substantial population growth. As discussed in Section 1.8 and summarized in Section 2.12.3, the proposed

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project would be considered growth inducing at the project level as it would introduce a substantial increase in population when compared to planned growth, and off-site roadway improvements would increase available roadway capacity and accessibility to the vicinity. Therefore, the proposed project would result in a cumulatively considerable impact (Impact PH-2) related to population growth.

The comment states that the speakers have emphasized how important the land uses defined in the General Plan have been considered by the sponsor groups and the people who live in those areas. The commenter concludes its “vital that the County of San Diego apply those.” The County refers the commenter to **Topical Responses LU-1 and LU-2**.

**O-1.3-67** The commenter introduces the next five speakers.

The County notes the comment as an introduction to comments that follow. 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-1.3-68** The commenter (Kirk Effinger) states that the General Plan does not identify the site as open space and therefore, something will likely be built on the project site, which will result in traffic, noise, and dust. The comment asks would the impact of whatever gets built be similar to the proposed project and whether that analysis is in the Draft EIR?

The County directs the commenter to EIR Section 4.5, Existing General Plan Alternative, which analyzes the potential impacts of a General Plan-compliant project compared to the impacts of the proposed project. The comment addresses general subject areas, Existing General Plan Alternative, which received extensive analysis in Section 4.5 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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-1.3-69** The commenter (Mark Slovick) directs the audience to Section 4.0, Alternatives. The commenter states the Existing General Plan Alternative is the second alternative analyzed in the Draft EIR, and notes there is a summary table (Table 4-1) of all the impacts compared to the proposed project.

**O-1.3-70** The commenter (Kirk Effinger) asks if the Existing General Plan Alternative analysis includes Deer Springs Road as six lanes.

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The County directs the commenter to Section 4.5, Existing General Plan Alternative, which analyzes the potential impacts of a General Plan-compliant project compared to the impacts of the proposed project. The comment addresses general subject areas, Existing General Plan Alternative, which received analysis in Section 4.5 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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-1.3-71** The commenter (Mark Slovick) states the Existing General Plan alternative considers land use designations on the property, which includes approximately 2.0 million square feet of commercial office and 99 residential units.

**O-1.3-72** The commenter (Stephanie Schubert) refers to a New York Times study (not provided), which describes how young people want to live, which is not in single-family homes far away from the work place, sitting in traffic. Rather, they want to live near the workplace where they can walk or bike to work, or take a bus. The commenter states that growth will be limited by developments like the proposed project. The commenter states growth can be accommodated by implementing public transportation, building housing, and work and shopping centers near public transportation, and putting housing in place of parking spots.

The County notes that the comment raises issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

The commenter states there is a church with meditation on Sarver Lane, which the Draft EIR has not studied. The comment states there is not mitigation for potential traffic, noise, and a composting plant. The County does not concur with the comment.

EIR Section 2.10, Noise, studied the potential for off-site noise impacts. A subsequent analysis was conducted for all properties along Sarver Lane. Please refer to **Response to Comment Letter O-1.15**, which finds that, consistent with the analysis in the Draft EIR, noise impacts to properties along Sarver Lane would be less than significant. Please also refer to **Response to Comment O-1-226**.

Odors are discussed in EIR Section 2.3.5.4. Page 2.3-58 states, “The green waste collection area is for landscape trimmings from common area landscapes to be chipped and ground into mulch or compost for reuse in common landscape areas,” and would be “designed to collect approximately 30 to 40 yards of material at a time

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(approximately three open stalls 10' wide x 10' long x 6' tall) and would be buffered with screening shrubs." The Draft EIR concludes that impacts from odors would be less than significant.

**O-1.3-73** The commenter (Jane Platz) restates the Draft EIR traffic analysis identifies that Buena Creek Road would be impacted. The commenter reads from the Draft EIR regarding the impacts where Buena Creek Road meets South Santa Fe Avenue. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

The comment states she has heard about the County's plans for widening and realigning South Santa Fe to connect Sycamore Avenue directly to Buena Creek Road for 34. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states that the Draft EIR did not describe the intersection completely and states that it's the SPRINTER station, and that there are "78 trains that come every day, 15 minutes apart" and traffic backs up at rush hour, and that "adding 6,000 more cars is not going to be a good thing for that intersection."

The County notes that the Draft EIR identifies the intersection of Buena Creek Road and S. Santa Fe Drive as Impacts TR-7 and TR-27, and the segment of Buena Creek Road between S. Santa Fe and Monte Vista Drive as Impacts TR-15 and TR-28. Section 2.12 concludes the following:

"Mitigation Measure M-TR-7 would mitigate the project's impact to the intersection of Buena Creek Road/S. Santa Fe Avenue (Impact TR-7) to less than significant.

Mitigation Measures M-TR-6 and M-TR-7 would mitigate the project's impact to the segment of Buena Creek Road from Monte Vista Drive to S. Santa Fe Avenue (Impact TR-15) to less than significant.

Mitigation Measure M-TR-7 would mitigate the project's cumulative impact to the intersection of Buena Creek Road/S. Santa Fe Avenue (Impact TR-27) to less than significant.

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Mitigation Measure M-TR-7 would mitigate the project's cumulative impact to the intersection of Buena Creek Road/S. Santa Fe Avenue (Impact TR-27) to less than significant."

Accordingly, the Draft EIR analyzes the traffic impacts in accordance with the County's Guidelines for Determining Significance. No further response is required.

**O-1.3-74** The commenter introduces the next five speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-75** The commenter (Dawn Wilson, STC Engineer, on behalf of Golden Door) states she has been retained by Golden Door to provide comments on the Traffic Impact Analysis and other associated traffic documents, including the Draft EIR. The comment states that due to time constraints, she will limit her comments to three topics.

The County acknowledges the comment as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states that while the project considers a mix of uses because it includes a commercial town center, "urbanized area trip reduction factors for a mixed use related development, in this type of rural community, overstates the internal trip reduction factors included in their analysis," and "requests that those be reconsidered."

The County does not concur with this comment. Appendix J, Traffic Impact Analysis, analyzes the potential for internal trip capture in Section 8.1.3. As stated in Section 8.1.3:

"Taken in combination, the Project's internal capture rates for the parks, the school site, and the retail uses would result in an overall internal capture rate of 15.9% of the Project (i.e., 15.9% of the Project's gross trips would remain internal to the Project Site). Trip generation estimates were also performed for the Project using the SANDAG Series 12 Model select zone analysis to validate the 15.9% internalization rate. The SANDAG Model resulted in an overall internal capture rate of 17.7%, higher than and, therefore, further substantiating the rates used for the analysis in this report. Therefore, in light of the foregoing, the individual rates used above and the Project's overall rate

are considered conservative for the purposes of forecasting the Project's net external trips and associated impacts on the external roadway network."

Please also refer to **Response to Comment O-1.16-7**.

The comment states that Sarver Lane "is two lanes, carries less than 40 trips in the a.m. and the p.m. peak hour... with the project, over 450 and 550 vehicles per hour would be on that road." The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

The comment states, "I would hardly consider that to be minimal for the people who live along that corridor." The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states, "the EIR does not address the conditions at the impacted driveways and intersections along that road." The County notes that the County Guidelines for Determining Significance and Report Format and Content Requirements: Transportation and Traffic, there is no threshold for evaluating impacts at driveways. Further, the project's proposed improvements to Sarver Lane have been designed to maintain access to existing driveways and properties. The increase in ADTs along the road will not cause the road to fail, rather, based on the project's proposed road improvements, the road is project to function at an LOS C.

Regarding intersections, the Draft EIR analyzes 33 intersections as required by the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements (See Section 2.13.2.1 of the Draft EIR). There are no intersections along Sarver Lane or Camino Mayor; therefore, no intersections are required to be analyzed based on the County's guidelines.

The commenter states that "these types of TDM measures in this type of community, overestimate the total vehicle mile travel reduction significantly." The County does not concur with the comment. Please refer to **Response to Comments O-1.16-26 and O-1.16-7**.

The comment suggests "the county prepare a cost benefit analysis to evaluate funding mechanisms for the TDM measures that are being suggested, and the TDM benefits

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that are being associated with the project.” The County notes that the comment raises economic issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.3-76** The commenter (Allen Benz) states it’s “easy to make a general plan [but] hard to enforce the general plan.” The commenter questions why the County spent the money and time trying to figure out the general plan “just to throw it away...to the first developer.” The commenter states “density is what ...most of the people here are against,” and notes the proposed project is a 2,000% increase in the general plan. The commenter states general plans are used to “figure out where you need to put the roads, where you need to put the trolley, where you need to put the train,” and when general plans are not followed, “it’s just mayhem out there.”

The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

Nonetheless, the commenter is referred to **Topical Responses LU-1 and LU-2**.

- O-1.3-77** The commenter (Todd Landers) states a previous speaker (Jane Platz, Comment O-1.3-73) made similar comments about the intersection of Buena Creek Road and South Santa Fe Drive. The commenter states the intersection is a (train) wreck because “they did a really bad job of planning the SPINTER station there.”

The County notes that the comment raises issues that do not appear to relate to any physical effect on the environment as a result of the proposed project. 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.

The comment states the Draft EIR “ignore the fact that there’s a SPINTER station” at that intersection. The commenter states the intersection functions at an LOS F. The commenter states there is a “big disconnect” between the assumptions and the reality of that intersection. The County refers the reader to **Response to Comment O-1.3-73**, above.

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The comment states that the Draft EIR does not seem to be complete. The comment does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-78** The commenter (Arlen Turmin) states that he has not read the Draft EIR, but wants to point out a few things. The commenter states that the project includes over 1,000 acres of open space on a project Site of like 2,100 acres. The commenter states that according to someone at VWD, the project if approved would try to develop the remaining open space. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County notes a permanent Biological Open Space Easement is required to be granted to the County on the Open Space area that would prohibit development. 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.

The comment states that a previous Supervisor challenged VWD “on their math” during consideration of the prior project on the project site. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue over the adequacy of the Draft EIR.

The comment states the proposed project would introduce light pollution to the “north end of the valley.” The County directs the commenter to Section 2.1.3.3, Light and Glare. As concluded on page 2.1-47 of the Draft EIR, impacts due to light would be less than significant. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.3-79** The commenter (David Brazier, Hidden Valley Zen Center) states his biggest concern is noise and noise increases associated with additional traffic. The comment states that there was nothing in the Draft EIR.

The County refers the reader to **Response to Comment O-1.15-6**. As noted in that response, a supplemental noise analysis was prepared and determined the noise impacts along Sarver Lane would be as follows:



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Receiver	Modeled Noise Level Sarver Lane Only (dB CNEL)			
	Existing	Future without Project	Future with Project – Opt B	Noise Level Increase - Future with Project vs. Future w/o Project
Hidden Valley Zen Center	42	49	58	9

Thus, the predicted noise level increases are below the County’s threshold of 10 dBA. While these noise level increases are greater than 3 dBA, they would not equal or exceed the County’s Noise Compatibility Guidelines and Standards for the underlying land uses; thus, the impact remains less than significant as concluded in the Draft EIR. Neither is the threshold of 65dBA for church uses exceeded.

The comment states that Sarver Lane is a private road north of the Catholic Church and is very narrow. The commenter states “we don’t know the impact of how much they’re going to widen the road,” and questions impacts to oak trees and parking. The County notes that the grading plan anticipated improvements to Sarver Lane which would include the following:

1. The existing I.O.D. on parcel 182-020-36 is requested to be accepted by the County so that Sarver Lane can be widened and improved in that area.
2. As part of improving Sarver as it parallels the eastern frontage, the road is being raised, in some cases by 3 to 5 feet, above 100 year flood elevations. This would not require grading onto the Zen Center. The current access points can be maintained. If the Zen Center were to propose future access points, they would also be required to be raised above the flood elevation, and would have to match the new road.
3. Public sewer and water mains will be extended north in Sarver Lane along the Zen Center frontage within the right-of-way, including additional fire hydrants.
4. Street lights will be installed per County standards.
5. The paved width of the road will be increased to allow curbside parking on both sides.

The comment states the proposed project shows a park that “looks like it’s encroaching on our property” but that “Newland hasn’t paid us for that property.” The County notes that the proposed park is not encroaching onto the Zen Center property. The proposed park is located within the project site, and all potential impacts associated with the proposed park have been analyzed throughout the Draft EIR. No further response is required or necessary

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**O-1.3-80** The commenter introduces the next five speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-81** The commenter (Sandra Ferrell) states the EIR is difficult to understand. The commenter states the hard copy at the library did not have all the maps and the appendices were not printed out. The commenter requests the files to be sent digitally. The County notes that all the Draft EIR materials were provided consistent with the County's standards and CEQA.

The comment asks about the population of Twin Oaks with and without the proposed project. The comment notes when the previous project application (Merriam Mountains) was under consideration, the population "doubled or tripled." The County acknowledge the comment and notes that it provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, the County notes that the population in the North County Metropolitan Subregional Plan area was 43,103 during the 2010 Census and the County General Plan estimated the population in the North County Metro CPA as 42,639 in 2008. The proposed project would add 6,063 residents, which is an increase of approximately 14%. This is within the projections in the County General Plan forecast for 2020, which anticipated an increase in population to 69,729 by 2020, and 82,381 in 2030 based on SANDAG population forecasts, or a roughly 115% population increase between 2000 and 2030. (See County General Plan EIR, Section 2.12, Population and Housing, Table 2.12-2. SANDAG Population Forecast: 2000-2030)

The comment questions whether the entire site is designated as Pre-Approved Mitigation Area (PAMA) and what the target conservation percentage is for PAMA. The County notes that PAMA is a designation of the draft North County MSCP. Please refer to **Topical Response BIO-1**.

The commenter notes traffic counts. The comment addresses general subject areas, which received extensive analysis Section 2.13 of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. 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.

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The comment questions the use of the under-crossings under I-15 for wildlife and “if the animals might use that.” Please refer to response to **Comment Letter O-1.2**, specifically **Response to Comment O-1.5-2**.

The commenter asks about the fencing around the dog parks. The County refers the commenter to **Response to Comment O-5.2-18**.

The commenter describes the general plan update process and explains that as part of that process, some areas were down zoned and density in some areas were increased. The commenter states those areas could be redeveloped into a village core, which is “what SANDAG was trying to accomplish.” The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County notes that the Draft EIR did consider site NC 2-1 in Section 4.3.1.2 of the Draft EIR. Please refer to Section 4.3.1.2 for further analysis regarding the Alternate Site Alternative and why it was rejected.

**O-1.3-82/83** The commenter (Male 1) states San Diego used to be a great place to live but the County approved sprawl and overdevelopment and quality of life has “cratered in just one generation.” The comment states that the County is failing at its job and not providing for its citizens and taxpayers. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states traffic on Buena Creek Road, SR-78, and I-15 and all other areas are the project Site are deplorable. The commenter states “services are marginal, air quality is failing, water is scarce, and waste water systems are over-stressed”. The comment addresses general subject areas, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states that “millennials want to live close to work” and that the County needs to “fix the roads, fix the traffic and control the growth.” The commenter states that otherwise, the County is in danger of becoming the next Detroit. The County

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notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states the traffic study estimates that 10% to 30% of the nearly 20,000 average daily traffic volume from the proposed project will use the transit stop at the corner of south Santa Fe Road and Buena Creek Road. The comment inaccurately restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. Please refer to EIR Section 2.13, Transportation and Traffic, for actual traffic volumes. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter states Buena Creek Road is narrow and dangerous and the County has admitted to this. The comment states the County Planning Department had admitted that no plans to enhance Buena Creek Road due to regulatory and permitting challenges. The commenter states the proposed project will only further impact this road and lengthen the failing waiting times. Please refer to **Response to Comment O-1.3-73**, above.

The comment states the Draft EIR is incomprehensible, incomplete and inaccurate. The comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The comment does not raise any specific issue regarding why the Draft EIR is “incomprehensible, incomplete and inaccurate”; therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment concludes by voicing opposition to the proposed project. The County notes that the comment expresses opposition for the project, but does not raise any issue concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.3-84** The commenter (Kelly Cruise) states two concerns. The first is with respect to water and if the Draft EIR takes into account the water shortage conditions and severe drought, and whether the project accommodates those drought conditions.

The County notes that the comment addresses general subject areas, water supply and draught conditions, which received extensive analysis in the Draft EIR, specifically Section 2.14.1. The comment does not raise any specific issue regarding that analysis

and, therefore, no more specific response can be provided or is required. The County refers the commenter to **Topical Response UTL-1**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment also states that “the way the plan is set up...it’s really pleasing aesthetically, it goes along the terrain.” The commenter questions if the proposed project wasn’t approved and instead we had to build it out just like it is, would a similar design be required.

The County directs the commenter to Section 4.5, Existing General Plan Alternative. Specifically, page 4.-17, which states (relative to the Existing General Plan Alternative), “residential development allowed under the existing General Plan land use designations may result in placement of homes in more visually prominent areas of the project Site consistent with traditional lower density development, as opposed to the proposed project where residential uses and neighborhoods are sited in lower-elevation areas and grading has been designed to more closely follow the existing natural terrain of the Site. ...When viewed from public roadways, the office professional and commercial uses would result in a significant change in the visual environment, greater than those associated with the proposed project, which have been designed to be integrated into the existing topography through smaller, stepped pads.

As a result, EIR Section 4.5 determined that the Existing General Plan Alternative “would result in greater visual impacts, as more area fronting I-15 would be developed at a higher intensity than the proposed project.”

**O-1.3-85** The commenter (Steve Scribbin) states on page 2.3-43, the Draft EIR states the “feasible mitigation measures for taking care of the fine particulate matter, it’s significant and unavoidable.” The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states there are no mitigation measures that can “downplay the amount of fine particulate matter” because “when it gets in the air...it’s going to flow out and it can travel for miles.” The comment notes it can be kicked up by wildlife and in other ways, and that people will be inhaling it. The County directs the reader to pages 2.3-43 and 2.3-44, which find that impacts related to PM10 and PM2.5 would be significant and unavoidable. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

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The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states another issue is traffic. The comment states that “nothing ever gets done about it” due to the location and having to coordinate with neighboring jurisdictions. The commenter uses an example of a high school and states that the proposed project will “be the same thing but on a massive scale.” The County notes that the comment does raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, the County notes that the Draft EIR does determine that impacts in adjacent city’s where the County of San Diego does not have jurisdiction are significant and unavoidable. However, as noted in Section 2.13.12, mitigation measures are recommended that, if allowed by the appropriate jurisdiction (i.e., City of San Marcos, Caltrans), would mitigate impacts to below a level of significance.

**O-1.3-86** The commenter introduces the remaining speakers.

The County acknowledges the comment as an introduction to comments that follow. 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-1.3-87** The commenter (Jan Wozly) states that while many commenters have noted the General Plan anticipates 99 homes, compared to the 2,135 proposed by the project, it also includes over 2 million square feet of commercial. The commenter states the community needs to look at the entire picture before “defeating” the proposed project because large commercial, big box centers have lots of traffic and people “coming in and out.” The commenter urges the meeting attendees to study the differences between the two plans and notes “it’s not just the housing units.”

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. For additional information on the Existing General Plan Alternative, the reader is referred to Section 4.5 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. No further response is required or necessary.

**O-1.3-88** The commenter (Eric Lindsey) lists “Noise, dust, fire safety, loss of health living, and just endless loss of serenity. Water, you’re going to ask us to get less water, but pay

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more.” The comment addresses general subject areas, which were analyzed in the Draft EIR, specifically Section 2.10 (Noise), 2.3 (Air Quality), and 2.14.1 (Water Service). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment concludes by voicing opposition to the proposed project. The County notes that the comment expresses opposition for the project, but does not raise any issue concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

- O-1.3-89** The commenter (Ashley Duhmer) states “there is no way a young adult is going to be [able to] afford the houses” being proposed. The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment restates concerns regarding traffic and safety concerns on Buena Creek Road. Please refer to **Response to Comment O-1.3-46** and **O-1.3-73**, above.

The comment restates information from the Draft EIR about water and questions how the proposed project is “going to pipe Colorado River water up to the Central Valley aqueduct and then bring it back down to San Diego?” The commenter notes “The Central Valley pipeline does exist, but it stops in the Central Valley, and supplies water to farmers, not San Diego.” The Draft EIR was in error with regard to Metropolitan Water District of Southern California’s (MWD) imported water supply sources. MWD imports water supplies to Southern California from two main sources: (a) the Sacramento and San Joaquin Rivers through the State Water Project (SWP); and (b) the Colorado River via the Colorado River Aqueduct. The Final EIR has been corrected in this regard.

- O-1.3-90** The commenter (Lee Rainer) states that the proposed project is going to generate less traffic than the General Plan calls for, and will use less water because of the reduction in the amount of commercial space. The commenter states the math might be “voodoo” and based on “theoretical development” and does not believe the information provided by the project applicant. The County directs the reader to EIR Section 4.5, Existing General Plan Alternative for a comparison of the proposed project and the Existing General Plan land uses. The County refers the reader to response to **Comment Letter O-1.9** regarding calculation of the underlying

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assumptions for the Existing General Plan, as well as **Topical Responses LU-1 and LU-2**.

The comment notes the applicant has not met with community groups and further notes the Golden Door has been a good neighbor. The County notes that the comment raises issues that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- O-1.3-91** The commenter (Kathy Van Ness, COO, Golden Door) provides information on the Golden Door. The County notes the comment provides background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

The commenter states the County updated the general plan six years ago, and the proposed project “would destroy local communities.” The comment addresses general subject areas, which were analyzed in the Draft EIR, specifically Section 2.12, Population and Housing, and 3.3, Land Use and Planning. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The commenter states the “main justification for these significant impacts is housing supply,” and that “you can’t afford these houses” because they are “\$600,000 and more.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states that “housing should be where jobs are,” and “there are no jobs in that part of the County.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.



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The commenter concludes that the Golden Door is putting it's comments in writing. The County directs the commenter to **Response to Comment O-1-1 through O-1.16-28**.

- O-1.3-92** The commenter (Cathy Robbins) states the proposed project is building 2,200 homes and no school. The commenter states the proposed project has set aside 6.0 acres and that some charter school may come, but the bulk of the students will be going to San Marcos and Escondido schools. The commenter asks the public if they are ready to approve another school bond because schools are at capacity.

The County notes that the comment addresses general subject areas, Education, which received extensive analysis in Section 3.5, Public Services, of the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. The County also clarifies that the issuance of a future school bond is not proposed by the project and, therefore, not required to be analyzed in the Draft EIR.

The commenter asks about the number of single story homes for handicapped and senior citizens. The County notes the comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Nonetheless, as stated in Section 1.0, Project Description, the proposed project would include 325 Age-Qualified Lots in the Mesa Neighborhood, and 93 additional Age-Restricted lots in Hillside Neighborhood (Tables 1-4 and 1-5). 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-1.3-93** The commenter (Ana Rosvall) states that the housing crisis is “brought on by the developers who are not conforming to the general plan.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states there are plenty of units, 72,000, in the General Plan and asks “why are we not building there?” The County refers the reader to **Response to Comment O-1.3-47**, above.

The comment asks, “why are we not building closer to transportation, where it’s not [in a] high fire hazard [area] and where they won’t have to use public funds for the infrastructure?” The comment does not raise any specific issue regarding the analysis

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related to traffic, fire hazard and infrastructure, and; therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states only the developer is “winning” while the community suffers and “everybody is bending over backwards to just completely blow off this entire general plan that we spent so long working on.” The County notes that the comment expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis 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.

The comment states “they can’t put big box stores” under the existing general plan because “it’s office space” and asks “who’s going to want office space there?” The County directs the reader to Section 4.5, Existing General Plan Alternative for a comparison of the proposed project and the Existing General Plan land uses. The County refers the reader to **Response to Comment Letter O-1.9** regarding calculation of the underlying assumptions for the Existing General Plan, as well as uses permitted under the Existing General Plan.

The comment states the project site is approved PAMA that could be part of the North County MSCP. The commenter states there are goals that are not being conformed to. The County notes that PAMA is a designation of the DRAFT North County MSCP. Please refer to **Topical Response BIO-1**.

The comment concludes with a remark about “completely cutting off wildlife corridors.” The county does not concur with this comment. Please refer to **Topical Response BIO-2**.

**O-1.3-94** The commenter (Mark Slovick) thanks those in attendance and reiterates that written comments are due by August 14<sup>th</sup>. The commenter suggests contacting County staff with any questions about how to provide further comments.

### O-1.4 L&W Attachment 4

- O-1.4-1** The comment provides a table of contents of the comment letter and a summary of the proposed project. The County acknowledges the comment as an introduction to comments that follow. 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-1.4-2** The comment states that commenter reviewed the air quality and greenhouse gas sections of the Draft EIR and supporting appendices, and opines that the DEIR's public review period (which ran from June 15, 2017 to August 14, 2017) was not long enough to review the document. The comment then provides an overview of the length of the document and states that the executive summary of the DEIR does not contain sufficient information to support conclusions and that, if a member of the public wanted to determine impacts at their property, it would be difficult because of the length and the complexity of the analysis. The comment states that the analyses in the DEIR's appendices are highly technical, poorly supported, and contain inconsistencies, requiring that assumptions be searched for and "reverse engineered" based on the model inputs and outputs, which is beyond the abilities of the members of the public and technical experts.

The County does not concur with the comment. In order to encourage public participation, the County provided a public comment period that exceeded CEQA's 45-day requirement by 16 days. (Public Resources Code § 20191, State CEQA Guidelines § 15105.) The County also held a public meeting on the DEIR on July 18, 2017.

As to the placement of technical information in DEIR appendices, the CEQA Guidelines provide that highly technical analysis and data should not be placed in the body of the EIR, but should instead be included in EIR appendices. (CEQA Guidelines § 15147.) In this way, the public and decision-makers can review the body of the DEIR for meaningful and useful information about the project and its potential impacts, with supporting technical data incorporated within the appendices and available for public examination. Accordingly, the County properly summarized information in the body of the DEIR and incorporated this technical supporting data in the DEIR's appendices.

The remainder of the comment is general in nature and does not raise any specific issue regarding any particular analysis in the DEIR. Therefore, no specific response can be provided or is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47 [a general response is all that is required to a general

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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-1.4-3** The comment states that electronic files were requested to support the air quality and greenhouse gas emissions sections of the DEIR; however, the County denied this request, which complicated the review of the DEIR.

The County provided the electronic files requested by Mr. Andrew D. Yancey of Latham & Watkins, LLP, including PDF format of electronic output files and unlocked Excel spreadsheets. Please see October 3, 2017 email from Mr. Brian Grover (Dudek) to Mr. Andrew D. Yancey, and subsequent correspondence and files submitted. On January 17, 2018, the County provided additional electronic files (two Excel spreadsheets) requested by Latham & Watkins, LLP on January 11, 2018. The County acknowledges the comment and notes it does not raise an environmental issue or objection to the DEIR's analysis. Accordingly, no further response is required or necessary.

- O-1.4-4** The comment states that key assumptions within the Draft EIR were based on references and documents from Fuscoe Engineering, which were not provided in the Draft EIR and, therefore, prevented meaningful review of the Draft EIR. The comment explains that the "Fuscoe Engineering 2016a" and the "Fuscoe Engineering 2016b" documents were requested, and the County provided these four days before the close of the public review period. The comment states that "Fuscoe Engineering 2016a" was part of Appendix G of the Draft EIR, which itself cited to "Fuscoe August 2016," which was not in the record and was the source of construction assumptions. The comment states the second document was email correspondence between Bob Chase and Jennifer Sucha, which identifies a potential discrepancy in soil movement during Phase 1 and Phase 2.

The email referenced in the comment pertains to correspondence between Bob Chase of Fuscoe Engineering and Jennifer Sucha of Dudek on August 17, 2016. This email contained information that directly informed the grading assumptions for the project's construction air quality analysis. The commenter did not specify what the alleged discrepancy is; however, the grading specifics provided in the email directly reflect the precise assumptions listed in Appendix A of the Air Quality Technical Report; therefore, there are no discrepancies between the email correspondence and Appendix A of the Air Quality Technical Report. For example, the email indicates that 2,320,570 cubic yards of balanced soil movement would occur on-site between neighborhoods in Phase 1 of construction. Appendix A identifies 2,320,570 cubic yards of soil movement in the "Grading" phase under Phase 1 for the project. Information in the email correspondence regarding the "split" of soil hauling between

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phases was not utilized for purposes of the air quality modeling and is not relevant to the analysis.

As noted by the commenter, the Draft EIR and its 35 technical appendices presented a lengthy document and included a significant amount of technical detail and data. To keep the Draft EIR as manageable in length as possible, some source documents used in preparing the Draft EIR were cited to, but were not included in the body of the Draft EIR or its appendices. 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 referenced. The County, for this reason, does not concur with the comment's assertion that the subject information was improperly omitted from the DEIR. Further, the County provided these requested source documents to the commenter within a reasonable time after the commenter's request.

**O-1.4-5** The comment states that the Draft EIR is deficient and does not fulfill its mandate as an informational document under CEQA to inform the public of potential impacts. The comment states that sources of emissions have been omitted from the Draft EIR or underestimated, resulting in an underestimation of greenhouse gases (GHGs), criteria air pollutants, toxic air contaminants (TACs) and health risks. The comment lists the sources where emissions are claimed to have been underestimated or omitted.

The County notes the comment provides the commenter's opinion and acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see **Response to Comments O-1.4-13 through O-1.4-72** for responses regarding comments on GHG emissions. Please see **Response to Comments O-1.4-73 through O-1.4-102** for responses regarding comments on air quality topics. Please see **Response to Comments O-1.4-105 through O-1.4-114** for responses regarding comments on the health risk assessment. Specifically:

- **Response to Comments O-1.4-34 through O-1.4-38** address comments relating to omission of GHG, criteria air pollutant, and TAC emissions from construction of off-site roadway and utility improvements.
- **Response to Comments O-1.4-25 through O-1.4-29** address comments relating to underestimation of GHG, criteria air pollutant, and TAC emissions from construction worker trips.
- **Response to Comment O-1.4-26** addresses comments relating to underestimation of GHG, criteria air pollutant, and TAC emissions from material deliveries to the site (i.e., vendor truck trips).

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- **Response to Comments O-1.4-21 through O-1.4-23** address comments relating to underestimation of GHG emissions associated with vegetation removal.
- **Response to Comment O-1.4-24** addresses comments relating to overestimation of GHG emission reductions from new tree plantings.
- **Response to Comments O-1.4-43 through O-1.4-45** address comments relating to omission of GHG, criteria air pollutant, and TAC emissions from induced traffic.
- **Response to Comment O-1.4-52** addresses comments relating to omission of GHG, criteria air pollutant, and TAC emissions from increased freeway congestion.
- **Response to Comments O-1.4-46 through O-1.4-51** address comments relating to overestimation of GHG, criteria air pollutant, and TAC emissions reductions from the Projects Traffic Demand Management program.
- **Response to Comments O-1.4-30 through O-1.4-33** address comments relating to underestimation of GHG, criteria air pollutant, and TAC emissions reductions from assuming Tier 4 equipment.
- **Response to Comments O-1.4-53 through O-1.4-57** address comments relating to underestimation of GHG and criteria air pollutant emissions from water use. Please note that Project water consumption would only generate GHG emissions, as explained in **Response to Comment O-1.4-53**.
- **Response to Comment O-1.4-61** addresses comments relating to omission of GHG, criteria air pollutant, and TAC emissions from barbecuing.
- **Response to Comment O-1.4-62** addresses comments relating to omission of GHG emissions due to climate change.
- **Response to Comment O-1.4-75** addresses comments relating to omission of PM<sub>10</sub>, PM<sub>2.5</sub>, and silica dust emissions from wind erosion.
- **Response to Comment O-1.4-75** addresses comments relating to omission of PM<sub>10</sub>, PM<sub>2.5</sub>, and silica dust health impacts relating to Santa Ana winds.

**O-1.4-6** The comment states that the emissions sources listed in O-1.4-5 also emit TACs; and, therefore, health risks associated construction and operation were underestimated. The comment states that several health impacts, which were not identified in the DEIR, would occur.

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The County notes the comment provides the commenter's opinion and acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see, e.g., **Response to Comments O-1.4-103 through O-1.4-114**, below, for relevant, responsive information

- O-1.4-7** The comment states that the mitigation measures identified in the Draft EIR for greenhouse gas (GHG) impacts are not adequate because the sequestration from planting new trees was overestimated, the measures are based on a 30-year project life, and the measures include a “true up” clause that allows reductions in GHG offsets at the discretion of the County, outside of CEQA review.

The County notes the comment provides the commenter's opinion and acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Specifically, relevant, responsive information can be found where these issues are addressed at **Response to Comment O-1.4-8, O-1.4-65, O-1.4-68, and O-1.4-72**, below.

- O-1.4-8** The comment generally states that the Draft EIR did not incorporate all feasible mitigation for GHG and criteria pollutant emissions.

In response, the County acknowledges the comment as an introduction to additional comments that follow. Additional information is provided in response to specific mitigation measures recommended by the commenter below (see, e.g., **Response to Comments O-1.4-96, O-1.4-100 and O-1.4-101**).

For introductory purposes, it is noted that, in assessing the feasibility of mitigation, the County considers both the feasibility and enforceability of such measures. Under CEQA, “feasible” means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines §15364.) Ineffective mitigation measures – in this context, those that would not result in a meaningful and/or measurable emission reduction, particularly after taking into account the feasibility factors identified in the CEQA Guidelines – need not be considered. (CEQA Guidelines §15126.4(a)(1); *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 365.)

Mitigation measures also must be legally enforceable, taking into account statutory and constitutional limitations. (Pub. Res. Code, §21081.6(b); CEQA Guidelines §15126.4(a)(2).) For instance, the County cannot impose mitigation that does not bear a reasonable relationship to, or have a nexus between, the mitigation proposed and a

project's impacts. (CEQA Guidelines §15126.4(a)(4).) Similarly, the County also may not impose any fee-based mitigation unless it is roughly proportional to a project's effects.

Regarding criteria pollutant emissions, the Final EIR's Air Quality Section incorporates all feasible mitigation. The mitigation identified in the Final EIR consists of mitigation previously identified in the Draft EIR, as well as revisions to some of those measures and newly recommended measures that have been developed in response to public comments. Despite this mitigation, significant impacts would remain—which is allowed by CEQA, provided that the County identifies the necessary, overriding considerations. (CEQA Guidelines §15093.)

As to GHG emissions, the Draft EIR's Greenhouse Gas Emissions Section recommended mitigation measures which, in combination with identified project design features, would reduce the project's GHG emissions to net zero, supporting a determination that project impacts would be less than significant. It is well established that CEQA does not require the consideration of additional mitigation measures for project impacts that have been mitigated to less-than-significant levels. (CEQA Guidelines §15126.4(a)(3).) Additionally, it is within the discretion of the County, acting as the lead agency for the proposed project, to select the portfolio of mitigation measures it finds are supported by substantial evidence and desirable. As such, the County has no continuing obligation to identify additional or alternative mitigation measures for the project's less than significant GHG emissions.

**O-1.4-9** The comment states that the Draft EIR did not evaluate other impacts associated with project construction and operation, including valley fever impacts, emissions of VOC and NO<sub>x</sub> and the resulting impacts on ambient ozone concentrations and ozone attainment in the San Diego Air Basin, and impacts to ambient air quality and a determination if NAAQS or CAAQS would be violated. The comment states that because these impacts were not evaluated, no mitigation was identified.

The County acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see **Response to Comments O-1.4-77** through **O-1.4-83** for responses regarding Valley Fever. Please see **Response to Comments O-1.4-86** through **O-1.4-89**, specifically **Response to Comment O-1.4-87**, for responses regarding Project-generated construction and operational emissions of NO<sub>x</sub> and VOC in relation to the San Diego Air Basin's ozone attainment status. Please see **Response to Comments O-1.4-90** through **O-1.4-93** for responses regarding Project-generated construction and operational emissions of criteria air



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pollutants in relation to the San Diego Air Basin's attainment of the NAAQS and CAAQS and the potential for a violation to occur.

- O-1.4-10** The comment states that the DEIR concluded that mitigated cumulative construction emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be significant. The comment states that the DEIR concluded that mitigated combined maximum daily construction and operational emissions of NO<sub>x</sub>, CO, and PM<sub>10</sub> would be significant and unavoidable. The comment states that the DEIR did not evaluate the impact of the mitigated significant emission increases on ambient air quality. The comment states that the DEIR should have, but did not, conduct ambient air quality modeling to determine if the project's construction and operational emissions would violate the NAAQS or CAAQS.

The County acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see, **Response to Comments O-1.4-90** through **O-1.4-92**, below, for relevant, responsive information. For that reason, the County provides no further response to this comment.

- O-1.4-11** The comment repeats the commenter's concern that the Draft EIR failed to require all feasible mitigation for the project's construction and operational criteria pollutant impacts.

The County acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see **Response to Comment O-1.4-8** above and **Response to Comments O-1.4-93** through **O-1.4-102**, below, for relevant, responsive information. As no particular mitigation measures are suggested in the comment, no more specific response can be provided.

- O-1.4-12** The commenter states that her resume is included as Exhibit 1 of the comment letter. The commenter provides a description of her experience in the field of environmental engineering. The County acknowledges the comment and notes it provides the qualifications of the commenter. No further response is required or necessary.

- O-1.4-13** The comment states that the GHG and criteria pollutant emissions associated with project construction and operation were estimated using CalEEMod model defaults and other assumptions. The comment states that Draft EIR does not explain in a coherent fashion how emissions were estimated.

The comment correctly states project construction and operation emissions were estimated using CalEEMod. CalEEMod is a statewide land use emissions computer

model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use development projects. The model quantifies direct emissions from construction and operational activities. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from measures chosen by the user.

The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with numerous expert consultants and California Air Districts. Default data (e.g., emission factors, trip lengths, meteorology, and source inventory) have been provided by the various California Air Districts to account for local requirements and conditions. The model is periodically updated when modifications are warranted.

The model is broadly accepted by lead agencies and technical experts as a comprehensive tool for quantifying air quality impacts from land use projects located throughout California. Please see **Response to Comment O-1.4-19** below for additional discussion. For purposes of air quality, a summary of the construction analysis assumptions is presented in the DEIR Section 2.3, Air Quality, in Section 2.3.4.2, Construction Emissions Estimates and Methodology. The commenter is also directed to Section 3.1, Construction Emissions Estimates and Methodology, in **Appendix G, Air Quality Technical Report**, which presents the methodology and assumptions to estimate criteria air pollutant emissions associated with Project construction. Section 3.1.1 discusses construction equipment and vehicle trips methodology and assumptions, Section 3.1.2 presents blasting emissions methodology, and Section 3.1.3 presents rock crushing emissions methodology. Table 14, Construction Phasing and Equipment List, provides a summary of the assumed construction phases and associated type of equipment and quantity. Construction grading estimates by activity for Phase 1 and 2 are provided in Table 15.

A summary of the operational analysis assumptions is presented in DEIR Section 2.3, Air Quality, in Section 2.3.4.3, Operational Emissions Estimates and Methodology. The commenter is also directed to Section 3.2, Operational Emissions Estimates and Methodology, specifically Section 3.2.1, Criteria Pollutant Emission Estimates, of the Air Quality Technical Report, which presents the methodology and assumptions to estimate criteria air pollutant emissions associated with Project operation.

As referenced in Appendix D, Air Quality Technical Report, additional construction and operational analysis details are provided in Appendices A and B. Appendix A

presents the construction schedule and assumptions and Appendix B presents the CalEEMod output files and average operational trip length data.

For purposes of GHGs, a summary of the construction and operational analyses' assumptions are presented in the Draft EIR, Section 2.7, Greenhouse Gas Emissions, within Section 2.7.3.1, under the heading "Generate Greenhouse Gas Emissions, Either Directly or Indirectly, that May Have a Significant Impact on the Environment." Appendix K, GHG Emissions Technical Report, also dedicates Section 5, Calculation and Analysis Methodologies, to presenting the methodology and assumptions used to estimate Project-generated construction and operational GHG emissions. Section 5.1, Construction Emissions, presents assumptions within two subsections: Section 5.1.1, Construction Equipment and Vehicle Trips, and Section 5.1.2, Rock Crushing – Generator Use. Section 5.2, Operational Emissions, details operational analysis assumptions under six subsections: Section 5.2.1, Vehicle Emissions, Section 5.2.2, Energy Use Emissions (electricity and natural gas), Section 5.2.3 Area Source Emissions, Section 5.2.4, Water Use Emissions, Section 5.2.5 Solid Waste Disposal Emissions, and Section 5.2.6, Sequestration.

As referenced in Appendix K, GHG Emissions Technical Report, additional construction and operational analysis details are provided in Appendices B, C, D, and E. Appendix B presents the construction schedule and assumptions and Appendix C presents the CalEEMod output files. Appendix D presents the vehicle miles traveled reduction measures and reduction calculations. Finally, Appendix E presents the emission factor adjustments.

In summary, the Draft EIR, its GHG Emissions Technical report (Appendix K), and its Air Quality Technical Report (Appendix G) provide a coherent and detailed discussion of the methodology used to estimate the project's GHG and criteria air pollutant emissions using CalEEMod and other methodologies. Thus, the County does not concur with the comment's assertion the DEIR does not explain how emissions were estimated. As the comment raises no more specific issue with the assumptions detailed in the DEIR, no more specific response can be provided.

**O-1.4-14** The comment states that outputs are not annotated in the same manner as the summary emission tables in the Draft EIR.

The County acknowledges the comment and notes it does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Generally speaking, the Draft EIR Air Quality section presents the data provided in the CalEEMod modeling output files such that it can be more easily read and comprehended by the general public. The modeling output data and annotations serve as a "snapshot" of the raw data that is then synthesized and disclosed in the Draft EIR. The modeling output

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files serve as the substantial evidence for the results disclosed in the Draft EIR. If the modeling output files and data provided in the Draft EIR section were identical, it would be difficult for the general public to understand how the data is supposed to be interpreted.

As an example, the following shows how the data is presented in the modeling output file (i.e. the model's raw data output) pertaining to operational GHG emissions associated with energy use for the proposed project's commercial space, as generated by CalEEMod:

Newland Sierra - Operation - Commercial - San Diego County, Annual

### Newland Sierra - Operation - Commercial San Diego County, Annual

#### 1.0 Project Characteristics

##### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Strip Mall	81.00	1000sqft	10.20	81,000.00	0

See page 294 of 370 of the Greenhouse Gas Emissions Technical Report for the above output file.

#### 5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated	-	-	-	-	-	-	0.0000	-	0.0000	-	0.0000	-	254.0154	-	0.0104	254.9815
Electricity Unmitigated	-	-	-	-	-	-	0.0000	-	0.0000	-	0.0000	-	254.0154	-	0.0104	254.9815
NaturalGas Mitigated	9.8000e-004	6.8900e-003	7.4700e-003	5.0000e-005	-	6.8000e-004	6.8000e-004	-	6.8000e-004	6.8000e-004	0.0000	9.6823	9.6823	1.9000e-004	1.8000e-004	9.7399
NaturalGas Unmitigated	9.8000e-004	6.8900e-003	7.4700e-003	5.0000e-005	-	6.8000e-004	6.8000e-004	-	6.8000e-004	6.8000e-004	0.0000	9.6823	9.6823	1.9000e-004	1.8000e-004	9.7399

The following shows how the data is presented in Section 2.7 – Greenhouse Gas Emissions of the Draft EIR.

**Table 2.7-12**  
**Estimated Proposed Project Emissions (2021) Commercial**

Emissions Source	Annual Emissions (Metric Tons per Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
Motor Vehicles	12,832	0.66	0.00	12,848
Electricity Consumption	254	0.01	0.00	255
Natural Gas Consumption	10	0.00	0.00	10
Area Sources	0	0.00	0.00	0
Water Demand	9	0.00	0.00	9
Solid Waste Generation	13	0.77	0.00	32
<b>Total</b>	<b>13,118</b>	<b>1.44</b>	<b>0.00</b>	<b>13,154</b>
<b>Annual MT CO<sub>2</sub>E per 1,000 sf</b>	<b>162</b>			
<b>Total GHG Offsets (CO<sub>2</sub>E ) per 1,000 sf Unit Over 30-year Project Life</b>	<b>4,860</b>			

See page 2.7-64 of the Draft EIR for the above table related operational energy use and associated GHG emissions for the proposed project's commercial space.

Additionally, Section 2.3, Air Quality and Section 2.7, Greenhouse Gas Emissions and the associated technical reports go into great detail regarding the input assumptions that went into the model to provide additional clarity as to how the modeling was conducted.

**O-1.4-15** The comment states that the County did not provide electronic copies of the CalEEMod modeling files. Please see **Response to Comment O-1.4-3**.

**O-1.4-16** The comment explains the following section of the comment letter discusses GHGs but that most of the comments also apply to criteria pollutant and TAC emissions, and; thus, should be considered as applicable to the Draft EIR's air quality analyses.

The County acknowledges the comment as an introduction to comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below. Please see **Response to Comment O-1.4-8** above and **Response to Comments O-1.4-17 through O-1.4-72**, below, for relevant, responsive information. 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-1.4-17** The comment states that in order to verify the DEIR GHG emission calculations the reviewer must master the CalEEMod User's Guide and back-calculate emission factors to determine what was assumed in the Draft EIR, which is beyond the reach of most members of the public.

Please see **Response to Comment O-1.4-13**, above, and **Response to Comment O-1.4-19**, below, discussing the DEIR air quality and GHG emissions modeling based on certain project assumptions using the reputable modeling software, CalEEMod. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use development projects. Default data, including emission factors, have been provided by the various California Air Districts to account for local requirements and conditions. The County has, as noted, modeled the project's air quality impacts using CalEEMod and incorporated the results of its modeling for public review and comment in the Draft EIR.

In response to the comment concerning the commenter back-calculating emissions factors used by CalEEMod, the County acknowledges the comment and notes it does not appear to relate to the accuracy of the DEIR and its modeling, or any physical effect on the environment. It also is routine for engineers responsible for the estimation of criteria air pollutants and GHG emissions to use both modeling platforms (like CalEEMod) *and* off-model calculations (i.e., what the commenter refers to as "back-calculating") to develop a full representation of a project's emissions profile. Further, the County recognizes that – by its very nature – the modeling of criteria air pollutant and GHG emissions requires technical expertise and is not an effort that can be replicated by a non-technical, lay person. CEQA does not preclude the use of technical expertise and technical evidence; however, the DEIR is crafted to ease the burden for the reviewing public by summarizing, in each section, the most pertinent technical detail contained in its appendices. 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.

Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter "specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR's air quality analyses." This comment does not raise an environmental issue relating to criteria air pollutant, GHG, or toxic air contaminant emissions.

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**O-1.4-18** The comment states that the Draft EIR GHG emissions could not be verified within the public review period without the electronic modeling files, which were not included as appendices to the Draft EIR. The comment notes that the County did not provide the electronic modeling files for CalEEMod, AERMOD, and HARP, upon request. Please see **Response to Comments O-1.4-2, O-1.4-3, O-1.4-13, O-1.4-17 and O-1.4-19**. As discussed therein, the electronic modeling files were provided; those files were not included in the publicly circulated DEIR because DEIRs are intended to provide narrative summaries of projects' environmental impacts, and are not electronic platforms.

**O-1.4-19** The comment states that the commenter was unable to replicate the CalEEMod emission estimates for the project because the Draft EIR did not provide a detailed construction schedule. The comment states that because the Draft EIR does not provide a detailed construction schedule, it does not serve as an informational document under CEQA.

Regarding the proposed project schedule, the Draft EIR's Project Description details the anticipated construction schedule in Section 1.2.1.12, Construction. As to the overall duration of construction, the Draft EIR states that "[b]uild out of the Community is anticipated to occur in two phases over approximately 10 years" (2018 through 2027) due to market demands and in order to achieve a "logical and orderly expansion of roadways, public utilities, and infrastructure ... to ensure that improvements are in place at the time of need." However, heavy construction activities (e.g., grading, blasting and rock crushing) "are anticipated to be completed by the end of 2022." Thus, all heavy construction activities are anticipated to be completed within the first five years of the project's construction period (2018 through 2022), and will not last for 10 years. (Draft EIR, p. 1-20.) Furthermore, "[i]ndividual blasting or rock-crushing activities during Phases 1 and 2 would occur sequentially and would not overlap." (Ibid.)

In addition, the Draft EIR, Appendix A of the Air Quality Technical Report (Appendix G of the Draft EIR) provides a more detailed construction schedule. This construction schedule, which was prepared in consultation with the project engineer and an estimator, details the types of construction activity, anticipated start and end date(s), number of weeks per activity, number of workers for each activity, number of haul and vendor truck trips per day, as well as the equipment types and number of equipment units. This detailed construction schedule shows that, for Phase 1, heavy construction activities (i.e., site preparation and grading) are anticipated to occur from January 10, 2018 to December 1, 2020. For construction of Phase 2, heavy

construction activities are anticipated to occur from December 21, 2020 to November 18, 2022.<sup>99</sup> (For more information on the project's two construction phases, please see the Draft EIR's Project Description and Air Quality chapters, as well as **Figure 1-32** therein.)

The commenter is directed to the Draft EIR pages 2.3-22 through 2.3-23 and Table 2.3-7 for a summary of assumptions relied on in the construction air quality and GHG analyses. In short, the Draft EIR states that construction is anticipated to commence in January 2018 and take approximately 10 years to complete. (*Ibid.*) It was assumed all equipment would operate 8 hours per day, 6 days per week. (*Ibid.*) Table 2.3-7 provides a summary Construction Phasing and Equipment List detailing the construction equipment needed to implement improvements. (*Ibid.*)

In addition to this summarized information, the commenter is directed to the Air Quality Technical Report (DEIR Appendix G) at its Appendix B entitled "CalEEMod Output Files and Average Operational Trip Length Data," for the details of the construction schedule and equipment assumptions which were relied on in the construction air quality analysis. Within these appendices is the detailed information sought by the commenter concerning the project's construction schedule and assumptions underlying its air quality modeling. As the comment does not specifically point to what information is alleged to be missing or inadequate, no more specific response can be provided. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47 [a general response is all that is required to a general comment]).

The comment correctly states that construction air pollutant emissions were modeled using CalEEMod and based on the construction schedule and equipment assumptions. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use development projects. The model quantifies direct emissions from construction and operational activities (including vehicle use), as well as indirect emissions, such as GHG

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<sup>99</sup> The Draft EIR anticipated that project-related construction activities would commence on January 10, 2018. This was the estimated commencement date when the construction schedule was prepared in August 2016. The estimated commencement date is now likely to be further into the future. However, the Draft EIR continues to provide an accurate and conservative assessment of the project's construction-related air pollutant emissions because regulations, restrictions, and increased market penetration of cleaner construction equipment are anticipated to continue to reduce emissions in the future. In other words, because California's construction-related emissions sources are regulated and will foreseeably continue to be more strictly regulated in the future, project emissions are reasonably expected to continue to decline. Thus, by utilizing a too-early start date of 2018, the Draft EIR's estimated emissions likely overstate actual emissions levels.



emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from measures chosen by the user.

The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with numerous expert consultants and California Air Districts, including the South Coast Air Quality Management District, the Bay Area Air Quality Management District, Placer County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, the San Joaquin Valley Air Pollution Control District, the San Luis Obispo Air Pollution Control District, and the Santa Barbara County Air Pollution Control District. Default data (e.g., emission factors, trip lengths, meteorology, and source inventory) have been provided by the various California Air Districts to account for local requirements and conditions. The model is periodically updated when modifications are warranted.

The model is broadly accepted by lead agencies and technical experts as a comprehensive tool for quantifying air quality impacts from land use projects located throughout California. The model can be used for a variety of situations where an air quality analysis is necessary or desirable, such as preparing CEQA or National Environmental Policy Act (NEPA) documents, conducting pre-project planning, and, verifying compliance with local air quality rules and regulations. In response to the comment concerning the commenter being unable to run CalEEMod, the County notes the comment does not raise an environmental issue within the meaning of CEQA. The County has, as noted, modeled the project's air quality impacts using CalEEMod and incorporated the results of its modeling for public review and comment in the Draft EIR.

For a complete summary of the iterative process the County undertook to review the proposed project's technical analysis and DEIR, please see Response to Comment O-1-13. Specific to Air Quality and Greenhouse Gas Emissions, the County followed standard practice of using an independent, third party air quality technical reviewer (Poonam Boparai, Senior Air Quality and Climate Change Specialist, Ascent) to review the modeling inputs and results. Dudek made six submittals between June 2015 and September 2016 of the Air Quality and GHG technical reports (Appendices G and K of the DEIR). County staff reviewed, commented and provided its independent analysis of these reports before ultimately accepting them prior to release of the DEIR in June 2017.

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**O-1.4-20** The comment concludes that the Draft EIR underestimated GHG, criteria air pollutant, and toxic air contaminant emissions, omitted GHG sources, underestimated health risks, and did not impose adequate mitigation.

The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.4-21** The comment states that the information presented in Table 2.7-4 of the Draft EIR (Table 1 in the comment) is unclear as to its units and temporal attributes. The comment also asks whether CalEEMod estimates the GHG loss due to the removal of existing, on-site vegetation during the construction period on an annual basis or a one-time loss of GHG sequestration potential over the project lifetime.

In response to this comment, Table 2.7-4 has been revised in the Final EIR as shown below. This revision does not alter the project's emissions inventory total or change the conclusion regarding the significance of the project's impacts on greenhouse gases. Additionally, page 2.7-35 of the Draft EIR states that the vegetation removal would result in a *one-time* sequestration loss on the project site, as -estimated by CalEEMod. Practically speaking, however, this loss would occur over several years as native vegetation would be incrementally removed from the project site as various phases of development are commenced. As additional background, CalEEMod calculates this loss on the basis of all vegetation (biomass) removed from a project site regardless of when it occurs. The loss is based on the amount of carbon locked in the biomass and is not an estimate of future potential carbon sequestration (see also Responses to Comments O-1.4-22 and -23).

**Table 2.7-4**  
**Estimated Construction and Vegetation Removal GHG Emissions**

Emissions Year	Annual Emissions (Metric Tons per Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
2018	8,627	1.88	0.00	8,674
2019	9,384	2.37	0.00	9,444
2020	12,864	2.74	0.00	12,933
2021	11,328	2.02	0.00	11,378
2022	10,225	1.89	0.00	10,273
2023	6,692	0.93	0.00	6,715
2024	5,452	0.72	0.00	5,470
2025	3,631	0.37	0.00	3,640
2026	3,929	0.32	0.00	3,937

**Table 2.7-4**  
**Estimated Construction and Vegetation Removal GHG Emissions**

Emissions Year	Annual Emissions (Metric Tons per Year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
2027	3,564	0.29	0.00	3,571
<i>Total GHG Emissions over the Project Construction Period (Metric Tons)</i>				
Subtotal Construction GHG Emissions	75,696	13.52	0.00	76,034
Vegetation Removal	17,289	0.00	0.00	17,289
Total Emissions	92,985	13.52	0.00	93,323

Notes: See Appendix K for complete results.

**O-1.4-22** The comment states that the GHG emissions calculations for vegetation removal are premised on an inappropriate vegetation type and, therefore, underestimate project impacts. The comment specifically objects to the utilization of CalEEMod’s CO<sub>2</sub> accumulation per acre for “scrub,” opining that the on-site vegetation cannot be reasonably characterized as scrub.

Comment O-1.4-22 starts Section 2.2, GHG Emissions from Vegetation Removal Are Underestimated, of the comment letter. Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR’s air quality analyses.” In light of the commenter’s request that the applicability of the GHG comments be extended to the EIR’s air quality analysis, it is noted that the loss of sequestered carbon associated with vegetation removal and the gain of sequestered carbon associated with planting new trees is considered GHG emissions topics only. Criteria air pollutants and toxic air contaminants are not relevant to carbon sequestration calculations. Accordingly, **Response to Comments O-1.4-22 through O-1.4-24** focus on GHG emissions only.

In response, it is first noted that the emission factor presented for vegetation removal in the analysis – 14.3 MT CO<sub>2</sub> per acre – was not independently developed by the project’s GHG expert, but rather is sourced to the industry-standard model – CalEEMod – used to estimate GHG emissions for CEQA purposes. As discussed in the CalEEMod User’s Guide, the model’s vegetation removal attributes (including its emission factors) are based on scientific data and evidence collected by the Intergovernmental Panel on Climate Change (IPCC), a recognized expert on the subject of global climate change (CalEEMod User’s Guide, Section 4.11, Vegetation,

page 58; CAPCOA 2016). Further, as discussed below, the model attributes are intended to be generally representative of and suitable for use to estimate carbon sequestration associated with California's land covers.

Second, the comment misinterprets the cited excerpt from the project's Specific Plan (Draft EIR, Appendix C, Part 2, Section 1.3.2), which refers to "limited patches of" scrub *species*, and erroneously concludes that the "limited" presence of scrub species indicates that the on-site vegetation land use in CalEEMod should be something other than scrub. In fact, when used by CalEEMod in this context, scrub refers not only to specific plant species, such as the coastal sage scrub referenced in the Specific Plan, but also is used to describe an entire vegetation community. For example, the California Native Plant Society's *A Manual of California Vegetation Online* describes two chaparral communities or alliances—*Adenostoma fasciculatum* Shrubland Alliance or chamise chaparral (<http://vegetation.cnps.org/alliance/102>) and *Quercus berberidifolia*–*Adenostoma fasciculatum* Shrubland Alliance or scrub oak–chamise chaparral (<http://vegetation.cnps.org/alliance/252>), as shrub, scrub, or chaparral depending on the level in the Vegetation Classification Hierarchy. Accordingly, the term "scrub" may be applied appropriately to the chaparral vegetation community that covers the majority of the project site for purposes of CalEEMod.

Moreover, the CalEEMod User's Guide states that the calculation of the loss of sequestered carbon should not generally require detailed information about the types of vegetation being removed due to implementation of a project:

The program calculates GHG emissions from vegetation activities according to the IPCC protocol for vegetation since *it has default values that work well with the information typically available for development projects*. This method is similar to the CAR Forest Protocol and the Center for Urban Forest Research Tree Carbon Calculator, but *it has more general default values available that will generally apply to all areas of California without requiring detailed site-specific information*. (italics added) [CalEEMod User's Guide, Appendix A, Section 11, Vegetation, p. 50; CAPCOA 2016]

Furthermore, CalEEMod provides four (4) vegetation types/options as identified by the IPCC: Forest Land, Cropland, Grassland, and Wetlands. Of these four options, the Forest Land vegetation type is considered the most appropriate and conservative option provided in CalEEMod to represent vegetation removal on the project site. CalEEMod only defines "Forest Land", not scrub, which is defined as the following per the IPCC:

*(i) Forest Land - This category includes all land with woody vegetation consistent with thresholds used to define Forest Land in the national*

*greenhouse gas inventory. It also includes systems with a vegetation structure that currently fall below, but in situ could potentially reach the threshold values used by a country to define the Forest Land category.* (italics added) [CalEEMod User's Guide, Appendix A, Section 11, Vegetation, p. 51; CAPCOA 2016]

Within the Forest Land vegetation category in CalEEMod, two subcategories are provided: Scrub and Trees. Of these two subcategory options, Scrub is considered the most representative vegetation type for vegetation proposed for removal at the site.

For these reasons, the use of the “scrub” vegetation type is appropriate for calculating the estimated GHG emissions resulting from removal of vegetation at the project site, and project emissions have not been underestimated.

Finally, it is noted that the proposed project would involve approximately 776 acres of vegetation removal on Site. However, a loss of 1,209 acres was assumed in CalEEMod. As such, CO<sub>2</sub> emissions associated with vegetation removal were conservatively overestimated in the Draft EIR.

As presented in Technical Appendix K, GHG Emissions Technical Report, Table 12, Estimated Construction and Vegetation GHG Emissions (page 67), GHG emissions associated with a calculated loss of 1,209 acres of vegetation is estimated to be 17,289 metric tons carbon dioxide equivalent. Using CalEEMod 2016.3.1,<sup>100</sup> GHG emissions associated with a calculated loss of 776 acres of vegetation is 11,097 metric tons carbon dioxide equivalent. Accordingly, the GHG emissions analysis overestimates the GHG emissions associated with vegetation removal by 6,192 metric tons carbon dioxide equivalent. As discussed in **Response to Comment O-1.4-22**, the loss of sequestered carbon associated with vegetation removal is a GHG topic. As discussed above, GHG emissions associated with the removal of vegetation was overestimated in the Draft EIR GHG Emissions section.

**O-1.4-23** The comment suggests an alternative approach to calculating the carbon sequestration associated with chaparral. This alternative approach differs from that used in CalEEMod as the comment states that the loss of carbon should be annually from removal of vegetation and not a one-time loss. The emission factors presented in the comment also differ from those used within CalEEMod. As noted in **Response to Comment O-1.4-13**, CalEEMod is a statewide land use emissions computer model

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<sup>100</sup> The loss of sequestered carbon equation and the biogenic CO<sub>2</sub> emission factors for vegetation land use subtypes is the same in CalEEMod version 2016.3.1 and CalEEMod version 2016.3.2.

designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use development projects. As such, CalEEMod is the appropriate computer model and emissions estimate tool for use in estimating the project's construction and operational criteria pollutant emissions and GHG emissions, including GHG emissions generated through vegetation removal.

The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with numerous expert consultants and California Air Districts. Default data (e.g., emission factors, trip lengths, meteorology, and source inventory) have been provided by the various California Air Districts to account for local requirements and conditions. The model is periodically updated when modifications are warranted. The model is broadly accepted by lead agencies and technical experts as a comprehensive tool for quantifying air quality impacts from land use projects located throughout California.

CalEEMod estimates the loss of sequestered carbon (e.g., CO<sub>2</sub>) in removed vegetation rather than the loss of the future potential carbon sequestration from the vegetation. For a land use change (e.g., from natural vegetation to development), “Overall change in **sequestered CO<sub>2</sub>** is the summation of sequestered CO<sub>2</sub> from initial land use type multiplied by area of land for initial land use type subtracted by the summation of **sequestered CO<sub>2</sub>** from final land use type multiplied by area of land for final land use type” (emphasis added). Note that the calculation focuses on the amount of sequestered CO<sub>2</sub> that is lost due to removal of vegetation. The alternative approach suggested by the comment is inconsistent with the method used in CalEEMod.

As noted in **Response to Comment O-1.4-22**, the CalEEMod User's Guide states that the calculation of the loss of sequestered carbon should not generally require detailed information about the types of vegetation being removed due to implementation of a project. The County has determined that the method used in Appendix K provides an adequate representation of the loss of sequestered carbon resulting from the proposed project based on substantial evidence developed in conjunction with and/or used by CalEEMod.

As noted in **Response to Comment O-1.4-22**, and as presented in Technical Appendix K, GHG Emissions Technical Report, Table 12, Estimated Construction and Vegetation GHG Emissions (page 67), GHG emissions associated with a calculated loss of 1,209 acres of vegetation is estimated to be 17,289 metric tons carbon dioxide equivalent. Using CalEEMod 2016.3.1, GHG emissions associated with a calculated loss of 776 acres of vegetation is 11,097 metric tons carbon dioxide

equivalent. Accordingly, the GHG emissions analysis overestimates the GHG emissions associated with vegetation removal by 6,192 metric tons carbon dioxide equivalent.

The study cited in the comment took place at the Sky Oaks Field Station operated by San Diego State University. The Sky Oaks Field Station is located approximately 32 miles north-east of the project site on the other side of Palomar Mountain. Although the site is relatively close in proximity, the elevation of the project site at the highest point is 1,550 feet above sea level whereas the Sky Oaks Field Station is at 4,620 feet. This difference in elevation and the Sky Oaks Field Station's location with respect to surrounding mountains provides a different ecosystem with that of the project site. For example, the ecosystem at the Sky Oaks Field Station is subject to weather extremes such as cold, wet winters and hot, dry summers. The Sky Oaks Field Station is also met with snow during the winter<sup>101</sup>. Therefore, due to the climatic dissonance between the project site and the Sky Oaks Field Station, it is not accurate to use the results of the study to apply to the project site.

The comment briefly described the results of the study and the range of carbon sequestered by the studied old-growth chaparral. The commenter failed to also mention that during the 7 year period of the study, there were 2 years of data where significant gaps occurred and a regression line was plotted for the entire study period to fill the data gaps<sup>101</sup>. Also, during 2002-2003 there was a carbon release of 207 gCm<sup>-2</sup>yr<sup>-1</sup>. During the relatively short study period (7 years) compared to the age of the chaparral (100 years), the results represent a fraction of the overall lifecycle of carbon intake and release of that biome. What the study does prove is that more data is needed to fully understand over an ecosystems lifetime what the actual net carbon gain or loss may be. Therefore, the study is not representative of the project site and should not be relied upon to estimate loss of carbon from biomass removal.

As discussed in **Response to Comment O-1.4-22**, the loss of sequestered carbon associated with vegetation removal is relevant to GHG emissions only. As presented above, GHG emissions associated with the removal of vegetation was overestimated in the Draft EIR GHG Emissions section (i.e., GHG emissions associated with carbon sequestration were not underestimated).

**O-1.4-24** If the Draft EIR is revised to take GHG emissions reduction credit for the planting of new, on-site trees that would occur with revegetation of the project site and implementation of its landscape planning concepts, the comment requests that mitigation measures be revised to require plantings of “mixed hardwoods” and the

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<sup>101</sup> [http://www.californiachaparral.com/images/Luo\\_et\\_al\\_Chaparral\\_as\\_carbon\\_sink\\_2007.pdf](http://www.californiachaparral.com/images/Luo_et_al_Chaparral_as_carbon_sink_2007.pdf)

replacement of trees at 20-year intervals in light of the IPCC's determination that trees have an approximately 20-year active growing period during which carbon is sequestered.

The Draft EIR states, on page 2.7-36, that “no credit was taken for the anticipated increase in sequestration capacity following project implementation as a result of tree plantings.” As noted in the Draft EIR, this is a conservative approach because, while the project's revegetation of the Site's landscape would further reduce the project's GHG emissions, the final emissions calculations do not account for this benefit. The County does not intend to change the methodological approach taken with respect to the project's revegetation of the Site -- no credit is being taken for the newly planted trees. Therefore, no further refinement of the Draft EIR is required to reflect the comment.

As an aside, the County sees no need to replace healthy trees at the end of 20 years. Those trees would continue to sequester the carbon absorbed during their growing period. And, as illustrated by this project's analysis, the removal of those trees would serve to release the previously sequestered carbon. As such, the preferred approach is to retain healthy trees in place.

As discussed in **Response to Comment O-1.4-22**, the gain of sequestered carbon associated with planting new trees is relevant to GHG emissions only. As presented above, GHG emissions associated with planting trees was appropriately estimated.

**O-1.4-25** The comment states that the project's Greenhouse Gas Emissions Technical Report (Draft EIR, Appendix K) has underestimated emissions from worker trips because it is based on a number of trips per day that is lower than the number estimated by Fuscoe in coordination with JT Kruer (the project's construction engineering expert). Specifically, the comment states that the construction summary indicates 2,260 workers would be required during Phases I and II of the project, each of whom would make a roundtrip to the site for a total of 4,520 one-way trips/day. The comment then states that the CalEEMod input was limited to a total of 3,470 one-way trips/day. This assertion is incorrect.

Comment O-1.4-25 starts Section 2.3, GHG Emissions from Construction Trips Are Underestimated, of the comment letter. Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR's air quality analyses.” In light of the commenter's request that the applicability of the GHG comments be extended to the EIR's air quality analysis, it is noted that worker trip assumptions are a variable in criteria air pollutant and GHG emissions analyses. For



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purposes of CalEEMod, the worker trip assumptions are held static across the emissions estimation process for criteria air pollutants and GHGs; stated differently, CalEEMod does not require a unique set of assumptions for each category of emission (criteria air pollutant and GHGs) associated with this source. As such, criteria air pollutant and GHG emissions are addressed in **Response to Comments O-1.4-25** through **O-1.4-28**. Worker trips are not included in the construction health risk assessment because they represent an offsite source of emissions and the construction health risk assessment focuses on onsite sources of diesel particulate matter; therefore, toxic air contaminant emissions are not relevant to the **Response to Comments O-1.4-25** through **O-1.4-28**.<sup>102</sup>

In response, the comment has misinterpreted the Appendix K information contained in Appendix B, Calculation Construction Schedule and Information and Appendix C, CalEEMod Output files. As reflected in Appendix B, the “# of workers per day” “[a]ssumes 2 one-way trips per each worker, haul truck, and vendor truck” (see Appendix B page 1 for Phase 1 and page 2 for Phase 2, note is located on line 6, above “# of Workers per day” cell). Fuscoe Engineering provided the construction summary (Appendix B of Appendix K) with the assignment of “# of workers per day” for each phase. These numbers were multiplied by 2 to represent 2 one-way trips per worker, for use as inputs into CalEEMod. Therefore, the numbers shown in the “# of workers per day” cells represent one-way trips that would be driven by construction workers assigned to that phase. The label “# of workers per day” was provided by Fuscoe and was not edited to reflect the fact that these numbers had been multiplied by 2 to represent one-way trips. The unlocked excel spreadsheet of Appendix B of Appendix K was provided to the commenter and this multiplication to identify one-way trips can be verified as part of the unlocked excel spreadsheet. A summary of how construction worker one-way trips were calculated is provided in the table below:

**Construction Worker Trips**

Construction Phase	# of Workers (per day) as provided by Fuscoe	Daily Worker Trips (one-way) Calculations for Use in CalEEMod
<i>Phase 1</i>		
Site Preparation	12	24
Grading	75	150
Trenching	39	78

<sup>102</sup> Comment **O-1.4-29** is under Section 2.3, GHG Emissions from Construction Trips Are Underestimated; however, it comments on construction equipment assumptions instead of construction trip assumptions.

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### Construction Worker Trips

Construction Phase	# of Workers (per day) as provided by Fuscoe	Daily Worker Trips (one-way) Calculations for Use in CalEEMod
Reservoir Construction	22	44
Brush Management	96	192
Paving	18	36
Building Construction	400	800
Architectural Coatings	80	160
<b>Total One-Way Trips – Phase 1</b>		<b>1,484</b>
<b>Phase 2</b>		
Site Preparation	18	36
Grading	48	96
Trenching	22	44
Brush Management	48	96
Paving	12	24
Building Construction	200	400
Architectural Coatings	40	80
<b>Total One-Way Trips – Phase 2</b>		<b>776</b>
<b>Total One-Way Worker Trips</b>		<b>2,260</b>

Source: Fuscoe 2016

Provided below are the inputs for worker trips as shown on page 158 of Appendix C of Appendix K which is consistent with the assumptions shown in Appendix B of Appendix K.

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### Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
P1 Site Preparation	8	24.00	8.00	360.00	20.00	20.00	0.40	LD_Mix	HDT_Mix	HHDT
P2 Architectural Coating	10	80.00	8.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P1 Architectural Coating	20	160.00	8.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P2 Building Construction	36	400.00	32.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P1 Building Construction	28	800.00	40.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P2 Grading	26	96.00	28.00	12,893.00	20.00	20.00	0.80	LD_Mix	HDT_Mix	HHDT
P1 Grading	44	150.00	36.00	290,071.00	20.00	20.00	0.40	LD_Mix	HDT_Mix	HHDT
P2 Paving	10	24.00	16.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P1 Paving	10	36.00	20.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P2 Brush Mananement	6	96.00	16.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P1 Brush Mananement	12	192.00	28.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P1 Reservoirs	12	44.00	4.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P2 Site Preparation	6	36.00	8.00	288.00	20.00	20.00	0.80	LD_Mix	HDT_Mix	HHDT
P1 Trenching	10	78.00	32.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT
P2 Trenching	8	44.00	24.00	0.00	20.00	20.00	0.00	LD_Mix	HDT_Mix	HHDT

The construction schedule and associated CalEEMod emissions calculations thus both correctly utilize 2,260 worker one-way trips per day.

Therefore, the CalEEMod emissions calculations correctly estimated construction emissions based on the anticipated 2,260 one-way construction worker trips. The user-entered worker trip assumption values are reflected in the right hand column of the referenced CalEEMod output table (*i.e.*, Appendix K, Appendix C, CalEEMod Output files, “1.3 User Entered Comments & Non-Default Data” [referred to by the commenter as pdf 151-152]). The County has reviewed these worker trip values, and the total number of trips correctly reflects the assumptions detailed in Appendix B of the Draft EIR’s Appendix K, and totals 2,260 construction worker one-way trips. Refer to **Response to Comment O-1.4-19** for information regarding County review protocol to ensure technical adequacy of the Air Quality and Greenhouse Gas technical studies.

Additionally, in responding to this comment, reference was made to PDF pages 151-152 of Appendix K, which the comment identified as the source of the 3,470 trip value. However, the referenced trip value is not located on those Appendix K pages and no reference to that particular value is contained elsewhere in Appendix K. The source of the comment’s 3,470 trip value is unclear.

In summary, the project’s construction emissions were not modeled using an assumed number of 3,470 one-way worker trips; rather, the construction emissions were modeled correctly using 2,260 one-way worker trips – project emissions relating to construction worker trips have been accurately estimated based on information provided by the construction experts (Fuscoe Engineering). Therefore, criteria air

pollutant and GHG emissions were accurately estimated in the DEIR air quality and GHG emissions analyses, respectively.

- O-1.4-26** The comment states that using a 20-mile trip length for construction worker trips in CalEEMod substantially underestimates actual trip lengths. The comment cites a report suggesting that construction workers commute as much as 60 miles daily to construction sites from their homes. The comment also suggests that the nature of the project would necessitate construction materials coming from longer distances.

The comment expresses an opinion regarding the locations from which construction workers and materials would come without evidence other than the aforementioned report. The County has reviewed and considered the comment and the cited document and concludes the comment is not based on substantial evidence as the cited document is irrelevant. The cited report was published in 1984 and is an updated analysis of socioeconomic impacts of power plants, primarily nuclear and coal-fired power plants throughout the United States. The comment is relying on two statements in the report that appear to be related to extreme distances that may exist between power plants and the residences of the plant operators. These statements are not related to construction workers. Accordingly, this report does not support the suggestion that the average trip length used in the CalEEMod calculations should be increased.

As a point of clarification, the CalEEMod defaults were increased to 20.0 miles from a default vendor trip length of 6.6 miles and worker trip length of 16.8 miles. Contrary to the comment, while the project site is primarily undeveloped, the site is located close to several North County cities. The DEIR's Project Description section 1.3 details that the site is located 1 mile from the cities of Escondido (estimated 2016 population of 151,613) and San Marcos (est. pop. 95,261), 3 miles from Vista (101,659), 5 miles from Oceanside (est. pop. 175,464), and 7 miles from Carlsbad (est. pop. 113,952). (U.S. Census Bureau, <[census.gov](http://census.gov)>) The average trip length assumption value of 20 miles utilized in the CalEEMod calculation in the Draft EIR is reasonable given this substantial, proximate labor force.

Furthermore, even central San Diego is located only approximately 40 miles from the project site, not the 60 miles suggested in the comment. However, all construction worker trips would not come from San Diego, and the value used in CalEEMod is an *average* trip length. Based on these facts, the County has determined that an average construction work and vendor trip length of 20 miles is reasonable and provides an adequate representation of construction GHG and criteria air pollutant emissions that would result from proposed project.

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As discussed in **Response to Comment O-1.4-25**, worker trip assumptions are relevant to criteria air pollutant and GHG emissions analysis. Based on the considerations presented above, worker trip assumptions were appropriate and construction criteria air pollutant and GHG emissions were accurately estimated.

**O-1.4-27** The comment opines that the project's construction-related emissions are underestimated on the basis that the calculations do not address off-site lunch trips.

In response, the comment speculates that workers would leave the project site for lunch, instead of eating on site or using the services of food trucks. Based on standard industry practice, construction workers are not given long lunch breaks to drive to-and-from restaurants. Instead, California labor law<sup>103</sup> requires and standard industry practice is to provide half-hour lunch breaks resulting in most construction workers either bringing their own lunch or buying from a food truck that typically visits the construction site once in the morning and again around lunch time. In fact, and allowed under state law, most contractors require that their workers remain at the jobsite during their lunch break. Additionally, the site is located in an area where lunch destinations are not conducive to workers driving off-site to get lunch. Where project trip generation is not based on Institute of Transportation Engineers' trip estimates, analysis of construction *and* operational worker trips, whether with CalEEMod or other tools, typically assumes two, one-way trips without consideration of additional "side" trips such as those for lunch, medical appointments, and other purposes. Furthermore, CEQA Guidelines Section 15151 (Standards for Adequacy of an EIR) states, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." Estimating off-site lunch trips for a future project would be speculative and beyond the level of analysis considered sufficient for an EIR.

As stated on page 2.13-58 of the Draft EIR's Traffic and Transportation section, "The project would be required to prepare, 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, Construction Traffic Control Plans (TCPs) to manage construction-related traffic. The TCP has been incorporated into project design as PDF-39..." Therefore, traffic generated during construction, including worker trips, would be managed under the Construction Traffic Control Plans. Further, the commenter does not provide any evidence or support for where construction workers may choose to go during lunch. A review of the surrounding

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<sup>103</sup> Refer to Industrial Welfare Commission Order No. 160-2001 Regulating Wages, Hours, and Working Conditions in the Certain On-Site Occupations in the Construction, Drilling, Logging and Mining Industries: <https://www.dir.ca.gov/IWC/IWCArticle16.pdf>

area shows that there are limited restaurants around the project Site at which construction works may travel during a standard 30-minute lunch break.

As discussed in **Response to Comment O-1.4-25**, worker trip assumptions are relevant to criteria air pollutant and GHG emissions analysis. Based on the considerations presented above, worker trip assumptions were appropriate and construction criteria air pollutant and GHG emissions were accurately estimated.

- O-1.4-28** The comment states that the construction worker fleet should be based on a different mix than that assumed by CalEEMod, which is a mix of automobiles and light-duty trucks, because some construction workers may drive large pickup trucks.

For worker vehicles, the CalEEMod default vehicle fleet is 50% LDA (light-duty automobiles), 25% LDT1 (light-duty trucks 1), and 25% LDT2 (light-duty trucks 2) (CalEEMod User's Guide, Section 4.3.5 Trip and VMT, page 33). As assumed in EMFAC 2014, LDA reflects passenger cars, LDT1 reflects light-duty trucks with a gross vehicle weight rating of 0-3750 pounds, and LDT2 reflects light-duty trucks with a gross vehicle weight rating of 3751-5750 pounds (CalEEMod User's Guide, Appendix A, Vehicle Mix, pages 14 and 15). CalEEMod provides two options to the user for the worker vehicle class mix: 1) LDA, LDT1, and LDT2, and 2) EMFAC Fleet Mix. The LDA/LDT1/LDT2 vehicle mix is intended to reasonably represent the workers' personal vehicles driving to and from construction sites, while the EMFAC Fleet Mix would include all vehicle categories, including heavy-heavy duty trucks, motorhomes, buses, and motorcycles. Accordingly, the LDA/LDT1/LDT2 mix for worker vehicles, which is the default CalEEMod value, was determined to be a more appropriate assumption for the project. The County has no basis to revise the default fleet mix in CalEEMod, and the comment has not recommended, with evidence, the basis for a different value. See **Response to Comment O-1.4-19** regarding the use of CalEEMod and its default values.

- O-1.4-29** The comment implies that modeling based on CalEEMod defaults for construction equipment emissions is inaccurate and suggests that construction equipment should be required to "comply" with the default emission factors used by CalEEMod.

First, the comment provides no factual basis for concluding that the default emissions factors in CalEEMod, a model broadly accepted by lead agencies and technical experts as a comprehensive tool for quantifying GHG and air quality impacts from land use projects, would inadequately or inaccurately estimate the project's construction emissions. The default emission factors in CalEEMod are based on the California Air Resources Board (CARB) OFFROAD emissions model, which considers testing of new engines, engine model year, operational year, deterioration rates of engines over time, implementation of CARB regulations for in-use diesel off-

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road fleets, and many other factors. These default factors thus provide a reasonable estimate of construction equipment emissions based on significant evaluation, data, and equipment testing undertaken by the State's leading expert agency. Please see **Response to Comment O-1.4-19** for further discussion regarding the use of CalEEMod and its default values.

Second, the suggestion that construction equipment should be required to “comply” with default emission factors would be infeasible to enforce because it would require continuous testing of the equipment exhaust. Such testing is typically the purview of CARB, and could not be implemented by the County or a contractor. Accordingly, the CalEEMod emission factors are not emission standards, but rather only provide emissions factors for modeling purposes. It is noted that manufacturers of new engines used in construction equipment and owners/operators of in-use off-road construction vehicle fleets are subject to emission standards promulgated by CARB and the U.S. EPA, and it is reasonably expected that all construction equipment operated at the project Site will comply with those federal and state regulatory standards.

Lastly, there is no basis for the implication that the construction off-road equipment used at the site will significantly deviate from the default CalEEMod emissions factors. Contrary to the comment, use of the default emissions factors provides an adequate basis for modeling the project’s construction air quality (including exhaust  $PM_{10}$ ) and GHG emissions. Please see **Response to Comment O-1.4-30 through O-1.4-33** regarding project mitigation requiring Tier 4 engines for construction equipment and the construction equipment fleet.

Based on the considerations presented above, construction equipment assumptions were appropriate and construction criteria air pollutant (including exhaust  $PM_{10}$  as a surrogate for diesel particulate matter) and GHG emissions were accurately estimated.

**O-1.4-30** The comment states that the mitigation measure requiring the use of off-road equipment equipped with Tier 4 engines may not be achievable; therefore, the comment maintains that emissions of GHGs, criteria air pollutants, and toxic air contaminants have been significantly underestimated.

Comment O-1.4-30 starts Section 2.4, GHG Emissions from Construction Equipment Are Underestimated, of the comment letter. Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR’s air quality analyses.” In light of the commenter’s request that the applicability of the GHG

comments be extended to the EIR's air quality analysis, it is noted that construction equipment assumptions are a variable in criteria air pollutant, GHG emissions, and toxic air contaminant analyses (to the extent it would increase or reduce exhaust PM<sub>10</sub> emissions). For purposes of CalEEMod, the construction equipment assumptions are held static across the emissions estimation process for criteria air pollutants and GHGs; stated differently, CalEEMod does not require a unique set of assumptions for each category of emission (criteria air pollutant and GHGs) associated with this source. CalEEMod does not estimate toxic air contaminant emissions; however, estimated exhaust PM<sub>10</sub> emissions from CalEEMod were used as a surrogate for diesel particulate matter, which is a toxic air contaminant, in the construction health risk assessment. As such, criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter (toxic air contaminant)) and GHG, and emissions are addressed in **Response to Comments O-1.4-29 through O-1.4-33**.<sup>104</sup>

The comment provides a summary table entitled "Table 5," which cites a 2006 report. The County has reviewed and considered the comment and the cited document. The comment and cited document do not reflect changes in off-road diesel vehicle fleets since July 2007 when CARB adopted a regulation applicable to these fleets. The CARB regulation requires equipment replacements and retrofits (e.g., engine replacements, add-on emission controls) much faster than would have occurred without adoption of the regulation, and establishes compliance deadlines for fleets. The CARB regulation also prohibits the addition of older engines (i.e., meeting lower tier standards) after prescribed deadlines. Moreover, new off-road equipment with Tier 4 engines became available as early as 2008 for smaller engines, with all new engines meeting Tier 4 standards in 2015. Accordingly, the comment's suggestion that the off-road equipment used to construct the proposed project would be much older, or that the mitigation proposed is not achievable, is not valid based on the cited reference and in light of CARB regulations adopted since the publication of the cited reference.

See also **Responses to Comments O-1.4-31 and O-1.4-32** addressing how the enforceable mitigation will ensure older, higher emitting equipment is not used.

- O-1.4-31** The comment states the Mitigation Measure M-AQ-2(a) is unclear because it refers to "[h]eavy-duty diesel-powered construction equipment," which is not defined, and recommends clarification of the measure to apply to all construction equipment, regardless of size. The mitigation measure has been revised in the Final EIR to make

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<sup>104</sup> Comment **O-1.4-33** is under Section 2.4, GHG Emissions from Construction Equipment Are Underestimated; however, it specifically discusses NO<sub>x</sub> and PM emissions, which are criteria air pollutants.



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it clearer and more enforceable. Specifically, M-AQ-2 has been revised in the Final EIR. The revisions include the following (page 2.3-33):

**M-AQ-2** Prior to the County of San Diego's approval of any construction-related permits, the project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize VOC, CO and NO<sub>x</sub> emissions:

- b. ~~Heavy-duty~~ All diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that Tier 4 equipment could not be located within the region;

The revisions to M-AQ-2(a) were made in **Responses to Comment O-1.4-31 and O-1.4-32**. In **Response to Comment O-1.4-31**, "Heavy-duty diesel-powered equipment" was changed to "All diesel powered equipment".

As discussed in **Response to Comment O-1.4-30**, construction equipment assumptions are relevant to the criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter, which is a toxic air contaminant) and GHG emissions analysis. Tier 4 Final exhaust emission standards, as required by M-AQ-2, include exhaust emission limits for NO<sub>x</sub>, CO, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and non-methane hydrocarbons, which are a subset of VOCs; therefore, this comment addresses construction criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter), but not GHG emissions. MM M-AQ-2 serves to minimize project-generated emissions of VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, with the greatest emission reductions to NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Based on the considerations presented above, construction equipment assumptions were appropriate and construction criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter) emissions were accurately estimated and appropriately mitigated.

**O-1.4-32** The comment states, citing the aforementioned 2006 report (see **Response to Comment O-1.4-30**), that some engines in the construction equipment fleet would likely be very old.

The County has reviewed and considered the comment and the cited document. As a point of clarification -- and as detailed in **Response to Comment O-1.4-30**, above --

it is inaccurate to state that off-road equipment is not regulated to have lower emissions in California. Since 2007 (*after* publication of the report cited by the comment), a CARB regulation requires equipment replacements and retrofits (e.g., engine replacements, add-on emission controls) much faster than would have occurred without adoption of the regulation, and establishes compliance deadlines for equipment fleets, to reduce emissions from existing equipment. As such, the 2006 report cited by the comment does not accurately reflect the existing regulatory regime that influences the useful life of construction equipment in California.

In addition, the County will enforce Mitigation Measure M-AQ-2(a), as revised, to ensure older equipment engines is not used. The mitigation measure states, “The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.” M-AQ-2(a) has further been revised to require that “Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that Tier 4 equipment could not be located within the region;”. Please also see **Response to Comment O-1.4-31** above.

As discussed in **Response to Comment O-1.4-30**, construction equipment assumptions are relevant to the criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter, which is a toxic air contaminant) and GHG emissions analysis. Based on the considerations presented above, construction equipment assumptions were appropriate and construction criteria air pollutant (including exhaust PM<sub>10</sub> as a surrogate for diesel particulate matter) and GHG emissions were accurately estimated. In addition, revisions to Mitigation Measure M-AQ-2(a) is revised, as presented above, to ensure that older construction equipment engines are not used.

- O-1.4-33** The comment states, citing the aforementioned 2006 report (see **Response to Comment O-1.4-30**), that CARB studies show the five highest polluting categories of construction equipment—excavators, tractors/loaders/backhoes, bulldozers rubber-tired loaders, and skid-steer loaders—are responsible for 65% of the PM and 60% of the NO<sub>x</sub> emissions. Further, the comment states that significant numbers of this high-polluting equipment are proposed to construct the project.

While this comment is specific to criteria air pollutant emissions because it references NO<sub>x</sub> and PM emissions, GHG emissions are also discussed. For the same reasons discussed in the **Response to Comments O-1.4-30** and **-32**, the findings of the cited report are outdated. Further, the project's emissions profile reported in the Draft EIR reflects utilization of the construction equipment categories referenced in the comment, and bases the emissions calculations for that equipment on the combined

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use of project-specific details regarding the construction phase and the industry-accepted model (CalEEMod) for the estimation of GHG and criteria air pollutant emissions.

The comment also summarizes the previous comments and concludes that the Draft EIR has significantly underestimated GHG, criteria pollutant, and TAC emissions associated with the project construction, as well as the health impacts of diesel particulate matter. The County acknowledges the comment and notes it provides concluding remarks, and summarizes comments discussed in greater detail elsewhere in the letter. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below, see, *e.g.*, **Response to Comments O-1.4-105 through O-1.4-110**. For these reasons, the County provides no further response to this comment.

- O-1.4-34** The comment summarizes elements of the off-site roadway network that would serve the project and phasing of project-related roadway improvements. The comment states that because those roadway improvements are offered as off-site mitigation measures to reduce traffic impacts, the air quality and GHG emission impacts associated with constructing the recommended mitigation improvements must be included in the DEIR. The comment then provides two figures and states that a comparison of the two figures indicates that the off-site roadway improvements were not included in the construction emission calculations.

Comment O-1.4-34 starts Section 2.5, GHG Emissions from Construction of Off-Site Roadway Improvements Are Omitted, of the comment letter. Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR’s air quality analyses.” In light of the commenter’s request that the applicability of the GHG comments be extended to the EIR’s air quality analysis, it is noted that off-site roadway improvements assumptions are a variable in criteria air pollutant and GHG emissions analyses. For purposes of CalEEMod, the construction activity, including offsite improvement construction, assumptions are held static across the emissions estimation process for criteria air pollutants and GHGs. As such, criteria air pollutant and GHG emissions are addressed in **Response to Comments O-1.4-34 through O-1.4-37**. Offsite improvements are not included in the construction health risk assessment because they represent an offsite source of emissions and the construction health risk assessment focuses on onsite sources of diesel particulate matter; therefore, toxic air contaminant emissions are not relevant to the **Response to Comments O-1.4-34 through O-1.4-37**.

First, the County notes that the improvements in question are mitigation measures, as stated in the comment. CEQA does not require the effects of mitigation measures be discussed in the same level of detail as the project (Guidelines § 15126.4(a)(1)(d).) Further, because many of the off-site improvements, including the I-15/Deer Springs Road interchange are not under the control and jurisdiction of the County of San Diego, there is no way for the County to ensure such improvements will occur. This is reflected in Section 2.13, Transportation and Traffic.

Nonetheless, the comment is mistaken because the emissions associated with these off-site roadway improvements were included in the project's emissions estimates. As background, and as noted in Section 15.8 of Appendix R, Traffic Impact Analysis “Phase 1 work would begin with the widening of Deer Springs Road from Twin Oaks Valley Road to the I-15/Deer Springs Road interchange” and “By the time the project enters Phase 2, the project’s improvements to Deer Springs Road, Twin Oaks Valley Road, the I-15/Deer Springs Road interchange, and other offsite road improvements identified as mitigation in this report are reasonably anticipated to be completed.”

Additionally, when Fuscoe Engineering provided construction inputs for the project as shown in Appendix B of Appendix K, *Calculation Construction Schedule and Information*, Fuscoe identified schedule, equipment, vehicles, and workers associated with any and all construction activities both on-site and off-site in total values. Therefore, off-site construction data was included together with the estimates for the on-site project construction to account for the whole of the action of the project as provided by Fuscoe Engineering. Consequently, a separate analysis of construction emissions was not performed for the off-site roadway improvements. Thus, the construction criteria air pollutant and GHG emissions associated with the off-site roadway improvements have been disclosed adequately in Appendix G Air Quality Technical Report, and Appendix K, Greenhouse Gas Emissions Technical Report and the Draft EIR.

Off-site roadway improvement construction activities are relevant to criteria air pollutant and GHG emissions, which are addressed in this response. As stated above, construction criteria air pollutant and GHG emission emissions associated with the off-site roadway improvements have been disclosed adequately; therefore, criteria air pollutant and GHG emission calculations were appropriately estimated. Off-site improvement are not included in the construction health risk assessment; therefore, toxic air contaminant emissions are not relevant.

- O-1.4-35** The comment states that the DEIR does not include a detailed construction schedule, which obscures evaluation of whether the off-site components of the project were included in the environmental evaluation. In response, Appendix A of the Air Quality

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Technical Report (Appendix G of the Draft EIR) includes the project construction schedule, which provides the type of information, and at a sufficient level of detail, necessary to perform the air emission estimates using CalEEMod. Please see **Response to Comment O-1.4-19**. Further, as stated in the **Response to Comment O-1.4-34**, the construction schedule for off-site roadway improvement projects was incorporated into the overall construction schedule for the project. Accordingly, the off-site construction improvements have been included in the construction emissions calculations.

**O-1.4-36** The comment states that no off-site projects were identified in the CalEEMod output. The commenter then opines that, based on her experience and the perceived magnitude of the “‘mitigated construction off-site’ emissions,” it is unlikely that the I-15 intersection construction and other off-site improvements were included in the emissions estimates. The comment concludes that the GHG emissions estimates are underestimated. The County does not concur with this comment. See **Response to Comments O-1.4-34** and **O-1.4-35**. Off-site improvements were accounted for in the project's construction schedule, which was used to estimate criteria air pollutant and GHG emissions in Appendices G and K, respectively. No further response is required.

**O-1.4-37** The comment summarizes the previous remarks regarding the project's off-site roadway improvements and concludes that the Draft EIR is internally inconsistent, thereby preventing meaningful public review, and fails to support its conclusions. The commenter is referred to **Response to Comments O-1.4-19** and **O-1.4-34** through **O-1.4-36** above for responsive information. The County acknowledges the comment and notes it provides concluding remarks that does not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.4-38** The comment states that the Draft EIR indicates that off-site sewer and water improvements would be made in conjunction with other surface improvements, including roadway improvements. Repeating the line of argument presented in comments prior, the comment concludes that, because the referenced utility improvements are located off-site and were not explicitly discussed in Appendix K of the DEIR, the GHG and criteria air pollutant emissions of these improvements were excluded from the analysis. The County does not concur with this comment.

Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR’s air quality analyses.” In light of the commenter’s request

that the applicability of the GHG comments be extended to the EIR's air quality analysis, it is noted that off-site utility improvements assumptions are a variable in criteria air pollutant and GHG emissions analyses. For purposes of CalEEMod, the construction assumptions, including off-site utility improvement assumptions, are held static across the emissions estimation process for criteria air pollutants and GHGs. As such, criteria air pollutant and GHG emissions are addressed herein. Offsite utility improvements are not included in the construction health risk assessment because they represent an offsite source of emissions and the construction health risk assessment focuses on onsite sources of diesel particulate matter; therefore, toxic air contaminant emissions are not relevant to this response.

Similar to the description provided in response to **Response to Comment O-1.4-34**, the construction details and schedule for the off-site sewer and water improvements were incorporated into those for the overall project. Accordingly, the construction emission estimates are disclosed adequately in the Air Quality and Greenhouse Gas Emissions Technical Reports (Appendices G and K, respectively) and corresponding Draft EIR sections.

**O-1.4-39** The comment presents a table from Chapter 2.7 of the Draft EIR that summarizes the project's operational GHG emissions and discusses the purposes and results of Mitigation Measures M-GHG-1 through M-GHG-3. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment is an introduction to subsequent comments regarding other emission sources (see **Response to Comment O-1.4-42** through **O-1.4-62**), and the "True Up" provision in M-GHG-2 (see **Response to Comment O-1.4-72**). 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-1.4-40** The comment states that the operational GHG emissions presented in Chapter 2.7 of the Draft EIR have been underestimated and mitigation measures contain flaws, referring specifically to "an escape clause that allows mitigated GHG emissions to increase beyond significant levels." The County acknowledges the comment as an introduction to comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below, see, e.g., **Response to Comments O-1.4-41** through **O-1.4-72**. While detailed responses are provided below, it is noted that the County does not concur with the comment's characterization of the so-called "escape clause" -- the project's mitigation framework is designed to ensure that the project attains a net zero GHG emissions level. More broadly, on issues raised related to the project's proposed use of Carbon Offsets, the project's consistency with the County's adopted Climate Action Plan (CAP), and the

use of a 30-year Project Life as the basis for quantifying and offsetting the project's operational GHG emissions, the County also refers the commenter to **Topical Responses GHG-1 through GHG-4**. 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-1.4-41** The comment objects to the statement in the Draft EIR that, “GHG emission estimates provided in EIR Table 2.7-4 are considered a conservative estimate.” The comment opines, “... reliance on potential future regulations that may never materialize is irrelevant for a CEQA analysis ....”

The language referenced by commenter is found in the DEIR at Chapter 2.7, page 2.7-37, concerning vehicle (mobile) emissions. As discussed therein, the DEIR does *not* rely on future regulations that have not been adopted in modeling and evaluating the project's GHG emissions. Rather, the DEIR's modeling of vehicle/ mobile source emissions is based on EMFAC2014, the model upon which CalEEMod version 2016.3.1 is based relative to mobile emissions. EMFAC2014 takes into account mobile emissions regulations and advancements in motor vehicle technology and their effect on emissions in future years up to 2050. (DEIR p. 2.7-37.) The model also accounts for the effectiveness of selective catalytic reduction systems on applicable vehicle classes and years. (DEIR p. 2.7-37.) However, the model does not account for additional regulations developed to reduce transportation-related GHG emissions would be implemented in the future in response to new regulations developed to meet the state's 2030 and 2050 reduction targets or the expansion of alternative transportation systems. Accordingly, the DEIR does not rely on these future regulations that have not been adopted to evaluate or “reduce” the project's GHG emissions, as claimed in the comment.

However, the DEIR notes that future regulations could result in lower GHG emissions than evaluated and disclosed in the DEIR using these emissions estimation tools:

“[T]he emissions estimation tools available at the time this analysis was conducted are limited. Specific information on future regulatory updates that would have a direct effect on GHG emissions in the future are unknown at this time. Thus, the GHG emission estimates provided in EIR Table 2.7-4 are considered a conservative estimate (Chapter 2.7, p. 2.7-37).”

While the effect of future regulations is unknown, California is likely to enact regulations to reduce GHG emissions as a result of passage of Assembly Bill 32 and Senate Bill 32, which set stringent targets for the state's GHG emissions, particularly after 2020. Numerous state regulations have been promulgated since 2006, when

Assembly Bill 32 was enacted. There is no reason to expect a change in the state's direction with respect to climate change; hence the GHG emissions estimates provided in the EIR likely overstate emissions and are thus conservative. Nonetheless, the DEIR does not rely on potential or likely future regulations that have not been adopted in its modeling or analysis of GHG emissions, or as a "basis for reducing GHG emissions."

Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter "specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR's air quality analyses." In light of the commenter's request that the applicability of the GHG comments be extended to the EIR's air quality analysis, it is noted that this comment is focused on GHG emissions; however, mobile sources emission estimates are also relevant to criteria air pollutant and TAC emissions. As stated above, the DEIR does not rely on potential or likely future regulations that have not been adopted in its modeling or analysis of GHG, criteria air pollutant, or TAC emissions.

- O-1.4-42** The comment states that traffic congestion has historically been addressed through increasing capacity by constructing new roadways or adding to existing roadways, but that recent studies have demonstrated that increasing road space and smoothing the flow of traffic increases idling, reduces fuel efficiency, and increases vehicle miles traveled (VMT) in the long term, which the comment states results in an increase in CO, VOC, NO<sub>x</sub>, and GHG emissions. The comment summarizes roadway and intersection improvements it states are "identified as mitigation measures" for the project, and states the improvements will add lanes, widen lanes, and/or improve intersections. The comment claims that the Draft EIR did not include emission increases from induced travel resulting from roadway improvements, which it asserts would eliminate any benefit of mitigation.

Comment O-1.4-16 states that Section 2.0, Greenhouse Gas Emissions, of the comment letter "specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR's air quality analyses." In light of the commenter's request that the applicability of the GHG comments be extended to the EIR's air quality analysis, this response addresses criteria air pollutant emissions (including exhaust PM<sub>10</sub> from motor vehicles, which is used as a surrogate for diesel particulate matter) and GHG emissions.

The comment's implication the Draft EIR did not consider the GHG or air quality impacts of idling, vehicle miles traveled (VMT), or induced travel is mistaken. As



described in Response to Comment O-1.4-19, the project's GHG emissions were estimated using CalEEMod, the industry standard modeling platform for CEQA analysis, which models emissions from idling and VMT. For purposes of mobile source-related emissions estimates, CalEEMod is informed by EPA's AP-42 emission factors and CARB's on-road and off-road equipment emission models, such as the EMFAC and the Emissions Inventory Program model (OFFROAD). CAPCOA and other California air districts designed CalEEMod as a reasonable and appropriate model for forecasting project-specific contributions to GHG emissions. Notably, the model is designed to estimate operational, on-road mobile vehicle traffic generated by a project's land uses. CalEEMod estimates the GHG emissions resulting from project-related VMT accrued by the proposed land uses. Using those inputs, CalEEMod specifically accounts for emissions, including CO<sub>2</sub> emissions, from running, start-up and idling vehicles.<sup>105</sup> For purposes of the Draft EIR's GHG emissions analysis, traffic information for each project land use was provided by LLG, a transportation engineering firm. (See Draft EIR, Appendix C to Appendix K.) Hence, the Draft EIR modeled and evaluated GHG emissions, including those resulting from project-related VMT and idling emissions.

Further, Mitigation Measure M-GHG-3 calls for implementation of Project Design Features 1-20, which constitute the Newland Sierra Transportation Demand Management Program (TDM Program). (DEIR Table 2.7-7) The TDM Program serves to reduce the VMT by project residents, employees and visitors by 11.1% and, therefore, potentially reduces congestion. (See Appendix D of Draft EIR Appendix K; Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers.) VMT will be reduced by, for example, providing a mix of land uses so residents of the project have access to basic shopping, school, and recreation opportunities without having to travel outside of the project site (PDF-1). The project will also incorporate a number of travel and commute services for residents and employees, see PDF-2 through PDF-20. These measures will serve to reduce project VMT.

The comment is also mistaken in its assertion the Draft EIR did not consider the GHG or air quality impacts of induced travel resulting from roadway improvements. Despite implementing all feasible TDM strategies, the Draft EIR acknowledges significant induced vehicle travel would result from the proposed roadway capacity improvements to Deer Springs Road and Twin Oaks Valley Road. (DEIR, page 2.13-

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<sup>105</sup> Appendix A: "Calculation Details for CalEEMod," prepared for CAPCOA and prepared by BREEZE Software, a Division of Trinity Consultants, in collaboration with South Coast Air Quality Management District and the California Air Districts (September 2016), p. 23-24, available at [http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/02\\_appendix-a2016-3-1.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/02_appendix-a2016-3-1.pdf?sfvrsn=2). Accessed: July 26, 2017

16, Appendix R-2 to the Draft EIR, Newland Sierra VMT Analysis to Respond to SB 743, prepared by Fehr & Peers, pages 25 to 28.) However, contrary to the comment's claim the EIR's air quality and GHG emissions evaluations are incomplete because they do not incorporate the "induced demand" consequences of the subject improvements, those improvements are identified in the County's General Plan Mobility Element, which is consistent with SANDAG's "San Diego Forward: The Regional Plan," a Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the San Diego Region adopted in October 2015. In December 2015, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region. (DEIR 2.7-22.)

Both the General Plan and RTP/SCS establish regional planning frameworks that have been subject to CEQA evaluation and compliance. As discussed in greater detail below at **Responses to Comments O-1.4-43 through O-1.4-45**, the County's EIR for the General Plan (including its Mobility Element) and SANDAG's EIR for the RTP/SCS address the air quality and GHG impacts of regional traffic growth—and, in particular, the subject improvements. (DEIR page 2.7-22, 2.13-16, Appendix R-2 to the Draft EIR, Newland Sierra VMT Analysis to Respond to SB 743, prepared by Fehr & Peers, page 29-30.) Therefore, further analysis of these impacts as they relate to the Deer Springs Road/Twin Oaks Valley Road improvements is not required for this project.

Further, concerning proposed intersection improvements along Buena Creek Road, such improvements are limited to mitigating the Project's direct and cumulative impacts and would not change Buena Creek Road in a manner that would induce demand/induced VMT. (Appendix R2 to the Draft EIR, Newland Sierra VMT Analysis to Respond to SB 743, prepared by Fehr & Peers, p. 25.) Accordingly, no induced demand/VMT- associated air quality and GHG impact would result from this improvement. Please see **Responses to Comments O-1.4-43 through O-1.4-45** for a more detailed explanation of how induced traffic from project improvements has been adequately addressed in the Draft EIR and in regional plans.

- O-1.4-43** The comment states that new highway capacity would induce travel on a highway, which would result in more GHG, CO, VOC, and NO<sub>x</sub> emissions. The comment contends that over the short term, some GHG reduction may be achieved from capacity expansion; however, over the lifetime of a roadway improvement, GHG, NO<sub>x</sub>, CO, and VOC emissions would increase. The comment claims the lag time between capacity increases and VMT increases ranges between 1 and 8 years. The comment cites one, ten-year-old study for the proposition that construction of one lane of urban highway would increase vehicle GHG emissions by 116,500 to 186,500

## Comment Letter Responses

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tons, and argues that GHG emission increases from induced traffic can exceed GHG emissions from the project that it was designed to mitigate.

**Comment O-1.4-43** starts Section 2.9.1, Impacts from Induced Traffic, of the comment letter. **Comment O-1.4-16** states that Section 2.0, Greenhouse Gas Emissions, of the comment letter “specifically discusses GHG emissions, but most of these comments also apply to criteria pollutant and TAC emissions and thus should be considered as applicable to the DEIR’s air quality analyses.” In light of the commenter’s request that the applicability of the GHG comments be extended to the EIR’s air quality analysis, it is noted that traffic, specifically vehicle miles traveled, assumptions are relevant to criteria air pollutant (including exhaust PM<sub>10</sub> from motor vehicles, which is used as a surrogate for diesel particulate matter) and GHG emissions analyses. Induced traffic is not accounted for in CalEEMod. EMFAC does not estimate toxic air contaminants; however, estimated running exhaust PM<sub>10</sub> emission factors from EMFAC was used as a surrogate for diesel particulate matter in the operational health risk assessment, which is a toxic air contaminant. Nonetheless, criteria air pollutant (including exhaust PM<sub>10</sub>) and GHG emissions related to induced traffic comments are addressed herein and in **Responses to Comments O-1.4-44** through **O-1.4-45**.<sup>106</sup>

The County notes the comment provides background information and does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. The County has considered the study cited by the commenter. As the project does not propose to increase highway capacity, the study is not directly relevant. Further, as discussed in **Responses to Comments O-1.4-42** and **O-1.4-44**, the Draft EIR considered the potential impacts of induced vehicle travel from proposed roadway capacity improvements at Deer Springs Road/Twin Oaks Valley Road, and the I-15/Deer Springs Road interchange expansion. (DEIR, page 2.13-16, Appendix R-2 to the Draft EIR, Newland Sierra VMT Analysis to Respond to SB 743, prepared by Fehr & Peers, pages 25 to 28.) These capacity improvements were considered the County’s EIR for the General Plan (including its Mobility Element) and SANDAG’s EIR for the RTP/ SCS address the air quality and GHG impacts of regional traffic growth—and, in particular, the subject improvements. (DEIR page 2.7-22, 2.13-16, Appendix R-2 to the Draft EIR, Newland Sierra VMT Analysis to Respond to SB 743, prepared by Fehr & Peers, page 29-30.) Therefore, further analysis of these impacts is not required for this project.

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<sup>106</sup> Comments **O-1.4-44** and **O-1.4-45** are under Section 2.9.2, The DEIR Did Not Estimate Emission Increases from Induced Traffic, which is relevant to this summary.

**O-1.4-44** The comment disagrees with language on page 2.3-26 of the Draft EIR concluding that the project's proposed improvements to the I-15/Deer Springs Road interchange would not result in additional operational emissions impacts (e.g., an increase in criteria air pollutants or toxic air contaminant emissions). The comment states that this conclusion is incorrect and inconsistent with the induced VMT analysis contained in Newland Sierra VMT Analysis to Respond to SB 743 (Appendix R2 of the EIR). The comment states that Table 8 of Appendix R2 suggests an increase of 9% in daily trips and states that "emission increases could be much higher as induced travel increases idling, which significantly increases GHG and criteria pollutant emissions, compared to free flowing traffic due to inefficient combustion."

The County does not agree that the potential for induced travel through the I-15/Deer Springs Road interchange and along Deer Springs Road and Twin Oaks Valley Road necessarily means that air quality and GHG emissions impacts would be greater than what was analyzed by the Draft EIR or that these potential impacts are the responsibility of the project to mitigate.

To begin with, as relevant background, it is noted that the amendments required by SB 743 to the CEQA Guidelines, in order to incorporate VMT into the CEQA analytical framework, are not yet adopted. As such, the project's EIR included the SB 743-related analysis, including the "induced demand" component therein, for information purposes only (Draft EIR p. 2.13-85, 2.13-89 through 91).

Second, the subject roadway capacity enhancing improvements are mitigation for the project's direct and cumulative impacts. Under CEQA, if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure must be discussed, but in less detail than the significant effects of the Project as proposed. (See 14 Cal. Code Regs., § 15126.4(D).) This is mentioned not as an implied concession that the subject road improvements would result in additional, significant impacts, but as relevant background information regarding the operative CEQA requirements.

Third, as it relates to the potential for the project's mitigation for traffic impacts—a new interchange at the I-15/Deer Springs Road interchange and the widening of Deer Springs Road and the unimproved portion of Twin Oaks Valley Road to four lanes (6.2 lane-miles of roadway capacity enhancing improvements in total, i.e., "subject road improvements")—to result in induced travel/induced VMT, the County notes that:

- (a) Specific to the I-15/Deer Springs Road interchange improvements, those improvements serve as mitigation for the project's impacts to the interchange, and the approval and implementation of those improvements are subject to a separate

CEQA/NEPA process with Caltrans as the lead agency. To the extent that impacts can be assessed at this stage, including air quality and GHG impacts, they have been analyzed and disclosed in the project's Draft EIR. Further, the proposed improvements would include ramp meters, acceleration and deceleration lanes, and capacity and multi-modal enhancements to the Park-and-Ride at the interchange. These improvements aid in relieving congestion on the I-15 freeway mainline. Refer to **Topical Responses TR-1 and TR-2** for more information on the proposed interchange improvements.

- (b) An analysis of induced VMT using the elasticity methodology as outlined in the Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, released January 20, 2016 (OPR Draft Guidance), was prepared (see appendix R2 of the Draft EIR). Use of the elasticity methodology resulted in the identification of a short-term daily induced VMT impact, ranging between 4,513 and 27,078 VMT, and a long-term daily induced VMT impact of 46,484 VMT (refer to Table 5 of Appendix R2 of the Draft EIR) for the subject road improvements.

However, OPR's Draft Guidance notes that use of the elasticity methodology relative to increases in lane miles *always* results in an overall increase in VMT, although OPR adds that "...adding a link that greatly improves connectivity (i.e., provides drivers a shorter route in exchange for a longer one) may in select cases reduce total VMT. Such projects may require more detailed analysis using models, and execution of this analysis requires a more nuanced understanding of the factors involved in induced VMT." Thus, use of the elasticity-based formula does not account for those situations where roadway capacity enhancing improvements can potentially *reduce* VMT from existing and forecasted future traffic. Instead, as noted, use of the elasticity-based formula assumes that *all* roadway capacity enhancing improvements increase VMT (i.e., result in induced VMT), and, as a result, the elasticity-based formula does not necessarily capture the VMT reducing benefits of certain roadway capacity enhancing improvements, including those that have the potential to *reduce* trip lengths, for example, by including bicycle lanes, multi-use pathways, or other multimodal improvements that are likewise shown to *reduce* VMT.

- (c) As explained above, application of the elasticity-based formula assumes that all roadway capacity enhancing improvements, no matter how minimal or extensive in nature, proportionally result in induced VMT. In reality, the less significant the improvements are in relation to the larger network of facilities serving the area, the less likely the improvements would be to induce travel. Further, where there are larger, more regional facilities (such as freeways) that are congested in their existing condition feeding the

subject facilities proposed for expansion, absent concomitant capacity enhancing improvements to those freeway facilities, improvements to the local facilities would not be expected to result in significant induced VMT because the regional facilities would remain constrained, thereby deterring new unplanned/un-forecasted travel.

- (d) Another factor that can affect how much induced VMT may result from roadway improvements is whether transit exists in the area serving the same travelers. In this case, there is no transit service to the project Site or within the vicinity of the project that would potentially be undermined by the subject road improvements. Therefore, the subject road improvements would not be expected to replace existing transit trips on the network resulting in induced VMT.
- (e) In response to this comment and additional guidance released in April 2018 by the Office of Planning & Research pertaining to induced VMT entitled *OPR Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR Technical Advisory), a second analysis (refer to the *Addendum to Newland Sierra VMT Analysis to Respond to SB 743*, Appendix JJ-9 to the Final EIR) using the SANDAG Series 12 travel demand model was prepared. This subsequent analysis showed the project's roadway capacity enhancing improvements would—in contrast to the results produced by using the elasticity-based formula—reduce daily regional VMT by 1,067 VMT in the short-term and 5,777 VMT in the long-term (refer to Table 1 of Appendix JJ-9). Specifically, Appendix JJ-9 concluded that:

The results of the analysis presented in the *Newland Sierra VMT Analysis to Respond to SB 743* (Appendix R2 of the Draft EIR) used the elasticity-based formula to estimate the range of short-term and long-term induced VMT impacts attributable to the subject roadway improvements proposed as mitigation for the Newland Sierra Project's traffic impacts. However, use of the elasticity-based formula assumes that all roadway capacity enhancing projects *increase* VMT (i.e., result in induced VMT). As a result, this formula ignores certain VMT reducing benefits of roadway capacity enhancing improvements that have the potential to reduce trip lengths for existing and forecasted future traffic, and roadway capacity enhancing improvements that also include bicycle lanes, multi-use pathways, or other multimodal improvements that are likewise shown to reduce VMT. Here, the subject roadway improvements would facilitate alternative travel patterns for southbound travelers on I-15 destined for westbound SR-78, and incorporate new eight-foot-wide Class II bike lanes and a ten-foot-wide multi-use pathway along Deer Springs Road and Twin Oaks Valley Road, a Class I bike path along Twin Oaks Valley Road, and

multi-modal and parking capacity improvements to the Park-and-Ride facility at the I-15/Deer Springs Road interchange. As such, it is likely that the Appendix R2 results overstate the potential for the project's recommended mitigation to induce VMT.

For comparison purposes, and in accordance with the OPR Technical Advisory, a regional travel demand model (SANDAG Series 12 Traffic Forecast) was used to quantify the effect the subject roadway improvements would have on regional VMT and the results [...] demonstrate that the subject roadway improvements would reduce regional VMT both in the short-term and the long-term. Additionally, as explained herein, although the travel demand model results only measure three of the five factors or items relating to induced VMT, the factors not captured by the travel demand model (newly generated trips from existing developed areas, and unplanned land use changes) are qualitatively shown to be unlikely to induce VMT because of the relatively short length (3.02 miles) of the subject roadway improvements, which would not remedy the existing congested freeway system, and the physical constraints/fractured ownership patterns present in the surrounding area.

Therefore, notwithstanding the results of the elasticity-based methodology for quantifying potential short-term and long-term induced VMT effects associated with roadway capacity enhancing improvements, based on the specific multi-modal features that would be constructed as part of the subject roadway improvements, in conjunction with the other constraining factors that would limit induced VMT effects, the subject roadway improvements are not expected to result in substantial induced VMT. In fact, in light of the travel demand model results [...], it is reasonable to expect that the subject roadway improvements, instead, could result in a decrease in regional VMT.”

Fourth, as to the comment that the project's analysis of potential induced VMT associated with the subject road improvements did not estimate associated increases in GHG and criteria air pollutant emissions, the comment does not provide any evidence that GHG and criteria air pollutant emissions would necessarily increase, either in the near-term or in the long-term, as a result of induced VMT compared to what the emissions that were estimated in the EIR. Further, as it relates to the specific comment that “emission increases could be much higher as induced travel increases idling, which significantly increases GHG and criteria air pollutant emissions, compared to free flowing traffic due to inefficient combustion”, the County notes that:

- (a) Total GHG emissions, GHG emissions per capita, GHG emissions from the transportation sector, and emissions from gasoline, ethanol, and diesel fuel have been generally declining since 2006 (refer to the report entitled “California Air Resources Board California Greenhouse Gas Emissions from 2000 to 2015-Trends of Emissions and Other Indicators, 2017 Edition”), even in the face of the more recent statewide increases in VMT correlating with gross domestic product.
- (b) The subject road facilities currently carry between 18,800 and 22,600 Average Daily Trips (Refer to Table 2.13-2 of the Final EIR), resulting in a failing Level of Service (LOS) F and substantial congestion in the morning and evening peak periods along the entire 3.02 miles of the subject road facilities; the congestion and failing LOS have persisted and grown worse over the last two decades. The project’s proposed mitigation would address these deficient road segments such that these road facilities would function at LOS D or better when widened to four lanes (refer to Tables 2.13-39 through 2.13-42 in Section 2.13 of the Final EIR). Thus, instead of contributing to the existing congested condition, the project’s roadway mitigation would improve the congested conditions along these roads, thereby improving the efficiency of travel and, likewise, reducing the air quality and GHG emissions impacts associated with excessive idling and stop and go travel along these roads.
- (c) Under cumulative conditions (i.e., Existing Plus Project Plus Cumulative Project Traffic conditions), Deer Springs Road and Twin Oaks Valley Road would accommodate between 27,600 and 36,750 ADT (refer to Table 2.13-42), resulting in LOS D or better conditions, with significant additional capacity (e.g., up to 9,810 ADT for the segment of Deer Springs Road within the City of San Marcos limits) before these road facilities would reach LOS E condition. Therefore, even under a long-term scenario where the subject road improvements hypothetically experience significant induced travel, the roads would likely continue to operate at or near an acceptable LOS, minimizing the potential air quality and GHG impacts associated with idling.
- (d) Before project trips or cumulative project trips are added, the subject road improvements would reduce traffic volumes along the I-15 and SR 78 freeway segments within the vicinity of the project Site (refer to Appendix JJ-7 to the Final EIR), thereby reducing congestion related to existing traffic volumes on the freeway and, relatedly, reducing the air quality and GHG emissions impacts associated with this existing traffic.
- (e) As outlined above and in Appendix JJ-7 to the Final EIR, rather than induce travel (i.e., result in induced VMT), the subject road improvements would potentially



reduce regional VMT as substantiated by SANDAG Series 12 short-term and long-term modeling. These reductions would potentially correlate with reductions in air quality and GHG emissions impacts associated with existing and forecasted future traffic volumes.

- (f) The subject road improvements to the I-15/Deer Springs Road interchange and to Deer Springs Road and Twin Oaks Valley Road would need to be completed during the early stages of project buildout. The first set of improvements to Deer Springs Road and Twin Oaks Valley Road would need to be completed prior to issuance of a certificate of occupancy for the 26<sup>th</sup> and the 132<sup>nd</sup> Equivalent Dwelling Unit (EDU) in the project, respectively, with all improvements to Deer Springs Road and Twin Oaks Valley Road completed by the 63<sup>rd</sup> EDU and the 261<sup>st</sup> EDU, respectively. The I-15/Deer Springs Road interchange improvements, which include metered on-ramps, acceleration and deceleration lanes, and capacity enhancing and multi-modal improvements to the Park-and-Ride at the interchange, are designed to improve operations along the mainline and would need to be completed by issuance of a certificate of occupancy for the 370<sup>th</sup> EDU. Therefore, both the subject road facilities and the freeways mainline will experience several years of improved operations and related criteria air pollutant and GHG emissions reducing benefits before significant project traffic or cumulative project traffic is added to these facilities.

Fifth, the subject road improvements are included in the San Diego Air Pollution Control District's (SDAPCD) regional air quality plans, SANDAG's 2015 Regional Transportation Plan/Sustainable Communities Strategy (2015 RTP/SCS), SANDAG's 2016 Regional Transportation Improvement Program (RTIP), and the County and San Marcos General Plan Mobility Elements.<sup>107</sup> Additionally, the subject road improvements are included in SANDAG Series 12 and Series 13 transportation forecasting. (See, SANDAG Transportation Forecast Information Center: <http://tfic.sandag.org/>; select either Series 12 or Series 13 Activity Based Model, Deer Springs Roadway Link.)

Accordingly, forecasted traffic and associated criteria air pollutant and GHG emissions resulting from the subject road improvements previously were considered and addressed as part of the environmental analyses related to these plans. Appendix JJ-6, "Newland Sierra – Inclusion of Proposed Offsite Road Improvements in

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<sup>107</sup> Refer to the County of San Diego General Plan, Mobility Element Network Appendix Figure M-A-12 and Mobility Element Network—North County Metro Subregional Matrix, page M-A-44 for information on the classification of Deer Springs Road and City of San Marcos General Plan Mobility Element, Table 3-2 and Figure 3-1 for information on the classification of Twin Oaks Valley Road.

Regional Air Quality and Transportation Plans” (Dudek 2018) provides a detailed explanation of the methodology and assumptions utilized in the development of the SDAPCD’s air quality planning emission inventory and SANDAG’s RTP and RTIP air quality conformity assessments, as well as the intersection between air quality planning and transportation planning, and explains the process by which potential criteria air pollutant and GHG emissions associated with transportation improvement projects are captured in regional air quality and transportation plans.

As stated in Chapter 5, Air Quality Conformity Analysis, of the 2016 RTIP (pages 183 and 184) and as addressed in more detail in Appendix JJ-6, an activity based model was used to forecast future traffic volumes on the region’s road network and all of the capacity-increasing improvements of the Regional Arterial System (i.e., the subject road improvements) were modeled (*emphasis added*):

SANDAG’s regional growth forecasts and transportation models, as well as CARB emissions model, were used to generate the emissions forecasts. *Transportation forecasts were developed using SANDAG’s activity based model (ABM).* The ABM simulates individual and household transportation decisions that comprise their daily travel itinerary. *It predicts whether, where, when, and how people travel outside their home for activities such as work, school, shopping, healthcare, and recreation. ABM outputs are used as inputs for regional emissions forecasts.*

The emissions analysis was conducted using the latest Emissions FACTors 2014 v.1.0.7 (EMFAC2014) model.

The 2016 RTIP and Regional Plan air quality conformity analysis was conducted for the years 2016-2050.

*All of the capacity-increasing improvements identified in the 2016 RTIP that are on the Regional Arterial System (as defined in the RTP) or the Federal Highway Administration functional classification system (other principal arterials and higher classifications) were modeled.*

Thus, the proposed improvements to Deer Springs Road, Twin Oaks Valley Road, and the I-15/Deer Springs Road interchange are included in the SDAPCD’s regional air quality plans, SANDAG’s regional transportation plans and sustainable community strategies (i.e., 2050 RTP/SCS and 2016 RTIP), and was included in the County’s General Plan Mobility Element. An activity based model was used to forecast future traffic volumes on the region’s road network. Accordingly, potential induced traffic and associated criteria air pollutant and GHG emissions resulting from the subject road improvements are adequately addressed by SANDAG and the

SDAPCD in regional plans. Therefore, potential air quality and GHG emissions impacts resulting from induced traffic are not required to be specifically evaluated in the Draft EIR for the proposed project.

In summary, the subject road improvements would improve the level of service along these road facilities, resulting in improved air quality and reduced GHG emissions compared to the existing traffic conditions along the road. As a result, before project traffic or cumulative project traffic is added to the roads, the subject road improvements would reduce criteria air pollutant and GHG emissions of existing traffic using the road. Further, under cumulative scenarios, these roads would continue to operate at an acceptable LOS with significant additional capacity remaining before the roads reach an LOS E condition (i.e., the road would not experience significant congestion even under the cumulative scenarios resulting in excessive idling as they do today). The subject road improvements would also help to reduce congestion associated with existing traffic along the I-15 and SR-78 freeway segments within the vicinity of the project Site, thereby reducing the air criteria air pollutant and GHG emissions associated with the existing traffic using these facilities. Due to the fact that the subject road improvements would need to be completed early in project buildout, both the subject road improvements and the freeways would operate at improved levels of service and achieve related criteria air pollutant and GHG reducing benefits for several years before significant project or cumulative project traffic is added to these facilities. Additionally, based on an analysis performed using a travel demand model to calculate the potential effects of the subject road improvements on regional VMT, the subject road improvements would not increase, but would reduce regional VMT in both the short-term and the long-term. Last, the subject road improvements are included in the SDAPCD's regional air quality plans and SANDAG's regional transportation plans (i.e., the 2015 RTP/SCS and the 2016 RTIP) that were determined to be in conformance with the State Implementation Plan (SIP).

For these reasons, the County does not agree that the potential for induced travel along Deer Springs Road and Twin Oaks Valley Road necessarily means that air quality and GHG emissions impacts would be greater than what was analyzed by the Draft EIR. The evidence outlined above demonstrates that the subject road improvements would significantly improve roadway operations, even when project and cumulative project traffic is added, and the improvements could also potentially reduce regional VMT in the short- and long-term, both outcomes that would reduce emissions of criteria air pollutants and GHGs. And more broadly, the subject improvements have been included and modeled for air quality and GHG emission impacts at the regional level and found to be in conformance with the State Implementation Plan.

- O-1.4-45** The comment states that the project’s induced traffic analysis underestimates induced traffic impacts by excluding improvements at Sarver Lane and Mesa Rock Road; the comment states that the use of these roads is not restricted in a mitigation measure and, therefore, cannot be relied upon to eliminate induced traffic associated with them. The County does not agree that the project’s proposed improvements to Sarver Lane and Mesa Rock Road have the potential to result in induced travel/induced VMT. Moreover, the analysis does not rely upon these roads to eliminate induced traffic; it simply recognizes that the roads would not induce increased travel.

Both Sarver Lane and Mesa Rock Road terminate inside the project Site. As stated in Appendix R2 to the DEIR, page 25:

“The Sarver Lane improvements include upgrading the road to meet the County’s Public Road Standards, improving and signalizing its intersection with Deer Springs Road, removing portions of the road from the floodplain, and incorporating a multi-use bicycle/pedestrian pathway into the Sierra Project. The Mesa Rock Road improvements would also meet the County’s Public Road Standards and include additional turn lanes and capacity for its signalized intersection with Deer Springs Road. These road improvements at Sarver Lane and Mesa Rock Road are limited to providing the capacity necessary to serve the Project’s traffic volumes and existing uses along these roads. These roads would also not facilitate any cut-through or regional traffic as they effectively dead end in the Sierra Project. Therefore, these road improvements would not expand the road’s capacity in a way that induces VMT.”

As such, these roadways will not accommodate or induce any regional/pass-through traffic. The only “induced” traffic along these roads would be as a result of the land uses proposed by the project, which were already properly accounted for by the project’s Traffic Impact Analysis (TIA, refer to Appendix R1 of the Draft EIR). Therefore, no induced travel through the project Site is expected beyond that already analyzed and modeled in the TIA.

- O-1.4-46** The comment, which serves as an introduction to comments that follow, refers to analysis presented in the *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Appendix R3), and contends this analysis overestimates the GHG emission reductions of the project’s Transportation Demand Management (TDM) Program, and precedes several reasons outlined in **Comments O-1.4-47 through O-1.4-51**, which follow. The County does not agree with this comment nor the reasons provided in support of the comment. The analysis presented in Appendix R3 was performed using methodologies contained in the California Air

Pollution Control Officers Associations’ (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010)<sup>108</sup>. (Appendix R3 at pages 3- 4.) All calculations were performed using the CAPCOA report’s suburban area input and the methodologies were specifically applied to the associated VMT. (*Ibid.* at pages 7- 20.) For example, the effectiveness of providing transit subsidies to residents was only applied to VMT associated with residential work trips. (*Ibid.* at pages 15-16.) For the specific reasons supporting this response, please see the **Responses to Comments O-1.4-47 through O-1.4-51**.

**O-1.4-47** The comment suggests that the project’s TDM Program is based on “promoting” and “coordinating” and that “promoting and coordinating do not assure that any reductions in emissions will occur...(that) an effective TDM program must require that specific actions be taken and funded...(and) must include frequent follow-up to demonstrate that the assumed reductions have occurred.” The County does not agree with this comment.

The project design features (PDFs) that comprise the TDM Program are listed in Draft EIR Table 2.7-7, Project Design Features to Reduce GHG Emissions. As shown, the Program includes multiple strategies, each with an appropriate “action” verb. For those strategies directly controlled by the applicant, appropriate direction is provided. For example, the project would “provide a mix of land uses”; “develop a comprehensive trails network”; “provide bicycle racks”; and “implement an electric bike share program.” For those strategies not directly controlled by the applicant, the project will either “coordinate” or “promote” the strategy. For example, “coordinate with a car-share organization”; “coordinate a ride-share or shuttle system”; “coordinate with SANDAG’s iCommute program”; or “promote the adjacent [Caltrans] park-and-ride lots.” Each of these latter strategies are contemplated in the CAPCOA Report, and the VMT reduction attributable to each is both consistent with the Report and appropriate to the strategy.

Moreover, the 20 PDFs that make up the project’s TDM Program will be enforced by the project’s Conditions of Approval. Through its Conditions of Approval, the project will be required to incorporate a mix of land uses, over 19 miles of trails and pedestrian pathways and over 6 miles of Class II dedicated bicycle lanes on and off-site connecting to the same facilities in the City of San Marcos, an electric bike-share program, and a community-sponsored shuttle service, among other TDM strategies.

“Table 2: TDM Program Performance Metrics and Targets” of Appendix R3 identifies the specific performance measures for its TDM Program that the project

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<sup>108</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

would be conditioned to meet, which would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities are described on page 6 of Appendix R3) is responsible for managing/monitoring the TDM program to ensure compliance with the performance measures outlined in Table 2 of Appendix R3. The County will also monitor and ensure implementation of TDM strategies as part of the Mitigation, Monitoring, and Reporting Program (MMRP), as the strategies are incorporated into Mitigation Measure M-GHG-3. (*See*, Draft EIR, Mitigation Measure M-GHG-3 and Table 2.7-7.) Therefore, the project's Conditions of Approval and MMRP will ensure that the project's TDM Program will be implemented and funded consistent with the PDFs and performance measures pertaining to the same.

- O-1.4-48** The comment contends that many of measures in the project's TDM Program “would not be effective in a low-density, isolated community,” although the commenter provides no support for the comment. For this and other reasons, the County does not agree with this comment.

As discussed in **Response to Comment O-1.4-46**, the analysis presented in the *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Appendix R3, Fehr & Peers, February 2017) was conducted using the methodologies contained in the California Air Pollution Control Officers Associations' (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010)<sup>109</sup> (Appendix R3, at pages 3- 4.). The various VMT reduction strategies analyzed and discussed in the subject CAPCOA report (see, e.g., Chart 6-2 on page 55 therein, as well as pages 58-61) are potentially applicable in various community settings and are not limited to urban areas. Accordingly, all CAPCOA-based TDM effectiveness calculations were performed using research and inputs for “suburban” locations, consistent with the project setting.

As described in **Response to Comment O-1.16-7**, the project Site is not located in a rural area, as the comment implies; rather, the project Site is located in the North County Metropolitan Subregional Plan Area, which includes the communities of Twin Oaks and Hidden Meadows. The project vicinity supports significant existing and planned infrastructure (refer to the “Existing and Planned Infrastructure in Project Vicinity” Technical Memorandum, April 2018, prepared by Fuscoe Engineering, Appendix JJ-11 to the Final EIR) and is less than a mile from the municipal boundaries of the Cities of San Marcos and Escondido, two cities that support a

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<sup>109</sup> California Air Pollution Control Officers Associations' (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010) <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

combined population of approximately 250,000 people. Furthermore, the project site is located within six to twelve miles of the regional employment centers along the Highway 78 Corridor, a five-city area that supports over 280,000 jobs (refer to “Innovate 78 Regional Profile”, Appendix JJ-13 to the Final EIR). Thus, based on the Project’s location, the TDM program includes strategies appropriate to the location, including transit-related strategies, as well as a land use diversity that will encourage residents to walk or bike within the project Site.

- O-1.4-49** The comment states that the project’s transportation coordinator would only “promote” and “coordinate” the TDM Program, and would not serve in an implementation capacity. The County does not concur with this comment.

The TDM Coordinator would monitor the program and would be responsible for “developing, marketing, implementing, and evaluating the TDM Program.” (Draft EIR, Table 2.7-7, PDF-10-13, 20.) Thus, among other tasks, the TDM Coordinator is charged with developing and implementing the program.

Moreover, as explained on page 6 of the *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017) (see Appendix R3), the “Transportation Coordinator would submit a monitoring report to San Diego County to document the implementation of the TDM Program.” Similarly, as shown in Table 2 of the *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum, the transportation coordinator would prepare reports documenting the status of each TDM strategy and whether it has achieved the necessary targets. Moreover, the MMRP, as adopted in conjunction with approval of the proposed project, will be in place through all phases of the proposed project and will ensure the TDM Program is successfully implemented. (See, Draft EIR, Mitigation Measure M-GHG-3 and Table 2.7-7, and PDF-20.) Please also see the **Response to Comment O-1.4-47** above.

- O-1.4-50** The comment states that TDM monitoring occurring every 3-5 years is “too infrequent to assure routine compliance.” The County does not concur with the comment. The monitoring program described in the *Newland Sierra TDM Program* technical memorandum outlines a TDM Program monitoring interval of every 3-5 years, which was determined by the project’s transportation expert (Fehr & Peers) to be an appropriate time interval to monitor usage of the project’s TDM measures and make adjustments based on changes in user demand. Where appropriate, implementation data for the on-going strategies is collected on an annual basis (refer to Table 2—TDM Program Performance Metrics and Targets in Appendix R3 to the EIR). Then, every 3-5 years, the data is reviewed for trends and calibration revisions to the TDM Program are made, as necessary. The comment has not identified an

alternative recommendation with supporting basis, or why monitoring every 3-5 years is inadequate.

The comment also states that emission reductions must be reported relative to a baseline, which the comment concludes has not been defined. However, Table 2.7-6, Estimated “Project Emissions Without GHG Reduction Features” (2021), (Draft EIR at page 2.7-57), discloses the project’s GHG emissions prior to implementation of any GHG reduction features, including those that will be part of the project’s TDM program. The emission inventory disclosed in Table 2.7-6 serves as the baseline from which emission reductions were taken. Because there is a correlation between the reduction in VMT and the reduction in mobile source emissions, mobile emissions disclosed in Table 2.7-8, Estimated Proposed Project Emissions with GHG Reduction Features (2021), reflect an 11.1% reduction (the VMT reduction attributable to the TDM program) as compared to Table 2.7-6. Additionally, the TDM effectiveness calculations are correctly utilized here because they identify the effectiveness of the TDM strategies and are then used to calculate a percent reduction in total project VMT, which can be accounted for in the project’s emissions inventories.

- O-1.4-51** The comment claims the TDM program would not be implemented until the end of Phase 2, although Phase 1 would be occupied before Phase 2 is built out. The comment also states that an 11.1% reduction in GHG and criteria pollutant emissions was taken for the Commercial Center, which is not scheduled for construction until Phase 2, while residential units would be built and potentially occupied in Phase 1. The comment further states that a mixed-use credit for trip reduction was taken, which would not apply during this period, and that that the DEIR did not include mitigation for the increase in emissions before mitigation is in place. The County does not agree with this comment.

To begin, the project’s maximum traffic impacts and related operational air quality and GHG impacts would occur at project buildout, not during partial levels of project buildout. Please see **Response to Comment O-1.16-8**, which addresses why analyzing the traffic impacts with partial buildout conditions (e.g., Phase 1 only) results in fewer impacts compared to full buildout. It is also noted that the subject road improvements include bicycle and pedestrian facilities in areas lacking these facilities today, and these facilities would be constructed early in the project buildout process. There also is no 11.1% reduction in emissions solely attributable to the Commercial Center. Rather, as explained in Appendix R3, the VMT reduction attributable to the project’s land use diversity is 4.7% -- this accounts for not just the Commercial Center, but the entire mix of residential, commercial, educational and recreational uses.



As stated in **Response to Comment O-1.4-44** above, the first set of improvements to Deer Springs Road and Twin Oaks Valley Road are required to be completed prior to issuance of a certificate of occupancy for the 26<sup>th</sup> and the 132<sup>nd</sup> Equivalent Dwelling Unit (EDU), respectively, with all improvements to Deer Springs Road and Twin Oaks Valley Road completed by the 63<sup>rd</sup> EDU and the 261<sup>st</sup> EDU, respectively. As a result, the subject road facilities would operate at improved levels of service, with related improved air quality and GHG conditions before substantial amounts of project traffic are added to these facilities. Internally, the project's backbone road system, which includes the same bicycle and pedestrian facilities as the road improvements to Deer Springs Road and Twin Oaks Valley Road, is required to be completed prior to the first phase of housing construction. These facilities are critical elements of the project's TDM Program and would be completed early in the project buildout process.

Additionally, the *Newland Sierra TDM Program* technical memorandum (Appendix R3) calculates the TDM Program's effectiveness at project build-out, consistent with the manner in which the project's GHG emissions are evaluated. However, the project's TDM measures will be implemented throughout construction of the project, including during Phase 1, with full TDM implementation and related effectiveness achieved at project buildout. Therefore, it is incorrect to claim the project's TDM Program would not be implemented until after Phase 2 is completed.

- O-1.4-52** The comment states the DEIR found a significant direct impact on I-15 and cumulative impacts on I-15 and SR-78, and states the DEIR did not evaluate increases in criteria air pollutant, GHG, and TAC emissions associated with increased idling and reduced fuel efficiency caused by congestion. However, the air quality modeling in the DEIR already accounts for idling and congestion, as the emission factors utilized for criteria air pollutants, including exhaust PM<sub>10</sub> which is used as a surrogate for diesel particulate matter (which is a TAC), and GHGs incorporate slow speed and idling emissions on a congested freeway or roadway. According to the CalEEMod User's Guide, Appendix A, the default emission rates of all vehicle categories were obtained from the EMFAC2014 web database based on aggregated model year (i.e., the mix of vehicle model years that would be present in a particular year) and aggregated speed (i.e., a range of applicable speeds). (*See, e.g.*, CalEEMod User's Guide, Appendix A, pages 14 (On-Road Vehicle Emissions introduction under Construction), 23-24 (Vehicle Emissions under Operational Mobile); CAPCOA 2016.) Emissions rates were obtained for all counties, air basins, air districts and statewide average for 31 scenario years for three "seasons"—annual, summer, and winter. (*Ibid.*) Evaporative, starting, and idling default emission factors were similarly derived for use in CalEEMod. (*Ibid.*) Emission rates of methane, a GHG, were provided by CARB directly to the CalEEMod developer, because they are not

included in EMFAC2014 web database. (*Ibid.*) Thus, the emission factors for criteria air pollutants and GHGs reflect slow speed and idling emissions on a congested freeway or roadway<sup>110</sup>. Accordingly, the Draft EIR's air quality and GHG analysis evaluated mobile source emissions associated with congested conditions and idling. The comment claims that increases in GHG, criteria, and TAC emissions result from congested road conditions. The study states that emissions of particulate matter and black carbon were not quantified<sup>111</sup>. However, particulate matter, specifically PM<sub>10</sub> and PM<sub>2.5</sub>, are two criteria air pollutants and were not included in the study. Similarly, the study did not quantify CH<sub>4</sub> or N<sub>2</sub>O emissions which are main components to vehicle exhaust GHG emissions and the study did not quantify TAC emissions from traffic congestion. Therefore, the claim is baseless.

Further, peak hour traffic impacts (e.g., Level of Service F) would not substantially alter operational air pollutant emissions as modeled in the Draft EIR because air pollutant emissions are evaluated over a longer period of time than peak hour, that is, daily.<sup>112</sup> The traffic analysis focuses, in part, on peak hour conditions and level of service, but does not evaluate the flow of traffic that would exist outside of these short periods, which form the primary basis for the motor vehicle air pollutant emission estimates. On the other hand, CalEEMod and its emission factors consider a range of applicable speeds (including idling), vehicle mix, emission rates, etc. in order to accurately model criteria air pollutant and GHG emissions from all total traffic/ mobile sources throughout the day (i.e., peak and non-peak hours). Hence, the Draft EIR's air quality and GHG analysis has accounted for all traffic conditions. See also, **Response to Comment O-1.4-19** for further discussion regarding the use of CalEEMod and its default values.

**O-1.4-53** The comment states that the supply, conveyance, treatment, distribution, and reuse of water would increase GHG and criteria pollutant emissions through the use of electricity. The comment contends the DEIR's estimated 711 MT per year of GHGs associated with water demand is underestimated by a factor of more than two. The County acknowledges this comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where

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<sup>110</sup> The County has also reviewed the article cited by the commenter entitled, "Vehicle emissions in congestion: Comparison of work zone, rush hour and free-flow conditions." The article considered the modeling program MOBILE6.2 which, unlike CalEEMod, did not quantify idling.

<https://www.epa.gov/moves/description-and-history-mobile-highway-vehicle-emission-factor-model>

<sup>111</sup> <https://sph.uth.edu/kaizhang/files/2014/02/Zhang-2011-AE.pdf>

<sup>112</sup> The carbon monoxide hotspot evaluation provided in Draft EIR (pages 2.3-45 through 2.3-47; 2.3-51 through 2.5-52) takes into account peak traffic volumes at an intersection. Criteria air pollutant emissions are evaluated on a daily basis and GHG emissions are evaluated on an annual basis.

they are addressed by the commenter below. Please see **Response to Comments O-1.4-54** through **O-1.4-57**.

The comment also states that the DEIR does not explain how GHG emissions were calculated but only provides the CalEEMod outputs. Consistent with CalEEMod, water and wastewater emissions are only estimated for GHG emissions; no criteria air pollutant emissions are estimated.

In response, the commenter is directed to Technical Appendix K, Newland Sierra GHG Technical Report, at Section 5 entitled, “Calculation and Analysis Methodologies,” wherein the assumptions and methodologies used for estimating GHG emissions for project construction and operational emissions are detailed. (*Ibid.* at pages 53-65.)

- O-1.4-54** The comment states that the DEIR did not estimate water use and associated GHG emissions during construction, including from water used for fugitive dust control, rock crushing, concrete mixing, and equipment cleaning. The comment states that 60 water trucks would be used, and provides grading quantities.

The DEIR addresses water use during construction at Chapter 2.14 of the Draft EIR (Utilities and Service Systems). On page 2.14-43, the Draft EIR states:

During project construction, a short-term water impact would occur, primarily in association with dust control, concrete mixing, cleaning of equipment, and other related construction activities. These construction activities would occur incrementally through project build-out and be temporary. The amount of water used during construction would vary depending on the conditions of the soil, weather, size of the area worked, and Site-specific operations, but it is not expected to be substantial. The project applicant would provide water through a construction-metered connection from existing lines adjacent to the project, and water tankers would deliver water for dust control to the development areas throughout project construction as needed. Thus, the project construction phase would have an adequate supply of water available, and potential construction-related water supply impacts would be **less than significant**.

The comment is correct that water used during construction has not been quantified.

Water would be provided by the Vallecitos Water District (see page 3.2-24 of the Draft EIR). The emissions associated with supplying water to Vallecitos Water District customers are quantified and accounted for concurrent with updates (typically every 5 years) to the Vallecitos Water District Water, Wastewater, and Recycled

Water Master Plan. (Vallecitos Water District Water, Wastewater, and Recycled Water Master Plan and Program EIR, available at <<http://www.vwd.org/departments/engineering/capital-facilities/master-plan>>, visited September 27, 2017.) The most recent Program EIR for the Vallecitos Water District Master Plan considered GHG emissions of supplying water to its customers from indirect emissions from electricity usage (e.g., reservoirs, pump, and lift stations) and direct emissions from mobile sources (e.g. vehicle trips) and stationary sources (e.g. fuel combustion from emergency generators). Therefore, quantifying emissions from downstream water demand in this project would constitute double counting where Vallecitos Water District has an adequate supply of water available to serve the project during its construction phase.

Furthermore, CalEEMod, the model used to estimate GHG emissions, does not include an input for construction-related water. Based on this absence, it is presumed that the air districts involved in development of CalEEMod viewed indirect construction-related water use as adequately accounted for through water district permitting processes, and did not view indirect construction-related water use as a substantial source of GHG emissions that should be estimated and reported in CEQA GHG assessments.

Regarding comments about the volumes of earthmoving activity, see the detailed **Response to Comment O-1.4-75**.

- O-1.4-55** The comment states that the DEIR concluded the project would use 870 acre feet per year (AFY) of water. The comment states the DEIR's conclusion the project would result in the generation of 0.82 MT per year of GHG per acre foot of water underestimates GHG and criteria air pollutant emissions because treated water comes from northern California and out of state. The comment cites a research letter and states that the Los Angeles Department of Water and Power emits 1 MT of GHG per acre foot of water, which is more than the project, and that that pumping the water an additional 102 miles south, and treating the water, would increase GHG emissions by an additional 0.8 MT per year. The comment concludes the DEIR underestimates GHG emissions associated with water supply by a factor of 2.25.

The comment questions the estimated indirect GHG emissions associated with transport, treatment, and distribution of potable water to the project. To ensure consistency of estimated GHG emissions for projects in San Diego County, the County generally requires use of CalEEMod default values. See **Responses to Comments O-1.4-13 and O-1.4-19**, regarding the use of CalEEMod and its default values. The CalEEMod User's Guide (Appendix A, Section 8.2 Electricity Intensity Factors, page 35; CAPCOA 2016) states:

Electricity intensity factors were obtained from the 2006 CEC report, “*Refining Estimates of Water-Related Energy Use in California*.” The electricity intensity factors are reported in units of kWh per million gallons (MG) of water used, and represent the amount of electricity needed to (1) supply and convey the water from the source, (2) treat the water to usable standards, and (3) distribute the water to individual users (emphasis added).

The analysis of project GHG emissions associated with water supply has been estimated in the DEIR in accordance with CalEEMod defaults and pursuant to County requirements.

The County has determined that use of CalEEMod defaults accurately and sufficiency estimates GHG impacts. The commenter cites an estimate of GHG emissions from the Los Angeles Department of Water and Power based on a study using a different methodology and assumptions to estimate emissions. Despite the commenter’s desire for the County to use a different methodology to review GHG impacts from state water conveyance, County staff is entitled to rely on and employ the CalEEMod default values to evaluate the GHG effects of the project from water supply as determined to be appropriate on a project-by-project basis. (*See, Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 582-583, *North Coast Rivers Alliance v. Marin Municipal Water District Board Of Directors* (2013) 216 Cal.App.4th 614, 642, *California Native Plant Society v. Rancho Cordova* (2009) 172 Cal.App.4th 603, 626, *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 409, 415.) Specific to Air Quality and Greenhouse Gas Emissions, the County followed standard practice of using an independent, third party air quality technical reviewer (Poonam Boparai, Senior Air Quality and Climate Change Specialist, Ascent) to review the modeling inputs and results, including emissions resulting from water conveyance. See **Response to Comment O-1.4-19** for additional detail regarding the County’s iterative technical review process.

Accordingly, the DEIR’s analysis is adequate, and no revision is required.

- O-1.4-56** The comment contends that the increased electricity demand due to the Delta Tunnel Project (i.e., California WaterFix) should be factored into the GHG emission estimates for the project’s water supply. The County does not concur with this comment.

While California WaterFix has received approvals from two federal agencies (biological opinions from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service), the cited article from the Los Angeles Times states, “The release of the documents marks a major—but by no means final—step in the long, twisting path of the proposal, which has been in the planning stages for more than a decade.”

On September 19, 2017, the board of the Westlands Water District, a major agricultural water purveyor in the San Joaquin Valley, voted to not support financing of the project, thus raising questions about its future (Los Angeles Times 2017a). On October 10, 2017, The Metropolitan Water District of Southern California's board voted to pay for about a quarter of the tunnels project (Sacramento Bee 2017a). The Santa Clara Valley Water District's board voted to give the Delta water project "conditional support," but only if it involves one tunnel instead of two (Sacramento Bee 2017b). Thus, the future of California WaterFix and its configuration are uncertain. Furthermore, the controversial project is anticipated to face years of litigation. Accordingly, it would be speculative to assess the increase in electrical demand for Northern California water transported to Southern California at this time. CEQA Guidelines Section 15145 states, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

The greenhouse gas technical report relies on the default electrical demand values for water supply in CalEEMod as directed in County guidelines (see Response to Comment O-1.4-55). Accordingly, the analysis of GHG emissions associated with the project's water supply reflects the latest information regarding the electrical demand of water supplies in Southern California.<sup>113</sup>

**O-1.4-57** The comment states that the GHG emissions associated with grey water treatment should have been included in the GHG analysis. The County does not concur with this comment. As stated in the Draft EIR, single-family residences will be plumbed for grey water, if feasible, for reuse as outdoor landscaping irrigation subject to County requirements (see page 2.14-43). As discussed in footnote 5 on page 2.14-43, "proposed grey water systems ... could include installation of in-ground collection tanks as a certified grey water treatment system." Such systems would be plumbed directly into residential irrigation systems and not transported to a central treatment facility; thus, they would have little or no electrical demand. Thus, the GHG emission estimates would not need to reflect additional energy demand. Furthermore, reuse of grey water would offset potable water supply and reduce wastewater generation, thus reducing the electrical demand and associated GHG emissions associated with water supply and wastewater treatment.

The comment also suggests that GHG emissions associated with treating water are "quite high." The County has reviewed and considered the comment and the cited document that is the basis of this comment. The cited reference, however, is not relevant to reuse of grey water as proposed for the project. The cited figure provides

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<sup>113</sup> The CalEEMod default electrical demand values for water are the same in versions 2016.3.2 and 2016.3.1.

## Comment Letter Responses

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GHG factors associated with imported water, groundwater, and recycled water for two Southern California water utilities, but apparently not grey water, which would not be supplied by these utilities.

**O-1.4-58** The comment questions whether GHG emissions associated with wastewater treatment were estimated in the Draft EIR.

Both water supply and wastewater treatment emissions were estimated using CalEEMod. CalEEMod bases the amount of wastewater to be transported and treated on the amount of indoor water use by a project; therefore, in order for CalEEMod to calculate GHG emissions associated with wastewater demand, the user need only to input the indoor water demand for the project. The water demand report prepared by GSI Water Solutions, Inc. was used as the basis for the water usage, which was inputted into CalEEMod. Using this project-specific water demand, the amount of wastewater generated was estimated by CalEEMod. CalEEMod does not report the GHG emissions associated with water supply and wastewater separately; rather, they are reported as “Water.” A review of the CalEEMod User’s Guide, verifies that GHG emissions associated with both sources are calculated when indoor water use demand is inputted into the model. (CalEEMod User’s Guide Section 4.7 and Appendix A, Chapter 8; CAPCOA 2016.)

While the comment states a GHG emission factor of 0.6 kilograms “GHGe” per cubic meter for aerobic biological treatment processes should be used based on a single reference, the CalEEMod User’s Guide indicates, “CO<sub>2</sub> emissions are generated from both aerobic and anaerobic processes, as well as from the combustion of digester gas, but CalEEMod only calculates combustion emissions because there are currently no authoritative emission factors for process CO<sub>2</sub> emissions.” [emphasis added] (CalEEMod User’s Guide, Appendix A, Section 8.4, Wastewater Treatment Methods – Calculation of Greenhouse Gas Emissions, p. 37; CAPCOA 2016.) The GHGs emitted from each type of wastewater treatment within CalEEMod are based on the CARB’s Local Government Operations Protocol (LGOP), which are in turn based on USEPA methodologies. The County declines to speculate on process CO<sub>2</sub> emissions factors based on a single reference. Moreover, the County has reviewed the cited Figure 5 of the referenced material, and disagrees with the emissions factor put forth by the commenter. The emissions presented by the commenter represent one type of wastewater treatment. The figure cited shows five different examples of wastewater treatment and their associated emissions. To choose one of those would not be representative of emissions from wastewater treatment at the Encina Water Pollution Control Facility or the Meadowlark Water Recycling Facility.

It is acknowledged that the summary tables in Chapter 2.7 of the Draft EIR (Tables 2.7-6, -8, -9, -10, -11, -12, -13, and -14) and Greenhouse Gas Emissions Technical Report (Appendix K) (Tables 14, 16, 17, 18, 19, 20, 21, and 22) only show entries for “Water Demand.” Similarly, the CalEEMod output shows “Water,” but this designation *does include* both water supply and wastewater. This descriptor has been revised in the Final EIR to indicate “Water Supply and Wastewater” for more clarity.

The comment also questions whether the “waste by land use” section of the CalEEMod output may comprise the “wastewater” category for GHG emissions. This section reports the GHG emissions associated with solid waste disposal. As indicated above, the GHG emissions associated with wastewater, as reported, by CalEEMod, are included in the “Water” category.

- O-1.4-59** The comment provides a discussion from the DEIR that explains that CalEEMod emissions outputs were modified to reflect the provision of solar photovoltaic panels for all single-family and multi-family residential developments to offset 100 percent of residential electricity demand and that electricity demand reductions associated with on-site solar installations were not applied to the project’s water-related electricity demand or community facilities. The comment states that the DEIR does not explain how the project would offset the residential electricity demand.

As stated in the General Plan consistency analysis in Table 2.7-17 of the Draft EIR, the proposed project would include solar installation on all single-family and multi-family residential units and on all common areas and community facilities (e.g., pool areas, recreation centers), which would offset 100% of the project’s electricity demand associated with these uses. The applicant has made the commitment to achieve the required level of solar installations. The County will adopt a Condition of Approval that would ensure that this commitment by the applicant will be implemented.

PDF-22 further requires that:

Solar panels shall be required on all residential units. Where feasible, roof-integrated solar panels should be considered to minimize visual impacts. All light fixtures along public roads shall be solar powered. The project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot) to implement this requirement. (Draft EIR page 7-9.)



Further, because PDF-22 is incorporated in the EIR at Table 2.7-7, through M-GHG-3, PDF-22 will be required by M-GHG-3 and incorporated in the MMRP. (Draft EIR page 7-44.) It should also be noted that the ninth element of Mitigation Measure M-GHG-2 prioritizes project design features/on-site reduction measures for GHG reduction features and GHG reduction projects and programs, such as this on-site solar installation.

While the applicant has committed to offsetting 100% of the project's electricity demand associated with single-family and multifamily residential units (as well as common areas and Community facilities), the specific methods by which M-GHG-3 will be met and relevant design details for meeting this mitigation measure cannot be specified at this time because such specificity would require detailed site plans and architectural plans for each single family and multifamily building in the project; however, as required by M-GHG-3, the project applicant or its designee, is required to install solar photovoltaics, and as required by M-GHG-2, the project applicant or its designee is required to demonstrate that all emissions have been offset prior to issuance of a building permit. This is because solar technology is rapidly changing and improving. Battery storage in conjunction with solar systems is also under development and becoming more cost effective, and the 2019 Title 24 Regulations (effective January 1, 2020; <http://www.energy.ca.gov/title24/2019standards/rulemaking/>) include provisions for electric storage in conjunction with requirements for solar on new residential and non-residential buildings. All construction within the project would be required to comply with these regulations, including updated versions of Title 24, through project buildout. Title 24 is updated with new technologies via approval of Alternative Calculation Methodologies, and on the three-year national code cycle. As with each previous code cycle update, the energy efficiency standards have been strengthened and new energy-saving technologies mandated.

Accordingly, the DEIR provides the assurance this commitment will be implemented by the applicant, but provides that specific design details of how this mitigation measure is implemented would be addressed as part of the site plan approval and building permit issuance processes.

- O-1.4-60** The comment states that the DEIR does not require that solar panels be used, but that residences be “solar-ready.” The comment states that without a backup battery, the residential electrical demand cannot be met, and that the DEIR does not contain design or development details to ensure that the roofs can accommodate solar photovoltaic panels, particularly for multi-family units. The comment states that the DEIR requires EV charging equipment in all garages of the single-family and multifamily garages, but does not require that they be used and therefore residents

could use any car of their choice. The comment states that the DEIR cannot rely on solar and EV charging to reduce GHG emissions unless enforceable mitigation is proposed and design information is provided to demonstrate feasibility.

The comment is incorrect in stating that the DEIR does not require that solar panels be used. Table 2.7-7, which summarizes the project design features, clearly states that solar panels will be required on all residential units (single family and multifamily), as well as other land uses:

*Solar panels shall be required on all residential units. Where feasible, roof-integrated solar panels should be considered to minimize visual impacts. All light fixtures along public roads shall be solar powered. The project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot) to implement this requirement (emphasis added).*

See also **Response to Comment O-1.4-59**, regarding enforcement of the requirement to use solar to offset 100% of the residential electrical demand, including through incorporation of PDF-22 and M-GHG-3.

Please note that in that same Table 2.7-7 under PDF-22, it says that no credit was taken for residential solar. This statement is incorrect and conflicts with a related statement on page 62 of the Greenhouse Gas Emissions Technical Report (Appendix K of the Draft EIR), which says, “CalEEMod’s emissions outputs were modified to reflect the provision of solar photovoltaic panels for all single-family and multifamily residential development sufficient to offset 100% of the residential structural electricity demand.” The note for PDF-22 in Table 2.7-7 has been revised in the Final EIR. This correction does not alter the assumptions or analyses in the EIR, nor its conclusions.

As addressed in **Response to Comment O-1.4-59** above, design details are not available at this stage nor are they required by CEQA. CEQA Guidelines Section 15124 states, “The description of the project ... should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” Detailed design of the residences was not necessary to prepare the Greenhouse Gas Emissions Technical Report or GHG Section of the Draft EIR where the mitigation measure M-GHG-3 requires solar panels on all residential units and solar adequate to offset 100% of the residential structural electricity demand.

Regarding the comment that the Draft EIR does not discuss how the multi-family units would be designed to accommodate solar panels, again design details are not available at this stage nor are they required by CEQA. It should be noted, however, that PDF-22 indicates the project can use centralized solar arrays (e.g., a solar array

on top of a shade structure in a parking lot), which might be more feasible for some multi-family complexes. Further, the County will require that such offset to residential electrical usage is achieved as part of the building permit issuance. As a Condition of Approval, the County anticipates requiring the applicant, or their designee, to submit the appropriate calculations as part of the issuance of a residential building permit, demonstrating how the solar commitment is achieved (via rooftop, parking lots, or other solar locations).

The comment is correct that use of electric vehicle (EV) charging stations will not be required. The applicant cannot require that residents purchase and use electric vehicles. For that reason, as stated in under PDF-23 in Table 2.7-7 on page 2.7-60 of the Draft EIR, no credit was taken for EV charging stations.

Finally, as to the reference to back-up batteries for solar PV systems, please see the **Response to Comment O-1.4-59** above.

- O-1.4-61** The comment states that project GHG emissions are underestimated because the emissions calculations do not account for outdoor wood burning and barbequing. The comment also provides an estimate of GHG emissions from charcoal barbeques, and then concludes that all outdoor burning, regardless of the fuel, should be banned.

As to the GHG emissions from outdoor wood burning and barbequing, as discussed in prior responses, the project's GHG emissions have been calculated using the industry-standard estimation tool: CalEEMod. As described in the CalEEMod User's Guide (Section 1, Introduction, page 1; CAPCOA 2016), "[t]he purpose of CalEEMod is to provide a uniform platform ... to estimate potential emissions associated with both construction and operational use for land use projects. It is intended that these emission estimates are suitable for quantifying air quality and climate change impacts as part of the preparation of [CEQA] documents." The Draft EIR's use of CalEEMod to establish the framework of emissions sources associated with the project for CEQA purposes accords with the guidance and recommendations of multiple agencies and air quality and GHG experts (like CAPCOA).

It also should be noted that the comment's concern that an emissions source has been omitted from the project inventory fails to recognize that the use of outdoor cooking appliances (such as barbeques) would represent a trade-off in GHG emissions from indoor cooking appliances, which are quantified in CalEEMod. In other words, if a homeowner elects to cook his/her dinner on an outdoor barbeque in lieu of an indoor oven, GHG emissions are being re-allocated from one appliance to another. As such, the GHG emissions associated with outdoor cooking appliances are reasonably captured by CalEEMod.

As to the estimate of GHG emissions from charcoal barbeques, the County has reviewed and considered the comment and cited documents, and concludes the commenter has not provided substantial evidence to support its assumptions or conclusions. For example, the comment assumes that 80% of all households would have barbeques; however, given that approximately one half (995) of the residential units are multi-family units, that estimate likely is too high because the use of charcoal barbeques is restricted in the multi-family residential setting.<sup>114</sup> Similarly, the comment's emissions calculations assume that all household grills will be charcoal, despite the commenter's own document noting that a majority of grills (61%) utilize natural gas. Additionally, there is no basis cited for the assumption that all barbeque owners would grill twice a week for the life of the project. Finally, without explanation, it appears that the GHG emissions estimate provided in the comment uses an emissions factor for electric grills (15 pounds CO<sub>2</sub>), instead of charcoal grills (11 pounds CO<sub>2</sub>) or gas grills (5.6 pounds CO<sub>2</sub>).

For these reasons, the comment does not raise a significant environmental issue regarding the project's GHG emissions calculations and does not provide the County with a basis to prohibit the use of outdoor wood burning and barbeques.

- O-1.4-62** The comment states that the GHG emissions analysis failed to take into account future increases in temperature that will lead to higher operation levels for air conditioning and fans, and the resulting increase in GHG emissions.

The comment suggests that the Draft EIR should explicitly factor into its GHG emissions analysis the potential for an unstated increase in temperature to alter future energy demand needs. The County does not concur with this comment for the following reasons.

As mentioned in prior responses, the analysis was prepared using the model prepared with input from the California air districts and recommended by the SDAPCD and numerous other lead agencies for preparing CEQA documents and estimating GHG emissions (i.e., CalEEMod). The model, which includes a number of conservative factors and has been carefully vetted by CAPCOA, has become the industry standard for analyzing GHG emissions under CEQA.

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<sup>114</sup> California Fire Code Section 308.1.4, as incorporated into the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County, prohibits operation of "charcoal burners and other open-flame cooking devices ... on combustible balconies or within 10 feet of combustible construction, except one- or two-family dwellings (single-family home or duplex)" and certain other exceptions. Thus, use of charcoal barbecues would be restricted at multi-family units.

In addition, while future changes in temperature in California have been projected, there is no certainty that a specific future scenario would occur. CEQA Guidelines Section 15145 states, “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” For purposes of the CEQA analysis, it is speculative to adjust the project’s energy demand estimates based on those potential unknown future increases in temperature. Any future increase in the number of high temperature days may be counter-balanced with the reasonably foreseeable expectation that energy demand may decrease in the future, as compared to what would be forecasted using today’s energy standards, due to technology improvements associated with the efficiency of cooling homes as the California Energy Commission (CEC) promulgates further iterations of California’s Building Energy Efficiency Standards (Title 24, Part 6, of the California Code of Regulations). In this way, the Draft EIR analysis is conservative because it does not account for energy efficiency improvements in cooling technologies beyond the latest (2016) version of the 2016 California Building Energy Efficiency Standards (Title 24, Part 6, of the California Code of Regulations); however, it also should be noted that, approximately every three years, the CEC updates Title 24 to further improve energy efficiency.

As explained above, the GHG analysis in the Draft EIR was performed using CalEEMod, which reflects the extent of GHG analysis considered reasonable by expert California air districts, and is based on inputs specific to the project’s CEC-designated “Climate Zone” (which ensures that the energy demand profile of the project reflects regional conditions and trends) (CalEEMod User’s Guide, Appendix A, Section 7, Energy Use, page 31; CAPCOA 2016). 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-1.4-63** The comment states that Mitigation Measures M-GHG-1, M-GHG-2, and M-GHG-3 do not achieve the goal of no net increase and are not adequate to assure that construction and operational GHG emissions are reduced to a less than significant level. The County acknowledges the comment as an introduction to comments, and responds to specific concerns in subsequent comments in detailed responses that follow, specifically, please refer to **Response to Comments O-1.4-64 through O-1.4-72**. 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-1.4-64** The comment states that the proposed mitigation measure (M-GHG-1) to offset 100% of the project’s GHG emissions from construction and vegetation removal in the

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amount of 93,323 MT CO<sub>2</sub>e is inadequate because the corresponding GHG emissions were underestimated. Please see **Response to Comment O-1.4-21** addressing the commenter's concerns with the alleged underestimation of emissions associated with construction and vegetation removal.

- O-1.4-65** The comment restates that the commenter is uncertain whether the GHG loss due to vegetative removal is per year or a one-time loss of GHG sequestration potential over the project lifetime, and states it is reported in the DEIR as an annual amount. Please see **Response to Comment O-1.4-21** confirming vegetative removal is a *one-time* sequestration loss on the project site – specifically, sequestered carbon is released once (not annually) when existing vegetation is cleared and removed from the project Site. (Please also see CalEEMod User's Guide, Section 4.11, Vegetation, page 52; CAPCOA 2016.)

The comment also recommends that if Mitigation Measure M-GHG-1 is revised in response to comments to take credit for new tree plantings, the revised mitigation measure should require mixed hardwood and replanting every 20 years. The County does not intend to revise this mitigation measure or take credit for new tree plantings in determining the project's mitigation requirements. See **Response to Comment O-1.4-24**.

- O-1.4-66** The comment is an introduction to comments that follow regarding the effectiveness of Mitigation Measure M-GHG-2. The County acknowledges the comment as an introduction to comments that follow, and responds to specific concerns in subsequent comments in detailed responses, specifically, please refer to **Response to Comments O-1.4-67** through **O-1.4-72**. 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-1.4-67** The comment states that Mitigation Measure M-GHG-2 is inadequate because it does not account for GHG emissions from the construction of off-site roadway improvement projects and emissions from induced traffic attributable to these same improvement projects. The County does not concur with this comment. As explained in **Response to Comment O-1.4-34**, above, the project's GHG emissions inventory is complete and, therefore, the parameters of the recommended mitigation are sufficient to reduce the project's GHG emissions to net zero.

First, as to the emissions attributable to the construction of off-site roadway improvement projects, such emissions would be fully offset through implementation of Mitigation Measure M-GHG-1 (not M-GHG-2, as referenced in the comment). Mitigation Measure M-GHG-1 addresses the project's emissions attributable to construction-related activities, and requires the applicant to purchase and retire

carbon offsets in a quantity that is sufficient to offset 100 percent of the project's construction and vegetation removal-related emissions. Additionally, Figure 2 of the project's GHG Emissions Technical Report (EIR Appendix K) illustrates the location of the relevant off-site roadway improvements in relation to the project site. By way of example, page 2.7-34 of the Draft EIR also explained: "The Phase 1 analysis includes and addresses the GHG emissions impacts and incorporates construction of the I-15 interchange improvements, which constitutes an off-site mitigation measure improvement of the project."

Second, as to the issue of induced traffic, see **Response to Comment O-1.4-19 and O-1.4-44**. As discussed therein, the project's emissions inventory is not incomplete.

**O-1.4-68** The comment questions the sufficiency of Mitigation Measure M-GHG-2's 30-year mitigation period. Please refer to **Topical Response GHG-4** for additional details regarding this topic.

### **Introduction**

Information has been provided below, and is comprehensively detailed in **Topical Response GHG-4** regarding the evidentiary underpinnings for Draft EIR Section 2.7's utilization of a 30-year project life when delineating the duration of Mitigation Measure M-GHG-2's mitigation period.

To begin, CEQA Guidelines Section 15064.4(a) requires a lead agency to make a "good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas [GHG] emissions resulting from a project." Section 15064.4(a)(1) further provides that a lead agency, when deciding whether to assess the significance of the project's emissions using a quantitative or qualitative approach, has the "discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence."

As provided in Draft EIR Section 2.7, Greenhouse Gas Emissions, Mitigation Measure M-GHG-2 requires the project applicant to purchase and retire carbon offsets in a quantity that is sufficient to reduce the project's operational GHG emissions to net zero for a 30-year period. San Diego County, as the lead agency, has determined that a 30-year project life is the appropriate methodology for delineating the extent of the project's GHG emissions inventory for purposes of Mitigation Measure M-GHG-2's applicable mitigation period. The 30-year project life, as documented below, presents the reasonable limits of scientific and evidentiary data for the project, given current modeling tools, the changing regulatory structure, the

level of unknowns beyond 2050 with respect to regulatory programs mandating further reductions in GHG emissions, and other available information.

This response demonstrates that the use of 30-year project life is a methodological determination that is strongly supported on at least six grounds, each of which provides an independent basis for utilizing the subject analytic framework:

1. The California Air Resources Board (CARB), the state agency charged with the responsibility for and expertise to administer the state's GHG emissions policies (Health & Saf. Code, Section 38510), has approved the use of a 30-year project life when mitigating operational GHG emissions associated with land use development projects in furtherance of achieving a no net increase in GHG emissions levels. (See CDFW, *Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan* (SCH No. 2000011025) (June 2017), Appendix 1; CARB, *The 2017 Climate Change Scoping Plan Update* (November 2017, Final); and, Letter from CARB to CDFW re: "[CARB] Review of the [GHG] Analysis in the Final Additional Environmental Analysis for the Newhall Ranch [RMDP/SCP]" (June 7, 2017).)
2. In an analogous setting, CARB also has approved the use of a 30-year project life when certifying Assembly Bill (AB) 900 "leadership projects" (Public Resources Code Sections 21178 through 21189.3). AB 900 requires leadership projects to mitigate all project-related GHG emissions to net zero.
3. Guidance from the South Coast Air Quality Management District (SCAQMD) supports using a 30-year project life to analyze a project's GHG emissions under CEQA, as more fully explained below.
4. A 30-year project life also is widely used in CEQA documents by expert consultants and lead agencies—including San Diego County, the local land use agency with jurisdiction over the project site—for analyzing a project's GHG emissions under CEQA.
5. Executive Order (EO) S-3-05 established 2050 as the target year for an 80 percent reduction in statewide GHG emissions below 1990 levels. The regulatory framework needed to achieve this target requires transforming the state's transportation, energy, and industrial sectors. As such, the future GHG emission profiles for these sectors are not generally known. And, modeling emissions significantly beyond 2050 requires speculation about GHG emissions that are not knowable or known.



Given known and knowable information beyond 2050, a 30-year project life (that extends beyond the target year established by the referenced EO) has been established as the period of time for which GHG emissions can be reasonably estimated without undue speculation.

6. The modeling analysis likely overestimates the project's GHG emissions because the modeling does not take into account reasonably foreseeable regulatory programs and other governmental strategies and technological factors that likely would result in further reductions in GHG emissions levels throughout California that are needed to achieve the 2030 and 2050 targets, nor does it account for all Project Design Features (PDFs) aimed at reducing greenhouse gas emissions through increased energy efficiency, reduced water usage and other conservation strategies. For additional conservatism, the modeling also utilizes emissions factors for the first calendar year in which the project is anticipated to become partially operational (2021) to calculate the quantitative parameters of the mitigation requirements, even though additional emissions reductions attributable to adopted reduction strategies (e.g., 50 percent Renewable Portfolio Standard (RPS) and Advanced Clean Cars Program) will be realized after 2021 and by the time the project reaches build out (2028).

In using the 30-year project life, San Diego County recognizes that the residential and non-residential development facilitated by the project could continue to exist for more than 30 years. During and after the 30-year project life period, the project would be subject to a range of existing and future regulatory standards and policies applicable to the built environment. As discussed in Sections 6 and 7, below, California is expected to implement numerous additional policies, regulations and programs to reduce statewide emissions to achieve the GHG reduction goals of Senate Bill (SB) 32 and EO S-3-05. San Diego County has exercised its discretion to determine that a 30-year project life is reasonable and supported by the substantial evidence discussed below.

In summary, and in accordance with the authority established by CEQA Guidelines Section 15064.4(a)(1), the choice of a 30-year project life is consistent with established modeling frameworks used in CEQA analysis and the available scientific and evidentiary information. Each of the six, independent grounds, all of which support use by the Draft EIR of the 30-year project life for estimating the project's GHG emissions and for determining the mitigation period set forth in Mitigation Measure M-GHG-2, are discussed in more detail below.

### **Summary of Relevant Mitigation Measure M-GHG-2 Requirement**

As set forth in the Draft EIR, the Newland Sierra project would be the “first large-scale planned community in San Diego to achieve a 100 percent reduction in the project’s construction and operational emissions.” (Draft EIR, p. 1-6.) The reduction to zero net GHG emissions would be achieved through implementation of mitigation measures that include both on-site emission reduction actions and offset projects.

Mitigation Measure M-GHG-2 calls for the project applicant to “purchase and retire carbon offsets for the incremental portion of the project within the Site Plan in a quantity sufficient to offset, for a 30-year period, the operational GHG emissions from that incremental amount of development to net zero.” The performance standards and requirements set forth in Mitigation Measure M-GHG-2 achieve GHG reductions through the purchase of carbon offsets from accredited carbon registries. The standards and requirements also ensure that the GHG emission reductions secured with implementation of Mitigation Measure M-GHG-2 occur in advance of the actual operation of project-related development, effectively years in advance of occupation.<sup>115</sup>

### **The Draft EIR Likely Over-Estimates Project Emissions**

As discussed in the Draft EIR, the project’s estimate of emissions “are conservative because the project’s GHG emissions are expected to decrease beyond the estimates presented here due – in part – to reasonably foreseeable improvements in fuel efficiency, fleet turnover, and other technological improvements related to transportation and energy. It also is anticipated that CARB, the [California Energy Commission] and other state, regional and local agencies will enact or enhance regulations prior to the project’s build-out year to reduce GHG emissions in furtherance of the state’s GHG reduction policy goals.” (Draft EIR, p. 2.7-41.<sup>116</sup>) These additional programs and technology would serve to reduce the actual GHG emissions associated with the project and the amount of emission reductions that would need to be secured under Mitigation Measure M-GHG-2.

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<sup>115</sup> Mitigation Measure M-GHG-1 similarly requires that all one-time emissions associated with construction emissions (including horizontal (e.g., grading) and vertical (e.g., building construction) activities) and vegetation change be mitigated to zero in advance of receipt of a grading permit and actual construction activities.

<sup>116</sup> As another example of the Draft EIR’s conservatism, the project’s emissions inventories are based on an operational year of 2021, even though project build-out is not anticipated until 2028. This assumption serves to over-state emissions from energy consumption (by using an emissions factor with a lower renewable portfolios standard percentage) and mobile sources (by using an emissions factor for a less clean vehicle fleet). (Draft EIR, pp. 2.7-37, -39, -41.)

Such improvements are expected to be made in order for the state to realize full attainment of its 2030 and 2050 statewide emission reduction targets. The omission of these reasonably anticipated improvements serves to result in the calculation of a conservative emissions forecast – one that serves to over-estimate the project's emissions.

Further, not only does the methodology not account for anticipated regulatory and technology improvements in future years, the methodology also does not account for adopted requirements applicable to the project's build-out year (2028), such as the RPS or fleet emission factors applicable to 2028.

### **Conclusion**

Substantial evidence supports the Draft EIR's use of a 30-year project life as a methodological basis to determine the emissions inventory and corresponding mitigation requirements of Mitigation Measure M-GHG-2. First, CARB, the state agency charged with the responsibility for and expertise to administer the state's GHG emissions policies, has concurred with a 30-year project life for purposes of CEQA evaluations intended to demonstrate a no net increase in GHG emissions. Second, CARB also has concurred with a 30-year project life for purposes of AB 900 environmental leadership projects. Third, SCAQMD identified the use of a 30-year project life, for purposes of delineating the GHG emission offset obligations of residential/commercial projects, nearly a decade ago. Fourth, the 30-year project life has become accepted industry standard by multiple lead agencies and expert consultants for analyzing GHG emissions in CEQA documents. Fifth, it would be speculative to impose a mitigation burden that extends beyond a 30-year project life in light of the evolving policies, regulations, and standards that would be needed to achieve the 2050 horizon-year goal of EO S-3-05. Sixth, the mitigation reduction assigned to Mitigation Measure M-GHG-2 likely has been over-estimated and this conservatism warrants against extending the 30-year period.

Each of these six grounds independently substantiates the analysis presented in the Draft EIR, including the 30-year period set forth in Mitigation Measure M-GHG-2. They provide the substantial evidence needed for the County of San Diego to develop project-specific methods in accordance with CEQA Guidelines Section 15064.4(a)(1). Given the use and endorsement of a 30-year project life method by multiple experts in the field (i.e., CARB, SCAQMD, the County of San Diego, and other lead agencies and GHG consultants), as well as the speculation required to estimate post-2050 GHG emissions and the embedded conservatism of the project's GHG emissions inventory data, the 30-year mitigation period is appropriate, reasonable, and supported by

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substantial evidence. Please refer to **Topical Response GHG-4 [30-year Project Life]** for additional details.

**O-1.4-69** The comment states the total quantity of carbon offsets required by Mitigation Measure M-GHG-2 should be specifically identified in the measure, either via a reference to a specific table or by setting forth the total value itself. In response, the total emissions reduction obligation of Mitigation Measure M-GHG-2 was identified in Table 2.7-8 of the Draft EIR; specifically, the last row in that table identified the “Total GHG Offsets (CO<sub>2</sub>E) Over 30-year Project Life” as amounting to 1,304,940 MT CO<sub>2</sub>E. In response to this comment, the first paragraph of Mitigation Measure M-GHG-2 has been revised as follows:

As to operational GHG emissions, to effectuate a total offset of 1,304,940 MT CO<sub>2</sub>E over the 30-year life of the project consistent with this measure, prior to the County’s issuance of building permits for each implementing Site Plan (“D” Designator), the project applicant shall purchase and retire carbon offsets for the incremental portion of the project within the Site Plan in a quantity sufficient to offset, for a 30- year period, the operational GHG emissions from that incremental amount of development to net zero, consistent with the performance standards and requirements set forth below....

Please note that Mitigation Measure M-GHG-2 would be implemented via emissions metrics that are specific to the varying land uses (i.e., single-family residential, multi-family residential, age-qualified units, commercial, school, and parks) proposed by the project. The respective emissions reduction obligation of each land use was identified in Tables 2.7-9 through 2.7-15 of the Draft EIR, and re-stated here for ease of reference:

- Per Table 2.7-9, each single-family residential unit has a total GHG offsets obligation of 480 MT CO<sub>2</sub>E.
- Per Table 2.7-10, each multi-family residential unit has a total GHG offsets obligation of 390 MT CO<sub>2</sub>E.
- Per Table 2.7-11, each age-qualified residential unit has a total GHG offsets obligation of 210 MT CO<sub>2</sub>E.
- Per Table 2.7-12, each thousand (1,000) square feet of commercial development has a total GHG offsets obligation of 4,860 MT CO<sub>2</sub>E.

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- Per Table 2.7-13, each thousand (1,000) square feet of school has a total GHG offsets obligation of 840 MT CO<sub>2</sub>E.
- Per Table 2.7-14, each acre of park has a total GHG offsets obligation of 840 MT CO<sub>2</sub>E.

**O-1.4-70** The comment states that the geographic priorities identified in Mitigation Measure M-GHG-2 should be mandatory, such that “the developer should be required to submit proof to the County that offsets are unavailable in one priority category before seeking offsets from the next priority category.” In response to this comment, the subject verbiage in Mitigation Measures M-GHG-1 and M-GHG-2 has been revised as follows:

~~Ninth, the County of San Diego Planning & Development Services Department will consider the project applicant or its designee shall demonstrate,~~ to the satisfaction of the Development Services Director, that the following geographic priorities for GHG reduction features, and GHG reduction projects and programs have been met: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally. As listed, geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide cross-over benefits related to air quality criteria pollutant reductions within the San Diego Air Basin, and to aid in San Diego County jurisdictions’ efforts to meet their GHG reduction goals. The project applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such offset projects and programs are financially competitive in the global offset market. The project applicant or its designee shall submit proof to the County that offsets are unavailable and/or fail to meet the feasibility factors defined in CEQA Guidelines Section 15364 in a higher priority category before seeking offsets from the next lower priority category.”

While the mitigation has been revised as shown above, it is noted that CEQA provides lead agencies with discretion to formulate feasible mitigation measures for the reduction of GHG emissions. Specifically, CEQA Guidelines Section 15126.4(c) addresses the mitigation of GHG emissions and provides a non-exclusive list of potentially feasible mitigation concepts for consideration by lead agencies and project proponents.

Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

1. Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
2. Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F [Energy Conservation];
3. Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
4. Measures that sequester greenhouse gases;
5. In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

Of importance, CEQA Guidelines Section 15126.4(c) does not establish a hierarchy of allowable mitigation options – there are no limits imposed on the geographic or locational attributes of the mitigation options, and there is no imperative to secure additional on-site reductions before utilizing carbon offsets. Unlike criteria pollutants where individual districts are characterized by varying levels of pollutant concentrations and source types, GHGs and their attendant climate change ramifications are a global problem (CAPCOA 2008). Climate change is a global phenomenon in that all GHG emissions generated throughout the earth contribute to it; the action of GHGs is global in nature, rather than local or regional (or even statewide or national) (CAPCOA 2008). While it may be true that many GHG sources are individually too small to make any noticeable difference to climate change, it is also true that the countless small sources around the globe combine to produce a very substantial portion of total GHG emissions (CAPCOA 2008). Accordingly, geographical limits to mitigation options does not align with the science and understanding of GHGs and the global, cumulative nature of GHG emissions. As all GHG emissions generated throughout the earth contribute to climate change, a reduction in GHG emissions on earth would offset the generation of GHG emissions and their contribution to climate change regardless of geographic location.

As background, CEQA Guidelines Section 15126.4(c) was adopted by the California Natural Resources Agency (Resources Agency) at the conclusion of the rulemaking processes mandated by Senate Bill 97 (Dutton, 2007); see also Pub. Res. Code, §21083.05) and became effective in March 2010. On page 50 of the Resources Agency's *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97* (December 2009), the Resources Agency expressly rejected invitations to establish any sort of mitigation hierarchy for GHG emissions in CEQA Guidelines Section 15126.4(c):

Several comments, for example, suggested that the Guidelines provide a specific “hierarchy” of mitigation requiring lead agencies to mitigate GHG emissions on-site where possible, and to allow consideration and use of off-site mitigation only if on-site mitigation is impossible or insufficient. OPR and the Resources Agency recognize that there may be circumstances in which requiring on-site mitigation may result in various co-benefits for the project and local community, and that monitoring the implementation of such measures may be easier. However, CEQA leaves the determination of the precise method of mitigation to the discretion of lead agencies.

On page 87 of the *Final Statement of Reasons*, the Resources Agency similarly recognized that it “cannot, however, state in the State CEQA Guidelines that all lead agencies have the authority to prioritize types of mitigation measures, or to establish any particular priority order for them. Each lead agency must determine the scope of its own authority based on its own statutory or constitutional authorization.”

When discussing how local governments can support climate action through CEQA, on page 102 of *California's 2017 Climate Change Scoping Plan* (November 2017), CARB “recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.” On that same page, CARB recognizes that “[w]here further project design or regional investments are infeasible or not proven to be effective,” it also “may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits.” As such, much like the framework established in CEQA Guidelines Section 15126.4(c), CARB recognizes the utilization of a portfolio-based approach in the development and selection of feasible mitigation measures for the reduction of GHG emissions, while simultaneously recommending the prioritization of GHG emissions-reducing strategies in a project's vicinity due to the corresponding economic and air quality co-benefits.

Here, the project includes 32 on-site project design features (PDFs) (see Draft EIR, Table 2.7-7) to reduce GHG emissions, the implementation of which would be secured through Mitigation Measure M-GHG-3. These design requirements include a Transportation Demand Management (TDM) Program (PDF-1 through PDF-20), solar photovoltaic panels on all residences (PDF-22), pre-plumbing for the use of greywater systems where feasible (PDF-26), water efficient landscaping and irrigation equipment to reduce water usage (PDF-24 and PDF-25), energy efficient appliances (PDF-31), installation of electric vehicle chargers in all single-family homes (PDF-23), and other features to reduce energy usage, water consumption and limit GHG emissions. The Draft EIR conservatively and only accounted for GHG emission reductions from those PDFs which are readily quantifiable, and thus likely underestimates the amount of GHG emissions reductions achieved by the project. Specifically, GHG emission reductions attributable to PDFs 1 through PDF-20, and PDF-22 are accounted for in EIR Section 2.7; however, GHG emission reductions attributable to PDF-21 and PDF-23 through PDF-32 are not included in the EIR.

In conjunction with implementation of the 32 on-site PDFs, the EIR recommends adoption of Mitigation Measures M-GHG-1 and M-GHG-2, which require the purchase and retirement of carbon offsets to reduce project GHG emissions to net zero. As illustrated by CEQA Guidelines Section 15126.4(c)(3)-(4), the use of carbon offsets as CEQA mitigation is appropriate and supported. And, the County's development of this combination of on- and off-site reduction strategies is consistent with the discretion afforded to it by CEQA for purposes of mitigating GHG emissions.

**O-1.4-71** The comment states that annual reports to the County should be required to assure compliance with the project's mitigation program.

In response, as explained in Mitigation Measure M-GHG-2, compliance would be required incrementally, prior to the County's issuance of building permits for each implementing Site Plan ("D" Designator). Proof that the project applicant or its designee has purchased and retired a sufficient quantity of carbon offsets must be provided to the satisfaction of the Director of PDS. This requirement would ensure that the mitigation measure is timely implemented consistent with project development and the evaluation in the EIR, and is fully enforceable by the County. (Pub. Res. Code, §21081.6(b); CEQA Guidelines §15126.4(a)(2).)

Mitigation Measure M-GHG-2 also would be included in the CEQA-mandated Mitigation Monitoring and Reporting Program for the project, to be considered by decision-makers prior to project approval. (Pub. Res. Code, §20181.6.) The County is proposing to require annual mitigation reporting for M-GHG-2, as specified in the



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Mitigation Monitoring and Reporting Program, which will ensure that compliance with the mitigation measure is adequately monitored. Accordingly, sufficient monitoring parameters already are in place to assure compliance with the mitigation program.

- O-1.4-72** The comment objects to the “true up” procedure set forth in Mitigation Measure M-GHG-2, stating that it “would be subject only to County oversight, conducted outside of CEQA, with no public review.” The comment also notes that the “true up” procedure is drafted in favor of the project applicant as a means to reduce the emissions reduction obligation attributable to Mitigation Measure M-GHG-2. Therefore, the comment requests that the measure be revised and “broadened” to recognize the possibility that the mitigation obligation may need to be increased in the future due to factors that “cannot be currently predicted.”

The County does not concur with the comment. As described in the GHG Technical Report (Appendix K), several Project Design Features and other anticipated but unquantifiable regulatory requirements are either required by the project or reasonably foreseeable which would reduce greenhouse gas emissions. These are supported by the State’s goals of reducing greenhouse gas emissions by 2050 and the bills passed over the prior twelve years following the Global Warming Solutions Act of 2006. However, because these reductions are not quantifiable, the proposed Project has not taken credit.

In recognition of the above, the “true up” provision would enable the project applicant, or its designee, the ability to perform further technical analysis once the effects of these regulations and technologies become quantifiable. Ultimately, the County has discretion of whether or not such future technical analyses would be accepted based on substantial evidence.

- O-1.4-73** The comment states that the Draft EIR did not evaluate several air quality impacts, citing the impact of Valley Fever on construction workers and sensitive receptors. The comment also states that the Draft EIR did not adequately evaluate air quality and health risk impacts, and did not adopt all feasible mitigation. In response, the County acknowledges the comment as an introduction to additional comments that follow. Additional information is provided in response to more specific comments made by the commenter below.

- O-1.4-74** Addressing air quality, the comment states that the Draft EIR cannot conclude an impact is significant and unavoidable without requiring all feasible mitigation. Please see **Response to Comment O-1.4-8** above for relevant, responsive information. As no particular mitigation measures are suggested in the comment, no more specific response can be provided.

- O-1.4-75** The comment raises questions about the amount of disturbed soil, specifically noting that the Draft EIR reports that there would be 10.7 million cubic yards of cut and fill and 2.4 million cubic yards of soil that would be relocated on site with no soil exported. The comment presumes that the balance of the soil—8.3 million cubic yards—will be stripped of vegetation and graded leaving this soil exposed to wind erosion. The comment misinterprets these values.

As stated on page 56 of the project’s Greenhouse Gas Emissions Technical Report (Appendix K), “All cut-and-fill quantities would be balanced on the project,” which mean the amounts of material cut and material filled will be the same. Cut and fill means that some material will be removed (“cut”) but placed nearby (“fill”) to leave surfaces at the desired slopes. This will mostly occur in the same general location onsite (8.3 million cubic yards). However, 2.4 million cubic yards of soil would be hauled to other locations within the project Site, an average 0.4 mile during Phase 1 and 0.8 mile during Phase 2. (Appendix K, page 56.) Thus, there will not be 8.3 million cubic yards of soil left on site in storage piles or otherwise subject to wind erosion. The project’s disturbance footprint – for purposes of this response, the area subject to grading activities – would be converted to from an undeveloped to a developed condition that consists of a variety of impervious and pervious surfaces; in its developed condition, exposed soil would not remain as a source of fugitive dust.

Further, the Draft EIR includes Mitigation Measure M-AQ-3, which will prevent wind erosion and fugitive dust during and after grading activities. Pertinent here, this measure requires application of a dust control agent or watering of grading areas at least four times daily, stabilizing grading areas as quickly as possible, and constructing and paving roadways onsite as early as possible.

The comment also raises concerns about the impacts of Santa Ana winds on the generation of windblown dust. The comment notes that these winds can be strong reaching 30 to 50 mph. The Draft EIR already includes Mitigation Measure M-AQ-3, which outlines comprehensive mitigation for dust control. More specifically, M-AQ-3(k) requires the applicant to “[s]uspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour.” Accordingly, it is not expected that conditions during Santa Ana winds would contribute substantially to air quality impacts.

The comment also states generally that wind erosion emissions are calculated using AERMOD and are typically calculated using methods in the US EPA’s *Compilation of Air Pollutant Emission Factors* (AP-42), which requires detailed information on site topography, wind profiles, and dispersion modeling. The section of AP-42 cited by the commenter focuses on “wind erosion of open aggregate storage piles and

exposed areas within an industrial facility.” Thus, this section does not appear to be relevant to a construction site. Furthermore, as the comment notes, calculation of these emissions requires detailed information that is not generally available at the CEQA stage.

The County considers the analysis in the Draft EIR, which utilizes CalEEMod methodology, sufficient for the purposes of CEQA. CalEEMod considers fugitive dust associated with the site preparation and grading phases from three major activities: 1) fugitive dust from dozers moving dirt; 2) fugitive dust from graders or scrapers leveling the land; and; 3) fugitive dust from loading or unloading dirt into haul trucks. (CalEEMod User’s Guide, Section 4.3.3, Dust from Material Movement, page 32, and Appendix A, Section 4.3, Dust From Material Movement, page 7; CAPCOA 2016). Notably, CalEEMod’s methods have been adapted from the USEPA’s AP-42 method for Western Coal Mining, and thus account for fugitive dust consistent with AP-42 methods.

As Section 15151 of the CEQA Guidelines states, “An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” The County considers the evaluation of fugitive dust emissions using CalEEMod’s analytical method appropriate and adequate.

- O-1.4-76** The comment suggests that the project’s PM<sub>10</sub> and PM<sub>2.5</sub> emissions from the rock crushing operation would be increased by as much as three times during Santa Ana wind conditions, and requests that the mitigation be modified to prohibit rock crushing during Santa Ana wind alerts. The comment relatedly states that the emission estimate used in the DEIR was based on a mean wind speed of 2.98 miles per hour.

First, Mitigation Measure M-AQ-3(k) (Draft EIR page 2.3-35) requires suspension of all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour. Mitigation Measure M-AQ-3(k) is copied below for reference.

**M-AQ-3** Prior to the County of San Diego’s approval of any grading permits and during project construction, a Fugitive Dust Plan shall be prepared demonstrating compliance with SDAPCD Rule 55 and County Code Section 87.428 (Grading Ordinance), to the satisfaction of the County. The project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM<sub>10</sub> emissions as part of the Fugitive Dust Plan. All measures shall be designated on

grading and improvement plans. Measure shall include but are not limited to:

...

- k. Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour;

Second, the project's emissions attributable to rock crushing were estimated using industry-standard methods. Specifically, the referenced wind speed (2.98 miles per hour) was used to estimate the PM<sub>10</sub> and PM<sub>2.5</sub> emissions associated with transfer of materials to the feed hopper and stockpiles, using an equation from the USEPA's AP-42, Section 13.2.4<sup>117</sup>. The equation from AP-42, Section 13.2.4, used to derive emissions associated with transfer to the feed hopper and stockpiles is based on the mean wind speed; there is no provision for short-term, high wind speed conditions in AP-42. PM<sub>10</sub> and PM<sub>2.5</sub> emissions estimates associated with other parts of the rock crushing process are not related to wind speed. (Appendix G, pages 60-62.)

Third, Mitigation Measure M-AQ-4(b) requires:

- b. During rock crushing transfer and conveyance activities, material shall be watered prior to entering the crusher. Crushing activities shall not exceed an opacity limit of 20 percent (or Number 1 on the Ringelmann Chart) as averaged over a 3 minute period in any period of 60 consecutive minutes, in accordance with SDAPCD Rule 50, Visible Emissions. A qualified opacity observer shall monitor opacity from crushing activities once every 30 days while crushers are employed on-site to ensure compliance with SDAPCD Rule 50. Water sprayers, conveyor belt enclosures or other mechanisms shall be employed to reduce fugitive dust generated during transfer and conveyance of crush material.

It is recognized that high wind events including Santa Ana winds do occur within Southern California and San Diego County. There have been 254 days of Santa Ana wind events documented from August 1, 1950, through August 31, 2017 (NOAA 2017)<sup>118</sup>. This historical record suggests that on average a Santa Ana wind event occurs once every 3.8 years. Although San Diego County has a history of high wind

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<sup>117</sup> EPA. 2006. AP 42, Section 13.2.4, Aggregate Handling and Storage Piles Page 4. <https://www3.epa.gov/ttn/chief/ap42/ch13/final/c13s0204.pdf>

<sup>118</sup> NOAA (National Oceanic and Atmospheric Administration). 2017. National Weather Service Forecast Office: San Diego, California. NOWData – NOAA Online Weather Data. Accessed November 2017. <http://w2.weather.gov/climate/xmacis.php?wfo=sgx>.

events, the infrequent occurrence would suggest that the Santa Ana winds do not occur regularly. The wind speed assumed within CalEEMod, as discussed in Chapter 2 of Appendix A of the CalEEMod Users Guide, is the default wind speed for San Diego County which is taken from data from the Gillespie Field meteorological station and includes data from 1996 through 2006 (WRCC 2017)<sup>119</sup>. This dataset includes hourly wind data as recorded by that station for that time period, which includes high-wind events. Therefore, the fugitive dust emissions calculated within CalEEMod account for high-wind events within its results.

From historical records, Santa Ana winds can easily exceed 50 miles per hour, and during a high-wind event, earth-disturbing work would not occur. This would be a standard approach by the contractor to comply with SDAPCD Rules 55 (Fugitive Dust), 50 (Visible Emissions), and 51 (Nuisance). As stated within the Draft EIR, the Project will comply with all SDAPCD applicable rules. Specifically, the Project would be prevented from allowing emissions during a high-wind event by SDAPCD Rule 50, which states:

A person shall not discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than three minutes in any period of 60 consecutive minutes which is darker in shade than that designated as Number 1 on the Ringelmann Chart.

The County considers the mitigation measure sufficient to minimize PM<sub>10</sub> and PM<sub>2.5</sub> emissions during Santa Ana wind conditions.

**O-1.4-77** The comment provides general descriptive information about Valley Fever. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required.

**O-1.4-78** The comment provides incidence rates and statistics regarding the number of cases of Valley Fever in San Diego County. The comment also states the project site contains conditions that could harbor Valley Fever.

The County notes that Figure 5 contained in the comment does not show endemic areas for Valley Fever in California. Rather, the figure provides incidence rates for counties in California. According to the Centers for Disease Control (CDC), San

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<sup>119</sup> WRCC (Western Regional Climate Center). 2016. "Gillespie FLD. Temperature and Precipitation." <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca3410>.

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Diego County is a suspected endemic area for Valley Fever (<https://www.cdc.gov/features/valleyfever/index.html>). In addition, although the site does contain some conditions that could be clues for the possible presence of *Coccidioides*, the site also has conditions that indicate the fungus would not be likely to be present such as heavy vegetation. Unfortunately, there are no commercially available tests to detect *Coccidioides* in soil (CDC, <https://www.cdc.gov/fungal/diseases/coccidioidomycosis/causes.html>).

This comment is further addressed in **Response to Comment O-1.4-79**. 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-1.4-79** The comment provides an explanation of Valley Fever risks to workers. The comment includes discussion of construction workers who were infected with Valley Fever in October 2007. The comment explains that the project would involve significant amounts of grading; provides the project grading quantities; and states that the opportunity exists for construction workers to be exposed to Valley Fever.

In response, coccidioidomycosis, more commonly known as “Valley Fever,” is an infection caused by inhalation of the spores of the *Coccidioides immitis* (*C. immitis*) fungus that commonly grows in the soils of the southwestern United States. When fungal spores are present, any activity that disturbs the soil, such as digging, grading or other earth moving operations, can cause the spores to become airborne and thereby increase the risk of exposure. The ecologic factors that appear to be most conducive to survival and replication of the spores are high summer temperatures, mild winters, sparse rainfall, and alkaline sandy soils. Valley Fever is not considered highly endemic to San Diego. Per the San Diego County Health and Human Services Agency, the 10-year average (2007–2016) for Coccidioidomycosis cases in San Diego County is 4.4 cases per 100,000 people per year (HHS 2017). For the one zip code in the Project Area (92069), the incidence of Coccidioidomycosis is 3.2, which is less than the average County rate (Nelson 2017).<sup>120</sup> In addition, according to the California Department of Public Health (CDPH), an average of 115 confirmed cases of Valley Fever were reported in San Diego County each year between 2011 and

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<sup>120</sup> Per the County of San Diego Health & Human Services Agency, Coccidioidomycosis incidence counts for a single year and a single zip code are too small to work with; therefore, incidence counts reflect 10 years of aggregated data (2007–2016) (Nelson 2017; Nelson, J. 2017. Coccidioidomycosis Data Requests. Email from J. Nelson (County of San Diego Health & Human Services Agency, Epidemiologist II) to J. Reed (Dudek). December 14, 2017.).

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2015 (CDPH 2016<sup>121</sup>). Statewide incidences in 2016 were 13.7 per 100,000 people (CDPH 2016). There is no evidence to suggest Valley Fever is a significant concern within the vicinity of the Project site.

Even if present at the site, construction activities may not result in increased incidence of Valley Fever. Propagation of *C. immitis* is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells. *C. immitis* spores can be released when filaments are disturbed by earthmoving activities, although receptors must be exposed to and inhale the spores to be at increased risk of developing Valley Fever. Moreover, exposure to *C. immitis* does not guarantee that an individual will become ill—approximately 60 percent of people exposed to the fungal spores are asymptomatic and show no signs of an infection<sup>122</sup>.

While the risk of releasing Valley Fever spores during the Project’s construction phase is reasonably anticipated to be low based on the location of the Project site, it also should be noted that the applicant would comply with SDAPCD Rule 55 (which establishes fugitive dust abatement measures, including watering disturbed areas on the Project site three or more times per day during the construction phase, to minimize adverse air quality impacts). Further, Mitigation Measure M-AQ-3 requires that the applicant apply a dust control agent or water disturbed areas on the project site at least four times daily, stabilize grading areas as quickly as possible, construct and pave roadways onsite as early as possible, and comply with numerous additional fugitive dust abatement measures. These requirements are consistent with CDPH recommendations for the implementation of dust control measures, including regular application of water during soil disturbance activities, to reduce exposure to Valley Fever – the watering minimizes the potential that the fungal spores become airborne (CDPH 2013). (The State’s Department of Industrial Relations has similar recommendations: minimize areas of soil disturbance, and use water, soil stabilizers and/or revegetation to reduce dust.) Further, regulations designed to minimize exposure to Valley Fever hazards are included in Title 8, Section 5144 of the California Code of Regulations and would be complied with during the Project’s construction phase.<sup>123</sup> Title 8, Section 5144, Respiratory Protection, states, “Respirators shall be provided by the employer when such equipment is necessary to

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<sup>121</sup> The average of 115 cases is based on the following annual incidences reported: 148 in 2011, 139 in 2012, 93 in 2013, 88 in 2014, 112 in 2015, and 123 in 2016. <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2016.pdf>

<sup>122</sup> Operational Guidelines (version 1.0) for Geological Fieldwork in Areas 1 Endemic for Coccidioidomycosis (Valley Fever). United States Geological Survey 2000.

<sup>123</sup> <http://www.dir.ca.gov/dosh/valley-fever-home.html>

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protect the health of the employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protection program which shall include the requirements outlined in subsection (c).” Subsection (c) outlines the requirements for a respiratory protection program.

In summary, the Project would not result in a significant impact attributable to Valley Fever exposure based on its geographic location and compliance with applicable regulatory standards and mitigation measure M-AQ-3, which will serve to minimize the release of and exposure to fungal spores.

**O-1.4-80** The comment states that people living, working, or recreating in the vicinity of the project Site are at risk of exposure to Valley Fever during construction and after soils have been disturbed, until the Project is built out.

Regarding the comment stating that spores may be transported by dust into non-endemic areas, as stated in **Response to Comment O-1.4-78** above, the County reiterates that the CDC considers all of San Diego County a suspected endemic area.

The following sentence in the comment states that the spores are not controlled by conventional dust control mitigation measures (no reference is provided). However, the California Department of Public Health includes dust control measures such as suspending work in high winds, and wetting the soil to minimize potential exposure to the spores (<https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/HESIS/CDPH%20Document%20Library/CocciFact.pdf>).

In the second-to-last sentence of the comment the statement is made that the incidence rate in San Diego is highest among those aged 65 and older. The County points out that the reference for this figure is an epidemiological report for the years 2007 to 2011. This same reference also reported that the East and North Inland Regions of San Diego County had somewhat surprisingly low incidence rates compared to the South Region despite appearing to have more suitable habitat for the fungus. In a similar epidemiological study for years 2011 to 2016, the incidence rate for those aged 65 and over statewide was highest in 2014 at a rank of no. 2 (CDPH. 2017. Epidemiologic Summary of Coccidioidomycosis in California, 2016. <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2016.pdf#search=Epidemiologic%20Summary%20of%20Coccidioidomycosis%20in%20California%2C%202016>.)

See **Response to Comment O-1.4-79** regarding the measures the Project would implement measures to reduce potential exposure to *Coccidioides* spores. These measures are consistent with CDPH recommendations and are in compliance with



SDAPCD Rule 55, which establishes track-out/carry-out control for dust from transport trucks, operations, erosion, etc. Further, Mitigation Measure M-AQ-3 requires that the applicant: apply chemical stabilizer, install a gravel pad, or pave the last 100 feet of internal travel path within the construction site prior to public road entry; install wheel washers for tire inspections and washing prior to vehicle entry on public roads; use sweepers, water trucks or similar methods to remove visible track out of dust; gravel unpaved construction site egress points to prevent track-out; wet wash the construction point access at the end of the workday; etc. to ensure that dust is not transported offsite. These requirements are consistent with CDPH recommendations to prevent transport of spores off-site by cleaning tools, equipment, and vehicles prior to their transport off-site. (California Department of Public Health 2013).

In summary, the Project would not result in a significant impact off-site attributable to Valley Fever exposure based on its geographic location and compliance with applicable regulatory standards and mitigation measure M-AQ-3, which will serve to minimize the release of, transport of, and exposure to fungal spores.

**O-1.4-81** The first part of the comment provides a description of Valley Fever symptoms and seasonal factors that influence the incidence of Valley Fever. The County notes the comment provides reference supported background information regarding Valley Fever symptoms, seasonal factors affecting incidence of the disease and statistics related to morbidity and does not raise an environmental issue within the meaning of CEQA. However, no reference is provided to support that the months of June through December are typically periods of peak construction.

The comment also notes that the Draft EIR does not include a discussion of Valley Fever or mitigation measures to limit the public's and construction workers' exposure to Valley Fever. Appendix G of the CEQA Guidelines does not present significance guidelines for the potential to contract reportable diseases such as Valley Fever, and neither has the County's Planning and Development Services developed such significance guidelines. That is why the EIR does not analyze the potential to contract the disease. However, please refer to **Response to Comment O-1.4-79** and **O-1.4-80** regarding measures the project will implement to minimize fugitive dust that are also consistent with recommendations by the CDPH to minimize potential exposure to *Coccidioides* spores. For example, as proposed in the Draft EIR's mitigation framework (and as requested by the comment), mitigation measure M-AQ-3 requires that all disturbed soils be stabilized following soil-disturbing, construction-related activities. Specifically, M-AQ-3 – in exceedance of existing regulatory standards – requires that water (or another SDAPCD-approved dust control, non-toxic agent) be used during grading at least four times per day and requires that grading areas be

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stabilized as quickly as possible to minimize fugitive dust. As such, even if the project area is exposed to a prolonged drought, the risk of spore dispersion will be less than significant, in part, because of the project's implementation of a Fugitive Dust Plan, as required by M-AQ-3 and pursuant to the requirements of SDAPCD Rule 55 and County Code Section 87.428.

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-1.4-82** The comment describes physical characteristics of *Coccidioides* spores and their ability to remain aloft once airborne in comparison to dust particles. The comment also explains that conventional dust control measures, including mitigation measures M-AQ-2 through M-AQ-4 proposed for the project, would not provide adequate protection for on-site workers and the general public, including the Phase I residents who would be present during Phase II construction activities. The comment states that Valley Fever spores have slow settling rates; therefore, spores may be present in an area that appears dust free and travel well beyond the point of origin.

Dust control measures included in air quality mitigation measures M-AQ-3 and M-AQ-4 to minimize fugitive dust are consistent with recommendations by the CDPH to minimize potential exposure to *Coccidioides* spores. EIR mitigation measures M-AQ-3 and M-AQ-4 address both coarse and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively). Accordingly, EIR mitigation measures that address fugitive dust will control respirable particulate matter of varying sizes. In addition, site developer compliance with regulations designed to minimize employee exposure airborne hazards is required by Title 8, Section 5144 of the California Code of Regulations and would be complied with during the Project's construction phase. See **Response to Comment O-1.4-79** and **Response to Comment O-1.4-80** for additional information.

- O-1.4-83** The comment discusses a Valley Fever outbreak among construction workers at a solar facility San Luis Obispo County and recommendations by the San Luis Obispo County Public Health Department, in conjunction with the California Department of Public Health, to reduce exposure, primarily to construction workers and, to an extent, to other receptors. Staff notes San Luis Obispo County contains highly endemic areas for Valley Fever, and these recommendations were developed following discretionary project review. The comment goes on to discuss recommendations contained in a United States Geological Service report to protect field workers from potential exposure to the spores. The comment states Mitigation Measures M-AQ-2, M-AQ-3, and M-AQ-4 do not go far enough to control Valley Fever and recommends enhanced measures. Staff notes that some of the language

used in the measures (e.g., landing zones for helicopters and placement of overnight camps) are not relevant to the Proposed Project.

Additional statements are then made related to two large-scale photovoltaic energy projects in San Luis Obispo County. Among the recommendations listed to reduce the risk of exposure are those related to personal health testing and screening. Such measures were included in the EIR for the First Solar Antelope Valley Solar Ranch One project described in the comment. The comment also states that these measures are feasible. However, during a presentation by the County of Monterey and their consultant in April 2016, staff learned that there were many serious issues with regard to implementing the measures, such as what entities were responsible for verifying measures were implemented, and not having descriptive performance standards to verify measures were completed. The mitigation measures for this project were also written with respect to “preventing” exposure to *Coccidioides* spores; however, the Monterey County and San Luis Obispo County Health Departments concluded that exposure cannot be prevented and there is always a risk of exposure, especially in these highly endemic areas.

The County maintains that mitigation measures M-AQ-3 and M-AQ-4 will be adequate to minimize the potential for exposure during construction activities for the Proposed Project. Measures related to personal health testing and screening may be performed by the site developers as part of compliance with Title 8, Section 5144 of the California Code of Regulations. See **Response to Comment O-1.4-79** and **Response to Comment O-1.4-80**.

**O-1.4-84** The comment states that emissions of NO<sub>x</sub>, VOCs, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> have been underestimated from the sources identified below. However, as explained in the responses referenced in the parenthetical following each source, emissions have not been under-estimated.

- Induced traffic (please see **Response to Comments O-1.4-43 through O-1.4-45** for information regarding how the Draft EIR properly accounts for project-related VMT)
- Construction (please see **Response to Comments O-1.4-25 through O-1.4-33** for information regarding how the Draft EIR properly accounts for project-related construction emissions (construction vehicle trips and construction equipment))
- Omitted off-site roadway improvements (please see **Response to Comments O-1.4-34 through O-1.4-38** for information regarding how the Draft EIR properly accounts for project-related off-site roadway improvements)

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- Water use (please see **Response to Comments O-1.4-53** through **O-1.4-57** for information regarding how the Draft EIR properly accounts for project-related GHG emissions associated with water use)
- Wastewater treatment and disposal (please see **Response to Comments O-1.4-53** through **O-1.4-58** for information regarding how the Draft EIR properly accounts for project-related GHG emissions associated with wastewater)
- Outdoor barbecuing (please see **Response to Comment O-1.4-61** for an explanation of why the comment does not raise a significant environmental issue regarding the project's GHG emissions calculations and does not provide the County with a basis to prohibit the use of outdoor wood burning and barbeques)

**O-1.4-85** The comment states that vehicle emissions have been underestimated because the emission estimates do not reflect diesel-fueled vehicles in which controls were disabled during smog tests. The comment also cites an article and alleges “virtually all diesel cars produce far more NO<sub>x</sub> than required by regulations.” The County does not concur for the following reasons.

First, the comment speculates that vehicles found to be in violation today would still be present at the time the project's residences and other land uses would be inhabited. Enforcement actions regarding emissions cheating in diesel-fueled vehicles is ongoing. For example, through settlement agreements between Volkswagen, the EPA and CARB, Volkswagen must promptly meet stringent recall targets (85 percent of affected vehicles) and pay for mitigation projects to reduce NO<sub>x</sub>, the major excess pollutant from those vehicles<sup>124</sup>. The settlements are anticipated to fully mitigate the

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<sup>124</sup> See, “California to Receive \$153M in Final Settlement with Volkswagen,” California Air Resources Board, July 20, 2017, <[https://www.arb.ca.gov/newsrel/newsrelease.php?id=944&\\_ga=2.208423316.782906388.1517442871-415351540.1501009017](https://www.arb.ca.gov/newsrel/newsrelease.php?id=944&_ga=2.208423316.782906388.1517442871-415351540.1501009017)>

*In re: Volkswagen*, First Partial Consent Decree, U.S. District Court, Northern District of California, San Francisco Division Case No. MDL No. 2672 CRB (JSC),

< [https://www.arb.ca.gov/msprog/vw\\_info/vsi/vw-mititrust/documents/2016-10-25\\_2l\\_cd.pdf](https://www.arb.ca.gov/msprog/vw_info/vsi/vw-mititrust/documents/2016-10-25_2l_cd.pdf) > [85% recall of 2.0-Liter Class by June 2019]

*In re: Volkswagen*, Second Partial Consent Decree, U.S. District Court, Northern District of California, San Francisco Division Case No. MDL No. 2672 CRB (JSC), [https://www.arb.ca.gov/msprog/vw\\_info/vsi/vw-mititrust/documents/2017-05-17\\_3l\\_cd.pdf](https://www.arb.ca.gov/msprog/vw_info/vsi/vw-mititrust/documents/2017-05-17_3l_cd.pdf) [85% recall of generation 1 affected 3.0-Liter Class by November 30, 2019 and generation 2 by May 31, 2020]

*The People v. Volkswagen AG et al.*, U.S. District Court Case No. 3:16-CV-03620, Third Partial Consent Decree, <[https://www.arb.ca.gov/msprog/vw\\_info/vw-diesel-info/2017\\_07\\_17\\_ca\\_third\\_partial\\_consent\\_decree\\_fully\\_executed.pdf?\\_ga=2.198395177.782906388.1517442871-415351540.1501009017](https://www.arb.ca.gov/msprog/vw_info/vw-diesel-info/2017_07_17_ca_third_partial_consent_decree_fully_executed.pdf?_ga=2.198395177.782906388.1517442871-415351540.1501009017)>

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vehicles' total, lifetime excess NO<sub>x</sub> emissions, and recall plans will continue to reduce excess the numbers of effected vehicles on the road. (*Ibid.*) It is therefore likely emissions from violating vehicles will be substantially-to-fully mitigated by the time project will be inhabited.

Second, any attempt to evaluate the potential impact of some unknown number of potentially illegal vehicles remaining on the road *and* accessing the project site requires a significant level of speculation that goes well beyond CEQA's forecasting requirements. (CEQA Guidelines §§ 15144, 15145.) An EIR is required to evaluate the environmental effects of a project to the extent it is reasonably feasible to do so. (CEQA Guidelines § 15151.)

Third, neither the California Air Pollution Control Officers Association, which developed CalEEMod in conjunction with California air districts, nor any air district has advised CalEEMod users to make a correction to reflect the diesel-fueled vehicles that have violated California and federal motor vehicle exhaust standards. Emission rates of all vehicle categories within the CalEEMod 2016.3.1 were obtained from the EMFAC2014 Web Database based on aggregated model year and aggregated speed for all counties, air basins, air districts, and the statewide average for 31 scenario years that each includes three seasons – Annual, Summer, and Winter. Effective December 14, 2015, the USEPA approved the EMFAC2014 emissions model for state implementation plan (SIP) and conformity purposes (80 FR 77337).<sup>125</sup> As the latest EPA approved version of the model, EMFAC2014 represents CARB's current understanding of motor vehicle travel activities and their associated emission levels. Emission factors in EMFAC2014 have been updated based upon new vehicle testing data. In the years since the release of EMFAC2011, CARB and the South Coast Air Quality Management District (AQMD) conducted vehicle testing projects focused on Class 8 diesel trucks certified to 2007 and 2010 engine standards.<sup>126</sup> The results provided much-needed data necessary to update the emission rates for heavy heavy-duty (HHD) diesel trucks. Diesel particulate filters (DPF), required for 2007 and newer engines, were found to be more effective than anticipated in EMFAC2011, at all operation conditions. Selective catalytic reduction (SCR) systems were found to be most effective when the exhaust temperature exceeds around 250 °C. EMFAC2014 emission factors account for higher NO<sub>x</sub> emissions at lower speeds for 2010 standard engines. NO<sub>x</sub> emissions from starts, for trips involving engine-off catalyst/exhaust-system cool-down periods of greater than 30 minutes, are also reflected in

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Volkswagen Clean Air Act Civil Settlement webpage, <https://www.epa.gov/enforcement/volkswagen-clean-air-act-civil-settlement>, visited January 31, 2018.

<sup>125</sup> <https://www.gpo.gov/fdsys/pkg/FR-2015-12-14/pdf/2015-31307.pdf>

<sup>126</sup> <https://www.arb.ca.gov/msei/downloads/emfac2014/emfac2014-vol3-technical-documentation-052015.pdf>

EMFAC2014. Other updates include the incorporation of crankcase emissions, adjustments for engine and chassis model year (MY) mismatches in heavy-duty (HD) diesel trucks, emission rates for natural gas T7 SWCV and UBUS vehicles, modified emission rates for light heavy-duty (LHD) trucks, new zero-evaporative technology penetration assumptions, and revised chemical speciation profiles. State and federal regulations and standards, including those that were adopted or amended post 2010 after EMFAC2011 was already released, are reflected in EMFAC2014. The regulations and standards were aimed at lowering fleet average emission rates and were designed to improve air quality and reduce greenhouse gas (GHG) emissions. Some of the updates were in response to regulations enacted through California's Advanced Clean Cars (ACC) Program. The ACC regulations affected light-duty (LD) vehicles of MYs 2017 through 2025 and included controls on precursors of smog, soot, and global warming compounds, as well as mandated requirements for the incorporation of greater numbers of zero-emission vehicles. Another important regulation that is reflected in EMFAC2014 is the state Truck and Bus Regulation, which requires HD vehicles to be retrofit with DPF or replaced with trucks having 2007 or 2010 standard engines. This is in order to accelerate fleet turnover and expedite the penetration of cleaner trucks. EMFAC2014 incorporates the latest, April 2014 amendment to the Truck and Bus Regulation; while the latest amendment in EMFAC2011 was the 2010 rule. Provisions in the now incorporated amendment lead to slightly higher estimated emissions during the phase-in period prior to 2023. Other updates were a result of the Tractor-Trailer Greenhouse Gas (TTGHG) Regulation and federal HD Greenhouse Gas regulations which required lower GHG emissions through retrofit aerodynamic improvements, low rolling resistant tires, and fuel-efficient new engine designs. CalEEMod has yet to incorporate EMFAC2017 into the model as this version is still pending EPA approval.<sup>127</sup>

Last, the article relied on for the claim "virtually all diesel cars produce far more NOx than required by regulations" is irrelevant where it looked at *global* diesel emissions, focusing on China, the EU, and India-- not California or regional emissions. It is well known that California has adopted the most stringent air quality regulatory and enforcement program in the United States.

- O-1.4-86** The comment explains that the SDAB is designated as a nonattainment area for the state ozone (O<sub>3</sub>) standards and is nonattainment (marginal) area for the 2008 8-hour O<sub>3</sub> federal standard. The comment provides a list of the health impacts associated with ozone exposure, and states that ozone also has effects on sensitive vegetation and ecosystems. The comment states that the DEIR did not evaluate if the increase in

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<sup>127</sup> <https://www.arb.ca.gov/msei/downloads/emfac2017-public-release-notice-v1.0.2.pdf>

ozone precursors would affect the ozone attainment classification for the SDAB or potential impacts from increases in ozone precursors.

The County agrees with the comment's description of the adverse effects of ozone and the regional attainment status with respect to California and national ozone standards, except that the federal 2008 ozone standard designation is moderate nonattainment as of June 3, 2016, which has been corrected in the Final EIR (See Final EIR Section 2.3, Table 2.3-3, SDAB Attainment Classification, page 2.3-67). The comment generally restates information contained in the Draft EIR. Specifically, page 2.3-12 of the Draft EIR and Table 24 of Technical Appendix G, Air Quality Technical Report, describes ozone; explains the contribution of NO<sub>x</sub> and VOC to ozone concentrations; lists that vegetation damage is an effect of ozone; and details the adverse human health effects of ozone at levels typically observed in Southern California in the DEIR.

Regarding the ozone attainment status and the effects of potentially increased ozone concentrations due to ozone precursors (NO<sub>x</sub> and VOC), please see **Responses to Comments O-1.4-87 and O-1.4-88**.

**O-1.4-87** The comment states that the Draft EIR did not analyze the effect of the project's VOC and NO<sub>x</sub> emissions on ambient ozone levels or the SDAB's state and federal O<sub>3</sub> attainment status. However, as discussed further below, Section 2.3, Air Quality, of the Draft EIR concluded that the project's emissions would result in a significant and unavoidable impact with respect to the SDAPCD's plans for achieving attainment for ozone under the NAAQS and CAAQS. Section 2.3 also concluded that the project's construction emissions would exceed the mass daily thresholds for NO<sub>x</sub> and the operational emissions would exceed the mass daily thresholds for VOC (see, e.g., Draft EIR Table 2.3-11 through Table 2.3-13). As such, the project's effects on ambient ozone levels and the SDAB's ability to reach attainment for ozone were considered, disclosed and found to be significant and unavoidable.

### **Background on County's CEQA Guidance for Air Quality**

The County's air quality guidance asks: "Would the project result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation?" (County of San Diego 2007; page 20.)

In order to facilitate the analysis needed to respond to this significance criterion, the County's guidance includes screening-level thresholds derived from SDAPCD Rules 20.2 and 20.3 (County of San Diego 2007; page 21), which are presented in Draft EIR page 2.3-68 (Table 2.3-6) and Technical Appendix G, Air Quality Technical Report, Table 13, SDAPCD Air Quality Significance Thresholds (page 64). If estimated

project-generated emissions are below the screening-level thresholds, a project would *not* violate any air quality standard or contribute substantially to an existing or projected air quality violation. If estimated project-generated emissions exceed the screening-level thresholds, a project *could* violate an air quality standard or contribute substantially to an existing or projected air quality violation.

For projects that exceed the screening-level thresholds, the potential for a project to violate an air quality standard or contribute substantially to an existing or projected air quality violation is dependent on the attainment status of the SDAB in relation to the specific pollutant(s) exceeding the screening-level threshold(s). Draft EIR Table 2.3-3, SDAB Attainment Classification (page 2.3-67), as well as Table 10, SDAB Attainment Classification, of Technical Appendix G, Air Quality Technical Report (page 58), summarizes the SDAB's federal and state attainment designations for each of the criteria pollutants. As presented in Draft EIR Table 2.3-3, SDAB Attainment Classification, (page 2.3-67), the SDAB is in nonattainment of the 8-hour ozone NAAQS, the 1-hour and 8-hour ozone CAAQS, the PM<sub>10</sub> CAAQS, and the PM<sub>2.5</sub> CAAQS.

The County's guidance indicates that for SDAB's nonattainment pollutants (ozone, PM<sub>10</sub> and PM<sub>2.5</sub>), and their precursors (VOC and NO<sub>x</sub>), exceedances of the screening-level thresholds are evidence that a project *would* result in a significant impact. (County of San Diego 2007; page 21.) No additional modeling is required by the County's guidance because exceedance of the screening-level thresholds for the nonattainment pollutants is evidence of a significant impact relating to the potential to violate an air quality standard or contribute substantially to an existing or projected air quality violation due to the existing nonattainment status of the SDAB. (County of San Diego 2007; page 21.) On this point, the County's guidance (page 22) states:

The Ambient Air Quality Standards reflect actual concentrations for each criteria pollutant. However, it is not economically feasible for individual land use projects to model actual concentrations for ozone based on emissions of its precursors due to the complex regional nature of ozone formation in the atmosphere. Therefore, exceedances of the SLTs [screening level thresholds] for NO<sub>x</sub> and VOCs would result in a significant impact unless mitigation is incorporated that would reduce the emissions of these pollutants below the level of the screening thresholds.



In contrast, if a project exceeds the screening-level thresholds for attainment pollutants (CO, NO<sub>2</sub>, SO<sub>2</sub>, lead),<sup>128</sup> the exceedance – on its own – is not necessarily evidence of a potentially significant impact. Instead, the County’s guidance provides for the option to further evaluate the potential significance of the emissions via the preparation of air pollutant dispersion modeling; such modeling evaluates how a project’s emissions may influence background, ambient air quality levels at a representative air quality monitoring station, and whether such emissions would cause the monitoring station to show exceedances of the NAAQS or CAAQS. Dispersion modeling could potentially demonstrate that, although a project’s emissions exceed the screening-level threshold(s) for an attainment pollutant(s), it would not result in emissions that would cause a violation of an air quality standard within the SDAB (likely due to low ambient concentrations); therefore, the CEQA analysis could determine that project-generated emissions of that attainment pollutant would not result in a significant air quality impact.

### **Project Analysis**

#### *Nonattainment Pollutants*

As shown in Draft EIR Table 2.3-11, Estimated Daily Maximum Construction Emissions (pounds per day) – Unmitigated (page 2.3-71) (also Table 20, Estimated Daily Maximum Construction Emissions (pounds per day) – Unmitigated, of Technical Appendix G, page 84), project-generated construction emissions would exceed the screening-level thresholds for VOC, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> (VOC and NO<sub>x</sub> are ozone precursors). Therefore, the analysis determined that the project’s construction emissions would result in a potentially significant air quality impact due to the potential for the project to “[r]esult in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation” (Draft EIR Section 2.3.5.2, Conformance to Federal and State Air Quality Standards (page 2.3-30); Appendix G, Section 4.2, Conformance to Federal and State Ambient Air Quality Standard, 4.2.1 Construction Impacts, page 85). With implementation of required construction mitigation measures, specifically M-AQ-2 (Draft EIR pages 2.3-33 through 2.3-34) project-generated construction emissions would not exceed the screening level threshold for VOC (see Draft EIR Table 2.3-12, Estimated Daily Maximum Construction Emissions (pounds per day) - Mitigated, page 2.3-72). Because project-generated emissions of NO<sub>x</sub> would still exceed the screening level threshold, potential impacts relating to ozone would remain despite the reduction in VOC emissions. No additional modeling is required to support the

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<sup>128</sup> Attainment pollutants include those where the SDAB is designated as one of the following: attainment, attainment/maintenance, or unclassifiable/attainment.

conclusion of a potentially significant air quality impact because the SDAB is designated as nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

As shown in Draft EIR Table 2.3-14, Estimated Daily Maximum Operational Emissions (pounds per day), page 2.3-74 (also Table 22, Estimated Daily Maximum Operational Emissions (pounds per day) of Technical Appendix G, page 92), project-generated operational emissions would exceed the screening-level thresholds for VOC, PM<sub>10</sub> and PM<sub>2.5</sub> (VOC is an ozone precursor). Therefore, the analysis determined that the project's operational emissions would result in a significant and unavoidable air quality impact due to the potential for the project to "[r]esult in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation" (Appendix G, Section 4.2, Conformance to Federal and State Ambient Air Quality Standard, 4.2.2 Operational Impacts, page 92). Again, no additional modeling is required to support the conclusion of a significant and unavoidable air quality impact because the SDAB is designated as nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

*Attainment Pollutants* As shown in Table 20, Estimated Daily Maximum Construction Emissions (pounds per day) – Unmitigated, of Technical Appendix G (page 84), project-generated construction emissions would exceed the screening-level threshold for CO. The primary source of CO during the project's construction period is associated with blasting activities; without blasting, the project would not exceed the CO screening-level threshold. While blasting generates high levels of CO, it is noted that the project's 10-year construction schedule includes an estimated 225 days of blasting (see Technical Appendix G, Table 16, page 60).

Similarly, as shown in Table 22, Estimated Daily Maximum Operational Emissions (pounds per day) of Technical Appendix G (page 92), project-generated operational emissions would exceed the screening-level threshold for CO. Mobile sources (e.g., vehicles) are the primary generator of CO during project operation.

In light of the above, the project's air quality analysis (Technical Appendix G, pages 85 and 92) concluded that project-generated construction and operational emissions of CO would result in a significant and unavoidable air quality impact under the analysis of the potential for the project to "[r]esult in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation" (Appendix G, Section 4.2, Conformance to Federal and State Ambient Air Quality Standard, 4.2.1 Construction Impacts, page 85 and 4.2.2 Operational Impacts, page 92).

Dispersion modeling could have been performed to demonstrate that project-generated emissions of CO during construction and operation would not cause the

SDAB to violate the NAAQS or the CAAQS for CO, when taking into account ambient levels of CO. Table 11, Ambient Air Quality Data, of Appendix G (pages 59 and 60) presents ambient air quality data as monitored by the most representative nearby SDAPCD monitoring station from 2010 through 2014. As shown in Table 11, for 8-hour CO, the highest measured CO concentration was 3.70 parts per million (ppm), which is 5.3 ppm lower than the most stringent 8-hour ambient air quality standard of 9.0 ppm. In regards to 1-hour CO, Table 11 shows that the maximum monitored CO level was 4.40 ppm, which is 15.6 ppm lower than the most stringent 1-hour ambient air quality standard of 20 ppm. Accordingly, based on the low background levels of CO, dispersion modeling likely would have demonstrated that project-generated construction and operational CO emissions would not cause the SDAB CO concentrations to violate the NAAQS or the CAAQS for CO. However, instead of conducting additional analysis to show that impacts would be less than significant, the CEQA analysis conservatively concluded that based on the estimated maximum daily construction and operational CO emissions and the exceedance of the CO screening-level construction and operational thresholds – the project would result in a significant and unavoidable CO impact in regards to conformance with the NAAQS and CAAQS.

### Conclusion

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. (Public Resources Code Section 21091(d)(2)(B); CEQA Guidelines Section 15204(a); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 625.) ““The fact that additional studies might be helpful does not mean that they are required.”” (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1126, citing *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396.) While “CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197; Public Resources Code §21005(b).) An agency is not required to consider different methods or methodologies suggested by other agencies, experts, or other commenters where the evidence relied on in the EIR is sufficient to support the conclusion reached. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 642-643.)

Accordingly, dispersion modeling is not required to support the project’s significant and unavoidable impact determination in regards to CO, an attainment pollutant. Furthermore, and consistent with the County’s guidance (County of San Diego 2007, page 21), dispersion modeling is not required to support the project’s significant and

unavoidable impact determination in regards to the project's ozone precursors (VOC and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub>, all of which are nonattainment pollutants.

**O-1.4-88** The comment states that the project's construction emissions of NO<sub>x</sub> and VOCs will increase ambient ozone concentrations, aggravating existing exceedances of ozone standards and perhaps result in additional exceedances. As stated by the comment, the Draft EIR concludes the combined construction and operational VOC emissions would be less than the significance threshold. However, the Draft EIR concludes that the air quality impacts with respect to the *combined* NO<sub>x</sub> emissions from construction (with blasting) and operation will be significant and unavoidable. It should be noted that after blasting is completed, the combined construction and operational NO<sub>x</sub> emissions will be less than significant. (Draft EIR p. 2.3-75, Table 2.3-14, Estimated Daily Maximum Combined Construction and Operational Emissions [pounds per day].)

Please see **Response to Comment O-1.4-87**. As detailed therein, the *County of San Diego Guidelines for Determining Significance – Air Quality* acknowledge that NO<sub>x</sub> and VOC emissions may combine to form ozone in the atmosphere. “However, it is not economically feasible for individual land use projects to model actual concentrations for ozone based on emissions of its precursors due to the complex regional nature of ozone formation in the atmosphere. Therefore, exceedances of the SLTs [screening level thresholds] for NO<sub>x</sub> and VOCs would result in a significant impact unless mitigation is incorporated that would reduce the emissions of these pollutants below the level of the screening thresholds.” Accordingly, the DEIR applied the County's guidelines and stated a significant impact would occur if the project would result in emissions that exceed these screening level thresholds: 250 pounds per day of NO<sub>x</sub> or 75 pounds per day of VOCs. (Draft EIR p. 2.3-19, Table 2.3-6, SDAPCD Air Quality Significance Thresholds.) The Draft EIR also explained the role of NO<sub>x</sub> and VOC as ozone precursors, and the effects of ozone on the environment. (Draft EIR at page 2.3-12, 2.3-14.) Applying these thresholds, the Draft EIR determined the project would result in significant and unavoidable impact from exceeding the NO<sub>x</sub> threshold during combined construction and operation. (Draft EIR p. 2.3-75, Table 2.3-14, Estimated Daily Maximum Combined Construction and Operational Emissions [pounds per day].) Hence, the Draft EIR adequately analyzed and disclosed potential impacts of NO<sub>x</sub> and VOCs as ozone precursors. Nevertheless, the County has revised the Final EIR Section 2.3, page 2.3-21.

Emissions below the screening-level thresholds would not cause a significant impact. The emissions-based thresholds for O<sub>3</sub> (ozone) precursors are intended to serve as a surrogate for an “ozone significance threshold” (i.e., the potential for adverse O<sub>3</sub> impacts to occur). This approach is used because O<sub>3</sub>

is not emitted directly (see the discussion of O<sub>3</sub> and its sources in Section 2.4.1, Pollutants and Effects, and the effects of an individual project's emissions of O<sub>3</sub> precursors (VOC and NO<sub>x</sub>) on O<sub>3</sub> levels in ambient air cannot be determined through air quality models or other quantitative methods. In the event that emissions exceed these thresholds, modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below the CAAQS and NAAQS, including appropriate background levels.

The comment also states that emissions of NO<sub>x</sub> and VOCs were underestimated by failing to include emissions from induced travel and other sources. The County does not concur with the comment for the reasons stated in **Responses to Comments Nos. O-1.4-43 through O-1.4-45** and elsewhere in these responses.

The comment states that the Draft EIR does not evaluate whether the cumulative impacts of NO<sub>x</sub> and VOC emissions from the proposal project and other planned projects could affect the classification of San Diego County with respect to ozone or impact the health of sensitive receptors in the vicinity of the project or elsewhere. Section 2.3.6 of the Draft EIR addresses cumulative impacts. Specifically, the preamble to Section 2.3.6 states:

“In analyzing cumulative impacts from a proposed project, the analysis must specifically evaluate a project's contribution to the cumulative increase in pollutants for which the SDAB is listed as nonattainment for the state and federal ambient air quality standards. The proposed project would have a cumulatively considerable impact if project-generated emissions would exceed thresholds for PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, and/or VOCs. If the proposed project does not exceed thresholds and is determined to have less-than-significant project-specific impacts, it may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, the proposed project would be considered to have a cumulative impact only if the proposed project's contribution accounts for a significant proportion of the cumulative emissions” (Draft EIR at page 2.3-59). Section 2.3.6 goes on to state that, “The geographic extent for the analysis of cumulative impacts related to air quality includes the north-central corner of the SDAB (San Diego County). Due to the nonattainment status of the SDAB, the primary air pollutants of concern would be NO<sub>x</sub> and VOCs, which are ozone precursors, and PM<sub>10</sub> and PM<sub>2.5</sub>” (Draft EIR at page 2.3-59). Therefore, the Draft EIR does evaluate whether the cumulative impacts of NO<sub>x</sub> and VOC emissions from the proposal project and other planned projects could affect the classification of San Diego County with respect to ozone.

Section 2.3.6 concludes that 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 mitigation measures M-AQ-2 through M-AQ-4. Additionally, as shown in Table 2.3-14, Estimated Daily Maximum Combined Construction and Operational Emissions (Draft EIR at page 2.3-74), combined Phase 1 operational and Phase 2 construction emissions would exceed the thresholds for NO<sub>x</sub>, CO, and PM<sub>10</sub> with blasting and rock crushing activities. Combined construction and operational emissions would only exceed the thresholds for PM<sub>10</sub> without blasting and rock crushing activities. Additionally, Section 2.3.6 concludes that “because other cumulative projects would have the potential to be constructed in the project vicinity, cumulative construction emissions could further exacerbate emissions shown in Tables 2.3-11, Table 2.3-12 and 2.3-14. Following implementation of M-AQ-2 through M-AQ-4, cumulative construction emissions would remain significant and unavoidable” (Draft EIR at page 2.3-62 through 2.3-63.)

With regard to cumulative operational emissions, PDF-1 through PDF-32 and M-AQ-6 through M-AQ-9 would reduce cumulative operational emissions. Section 2.3.6 concludes, “Even with implementation of PDF-1 through PDF-32 and M-AQ-6 through M-AQ-9, significant reductions in VOCs, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would be required to reduce emissions of these pollutants to less than significant and feasible mitigation measures are not available to achieve these reductions. When considered with other potential cumulative projects in the proposed project vicinity, cumulative operational emissions would be considered significant and unavoidable” (Draft EIR at page 2.3-64.)

The comment did not make any specific comments on the adequacy of this analysis. See also **Responses to Comments O-1.4-87** regarding attainment status for the ozone standard.

With regard to the commenter’s note regarding the cumulative impacts of VOC and NO<sub>x</sub> emissions on the health of sensitive receptors in the vicinity of the project or elsewhere, to start, the CEQA guidelines do not require an analysis of cumulative health impacts to sensitive receptors. Appendix G of the CEQA guidelines recommends the analysis of the potential for a project to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (checklist item AQ-3), and the potential for the project to expose sensitive receptors to substantial pollutant concentrations (checklist item AQ-4). However, an assessment of the potential cumulative health impacts associated with criteria air pollutants are not specifically required by CEQA or per the County’s air quality guidance. As discussed above, cumulative impacts are evaluated in Draft EIR Section

2.3.6 Cumulative Impact Analysis (pages 2.3-59 through 2.3-64), and impacts to sensitive receptors are evaluated in Draft EIR Section 2.3.5.3, Impacts to Sensitive Receptors (pages 2.3-44 through 2.3-56).

To evaluate the potential for the project to result in a project-level impact (Draft EIR Section 2.3.5.2, Conformance to Federal and State Air Quality Standards) or cumulative-level impact (Draft EIR Section 2.3.6, Cumulative Impact Analysis), numeric thresholds presented in Draft EIR Table 2.3-6 (page 2.3-68) were applied and the County's guidance was followed. The numeric thresholds presented in Draft EIR Table 2.3-6 (page 2.3-68), which are based on SDAPCD Rules 20.2 and 1501, are project-level thresholds; these thresholds are not intended to be applied as a cumulative threshold (i.e., combined emissions from the project plus cumulative projects should not be compared to project-level thresholds). Neither the SDAPCD nor the County have established thresholds to evaluate the cumulative impact of VOC, NO<sub>x</sub>, or other criteria air pollutants on sensitive receptors.

Based on our review of available information, it is concluded that no air district within the State has established numeric cumulative thresholds to evaluate the potential for VOC, NO<sub>x</sub>, or other criteria air pollutant emissions generated by a project plus existing or reasonably foreseeable cumulative projects to result in significant cumulative impact on nearby sensitive receptors. The Bay Area Air Quality Management District (BAAQMD) has established cumulative risks and hazards thresholds for new sources and new receptors for projects within their jurisdictional boundaries. For example, the BAAQMD cumulative cancer risk threshold is greater than 100 in a million from all local sources within a 1,000-foot radius from the fence line of source or receptor. In comparison, the BAAQMD's individual project level threshold for cancer risk is an increased cancer risk of greater than 10.0 in a million. However, the BAAQMD risk thresholds are for toxic air contaminants and not the potential health effects of criteria air pollutants.

Criteria air pollutants can be of localized and/or regional concern. Regional pollutants such as ozone (O<sub>3</sub>) and fine particulate matter (with an aerodynamic diameter less than or equal to 2.5 microns (PM<sub>2.5</sub>)) are derived from complex interactions of emissions from many sources. In contrast, localized, or near-source, pollutants such as sulfur dioxide (SO<sub>2</sub>) are mainly derived from a single source or group of sources. The formation of ozone in the troposphere is a complex process involving the reactions of hundreds of precursors. The atmosphere is a complex system where air quality conditions reflect multi-pollutant interactions among emissions (where emissions of each precursor vary in space and time), meteorology, which causes transport and dispersion, and atmospheric

chemistry (where chemical reactions occur with differing time scales and are highly nonlinear).<sup>129</sup> On a daily basis, the highest ozone concentrations tend to occur in the afternoon because ozone forms as a result of photochemical reactions involving other pollutants; these reactions generally require a few hours after the emissions of substantial amounts of VOCs.<sup>130</sup>

Ozone concentrations vary depending upon both the time of day and the location. As a photochemical pollutant, ozone is formed only during daylight hours under appropriate conditions, but is destroyed throughout the day and night. Ambient ozone concentrations can vary from non-detectable near combustion sources, where nitric oxide (NO) is emitted into the air, to several hundred parts per billion in areas downwind of VOC and NO<sub>x</sub> emissions. In urban and suburban areas, ozone concentrations can be high (well over 100 parts per billion), but peak for at most a few hours before deposition and reaction with NO emissions cause ozone concentrations to decline.<sup>131</sup> Ozone concentrations vary in complex ways due to its photochemical formation, its rapid destruction by NO, and the effects of differing VOC/NO<sub>x</sub> ratios in air.

Because of the complex nature of ozone formation, the project's generation of ozone precursors at or nearby the project site does not equate to ozone being generated at or nearby the project site that would potentially expose nearby sensitive receptors to adverse health effects associated with ozone. As explained in Draft EIR Section 2.3.3.1, Pollutants and Effects (Ozone) (page 2.3-12) and Table 2.3-15, Pollutants, Sources, Health Effects and Attainment Status (page 2.3-75), there are adverse health effects associated with ozone exposure. However, due to the complex formation of ozone and that fact that air pollution by nature is largely a cumulative impact, it is appropriate that cumulative impacts, including cumulative health impacts associated with ozone exposure, are addressed by the SDAPCD through the implementation of regional plans and control measures.

The SDAPCD Regional Air Quality Strategy (RAQS), adopted by the San Diego County Air Pollution Control Board on June 30, 1992 and recently updated in December 2016, addresses state ozone standards. The RAQS is periodically updated as new measures become technologically feasible, improve air quality, or protect public health (SDAPCD RAQS 2016, page EX-1). As explained in the RAQS: "Despite growth in population and vehicle miles traveled, volatile organic compounds

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<sup>129</sup> <https://www.arb.ca.gov/board/books/2014/022014/14-2-3pres.pdf>

<sup>130</sup> <https://www.arb.ca.gov/regact/ozone05/isorv2.pdf>. Ozone accumulates over several hours, depending on emission rates and meteorological conditions.

<sup>131</sup> <https://www.arb.ca.gov/regact/ozone05/isorv2.pdf>.



(VOC) and oxides of nitrogen (NO<sub>x</sub>) emissions have been reduced, resulting in fewer exceedances of the one-hour and eight-hour ozone standards. Exposure to ozone air pollution and associated risks to public health and welfare have also significantly decreased.” (SDAPCD RAQS 2016, page EX-1)

The SDAPCD previously adopted and continues to implement dozens of health-protective VOC and NO<sub>x</sub> emission control rules addressing all significant stationary source categories in San Diego County. Nevertheless, additional feasible control measures eventually become available as regulatory programs move forward, control technologies improve, or control costs are reduced. State law requires plan updates to include an updated schedule for expeditiously adopting feasible control measures for ozone-precursor emission sources under an air district’s purview. (SDAPCD RAQS 2016, page 14)

Regarding the SDAPCD’s Indirect Source Review program, pursuant to Health and Safety Code Section 40918(a)(4) of the California Clean Air Act, the SDAPCD’s Indirect Source Program, adopted in December 1997, consists of ongoing outreach and assistance to local governments, land developers, citizen groups, and non-profit organizations to reduce vehicle trips and associated emissions through voluntary land use and street design improvements (i.e., "smart growth"). The SDAPCD’s efforts during 2009-2015 included ongoing technical assistance to SANDAG on programs to encourage smart growth, including adoption of goals for the 2015 RTP update, such as alternatives to single occupancy vehicles, air quality, greenhouse gas emission reductions, and public health. (SDAPCD RAQS 2016, page 38).

As such, the SDAPCD RAQS addresses public health associated with ozone exposure. The Draft EIR adequately evaluated the project’s contribution to cumulative emissions of criteria air pollutants within the SDAB (Draft EIR Section 2.3.6 Cumulative Impact Analysis, pages 2.3-59 through 2.3-64), adequately disclosed the potential health effects of criteria air pollutants, and adequately evaluated the potential impacts to sensitive receptors (Draft EIR Section 2.3.5.3, Impacts to Sensitive Receptors, pages 2.3-44 through 2.3-56) consistent with CEQA Guidelines Appendix G and the County’s air quality guidance.

- O-1.4-89** The comment summarizes the previous comments regarding ozone precursors and San Diego County’s ability to come into compliance with ozone standards. The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR; please see **Responses to Comments O-1.4-87** and **O-1.4-88**, above. For that reason, the County provides no further response to this comment.

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**O-1.4-90** The comment states that the DEIR concluded that the mitigated cumulative construction emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be significant and the mitigated combined maximum daily construction and operational emissions of NO<sub>x</sub>, CO, and PM<sub>10</sub> would be significant and unavoidable. The comment states that the conclusions should have triggered ambient air quality modeling to determine if emissions increases would violate NAAQS or CAAQS; but that the DEIR only compares increases in emissions to significance thresholds in pounds per day, and does not evaluate potential exceedances or contributions to exceedances of NAAQS or CAAQS. The County does not concur with the comment.

Please see **Response to Comment O-1.4-87**. As discussed in **Response to Comment O-1.4-87**, dispersion modeling is not required to support the project's significant and unavoidable impact determination in regards to CO, an attainment pollutant. Furthermore, and consistent with the County's guidance (County of San Diego 2007, page 21), dispersion modeling is not required to support the project's significant and unavoidable impact determination in regards to the project's ozone precursors (VOC and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub>, all of which are nonattainment pollutants.

In conclusion, exceeding the SLTs already can mean, without a more refined analysis, that a project's emissions would have a significant impact on ambient air quality. The Draft EIR has reached this conclusion here. If a further modeling of these significant impacts would have been performed, it would not have provided additional disclosure affecting the significance conclusions, and no additional mitigation measures would be imposed. Accordingly, further modeling is not useful or necessary.

**O-1.4-91** The comment states that the EIR failed to evaluate the impact of PM<sub>10</sub> and PM<sub>2.5</sub> emission increases in terms of increasing ambient PM<sub>10</sub> and PM<sub>2.5</sub> concentrations and contributing to a violation of the CAAQS and NAAQS.

Please see **Response to Comment O-1.4-87**. As discussed in **Response to Comment O-1.4-87**, consistent with the County's guidance (County of San Diego 2007, page 21), dispersion modeling is not required to support the project's significant and unavoidable impact determination in regards to the project's PM<sub>10</sub> and PM<sub>2.5</sub>, all of which are nonattainment pollutants.

As discussed in **Response to Comment O-1.4-90**, the Draft EIR applies the following threshold for determining significance: whether the project would "violate any air quality standard or contribute substantially to an existing or projected air quality violation," applying relevant thresholds of 55 pounds per day for PM<sub>2.5</sub> and 100 pounds per day for PM<sub>10</sub>. Regarding construction emissions, on page 2.3-37 the Draft EIR concludes, "... following implementation of M-AQ-2 through M-AQ-4, ... PM<sub>10</sub> and PM<sub>2.5</sub> emissions [compared to the SLTs] would remain significant and

unavoidable.” Concerning operation, on page 2.3-44, the Draft EIR concludes “Following implementation of project design features listed above and M-AQ-6 through M-AQ-9, proposed project operational emissions [of PM<sub>10</sub> and PM<sub>2.5</sub>] would remain significant and unavoidable.” Thus, relative to conformance to federal and state ambient air quality standards and the related significance threshold, the Draft EIR concludes that the project’s construction and operational emissions for the specified criteria air pollutants would be significant.

The Draft EIR’s analysis is consistent with County’s *Guidelines for Determining Significance – Air Quality* at page 21:

For ozone precursors, PM<sub>10</sub> and PM<sub>2.5</sub>, exceedances of the SLTs results in a significant impact. The reason for this is that the SDAB is currently not in attainment for PM<sub>10</sub>, PM<sub>2.5</sub> and ozone. Therefore, unless a project includes design considerations or mitigation measures that would reduce the daily emissions to below the applicable screening levels, the impact for these pollutants (ozone precursors, PM<sub>10</sub>, and PM<sub>2.5</sub>) will be significant as discussed below [in Sections 4.2.1 and 4.2.3, respectively] (emphasis added).

In sum, the Draft EIR in fact evaluated the impact of PM<sub>10</sub> and PM<sub>2.5</sub> emission increases, including in terms of increasing ambient PM<sub>10</sub> and PM<sub>2.5</sub> concentrations and contributing to a violation of the CAAQS and NAAQS.

**O-1.4-92** The comment states that significant additional construction and operational mitigation, beyond what was recommended in the DEIR, and presented elsewhere in the comment letter, is feasible and must be required. The comment proposes mitigation that would require that construction activities be avoided during periods where ambient air quality standards would be exceeded or requiring the mandatory use of public transit on forecast NAAQS/CAAQS exceedance days. The comment states that because a detailed construction schedule was not provided, the commenter could not provide detailed scheduling recommendations, and therefore the DEIR did not serve as an informational document.

The County has considered the comment’s proposed mitigation measures. For the following reasons, the measures would be ineffective and infeasible. Based on the monitoring data for the most recent years with complete data (2014 - 2015),<sup>132</sup> the NAAQS/CAAQS for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> have been exceeded only a few days per year, if at all, at the nearest monitoring station—the Escondido monitoring station. The CAAQS 8-hour ozone standard was exceeded 8 days in 2014 and 3 days

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<sup>132</sup> See <https://www.arb.ca.gov/adam/topfour/topfour1.php> for Escondido – E. Valley Parkway monitoring station.

in 2015 and the NAAQS was exceeded 7 days in 2014 and 2 days in 2015. The CAAQS 1-hour ozone standard was exceeded 1 day in 2014 and 0 days in 2015 and the NAAQS 1-hour ozone standard was not exceeded in 2014 or 2015. The NAAQS and CAAQS for PM<sub>10</sub> were not exceeded in 2014 or 2015. The 24-hour PM<sub>2.5</sub> NAAQS was exceeded 1 day in 2014 and 0 days in 2015 while the CAAQS for PM<sub>2.5</sub> was not exceeded in 2014 or 2015. The NAAQS/CAAQS for all other air pollutants have been achieved. Thus, curtailing construction activities or requiring mandatory use of mass transit, if available, on forecast exceedance days would be impractical and infeasible, requiring daily checks of forecasts and possible rescheduling at significant cost. It would also have little-to-no value to mitigate the impacts of the Project's construction emissions because the emissions would only be deferred to a different time, there would be no reduction in overall emissions from the project. The proposed actions would thus not result in a meaningful and/or measurable emission reductions. Further, the project incorporates a number of effective mitigation measures to reduce the project's construction emissions to the greatest feasible extent, including: M-AQ-2, M-AQ-3, M-AQ-4, M-AQ-5, M-AQ-7, M-AQ-8, M-AQ-9, M-AQ-10, and M-AQ-12.

It is unclear what additional construction scheduling detail the comment seeks. As discussed in **Responses to Comments O-1.4-19** and **O-1.4-35** regarding construction scheduling, the Draft EIR at Section 1.2.1.12 and Appendix A of the Air Quality Technical Report (Appendix G of the Draft EIR) provide detailed information concerning the construction schedule. As the comment does not specifically point to what information is alleged to be missing or inadequate, no more specific response can be provided.

Please see **Response to Comments O-1.4-96, O-1.4-100, and O-1.4-101** addressing the comment letter's proposed additional mitigation measures for construction and operation.

**O-1.4-93** The comment again states the commenter's concern that the Draft EIR did not set forth all feasible mitigation for the project. Please see **Response to Comment O-1.4-8** above for relevant, responsive information concerning the feasibility of mitigation measures. The County notes the comment provides the commenter's opinion and acknowledges the comment as an introduction to specific comments that follow. Responses have been provided to each of the specific comments raised where they are addressed by the commenter below; please see **Responses to Comments O-1.4-94 through O-1.4-98**. As no particular mitigation measures are suggested in the comment, no more specific response can be provided.

Additionally, as a point of clarification, the comment is incorrect in stating that Draft EIR Table 2.3-14 found combined construction and operational emissions significant for VOCs, SO<sub>x</sub>, and PM<sub>2.5</sub>. As shown in Table 2.3-14, the estimated daily maximum combined emissions for those three criteria pollutants would *not* exceed the pollutant-specific thresholds.

- O-1.4-94** The comment states that the significant criteria air pollutant impacts could be mitigated to a less than significant level by developing an emission offset program, similar to what was proposed for GHG emissions.

Development of a criteria pollutant emissions offset program is infeasible—likely impossible—as no “bank” of emissions reductions credits or air district management system exists for the project to use for an offset program. The ability to offset criteria air pollutant emissions from a project in San Diego County depends on the availability of a “bank” of available emission reductions generated by the shutdown or modification of stationary sources operating under air district permits or the existence of a management system by which a developer could fund emission reduction projects subject to review, verification, and approval by an air district. The San Diego Air Pollution Control District (SDAPCD) maintains a bank of emission reduction credits (ERCs) that are used to offset emission increases from new or modified stationary sources. Regulation of ERCs is established in SDAPCD Rules 26.0 through 26.10, which apply to any person creating, applying for, owning, transferring, or using stationary source ERCs. Rule 26.2, Use of Emission Reduction Credits (ERC), states, “Class A ERCs shall only be eligible for use as emission offsets pursuant to District Rules and Regulations.” As defined in SDAPCD Rule 26.0, Class A means “an ERC that meets all of the criteria for emission reductions identified in Rule 26.1.” Thus, offsets are not available from the SDAPCD ERC bank for use by a project undergoing CEQA review unless it is a project or a project component that would require a stationary source permit and trigger requirements for offsets under SDAPCD new source review rules. That situation is not anticipated for the proposed project because potential stationary sources may be exempt from air permitting or their emissions would be too small to trigger offsets.

For the project to fund emission reduction projects, an air district management system *must exist* to review, verify, and approve the emission reduction projects and maintain the accounting of future project emissions and corresponding emission reductions. Typically, emission reductions must be real, surplus, enforceable, federally enforceable, quantifiable, and permanent. Compliance with these criteria must be verified by an air district, as the SDAPCD does for stationary source emission reduction credits. For example, such a mechanism has been implemented in the San Joaquin Valley Air Pollution Control District (SJVAPCD), called a Voluntary

Emission Reduction Agreement, which is a contract between a project proponent and the SJVAPCD. Because of the significant air quality issues in the San Joaquin Valley, the SJVAPCD has created this program to generate emission reductions from sources over which it has little or no control. This program has been successful in the SJVAPCD in offsetting emissions from new development projects. In the SDAPCD, however, *no similar program exists and one is not anticipated to be developed in the near future*. This is because air quality problems are not as severe as in the San Joaquin Valley, and the SDAPCD does not anticipate the need for indirect source control as has been implemented in other air districts (e.g., SJVAPCD) to achieve attainment with the ambient air quality standards for ozone because measures implemented through other programs (e.g., SANDAG RTP/SCS and the emphasis on VMT under CEQA) will accomplish similar emission reductions.<sup>133</sup> Accordingly, an offset program suggested by the comment is not feasible due to the inability to implement and enforce it. See also response to **Response to Comment O-1.4-8** regarding feasibility of mitigation measures.

- O-1.4-95** This comment states that the majority of the NO<sub>x</sub>, VOC, CO, and GHG emissions originate from increases in traffic due to the Project itself and to induced traffic created by highway capacity increases, proposed as mitigation for project impacts. The comment also states that impacts from increased direct and induced traffic could be reduced by providing sufficient public transit to meet Project needs and by eliminating the proposed freeway capacity improvements. The County does not agree with the comment. As addressed in **Response to Comment O-1.4-44**, rather than result in induced travel, based on the results of a travel demand model, the project's proposed improvements to the I-15/Deer Springs Road interchange, Deer Springs Road, and Twin Oaks Valley Road would reduce regional VMT. As to the I-15 and SR 78 freeways, the project does not propose to construct any freeway mainline improvements as the comment suggests. Instead, the project's proposed improvements would be specific to the I-15/Deer Springs Road interchange and include ramp meters, acceleration and deceleration lanes, and capacity and multi-modal enhancements to the Park-and-Ride at the interchange (refer to **Topical Responses TR-1 and TR-2**). These improvements would aid in relieving congestion on the I-15 freeway mainline which would reduce NO<sub>x</sub>, VOC, CO, and GHG emissions. Finally, as to the comment about providing sufficient public transit, the project includes a TDM Program with a demand-responsive community-sponsored shuttle service and transit subsidies to project residents and employees (refer to **PDF-9, PDF-14, and PDF-17**) with proposed routes to Twin Oaks Elementary, San

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<sup>133</sup> SDAPCD. 2016 Revision of the Regional Air Quality Strategy for San Diego County. December 2016. p. 38. <http://www.sdapcd.org/content/dam/sdc/apcd/PDF/Air%20Quality%20Planning/2016%20RAQS.pdf>

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Marcos Civic Center, and the Escondido Transit Center (refer to Appendix R3, *Newland Sierra TDM Program—VMT Reduction Evaluation*,). Therefore, the project includes an equivalent form of transit to meet the project’s needs. **O-1.4-96** The comment criticizes the operational mitigation measures because they involve “promoting” or “coordinating” rather than implementing and funding meaningful mitigation that can be enforced. The County does not concur with the comment. As discussed above at **Response to Comment O-1.4-47**, the Newland Sierra TDM Program technical memorandum, and specifically “Table 2: TDM Program Performance Metrics and Targets” therein (see Appendix D of DEIR Appendix K), identifies the specific performance measures that the project is committing to, which would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities are described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2. Table 2 incorporates and addresses each of the PDFs referenced in the comment: **PDF-8**, **PDF-12**, **PDF-15**, and **PDF-16**. The County will also monitor and ensure implementation of TDM strategies as part of the MMRP, as the strategies are incorporated into Mitigation Measure M-GHG-3. (See, Draft EIR, Mitigation Measure M-GHG-3 and Table 2.7-7.)

The comment also states that other mitigation is feasible and must be required. Please see **Response to Comment O-1.4-8** above for relevant, responsive information concerning the feasibility of mitigation measures. Each of the recommended mitigation measures is evaluated in the table that follows.

Comment Suggested Mitigation Measure	Mitigation Measure Assessment
Require solid waste recycling and reuse and provide on-site facilities and services to accomplish this.	Solid waste recycling is currently practiced within the County and is the responsibility of the County's Solid Waste Local Enforcement Agency. Assembly Bill 341 requires not less than 75% of solid waste generated be source-reduced, recycled, or composted by the year 2020, and annually thereafter. AB 341 and the San Diego Solid Waste Ordinance requires that businesses and multi-family units arrange for recycling services.
Retain on-site mature trees and vegetation and plant new canopy trees.	The project will have a landscape plan, including retention of existing trees and planting of new shade trees. As discussed on the Draft EIR page 2.7-36, the project would include approximately 4,492 tree plantings throughout the project site, including shade street trees and landscaping trees, and the preservation of oaks. Please see also Section 3.7, Landscape Standards and Design Guidelines of the Specific Plan, Appendix C of the Draft EIR. The project would also preserve 1,209 acres of on-site open space. (Draft EIR p. 1-3) However, retention of all mature trees and vegetation is infeasible due to project construction

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	activities. The necessary removal of certain trees and other vegetation is addressed in the Draft EIR, Chapter 2.1, Aesthetics.
Designate a portion of parking spaces for ride-sharing or high-occupancy vehicles and provide adequate passenger loading and unloading for those vehicles.	The project includes a transportation demand management program that incorporates these features and others to reduce vehicle trips, and appoints a Transportation Demand Management Program Coordinator to ensure these features are used as estimated by Appendix R3, VMT Reduction Memo. This would include any necessary designated parking spaces for ride-sharing and high occupancy vehicles. Adequate space for passenger loading and unloading would be ensured through compliance with the County's Parking Design Manual and sections 3.5.2 and 3.6.2 of the project's Specific Plan, Draft EIR, Appendix C.
Construct transit facilities as part of the Project and/or in the alternative, provide and fund in perpetuity a dedicated shuttle service to transit stations and analyze and report the efficacy and ridership for such shuttle service.	The project includes a transportation demand management program that incorporates these features and others to reduce vehicle trips. See PDF-6 through PDF-8.
Prohibit outdoor grilling.	See <b>Response to Comment O-1.4-61</b> .
Require that all housing units be designed to use solar.	Project Design Feature 22 requires that solar panels shall be required on all residential units. See <b>Response to Comment O-1.4-59</b> and <b>O-1.4-60</b> and mitigation measure <b>M-GHG-3</b> .
Require that solar be preferentially used.	This measure is infeasible and unnecessary because it would require monitoring of every residence to ensure that the solar system is being used to provide electricity and the commenter does not present any evidence that a significant amount of users would elect to shut off effectively free power from their solar system. As discussed above, PDF-22 already requires solar panels on all residential units, which will offset 100% of the project's electricity demand associated with single-family and multifamily residential units.
Require solar panels on all uses in the Town Center.	The project is already committed to solar panels on all residential units. Accordingly, concerning criteria pollutants, operational energy emissions were near zero, as disclosed in the Draft EIR at Table 2.3-13. The proposed mitigation does not address the source of criteria pollutant emissions: construction or mobile sources, and would thus be ineffective. Concerning GHGs, no additional commitment is required to reduce emissions to net zero.
Equip all homes with battery backup systems for solar systems.	The project is already committed to installing solar panels on all residential units to offset 100% of the project's electricity demand associated with single-family and multifamily residential units. However, as discussed at <b>Response to Comment O-1.4-59</b> , solar technology is rapidly changing and improving. Battery storage in conjunction with solar systems is under development and becoming more cost effective and the 2019 Title 24 Regulations (effective January 1, 2020) include provisions for electric storage in conjunction with requirements for solar on new residential



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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	and non-residential buildings. All construction within the project would be required to comply with these regulations, including updated versions of Title 24, through project buildout. Title 24 is updated with new technologies via approval of Alternative Calculation Methodologies, and on the three-year national code cycle. As with each previous code cycle update, the energy efficiency standards have been strengthened and new energy-saving technologies mandated. Accordingly, the DEIR provides the assurance the project will offset 100% of the project's electricity demand associated with single-family and multifamily residential units, but design details such as whether and how solar systems will include electric energy storage systems will be addressed at the building permit level.
Equip all homes with induction cooktops.	All homes will meet the most current Title 24 standards in effect at the time of building permit issuance (e.g., 2016 Title 24 Regulations for homes permitted before January 1, 2020, or the 2019 Title 24 Regulations for homes permitted after January 1, 2020) for built-in appliances, and home owners will be offered the option of energy-saving appliances. The comment cites no evidence induction cooktops will significantly reduce criteria emissions over compliance with these standards. Further, this measure would be prescriptive (as opposed to performance-based), costly (more \$1,000 per cooktop), and limit consumer choice without a demonstrable energy-savings benefit.

The comment asserts that Draft EIR does not require that solar (photovoltaic) systems be used to generate electricity. The interconnect between a residential (or other land use) solar system and the utility is generally passive. The comment does not provide a rationale as to why the solar systems would not be used (i.e., disconnected by a home owner).

The comment also states that the Draft EIR does not contain any design details to ensure that roofs can accommodate solar panels. As discussed above, PDF-22, requires that solar panels be installed for on all residential units to offset 100% of the project's electricity demand associated with single-family and multifamily residential units. Design details are not available at this stage nor are they required by CEQA. CEQA Guidelines Section 15124 states, "The description of the project ... should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." See also **Response to Comment O-1.4-60**, which addresses this comment; and mitigation measure M-GHG-3, which ensures the PDFs will be implemented.

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**O-1.4-97** The comment states that although monitoring is required, it would occur only every 3 to 5 years, which is too infrequent to assure compliance. The comment recommends that monitoring should commence immediately upon occupation and occur at least every 6 months on an unannounced schedule. See **Response to Comment O-1.4-50**.

**O-1.4-98** The comment states that the Commercial Center, which is primarily related to the 11.1% reduction in emissions, is not scheduled for construction until Phase 2. First, the commenter incorrectly attributes the 11.1% reduction in VMT to the Commercial Center. The Commercial Center is one element of a myriad of land uses proposed by the project that would support a mix of land uses at the site that would contribute to a reduction in VMT. Appendix D of Appendix K, prepared by Fehr & Peers (transportation experts) cited this project design feature as “Land Use Diversity” which is defined as “a mix of land uses, including residential, commercial, educational, and parks so that residents of the project have access to basic shopping, school, and recreation” (Appendix D of Appendix K, Table 1 – TDM Program VMT Reduction Analysis Summary). This mix of land uses, which includes residential units, commercial space, the proposed school, trails, parks, and other recreational areas, all together would result in a 4.7% reduction in VMT. In addition to the 4.7% reduction, project design features that would facilitate alternative commute options for residents such as bike and pedestrian trails, electric bike share program, car-share program, rideshare support, transit subsidies, among others, would contribute an additional 6.1%. Lastly, an additional 0.3% reduction would be realized through commute services for employees at the site. All of these project design features combined would result in an 11.1% reduction in VMT. Therefore, the Commercial Center’s contribution to that 11.1% would only account for a fraction of this VMT reduction.

The comment also states that a mixed-use credit for trip reduction was taken, which would not apply during the project’s Phase I period. The comment states that the DEIR did not include mitigation for the increase in emissions before mitigation is in place. This statement is incorrect. First, regarding GHG emissions, all GHG emissions were analyzed under the project buildout scenario conservatively using the year 2021 (the year the first residential units would be available for occupancy) as the buildout year. Therefore, this comment does not apply to GHG emissions because Phase 1 and Phase 2 were not analyzed separately. Secondly, the 11.1% reduction in VMT was conservatively not quantified as part of the criteria air pollutant operational emissions inventory provided in Section 2.3 of the Draft EIR. Although Draft EIR on page 2.3-43 states, “Emissions reductions from selected project design features of the TDM Program (PDF-1 through PDF-20) were accounted for through the 11.1 percent reduction in VMT, as more fully discussed in Sections 2.7, Greenhouse Gas Emissions, and 2.13, Transportation and Traffic”, the 11.1% reduction in VMT and

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associated emissions were not actually quantified in the model. In estimating the reduction in GHG emissions for mobile sources, a direct 11.1% reduction in mobile emissions was taken outside of the model, as a post-processing adjustment in the emission reduction calculations. This is evident in that the criteria air pollutant outputs' "Annual VMT" value matches that of the GHG outputs' "Annual VMT" value, and there is no "unmitigated" and "mitigated" VMT that was inputted into the model. See page and see page 434 of Appendix G, and see page 244 of Appendix K:

Page 434 of Appendix G, Air Quality Technical Report:

### 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	119.00	119.00	119.00	442,256	442,256
Condo/Townhouse	7,480.00	7,480.00	7,480.00	27,798,971	27,798,971
Elementary School	887.70	0.00	0.00	2,356,488	2,356,488
Golf Course	605.00	605.00	605.00	2,248,446	2,248,446
Other Asphalt Surfaces	0.00	0.00	0.00		
Retirement Community	1,300.00	1,300.00	1,300.00	4,831,372	4,831,372
Single Family Housing	8,750.00	8,750.00	8,750.00	32,518,850	32,518,850
Strip Mall	9,720.00	9,720.00	9,720.00	36,123,797	36,123,797
Total	28,861.70	27,974.00	27,974.00	106,320,181	106,320,181

Page 244 of Appendix K, Greenhouse Gas Emissions Technical Report:

### 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	119.00	119.00	119.00	442,256	442,256
Condo/Townhouse	7,480.00	7,480.00	7,480.00	27,798,971	27,798,971
Elementary School	887.70	0.00	0.00	2,356,488	2,356,488
Other Asphalt Surfaces	0.00	0.00	0.00		
Retirement Community	1,300.00	1,300.00	1,300.00	4,831,372	4,831,372
Single Family Housing	8,750.00	8,750.00	8,750.00	32,518,850	32,518,850
Strip Mall	9,720.00	9,720.00	9,720.00	36,123,797	36,123,797
Golf Course	605.00	605.00	605.00	2,248,446	2,248,446
Total	28,861.70	27,974.00	27,974.00	106,320,181	106,320,181

Additionally, if the 11.1% reduction in VMT had been quantified as part of the criteria air pollutant emissions inventory as a result of implementation of PDF-1 through PDF-20, a second table showing the project's "mitigated" operational emissions would have been provided. This table and associated emissions were not included because aside from the VMT reduction that would be realized through the project's TDM program, no other mitigation measures provided to reduce operational criteria air pollutant emissions can be quantified as to their emissions reductions. As such, the analyses do not take credit for VMT reductions prematurely prior to construction of Phase 2, as asserted by the comment.

Moreover, see Response to Comment O-1.4-51 for additional details.

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**O-1.4-99** The comment states the Draft EIR concluded that project-related construction emissions of “GHG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>” were significant and unavoidable without requiring all feasible mitigation. To begin, the comment is incorrect with respect to construction-related GHG emissions. As explained in **Response to Comment O-1.4-8**, the project’s GHG construction and operational emissions impacts were determined to be less than significant with mitigation. (Draft EIR p. 2.7-52.) Therefore, there is no continuing requirement to provide additional mitigation for GHG emissions.

The comment cites concerns with Mitigation Measures M-AQ-2(a) and M-AQ-2(b). With respect to criteria air pollutants, in response to this comment, Mitigation Measure M-AQ-2(a) has been revised as presented in **Response to Comment O-1.4-31** and **Response to Comment O-1.4-32**. In **Response to Comment O-1.4-31**, “Heavy-duty diesel-powered equipment” in M-AQ-2(a) was changed to “All diesel powered equipment”. In **Response to Comment O-1.4-32**, the following was added to M-AQ-2(a): Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that Tier 4 equipment could not be located within the region;

**O-1.4-100** The comment suggests lists measures which the commenter states are frequently recommended to control air pollutants and GHGs from construction that were not identified in the Draft EIR. Please see **Response to Comment O-1.4-8** discussing the need to consider additional mitigation measures and the feasibility of mitigation. Regarding criteria pollutant emissions, the Final EIR’s Air Quality Section incorporates all feasible mitigation. The mitigation identified in the Final EIR consists of mitigation previously identified in the Draft EIR, as well as revisions to some of those measures and newly recommended measures that have been developed in response to public comments. With respect to GHG impacts, the Draft EIR concluded that these impacts would be reduced to less than significant with mitigation incorporated. It is well established that CEQA does not require the consideration of additional mitigation measures for project impacts that have been mitigated to less-than-significant levels. (CEQA Guidelines §15126.4(a)(3).) Additionally, it is within the discretion of the County, acting as the lead agency for this project, to select the portfolio of mitigation measures it finds are supported by substantial evidence and desirable. As such, the County has no continuing obligation to identify additional or alternative mitigation measures for the project’s GHG emissions.

Nonetheless, each of the recommended mitigation measures is evaluated in the table that follows.

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In addition to maintaining all construction equipment in proper tune according to manufacturer's specifications, the equipment must be checked by an ASE-certified mechanic and determined to be running in proper condition before it is operated.	M-AQ-2 includes the following requirement: c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications. The Project's construction contractor would ensure that all construction equipment is properly tuned and maintained.
Diesel-powered equipment shall be replaced by gasoline-powered equipment whenever feasible.	The purpose of this measure—to reduce diesel emissions – is addressed in M-AQ-2 by the following requirements:  a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards;  d. The use of electrical or natural gas-powered construction equipment shall be employed where feasible including forklifts and other comparable equipment types.  These requirements ensure diesel powered equipment be replaced by clean electrical or natural gas powered equipment where feasible, and otherwise be equipped with Tier 4 Final diesel engines which reduce emissions of PM and NO <sub>x</sub> 90 percent lower than current levels (except where unavailable for specific construction equipment, in which case any exception is subject to County verification).
The engine size of construction equipment shall be the minimum practical size.	This measure is infeasible because the County has no means to determine independently the minimum practical size of construction equipment to enforce the measure.
Catalytic converters shall be installed on gasoline-powered equipment.	M-AQ-2 includes the following requirement:  e. The use of catalytic reduction for gasoline-powered equipment shall be employed where feasible.
Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the idling limit.	The Final EIR has been revised as follows to add the recommended mitigation to the list of mitigation measures included in mitigation measure M-AQ-2 (Final EIR page 2.3-34).  <b>M-AQ-2</b> Prior to the County of San Diego's approval of any construction-related permits, the project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize VOC, CO and NO <sub>x</sub> emissions:  g. <u>Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the idling limit.</u>
Diesel equipment idling shall not be permitted within 1,000 feet of sensitive receptors.	This measure would address significant health risks from diesel emissions adjacent to sensitive receptors. However, the construction HRA concluded that risks to sensitive receptors will be less than significant; thus, no mitigation is required. (See, Draft EIR, Appendix G, Section 3.1.4, Diesel Particulate

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	<p>Matter Health Risk Analysis Methodology, and Section 4.4.1.2.2, Toxic Air Contaminants-Diesel Particulate Matter.)</p> <p>Notwithstanding, M-AQ-2 limits idling, including near sensitive receptors:</p> <p>b. Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.</p> <p>Also M-AQ-11 limits construction activities near residences:</p> <p>Construction activities that would occur within 100 feet of an on-site or off-site residence shall be limited to 10 acres of disturbance per day.</p>
Engine size of construction equipment shall be the minimum practical size.	See response above – duplicate request/comment.
Construction worker trips shall be minimized by providing options for carpooling and by providing for lunch onsite.	See <b>Response to Comment O-1.4-27</b> .
Use alternative diesel fuels, such as Aquazole fuel, Clean Fuels Technology (water emulsified diesel fuel), or O <sub>2</sub> diesel ethanol-diesel fuel (O <sub>2</sub> Diesel) in existing engines.	As discussed above, M-AQ-2 currently addresses the reduction of diesel engine emissions through requiring Tier 4 or better engines (except where not available), and requiring the “use of electrical or natural gas-powered construction equipment” “including forklifts and other comparable equipment types.” The comment does not show this measure would be more effective at achieving emissions reductions than those mitigation measures already incorporated.
Modify engines with ARB verified retrofits.	<p>This measure is already incorporated at M-AQ-2, which includes the following requirement:</p> <p>a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.</p>
Repower engines with Tier 4 final diesel technology.	<p>This measure is already incorporated at M-AQ-2, which includes the following requirement:</p> <p>a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.</p>
Convert part of the construction truck fleet to natural gas.	This measure is infeasible because the applicant will not have control over the construction truck fleet.
Use new or rebuilt equipment.	This measure is already incorporated at M-AQ-2, which includes the following requirement:

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
Use diesel-electric and hybrid construction equipment.	As discussed above, M-AQ-2 currently addresses the reduction of diesel engine emissions through requiring Tier 4 or better engines (except where not available), and requiring the "use of electrical or natural gas-powered construction equipment" "including forklifts and other comparable equipment types." The comment does not show this measure would be more effective at achieving emissions reductions than those mitigation measures already incorporated.
Use low rolling resistance tires on long haul class 8 tractor-trailers.	This measure is infeasible because the applicant will not have control over long-haul class 8 tractor-trailers that may be used to transport construction materials or equipment.
Use idle reduction technology, defined as a device that is installed on the vehicle that automatically reduces main engine idling and/or is designed to provide services, <i>e.g.</i> , heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive engine while the vehicle or equipment is temporarily parked or is stationary.	M-AQ-2 includes the following requirement:  During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.  However, installation of idle reduction technology on the construction truck fleet is infeasible because the applicant will not have control over the fleet.
Implement EPA's National Clean Diesel Program.	This measure is too vague to be implemented. The Clean Diesel Program is focused primarily on funding for projects that reduce diesel emissions from existing engines. The project and contractors, however, are expected to comply with regulations adopted under the California Air Resources Board's diesel risk reduction plan, such as the in-use off-road diesel vehicle fleet rule, use of ultra-low-sulfur diesel fuel, and minimization of engine idling.
Use cement blended with the maximum feasible amount of [fly ash] or other materials that reduce GHG emissions from cement production.	The project will comply with all applicable building codes and regulations. Further, as discussed at <b>Response to Comment O-1.4-8</b> and above, project GHG emissions will be less than significant. Additional mitigation is not required.
Use minimum feasible amount of GHG-emitting construction materials.	This measure cannot be enforced because it does not identify specific construction materials or a metric for determining compliance. Further, as discussed at <b>Response to Comment O-1.4-8</b> and above, project GHG emissions will be less than significant. Additional mitigation is not required.
Use lighter-colored pavement where feasible.	Project Design Feature 30 is included in the project to reduce GHG emissions:  Where feasible, commercial structures would use cool roof technologies and light-colored paving.
Recycle construction debris to maximum extent feasible.	The project would comply with the County's reduction, re-use, and recycling requirements contained in their Recycling and Construction and Demolition Debris (C&D Debris) Recycling Ordinances. These ordinances were adopted by the County in

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	<p>order to comply with state legislation pertaining to solid waste reduction and diversion from landfills. AB 341 requires a diversion of 75% of solid waste by 2020, and the project would comply with all requirements of state law. (Section 2.7, Table 2.7-17)</p> <p>In addition, the mandatory CALGreen standards require 65% of construction and demolition waste must be diverted from landfills (24 CCR Part 11), which the project would comply with. (Appendix K, Section 3 Regulatory Setting, 3.2 State of California).</p>
Plant shade trees in or near construction projects where feasible.	The project has a landscape plan including shade trees along all internal neighborhood streets. See also, <b>Response to Comment O-1.4-96.</b>
Incorporate design measures to reduce GHG emissions from solid waste management by encouraging solid waste recycling and reuse.	Solid waste recycling is currently practiced within the County and is the responsibility of [entity]. Assembly Bill 341 requires not less than 75% of solid waste generated be source-reduced, recycled, or composted by the year 2020, and annually thereafter. See also, <b>Response to Comment O-1.4-96.</b>
All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe.	<p>M-AQ-3 requires submittal of a Fugitive Dust Plan demonstrating compliance with SDAPCD Rule 55 and County Code Section 87.428 (Grading Ordinance) to the satisfaction of the County. M-AQ-3 also requires:</p> <p>a. Water, or utilize another SDAPCD-approved dust control non-toxic agent on, the grading areas at least four times daily to minimize fugitive dust.</p> <p>The County considers this measure sufficient for dust control, and it is consistent with what has been required for other projects.</p>
All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.	<p>M-AQ-3 includes the following requirement:</p> <p>k. Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour.</p>
Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50% air porosity.	M-AQ-3 requires submittal of a Fugitive Dust Plan demonstrating compliance with SDAPCD Rule 55 and County Code Section 87.428 (Grading Ordinance). During review of the Fugitive Dust Plan, the County will evaluate whether additional methods are necessary to control fugitive dust sufficiently.
Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.	Widespread implementation of the suggested measure would not be compatible with the landscaping plan, which calls for low-water-use plants, native plants, and vineyards, among others and a focus on water conservation. However, M-AQ-3 will be implemented to control fugitive dust in compliance with SDAPCD Rule 55 and County Code Section 87.428 (Grading Ordinance). M-AQ-3 requires, among other things, that the project "Water, or utilize another SDAPCD-approved dust control non-toxic agent on, the grading areas at least four times daily to minimize fugitive dust."
The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at	The project will be graded, and improvements installed, over multiple phases. Also, M-AQ-11 limits construction activities



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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
any one time shall be limited. Activities shall be phased to reduce the extent of disturbed surfaces at any one time.	within 100 feet of an on-site or off-site residence to 10 acres of disturbance per day.
Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.	<p>M-AQ-3 substantially incorporates this measure as it includes the following requirements related to minimizing trackout and carryout from the project site:</p> <ul style="list-style-type: none"> <li>e. Apply chemical stabilizer, install a gravel pad, or pave the last 100 feet of internal travel path within the construction site prior to public road entry.</li> <li>f. Wheel washers shall be installed adjacent to the apron indicated in (c) for tire inspection and washing prior to vehicle entry on public roads.</li> <li>g. Remove any visible track-out into traveled public streets with the use of sweepers, water trucks or similar method within 30 minutes of occurrence.</li> <li>h. Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out.</li> <li>i. Wet wash the construction access point at the end of the workday if any vehicle travel on unpaved surfaces has occurred.</li> </ul>
Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%.	<p>M-AQ-3 addresses this measures as it includes the following requirement to prevent silt runoff to public roadways:</p> <ul style="list-style-type: none"> <li>h. Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out.</li> </ul>
The project shall use Tier 4 construction equipment as assumed in emission calculations. Alternatively, if emission calculations are revised, the revised emissions and mitigation should be based on a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20% NO <sub>x</sub> reduction and 45% PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.	<p>M-AQ-2 includes the following requirement:</p> <ul style="list-style-type: none"> <li>a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.</li> </ul> <p>Emission calculations are not being revised.</p>
Use low-VOC coatings beyond the local requirements.	<p>Regarding VOC emissions generated during Project construction:</p> <p>The project would not exceed VOC thresholds during construction with mitigation outlined in the air quality analysis (Appendix G, Table 21; Section 2.3, Table 2.3-12). Therefore, additional VOC mitigation is not required.</p> <p>Regarding VOC emissions generated during Project operation:</p> <p>M-AQ-7 states the following:</p> <p>The project applicant/phase developer shall develop a Green</p>

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	Cleaning Product education program to be made available at rental offices, leasing spaces, and/or on websites. The education program is intended for households and institutional consumers and consists of: (1) provision of educational materials on low ROG/VOC consumer products; (2) educational materials addressing the use of detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn and garden products, disinfectants, sanitizers, aerosol paints, automotive specialty products, low ROG/VOC paints and architectural coatings, and low emission landscape equipment; (3) educational materials on the importance of recycling and purchasing recycled material.
Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.	M-AQ-2 includes the following requirement: a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
Require that all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.	M-AQ-2 includes the following requirement, which is the more recent standards for off-road diesel engines: a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines, except where Tier 4 Final or better engines are not available for specific construction equipment. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
Solicit bids that include these measures.	The County does not monitor bid documents or individual contracts between a project proponent and its contractors. However, the County monitors the MMRP, which will include all mitigation measures required in the EIR for the project. As such, County staff will ensure that all mitigation measures included in the MMRP will be enforced.

**O-1.4-101** The comment suggests use of additional mitigation measures recommended by the Bay Area Air Quality Management District to reduction construction-related emissions for a power plant in the Bay Area. Each of the recommended mitigation measures is evaluated in the table that follows.

Comment Suggested Mitigation Measure	Mitigation Measure Assessment
Prohibit diesel generators where access to the electrical grid is available.	M-AQ-2 currently addresses the use of electricity to minimize construction-related emissions. In response to the comment's recommendation, the pertinent component of M-AQ-2 has been supplemented as shown below:  f. Electrical hookups shall be provided on Site for the use of hand tools such as saws, drills, and compressors

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Comment Suggested Mitigation Measure	Mitigation Measure Assessment
	used for building construction to reduce the need for electric generators and other fuel-powered equipment. <u>Additionally, when electrical hookups can be feasibly provided in the area of construction activity and when the necessary construction equipment is available in the San Diego region in an electric configuration, electrification of motors, pumps and other tools shall be required and diesel generators shall not be used.</u>
Require electrification of motors, pumps, and other power tools whenever feasible.	See entry immediately above.
Require the use of biodiesel or other alternative fuels in generators, construction equipment, and/or off-road vehicles.	M-AQ-2(d) (Draft EIR page 2.3-33) requires the use of electrical or natural gas-powered construction equipment where feasible, which includes use of alternative (non-diesel) fueled equipment. The use of biodiesel as a fuel for construction equipment is a GHG construction mitigation measure and the BAAQMD includes it as a recommended mitigation measure under Section 8.2, Greenhouse Gases (page 8-7). <sup>134</sup> The use of biodiesel is not a criteria air pollutant mitigation measure as the potential for biodiesel to reduce criteria air pollutant emissions compared to diesel fuel is variable. For example, use of biodiesel can result in greater NO <sub>x</sub> emissions compared to diesel fuel consumption. Accordingly, the construction criteria air pollutant mitigation measures in the Draft EIR (pages 2.3-33 through 2.3-36) focus on reducing criteria air pollutant emissions by requiring Tier 4 Final engines, which would result in substantial reductions in NO <sub>x</sub> and PM <sub>10</sub> emissions, which are pollutants of concern within the SDAB, while also including requirements for use of non-diesel fuel equipment (i.e., electric and natural gas).

**O-1.4-102** The comment restates the CEQA mandate to adopt all feasible mitigation for unavoidably significant impacts. Please see **Response to Comment O-1.4-8** above for relevant, responsive information.

The comment also references a document summarizing the use of some measures recommended in the previous comments. The referenced document (Union of Concerned Scientists, 2006, p. 24) identifies measures taken by some other jurisdictions, including California, to reduce diesel emissions from specific projects or in general. Those measures (e.g., ultra-low-sulfur diesel fuel, diesel engine replacement/repower and exhaust control device retrofits) are already being implemented in California through the California Air Resources Board's enactment of regulations (CCR, Title 13 - Motor Vehicles, Division 3 - Air Resources Board). Title 13 – Motor Vehicles, Division 3 - Air

<sup>134</sup> Bay Area Air Quality Management District CEQA Guidelines May 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

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Resources Board of the CCR includes the following Chapters regarding regulations pertaining to air pollutant emission reductions:

- **Chapter 1.** Motor Vehicle Pollution Control Devices
- **Chapter 2.** Enforcement of Vehicle Emission Standards and Surveillance Testing
- **Chapter 3.** Highway and Mandatory Inspection Emission Standards
- **Chapter 4.** Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives
- **Chapter 5.** Standards for Motor Vehicle Fuels
- **Chapter 8.** Clean Fuels Program
  - **Chapter 8.1.** AB 118 Air Quality Guidelines for the Alternative and Renewable Fuel and Vehicle Technology Program and the Air Quality Improvement Program
  - **Chapter 8.2.** Guidelines for the AB 118 Air Quality Improvement Program
- **Chapter 9.** Off-Road Vehicles and Engines Pollution Control Devices
- **Chapter 10.** Mobile Source Operational Controls
- **Chapter 13.** Voluntary Accelerated Vehicle Retirement Enterprises
- **Chapter 14.** Verification Procedure, Warranty and in-Use Compliance Requirements for in-Use Strategies to Control Emissions from Diesel Engines
- **Chapter 15.** Additional off-Road Vehicles and Engines Pollution Control Requirements

Thus, this reference does not provide additional mitigation measures that should be considered for the Final EIR.

The comment also states that the Draft EIR must be recirculated for public review in the event that additional feasible mitigation measures are incorporated and recommended for the County's consideration. However, pursuant to CEQA Guidelines Section 15088.5, recirculation only is required when "significant new information" is added to an EIR after circulation but before certification. New information "is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement." (CEQA Guidelines, §15088.5(a).)

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Here, the Final EIR incorporates additional feasible mitigation to reduce the project's criteria air pollutants, and revises existing mitigation measures for criteria air pollutants contained in the Draft EIR in response to comments. These changes to the Draft EIR do not result in a new significant environmental impact or a substantial increase in the severity of an environmental impact, and do not establish that the Draft EIR was so "fundamentally and basically inadequate and conclusory in nature" so as to preclude meaningful public review. Rather, these changes evidence that the CEQA process is functioning as intended by the Legislature and Natural Resources Agency. Recirculation is not required because of these changes under CEQA Guidelines Section 15088.5.

**O-1.4-103** The comment summarizes findings of the Draft EIR with respect to health impacts during construction and operation, and states that the Draft EIR's conclusions are unsupported and incorrect. The County acknowledges the comment as an introduction to comments that follow. 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-1.4-104** This comment is the heading "Construction Health Impacts Are Significant and Unmitigated." No further response is required or necessary.

**O-1.4-105** The comment summarizes information from the Draft EIR regarding the health impacts of diesel particulate matter generated during construction. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.4-106** The comment states that DPM emissions from construction equipment and the corresponding health effects of those emissions were significantly underestimated, because it was assumed in the project's health risk assessment that Tier 4 engines would be used in all equipment. The comment further states that available construction fleets are equipped with lower tiered equipment.

For purposes of evaluating the project's health risk impacts, the construction health risk assessment assumed construction equipment would meet Tier 4 engines emission standards, as required by Mitigation Measure M-AQ-2(a) (Draft EIR page 2.3-33). It is appropriate to assume construction emissions that reflect compliance with Mitigation Measure M-AQ-2(a) as mitigation measures will be standard conditions of approval upon Final EIR certification and therefore, required to be implemented. As stated in the **Response to Comment O-1.4-31** above, Mitigation Measure M-AQ-2(a)

has been revised in the Final EIR to assure the use of equipment with Tier 4 engines, except on a limited basis when Tier 4 engines are not available.

In addition, assuming a construction fleet that includes equipment engines that meet Tier 0 emission standards is not reasonable provided that project construction was assumed to commence in 2018 and end in 2027. Tier 4 standards for engine horsepower between less than 11 horsepower and 75 horsepower were available starting in 2008. For engines with horsepower between 75 and 175, Tier 4 engine were available starting in 2012. For engine horsepower between 175 and greater than 1,200, Tier 4 engines were available starting in 2011. As such, equipment engines that meet Tier 4 emission standards are anticipated to be available during the project's construction years (2018 through 2027). See the US EPA's Nonroad Compression-Ignition Engines: Exhaust Emission Standards for details (available: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA05.pdf>).

Tier 1 engines were available starting in 1996 for some engine horsepower bins (between 175 and 750 horsepower) and Tier 2 engines were available starting in 2001 for some engine horsepower bins (between 300 and 600 horsepower). Therefore, it is not appropriate to assume a construction equipment fleet would include Tier 0 equipment or would primarily include equipment that meets Tier 1 and Tier 2 standards based on the project's assumed construction years. Most importantly, as discussed above, Mitigation Measure M-AQ-2(a) (Draft EIR page 2.3-33) requires that the project would use construction equipment that meets Tier 4 emission standards; therefore, the use of Tier 0 equipment would not occur.

**O-1.4-107** The comment states the construction HRA is based on a DPM emission rate of 333.62 pounds per year (lb/yr) or 0.9 pounds per day (lb/day), a value which the comment believes to be unsupported.

In response, the modeled DPM emission rate of 333.62 lb/yr is based on the sum of the annual DPM emissions from diesel-powered construction equipment, on-site diesel-powered trucks, and the diesel engine-generators used to power the rock crushing plant over the project construction period. The annual DPM emissions from construction equipment and on-site trucks were estimated using CalEEMod. The emissions from the generators were calculated separately using emission factors for CalEEMod for generators (see Appendix D of the Air Quality Technical Report) and then extrapolated for annual operation in Phases 1 and 2. The emissions from these sources totaled 3,333.62 lb/yr. Averaged over the 10-year construction period, the average annual emissions would be 333.62 lb/yr, which is the value used in the construction health risk assessment. The estimation of this emissions value is summarized below:

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Construction Year	Source	Tons of PM <sub>10</sub> (Exhaust)	Reference
2018	Off-Road Equipment and On-Road Vehicles	0.1204	AQTR Appendix B (Direct from CalEEMod Annual Output)
2019	Off-Road Equipment and On-Road Vehicles	0.1745	AQTR Appendix B (Direct from CalEEMod Annual Output)
2020	Off-Road Equipment and On-Road Vehicles	0.2111	AQTR Appendix B (Direct from CalEEMod Annual Output)
2021	Off-Road Equipment and On-Road Vehicles	0.1539	AQTR Appendix B (Direct from CalEEMod Annual Output)
2022	Off-Road Equipment and On-Road Vehicles	0.1473	AQTR Appendix B (Direct from CalEEMod Annual Output)
2023	Off-Road Equipment and On-Road Vehicles	0.0858	AQTR Appendix B (Direct from CalEEMod Annual Output)
2024	Off-Road Equipment and On-Road Vehicles	0.0709	AQTR Appendix B (Direct from CalEEMod Annual Output)
2025	Off-Road Equipment and On-Road Vehicles	0.0497	AQTR Appendix B (Direct from CalEEMod Annual Output)
2026	Off-Road Equipment and On-Road Vehicles	0.0528	AQTR Appendix B (Direct from CalEEMod Annual Output)
2027	Off-Road Equipment and On-Road Vehicles	0.0479	AQTR Appendix B (Direct from CalEEMod Annual Output)
Total Tons of DPM from Off-Road Equipment and On-Road Vehicles		1.1143	Sum of all emissions above
Total Pounds of DPM from Off-Road Equipment and On-Road Vehicles		2,228.60	Conversion: 2,000 lbs/ton
Phase 1 Total Pounds of DPM from Generator For Crusher		810.67	AQTR Appendix D (Based on 3.94 lbs/day × 206 days)
Phase 2 Total Pounds of DPM from Generator For Crusher		296.90	AQTR Appendix D (Based on 2.63 lbs/day × 113 days)
Total Pounds of DPM from All Sources During Overall Construction		3,336.17	Sum of All Off-Road Equipment, On-Road Vehicles, and Generator Emissions
Annual Average Pounds of DPM Per Year		333.62	Divided Total Pounds of Emissions by 10 Years

The overall approach to determine the emissions inventory for construction is not based on published recommendations, since OEHHA and APCD guidance are geared primarily towards stationary sources (i.e., HRAs under the Air Toxics “Hot Spots” Program). As noted in the OEHHA 2015 Guidelines (p. 8-17), “The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises.”

Furthermore, the OEHHA 2015 Guidelines (p. 8-18) state that “Due to the uncertainty in assessing cancer risk from very short-term exposures, we do not recommend

assessing cancer risk for projects lasting less than two months at the MEIR. We recommend that exposure from projects longer than 2 months but less than 6 months be assumed to last 6 months (e.g., a 2-month project would be evaluated as if it lasted 6 months). Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009). Thus, for example, if the District is evaluating a proposed 5-year mitigation project at a hazardous waste site, the cancer risks for the residents would be calculated based on exposures starting in the third trimester through the first five years of life.”

This OEHHA-recommended approach of starting the exposure assessment in the 3<sup>rd</sup> trimester for the duration of construction was followed in the HRA, as well as the age-sensitivity factors and other OEHHA assumptions inherent in CARB’s HARP 2 model.

The comment also states that, as an alternative DPM emission rate, the summary of construction emissions indicates that the peak daily PM<sub>10</sub> emission rate from construction activities occurs in 2018 and is 385.31 lb/day (or 428 times higher than assumed in the construction health risk assessment analysis). The comment indicates this daily rate likely includes fugitive dust, which is not DPM. As the comment suggests, this value does include exhaust PM<sub>10</sub>/DPM emissions from on-site construction equipment and trucks, and fugitive dust PM<sub>10</sub>, as well as exhaust PM<sub>10</sub>/DPM emissions and fugitive dust PM<sub>10</sub> from off-site vendor and other delivery trucks. For this reason, it is not an appropriate value to use to represent the on-site emissions resulting from construction activity. Furthermore, it is a maximum daily value, which would not continue throughout the 10-year construction period. Accordingly, the health risk assessment was not and should not be based on this value.

**O-1.4-108** The comment, citing the OEHHA risk guidelines, states that the DEIR should have adjusted the risk significance threshold of 10 in one million to a more restrictive threshold for short-term exposures during project construction.

In response, the OEHHA risk assessment guidelines suggest that “very short-term” projects that may warrant a lower cancer risk trigger are projects lasting on the order of months (i.e., less than 6-months) and not several years, as is the case for the proposed project (OEHHA, p. 8-18). Specifically, OEHHA states that:

“Due to the uncertainty in assessing cancer risk from very short-term exposures, we do not recommend assessing cancer risk for projects lasting less than two months at the MEIR [Maximally Exposed Individual Resident]. We



recommend that exposure from projects longer than 2 months but less than 6 months be assumed to last 6 months (e.g., a 2-month project would be evaluated as if it lasted 6 months). Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs [age-sensitivity factors]” (OEHHA p. 8-18)

However, the risk assessment guidelines also note that “the OEHHA’s evaluation of the impact of early-in-life exposure has reduced some of the uncertainty in evaluating the cancer risk to the general population for shorter-term exposures, as it helps account for susceptibility to carcinogens by age at exposure” (OEHHA p.8-18). Overall, the consideration of an adjusted risk threshold is presented as an optional, not mandatory, element of the guidelines (OEHHA, p. 8-18 [“Finally, the risk manager *may* want to consider a lower cancer risk threshold for risk management for very short-term projects” (emphasis added)]).

Here, the construction health risk assessment uses an exposure period of 7 years for on-site receptors (reflecting initial inhabitation after 3 years of project construction) and 10 years for off-site receptors. In addition, the risk assessment is based on exposures from the third trimester (specific OEHHA recommendation) to ages 7 (on-site) to 10 (off-site), for which higher breathing rates and higher age sensitivity factors than for adults are applied. The County is satisfied that the significance threshold of 10 in one million is adequate to evaluate the significance of potential health risks.

**O-1.4-109** The comment states that the cancer risks reported in the DEIR were calculated using AERMOD to estimate the maximum ambient concentration of DPM and the HARP 2 RASP model to convert the maximum ambient concentration to a cancer risk. The comment states that the AERMOD and HARP 2 RASP input and output files for the construction HRA were not provided in the DEIR, and notes that the commenter’s request for the electronic files was denied. Please see **Response to Comment O-1.4-3**, above.

**O-1.4-110** The comment states that it is common practice to summarize the results of an HRA in a figure that provides the location of sensitive receptors and displays the cancer and non-cancer risks, so that reviewers can determine if they are affected. The comment states that the DEIR does not include an isopleth figure, obscuring the results to the affected public and interested parties.

In response, as described on page 65 of the Air Quality Technical Report, the HARP 2 Risk Assessment Standalone Tool (RAST) was used to estimate the cancer risk at

the on-site and off-site Maximally Exposed Individual Residents (MEIR). RAST evaluates health impacts at a single receptor based on the maximum ambient concentration determined using AERMOD or other appropriate air dispersion model and toxic air contaminant emission rates. Therefore, the project's analysis does not produce a grid of receptors, which is required for the full HARP 2 software to generate cancer risk isopleths.

The maximum cancer risk was found to be 0.7 in one million at the on-site MEIR and 0.2 in one million at the off-site MEIR. And, consideration of the maximally exposed receptor is adequate for CEQA as it allows for evaluation of the significance of a project's health risk impacts. Furthermore, as described in the SDAPCD *Supplemental Guidelines for Submission of Air Toxics "Hot Spots" Program Health Risk Assessments*, "if excess cancer risks exceed 10 in one million ( $1 \times 10^{-5}$ ) or chronic or acute HHIs [health hazard index] exceed 1.0, maps with isopleths or contours encircling areas of equal or greater cancer risk or non-cancer HHI shall be included" (SDAPCD 2015, Item #25 – Maps and Diagrams). Following these SDAPCD recommendations, these cancer risk levels would not necessitate preparing an isopleth figure.

**O-1.4-111** The comment states that the DEIR's operational HRA concluded that cancer risk to residents at the northeast and southeast corners of the Town Center residential areas would range from 18.8 to 31.1 in one million, exceeding the cancer risk threshold of 10 in one million. The comment states that the DEIR concluded that cancer and noncancer risks to all other receptors were less than significant and that mitigation measures MM-HR-1 to MM-HR-5 reduced cancer risks to 9.1 in one million in the areas of concern. The comment indicates there are several problems with this analysis. The County acknowledges the comment as an introduction to comments that follow. 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-1.4-112** The comment states that the major source of cancer risk is vehicle exhaust from the increase in VMT associated with the project, and restates that the DEIR did not include the induced travel due to roadway expansion and congestion and the resulting emissions. The comment then states that induced travel and congestion would increase cancer risk beyond levels estimated in the HRA, undermining the effectiveness of the recommended mitigation. The comment states that the cancer risk impacts would be fully mitigated by not building the school and residences in an area proximate to the I-15 interchange and other roadways where cancer risk is significant.

As indicated in Figure 6 and the HARP Output Files of Appendix C (Health Risk Assessment) of the Air Quality Technical Report (Appendix G of the Draft EIR), the

primary source of TACs at the project site is on-road vehicle traffic, primarily along I-15 with over 120,000 annual average daily trips (AADT) based on recent Caltrans data. This is contrary to the commenter's assertion that the major source of cancer risk is vehicle exhaust from the increase in VMT with the project, since the project land uses would not result in the majority of traffic along I-15. In response to the comment about induced travel, see **Response to Comment O-1.4-42**. With respect to the effect of congestion on emission rates, the emissions rates for vehicles traveling on Interstate 15 and Deer Springs Road were derived from the California Air Resources Board's motor vehicle emission estimation tool, EMFAC2014. See page 10 of Appendix C (Health Risk Assessment) to the Air Quality Technical Report (Appendix G of the Draft EIR) for a description of the motor vehicle emission estimating methodology. Specifically, EMFAC2014 was used to generate running emissions (i.e., emissions while a vehicle is traveling) for aggregated speeds (i.e., a range of applicable speeds). Thus, the emission rates would account for slow vehicle speeds during congested conditions.

The conclusions raised in the comment regarding the significance of cancer risks express the opinion of the commenter. No substantial evidence is presented to support the assertion that the cancer risk would be significant. As described on page 22 of the operational HRA for the project, the only TAC reduction factored into the analysis from the mitigation measures was the requirement of installing Minimum Efficiency Reporting Value 16 (MERV 16) air filtration system installed on return vents in residential units serving any residential unit located in the northeastern and southeastern portions of the Town Center that is identified as having a risk factor of 10 in 1 million or higher (MM-HR-1). In a study conducted by Fisk et al. on the performance and costs of particulate air filtration technologies, it was shown that if the ventilation systems are operated with one air exchange per hour of outside air and four air exchanges per hour of recirculated air: (i) MERV 13 (ASHRAE Dust Spot 85%) filters provide an 80% or greater reduction of outdoor fine particulate matter (such as diesel particulate matter); and (ii) MERV 16 (ASHRAE Dust Spot 95%) filters provide a 95% or greater reduction of outdoor fine particulate matter (Fisk et al. 2002). Additional mitigation measures were included in the operational HRA that may further reduce exposure and potential health risk, such as requiring specific tree plantings and locating doors and windows at potentially impacted residences away from I-15. However, these measures were not accounted for in the mitigated risk results since the measures lack substantial evidence needed to quantify specific reductions. Because either (a) cancer risks were found to be less than significant at the school site and throughout most of the proposed residential area or (b) the mitigation measures would reduce impacts to less than significant, no further mitigation is required. See also **Response to Comment O-1.4-8** regarding additional feasible mitigation.

**O-1.4-113** The comment states that the HRA provided 15 pages of AERMOD output and 5,137 pages of HARP output, and opines it is standard practice to summarize the inputs and outputs and the associated risks in tables and isopleth figures. The comment states that the failure of the Draft EIR to include these types of summaries make the results inaccessible to the public. The comment again states that the commenter requested the electronic AERMOD and HARP files from the County, but was not provided the files. The comment concludes that the DEIR provides inadequate support for the operational HRA.

Appendix C (Health Risk Assessment) of the Air Quality Technical Report (Appendix G of the Draft EIR) provides extensive details about the operational health risk assessment, as well as summary information. For example, Table 2 presents a summary of the roadway emissions and Tables 3 and 4 present a summary of the gas station emissions. Even more detail is provided in Tables A.1 and A.2, which present detailed emissions for all the TACs that were modeled. The resultant unmitigated cancer risk, while not shown in tabular form, is identified on page 16 of the Health Risk Assessment, while the non-cancer health impacts, which were found to be less than significant, are summarized on page 21 of the Health Risk Assessment. The unmitigated health impacts are also summarized on page 2.3-52 of the Draft EIR, and the mitigated health impacts are summarized on page 2.3-56 of the Draft EIR.

The comment is incorrect in stating that the Draft EIR has “no summaries.” Chapter S.0 itself is the summary chapter for the entire Draft EIR. Table S-1, Summary of Significant Effects, includes Impact AQ-6, which is related to the significant cancer risk at sensitive receptors on the project site. Table S-1 also identifies mitigation measures related to this impact including M-AQ-13, -14, -15, -16, and -17.

Regarding the comment about the absence of figures showing the health impacts, Figure 2.3-1 in Chapter 2.3, Air Quality, of the Draft EIR shows the cancer risk results, and figures in the Air Quality Technical Report (Appendix G of the Draft EIR) discussed below provide additional information. Isopleths of cancer risk were not generated because receptors were only placed in selected areas, specifically covering the residential areas of the project site and school closest to Interstate 15 and Deer Spring Road (see Figure 4 on page 7 of the Health Risk Assessment). Typically, isopleths can be generated using air dispersion or health risk modeling software. Creating isopleths, however, require a relatively uniform, evenly-spaced receptor grid over a large enough area so that the results are less subject to distortion (i.e., the isopleth lines are free of unusual deformations) (insert citation). In the case of the project’s operational health risk assessment, such a grid was not used as the analysis focused on future residences and the proposed school. As Figure 4 shows, the receptor locations were disjointed. Attempting to generate isopleths using these

receptors would not have resulted in an accurate representation of the cancer risks. Nonetheless, Figure 5 of the operational health risk assessment shows the cancer risk at the school, which was found to be less than 10 in one million at all receptors, and Figure 6 shows the cancer risk for the Town Center, where the cancer risk at receptors in the eastern portion was generally found to be greater than 10 in one million and the cancer risk at receptors in the western portion was found to be less than 10 in one million. In addition, the area subject to mitigation is shown in Figure 7. Non-cancer acute and chronic health impacts were found to be less than significant. Thus, no areas of the project would be exposed to significant non-cancer health impacts, and no isopleth figure is necessary to portray significant health impacts. The County considers these figures to be a sufficient depiction of the cancer risks to inform the general public.

Please see **Response to Comment O-1.4-3**, above, for information regarding the availability of the electronic modeling files.

**O-1.4-114** The comment states the project would include a town center, occupied by local businesses and customers. The comment states that the town center is located near to I-15, where maximum exposures would occur. The comment explains that it is standard practice to evaluate cancer and non-cancer health risks to the maximum exposed individual worker (MEIW).

While evaluation of workplace receptors (MEIW) is typically performed in health risk assessment prepared to comply with the Air Toxics “Hot Spots” Information and Assessment Act (Assembly Bill 2588), for which the OEHHA risk assessment guidelines were prepared, and for permit applications submitted to or conducted by air districts, the County’s threshold of significance regarding health effects, as stated on p. 2.3-20 of the Draft EIR, is:

A significant impact would result if any of the following would occur:

- The project would expose sensitive receptors to substantial pollutant concentrations.

The County’s Guidelines for Determining Significance – Air Quality further describe sensitive receptors as follows:

Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. However, for the purposes of

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CEQA analysis in the County of San Diego the definition of a sensitive receptor also includes residents.

Accordingly, health impacts to workplace receptors were not evaluated in the Draft EIR. It should be noted, however, that the health risk results presented in the operational health risk assessment for residential receptors in the Town Center are likely greater than that for workers in the Town Center, based on OEHHA exposure recommendations. Specifically, for residential receptors, OEHHA recommends a 30-year exposure duration starting in the 3<sup>rd</sup> trimester to “accommodate the increased susceptibility of exposures in early life” (OEHHA 2015, p. 8-6), whereas the worker exposure duration would be shorter (25-years) and would begin at the less-sensitive age of 16 (OEHHA 2015, p. 8-8).

### O-1.5 L&W Attachment 5

**O-1.5-1** The comment provides a summary of comments that follow. 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-1.5-2** The comment introduces comments that follow, as summarized below.

The description of the habitat on project Site as being one of the few remaining large habitat blocks in central San Diego County west of Interstate I-15 (I-15), and as supporting important wildlife connectivity functions, is generally consistent with the characterization of the Site addressed on page 2.4-50 in Section 2.4-10, Habitat Connectivity and Wildlife Corridors, in the Draft EIR.

The comment addresses potential east/west wildlife crossing points under I-15, including those described on pages 2.4-50 and 2.4-51 in Section 2.4-10 of the Draft EIR. The comment describes a box culvert under I-15 located just south of Deer Springs Road that was not included in Figure 2.4-8, Wildlife Connectivity, of the Draft EIR. The comment is noted, and the Final EIR includes this box culvert in Figure 2.4-8, even though it does not connect directly with the project Site, nor does this addition change the analysis, mitigation, or conclusions provided in the Draft EIR. The culvert may provide an alternative and proximate movement corridor for wildlife south of Deer Springs Road to move east/west across I-15.

The comment states the following:

If the Merriam Mountains are developed according to the proposed Newland Sierra project, the effective distance among preserved lands in this part of San Diego County would more than double, as negotiating additional roads and development would reduce landscape permeability for wildlife and limit the species that could successfully traverse the distance. By fragmenting this area, it may no longer serve as suitable habitat for viable populations of southern mule deer, key predators such as bobcats or coyotes (Crooks 2002)<sup>135</sup>, or as a critical linkage for dispersing mountain lions searching for larger blocks of suitable habitat.

Although, as noted in footnote 2 of the comment, effective movement distance generally increases with development-related barriers and resistance, the statement that the effective distance “would more than double” is unsubstantiated by any

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<sup>135</sup> Crooks, K.R. 2002. “Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation.” *Conservation Biology*. Accessed June 14, 2018. <https://onlinelibrary.wiley.com/doi/pdf/10.1046/j.1523-1739.2002.00386.x>.

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project-level analysis provided by the commenter that takes into consideration open space features within the project Site.

The comment states that the proposed project would fragment the Site, rendering the Site's habitat unsuitable for viable populations of mule deer, bobcats, or dispersing cougars. The County disagrees with this comment because the mitigation recommended in the Draft EIR would reduce fragmentation impact on large mammals to less-than-significant levels. Specifically, the Draft EIR concludes on page 2.4-105 that impacts to larger wildlife such as mule deer, bobcat and cougar would be significant (Impact WM-4). The Draft EIR concludes on page 2.4-134 that these significant impacts would be reduced to less than significant by implementation of mitigation measure (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. In particular, conservation of Habitat Block 3 would directly connect and contribute to core habitat north of the project Site.

**O-1.5-3** The comment provides background information regarding coastal California gnatcatcher habitat and does not raise an issue regarding the adequacy of the Draft EIR. Therefore, no further response is required.

**O-1.5-4** The comment states that the proposed project “may result in the physical and genetic isolation of populations of mule deer, bobcat, coyote, and other species on either side of Deer Springs Road and west of I-15.” The comment also states that these effects “would result in cumulative impacts to connectivity and wildlife corridors in the area, and require that existing lands providing connectivity be considered more carefully in broader subregional and temporal contexts.”

The County notes that the comment does not identify any deficiency in the Draft EIR's environmental analysis and instead provides the commenter's opinion regarding the project's potential to negatively affect wildlife movement in the area. The County disagrees that the proposed project will result in physical and/or genetic isolation of any species or wildlife population “on either side of Deer Springs Road and west of I-15.”



The County has reviewed the three studies cited in the comment—Riley et al. 2006, Delaney et al. 2010, and Lee et al. 2012<sup>136</sup>—and determined that they do not change the Draft EIR’s conclusions. In addition, the County points out that the Draft EIR provides an analysis of the project’s cumulative impact on habitat connectivity and wildlife movement, as suggested by the commenter. Specifically, Section 2.4.10, Habitat Connectivity and Wildlife Corridors (pages 2.4-50 through 2.4-54) and Section 2.4.12.4, Wildlife Movement and Nursery Sites (pages 2.4-75 through 2.4-76), of 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 the Draft EIR Appendix H, Biological Resources Technical Report, pages 6-4 through 6-10, further detail anticipated project effects to connectivity between blocks of habitat and the creation of non-natural movement corridors. Based on this detailed analysis, the Draft EIR concludes that impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impact WM-4). The Draft EIR also concludes that cumulative impacts from the proposed project, when combined with impacts from the reasonably foreseeable projects within the cumulative study area, would be significant (Impact BI-C-3). To reduce the project’s significant impacts to less-than-significant level relative to wildlife movement, the Draft EIR identifies 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). This mitigation strategy would reduce to less than significant the project’s cumulative contribution to the identified cumulative impact.

- O-1.5-5** The first part of the comment cites scientific literature regarding the importance of habitat connectivity. This portion of the comment does not raise any specific issue regarding the analysis in the Draft EIR; therefore, no more specific response can be provided to this comment or is required.

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<sup>136</sup> Riley, S.P.D., J.P. Pollinger, R.M. Sauvajot, E.C. York, C. Bromley, T.K. Fuller, and R.K. Wayne. 2006. “A Southern California Freeway is a Physical and Social Barrier to Gene Flow in Carnivores.” *Molecular Ecology* 15:1733–1741. doi: 10.1111/j.1365-294X.2006.02907.x.

Delaney, K.S., S.P.D. Riley, and R.N. Fisher. 2010. “A Rapid, Strong, and Convergent Genetic Response to Urban Habitat Fragmentation in Four Divergent and Widespread Vertebrates.” *PLoS ONE* 5(9) e12767. doi: 10.1371/journal.pone.0012767.

Lee, J.S., E.W. Ruell, E.E. Boydston, L.M. Lyren, R.S. Alonso, J.L. Troyer, K.R. Crooks, and S. VandeWoude. 2012. “Gene Flow and Pathogen Transmission Among Bobcats (*Lynx rufus*) in a Fragmented Urban Landscape.” *Molecular Ecology*. Accessed June 14, 2018. doi: 10.1111/j.1365-294X.2012.05493.x.

The second part of the comment states that “only a handful of species were documented on site,” suggesting that surveys were inadequate to characterize the wildlife biota of the Site. The comment also suggests that, due to drought conditions during some survey periods and/or limited access to the project Site, the biology surveys were constrained and failed to identify all species that reside in or use the Site.

The County does not agree that the biology surveys were unduly constrained or otherwise failed to identify the various species on the project Site. The County also does not agree that there is a “paucity” of data for the project Site, as indicted in the comment. In fact, 133 wildlife species have been detected on the project Site, including 13 reptiles, 4 amphibians, 86 birds, 13 mammals, and 21 invertebrates (Draft EIR pages 2.4-20 through 2.4-22). As noted in the Draft EIR on page 2.4-20, 91 percent of the Site is chaparral. Typically, species richness increases with more habitat types and ecotones. Based on the County-certified biologist’s decades of experience conducting biological inventories in San Diego County, species richness on the Site is considered moderate and fairly typical for undeveloped areas in this region, particularly those areas that support the habitat types found on Site (Draft EIR page 2.4-20). Section 1.3.6, Survey Limitations, of Draft EIR Appendix H, Biological Resources Technical Report, pages 1-17 and 1-18, also describes the limitations in detecting certain types of wildlife species based on factors such as time of day, species crypticity, and limitations in survey methods and physical access to certain areas. To account for these survey limitations, special-status wildlife species that *could* occur (based on pertinent distribution and habitat preference literature and recorded off-site observations) were analyzed based on their *potential* to reside in or use the project site. The County does not require that projects implement a specific wildlife movement study design. Whether a project needs a wildlife movement study, and the method by which such a study would be conducted, is determined on a case-by-case basis in conjunction with the professional biologists performing the analysis. In this case, it was determined that the Site is currently unconstrained and wildlife are free to use the Site as they wish. For larger species, this would likely have been concentrated within the network of dirt roads, due to the density of the chaparral vegetation on Site. Specific movement studies would not have provided much useful additional information.

The commenter notes that less information on the Site is available because the “land is privately held and generally not accessible for surveys or opportunistic observations.” In fact, it is well documented that individuals have trespassed into and through the Site to seek biological data, as noted in Comments O-1.6-12 and O-1.6-20. Of the species noted in the comment—bobcat, cougar, mule deer, wrentit, California mouse, big-eared woodrat, western whiptail, western toad, and granite spiny lizard—all but California mouse, big-eared woodrat, and granite spiny lizard

were documented on Site (Draft EIR pages 2.4-20 through 2.4-22), and the County agrees that these undetected species also have least moderate to high potential to occur on Site given their widespread distribution and likely use of chaparral habitat.

**O-1.5-6** The comment states that findings of consistency with the draft North County MSCP are based on a proposed hardline that has not yet been approved. 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 draft hardline is in conflict with the management goals of the draft North County MSCP. See **Topical Response BIO-1 – North County MSCP**.

**O-1.5-7** The comment states that the proposed development habitat blocks and wildlife corridors are not consistent with the draft North County MSCP guidelines for connectivity planning and implementation.

In response, the draft North County MSCP guidelines for connectivity planning and implementation are just that: draft guidelines, not prescriptive requirements. However, per CEQA requirements, the Draft EIR analyzes in detail the proposed project for consistency with the County's Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources, and the draft North County Plan Planning Agreement on pages 2.4-80 to 2.4-93 in Section 2.4.12.5, Local Policies, Ordinances, and Adopted Plans. In addition, the project Site was analyzed as a proposed hardline area in the draft North County MSCP, which means that the proposed project's development areas and biological open space areas, including habitat connectivity within the project Site, have been predetermined and hardlined for the purposes of preparing the draft North County MSCP Plan (page 2.4-83 of the Draft EIR). Since the hardline is still in draft form, approval from the Board of Supervisors and Wildlife Agency concurrence would be required. Therefore, the County disagrees that the proposed design of the open space conflicts with the draft North County MSCP guidelines for connectivity. See also **Topical Response BIO-1**.

The comment lists five considerations in the draft North County MSCP guidelines, addressed in turn here:

1. *Large contiguous blocks of habitat are preferred.*

County Response: Open space habitat blocks are described on pages 2.4-83 to 2.4-86, Section 2.4.12.5, Local Policies, Ordinances, and Adopted Plans, of the Draft EIR. Generally, 1,209.1 acres of open space would be established on Site in three interconnected blocks: the 870.2-acre northern block (Block 1), the 153.9-acre eastern block (Block 2), and the 185-acre southern block (Block 3). Each of these blocks would be connected to adjacent open space

within the draft North County MSCP Plan PAMA Core Areas and linkages. The proposed project's development areas and associated roadways and fuel modification zones were designed to maintain inter-connectivity within the project Site and retain the functionality of the reserve design for the draft North County MSCP Plan.

2. *Stepping stones are not a goal, rather a minimum.*

County Response: As described above, the project was designed to provide contiguous habitat connectivity among the three habitat blocks within the project Site and to outside habitat areas. These habitat blocks cannot fairly be characterized as “stepping stones” (i.e., disconnected habitat patches that nonetheless may function as connections) for highly mobile species, such as many birds. However, to maintain an existing north/south connection for coastal California gnatcatcher and other avian species, Block 2 (approximately 153.9 acres) would maintain landscape connectivity by establishing approximately 1.5 miles of dedicated conserved lands along the western side of the I-15 valley (page 2.4-84 of the Draft EIR).

3. *Corridors should have edge buffering.*

County Response: Generally, edge buffering refers to ensuring sufficient buffer width along corridor boundaries to avoid adverse edge effects such as lighting, noise, pets, and invasive species. Adequate edge buffering also provides suitable habitat and cover for wildlife to safely move along the corridor. Because different species have different habitat requirements and sensitivities to edge effects, there are no absolute standards for edge buffering, but rather they depend on the species of concern (or “target” species), their life histories (e.g., territory/home range sizes, dispersal capabilities, sensitivity to edge effects), and habitat quality (e.g., plant species composition, density, microhabitat features, refugia) within the corridor.

The Draft EIR on page 2.4-75 describes the internal project Site linkages and corridors (Corridors A–D) (also see Draft EIR Figure 2.4-8, Wildlife Connectivity) in the context of the MSCP County of San Diego Subarea Plan, as follows: “If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide corridors are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.” The Draft

EIR includes a description of proposed corridor lengths and widths on pages 2.4-74 to 2.4-78, Section 2.4.12.4, Wildlife Movement and Nursery Sites, and notes that internal corridors would have varying degrees of fuel modification. Because 91 percent of the project Site is generally mature chaparral that could impede some wildlife movement (e.g., mule deer), thinning of the vegetation (20 to 50 percent) would likely facilitate movement along the corridors while still providing adequate cover. The Draft EIR provides a review of wildlife movement in relation to habitat conditions on pages 2.4-53 and 2.4-54, Section 2.4.10, Habitat Connectivity and Wildlife Corridors, to support this conclusion.

4. *Design should consider factors that impact wildlife passage like human developments, edge effects, roads and driveway, reduced structural and compositional diversity of vegetation, agricultural cultivation, free roaming pets, lighting, and noise.*

County Response: The Draft EIR analyzes the effects of the proposed wildlife corridors on movement between the habitat blocks within the project Site and to off-site undeveloped lands on pages 2.4-74 to 2.4-78, Section 2.4.12.4, Wildlife Movement and Nursery Sites. While the internal corridors noted above would provide movement habitat between the three on-site habitat blocks for many species, the proposed project would adversely affect wildlife movement (mostly for large mammals) compared to existing conditions where movement is mostly unencumbered, especially in the central and southern portions of the Site. Speed limits on internal roads would be low to help reduce the chance of vehicle collisions with animals. The Draft EIR concludes that impacts to smaller mammals, reptiles, and birds are not expected to be significant, but impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impacts WM-3 and WM-4). The Draft EIR also analyzed the effects of lighting and noise on wildlife movement on pages 2.4-78 and 2.4-79, Section 2.4.12.4, Wildlife Movement and Nursery Sites, and concluded that such effects would be potentially significant along wildlife corridors (Impact WM-5). Mitigation for these impacts include M-BIO-8A through M-BIO-8E (habitat preservation and management), described in full on pages 2.4.115 to 2.4-119, Section 2.4.15, Mitigation Measures. In addition M-BIO-7 would require lighting to be directed away from open space.

5. *Whenever possible, include deliberate redundancies linking cores in more than one way to establish and/or retain functional connectivity.*

## Comment Letter Responses

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County Response: This consideration is not relevant to the project because the comment refers to redundancies in linking core areas at a regional level, not at a project level. See **Response to Comment O-1.5-14** for greater discussion.

**O-1.5-8** The comment states that habitat connectivity can be considered from two perspectives: physical connectivity and functional connectivity. The comment then states that the Draft EIR accounts for physical connectivity (e.g., length and width of connectivity structure) but “largely ignores” functional connectivity. According to the comment, functional connectivity “accounts for how wildlife respond to that [connectivity] structure as well as barriers to movement for the species of concern.”

In response, the Draft EIR does discuss functional connectivity in detail in Section 2.4.10, Habitat Connectivity and Wildlife Corridors, on pages 2.4-50 to 2.4-54. This discussion is based on a review of the relevant scientific literature and on the extensive experience of the Dudek senior wildlife biologist who has experience in conducting connectivity and corridor assessments throughout California. The following are examples of the Draft EIR’s discussion of functional connectivity:

Numerous existing culverts are located adjacent to the proposed project Site along I-15 and Deer Springs Road. The I-15 culverts are relatively long and small, so it is more likely that they would support small and medium sized mammals such as rodents, striped skunks, raccoons, and possibly gray fox and herpetofauna (reptiles and amphibians). There is a small chance that they would support movement by bobcats or coyotes. Those species would more likely make at-grade crossings of I-15 instead. Large species like mule deer and mountain lion [cougar] would be unable to use the culverts (Draft EIR page 2.4-52).

Although many species are known to use mature chaparral, some chaparral may be very dense and difficult for medium to larger wildlife, such as mule deer, to maneuver through. As such, dirt access roads and trails may serve as a primary route for medium to larger wildlife movement. Research conducted on cougars (i.e., mountain lions; *Puma concolor*) in Southern California have found that cougars consistently use travel paths less rugged than their general surroundings, and that dirt roads may even promote cougar movement (Dickson et al. 2005)<sup>137</sup> (Draft EIR page 2.4-53).

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<sup>137</sup> Dickson, B.G., J.S. Jenness, P. Beier. 2005. “Influence of Vegetation, Topography, and Roads on Cougar Movement in Southern California.” *Journal of Wildlife Management* 69(1):264–276.

Dirt roads may also facilitate movement of coyotes (*Canis latrans*) (PSBS 2003)<sup>138</sup>, gray foxes (PSBS 2003), bobcats (Lovallo and Anderson 1995; PSBS 2003)<sup>139</sup>, mule deer, and other species. Dirt roads have also been shown to provide landscape linkages for smaller wildlife to pass through unsuitable habitat to more suitable habitat (Brock and Kelt 2004)<sup>140</sup>. For example, California ground squirrels may use trails and drainage systems to disperse from colonies (Wiggett et al. 1989)<sup>141</sup>. San Diego pocket mice (*Chaetodipus fallax*) and cactus mice (*Peromyscus eremicus*) use low-use dirt trails but avoid low-use paved roads of similar width and rural two-lane highways (Brehme et al. 2013)<sup>142</sup> (Draft EIR page 2.4-53).

The information provided in this discussion of connectivity function is used in the subsequent analysis of the effects of the proposed project on habitat connectivity and wildlife corridors in Section 2.4.12.4, Wildlife Movement and Nursery Sites.

**O-1.5-9** The comment introduces secondary literature to provide definitions of corridors, and states that the Draft EIR “did not analyze the impacts of fragmentation that would be caused by the development and associated cumulative effects.” As addressed on page 2.4-75 in Section 2.4, Biological Resources, of the Draft EIR, corridors within the project Site meet the goals and criteria for linkages and corridors as discussed in the MSCP County of San Diego Subarea Plan.

The comment notes that the project open space is described as being composed of three habitat blocks that are connected by internal corridors. The comment states that the Draft EIR fails to describe these internal corridors and merely states they meet minimum guidelines. The comment then states that lengths and widths of the habitat blocks are provided to justify them meeting the goals for minimum corridor widths, thus recharacterizing the blocks as linkages.

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<sup>138</sup> PSBS (Pacific Southwest Biological Services). 2003. Draft Merriam Mountains North San Diego County, California Preliminary Wildlife Movement Study. September 15, 2003.

<sup>139</sup> Lovallo, M. J. and E. M. Anderson. 1995. “Range Shift by a Female Bobcat (*Lynx rufus*) after Removal of Neighboring Female.” *American Midland Naturalist* 134:409–412.

PSBS (Pacific Southwest Biological Services). 2003. Draft Merriam Mountains North San Diego County, California Preliminary Wildlife Movement Study. September 15, 2003.

<sup>140</sup> Brock, R.E. and D.A. Kelt. 2004. “Influence of Roads on the Endangered Stephens’ Kangaroo Rat (*Dipodomys stephensi*): Are Dirt and Gravel Roads Different?” *Biological Conservation* 118.5:633–640.

<sup>141</sup> Wiggett, D.R., D.A. Boag, and A.D. Wiggett. 1989. “Movements of Intercolony Natal Dispersers in the Columbian Ground Squirrel.” *Canadian Journal of Zoology* 67(6):1447–1452.

<sup>142</sup> Brehme, C.S., J.A. Tracey, L.R. McClenaghan, and R.N. Fisher. 2013. “Permeability of Roads to Movement of Scrubland Lizards and Small Mammals.” *Conservation Biology* 27(4):710–720.

In response, the proposed project includes three habitat blocks (identified as Blocks 1, 2, and 3) that would be connected by internal corridors (identified as Corridor A through D). The internal corridors are discussed in Section 2.4.10, Habitat Connectivity and Wildlife Corridors, of the Draft EIR (page 2.4-51). This description includes how the three blocks of habitat would be connected by the internal corridors both within the project Site and to off-site habitat. However, the comment appears to reflect a confusion of spatial scale in the analysis. At a landscape scale, the habitat blocks on Site, especially Block 2 (153.9 acres) and Block 3 (185 acres) due to their smaller size, primarily serve regional habitat connectivity rather than large, self-sustaining habitat areas. At the project-level scale, however, the three habitat blocks also provide substantial “live-in” habitat for most of the species known or likely to permanently inhabit the project Site (i.e., excluding cougar or migratory birds). Therefore, the habitat blocks can be characterized in both ways: as on-site live-in habitat and as regional linkages that meet the goals for minimum corridor widths.

The smaller internal corridors (identified as Corridor A through D) (where currently dense chaparral vegetation would be thinned 20 to 50 percent for fuel modification per the Fire Protection Plan, Appendix N of the Draft EIR) would provide connectivity between the on-site habitat blocks and to undeveloped lands outside the project Site. While many smaller species are expected to inhabit the internal corridors (e.g., rodents, reptiles, and small passerines), the primary function of the internal corridors is to allow wildlife to move between the habitat blocks on Site and undeveloped lands off Site; the internal corridors are not counted as open space. Specific research on species richness conducted in coastal San Diego County in remnant fragmented habitat patches within the urban matrix indicate that chaparral and coastal sage scrub habitat fragments that are substantially smaller than the on-site habitat blocks can retain relatively high native species richness (Bolger et al. 1997, 2001; Crooks et al. 2001, 2004; Sartain and Alberts 2008)<sup>143</sup>, and there is no reason to expect that the smaller habitat blocks and internal corridors on the project Site will

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<sup>143</sup> Bolger, D.T., A.C. Alberts, R.M. Sauvajot, P. Potenza, C. Mccalvin, D. Tran, S. Mazzoni, and M.E. Soule. 1997. “Response of Rodents to Habitat Fragmentation in Coastal Southern California.” *Ecological Applications* 7(2): 522–563. Accessed August 22, 2011. [http://www.uvm.edu/~bwemple/geog242/pdfs/bolger\\_et\\_al.pdf](http://www.uvm.edu/~bwemple/geog242/pdfs/bolger_et_al.pdf).

Bolger D.T., T.A. Scott, and J.T. Rotenberry. 2001. “Use of Corridor-Like Landscape Structures by Bird and Small Mammal Species.” *Biological Conservation* 102:213–224.

Crooks, K.R., A.V. Suarez, D.T. Bolger, and M.E. Soule. 2001. “Extinction and Colonization of Birds on Habitat Islands.” *Conservation Biology* 15(1):159–172.

Crooks, K.R., A.V. Suarez, and D.T. Bolger. 2004. “Avian Assemblages along a Gradient of Urbanization in a Highly Fragmented Landscape.” *Biological Conservation* 115:451–462. Accessed August 22, 2011. doi:10.1016/S0006-3207(03)00162-9.

Sartain, A.R. and A.C. Alberts. 2008. “Habitat Fragmentation and Scrub-Specialist Birds: San Diego Fragments Revisited.” *Western Birds* 39:82–93.



not remain functional habitat for many smaller wildlife species. These fragmentation studies are discussed in more detail in **Response to Comment O-1.5-19**.

The comment states that the Draft EIR's determination that the on-site open space will allow wildlife to move "unimpeded" is based on outdated guidelines from the MSCP County of San Diego Subarea Plan (County of San Diego 1997)<sup>144</sup> that are not consistent with best available science. The County disagrees with the comment. The open space areas meet the Design Criteria for Linkages and Corridors described in Attachment H of the Biological Mitigation Ordinance (County of San Diego 2010)<sup>145</sup>, which state that if a corridors is the minimum width of 400 feet then it must be no longer than 500 feet, and that corridors wider than 1,000 feet are recommended. Furthermore, the Draft EIR's determination is based on a review of the relevant scientific literature, site-specific surveys, and the extensive on-the-ground experience of Dudek senior wildlife biologist conducting connectivity and corridor assessments throughout California over several decades.

The comment states that while the total proposed project open space (1,209.1 acres) approaches the 1,250-acre goal of a Core Habitat Area defined in the Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County (SDMMP and TNC 2017)<sup>146</sup>, it does not meet the standard for contiguous intact habitat without permanent internal fragmentation. The County does not agree with the comment. The SDMMP's definition of Core Habitat Area is intended to address large expanses of land throughout San Diego County and can include large blocks of connected, but dissimilar communities. As stated within the Plan, "within the broader MSPA, Core Habitat Areas range in size from 1,104 acres to 272,142 acres." The minimum is less than the project's open space contribution. Further, the Plan states that Core Habitat Areas provide many values toward protecting native species and the integrity of natural systems including predator-prey interactions, maintaining water quality, supporting biological requirements of plants and wildlife, supporting viable populations of wide-ranging species by allowing for access to foraging habitat and genetic flow, and habitat for source populations and dispersal.

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<sup>144</sup> County of San Diego. 1997. *Multiple Species Conservation Program County of San Diego Subarea Plan*. Prepared in association with the U.S. Fish and Wildlife Service and California Department of Fish and Game. Adopted October 22, 1997.

<sup>145</sup> County of San Diego. 2010. County of San Diego Biological Mitigation Ordinance. Ordinance No. 8845. April 2, 2010.

<sup>146</sup> SDMMP and TNC (San Diego Management and Monitoring Program and The Nature Conservancy). 2017. Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County: A Strategic Habitat Conservation Roadmap. Prepared for SANDAG. [https://sdmmp.com/msp\\_doc.php](https://sdmmp.com/msp_doc.php).

The project open-space plan allows for all of these things to continue. That said, this assessment is correct in that Block 3 is contiguous, but not directly connected to Block 2 except by internal Corridor B. Block 2 itself is directly connected to Block 1, but by comparison is relatively narrow (roughly 7,000 feet by 1,000 feet) and thus has a high perimeter-to-area ratio, which is not ideal for a stand-alone core conservation area, though is greater than a large number of other conservation areas within the region. However, as stated on page 2.4-84 of the Draft EIR, “establishing a large, contiguous biological open space (approximately 870.2 acres) in the northern portion of the Site (referred to as Block 1) would retain the connectivity to the remainder of the draft North County Plan Core Area and maintain its status as a Core Habitat Area. This northern portion of the project Site is located in the most interior part of the Core Area, and conserving it would retain the integrity of the draft North County Plan reserve design.” That is, the proposed project would not preclude creation of a Core Habitat Area in the Merriam Mountains.

The comment states that Draft EIR did not analyze the impacts of fragmentation that would be caused by the development and associated cumulative effects. The County does not agree. The Draft EIR does analyze direct and indirect effects of fragmentation on wildlife habitat connectivity and movement in Section 2.4.12.4, Wildlife Movement and Nursery Sites, and Section 2.4.13.3, Wildlife Movement. The Draft EIR analyzes cumulative habitat fragmentation effects on wildlife in Section 2.4.13.1, Candidate, Sensitive, or Special-Status Species, on page 2.4-100. It also addresses it in the following sections:

- Impact SP-4 describes a significant long-term impact to plant species as a result of fragmentation (Section 2.4.12.1, page 2.4-64)
- Impact W-8 describes a significant long-term impact to special-status wildlife species (Section 2.4.12.1, page 2.4-65)
- Impact V-6 describes a significant long-term impact to vegetation communities (Section 2.4.12.2, page 2.4-70)
- Impact WM-3 describes short-term and long-term impacts to avian foraging and wildlife access to foraging, roosting, nesting or water resources (Section 2.4.12.4, page 2.4-73)
- Impact BI-C1 describes a significant cumulative effect on fragmentation to special-status plants and wildlife and vegetation communities (Section 2.4.13.1, pages 2.4-95 and 2.4-100).

Additionally, Section 2.4.12.1 (page 2.4-64) of the Draft EIR identifies significant impacts to an existing core wildlife area (Impacts CWA-1, CWA-2, and CWA-3) and

Section 2.4.13.3 (page 2.4-103) of the Draft EIR identifies significant cumulative impacts to wildlife movement corridors (Impact BI-C-3).

The comment states that the proposed open space design “ignores the best available science, maximizing the amount of edge in small habitat blocks separated by roads, housing, and fuel management zones that will become dominated by non-native vegetation.” The comment expresses the opinion of the commenter regarding the open space design of the proposed project. It does not, however, identify any deficiency in the Draft EIR’s analysis. Nevertheless, the County would point out that, contrary to statements made in the comment, there is no evidence that the fuel management zones will become dominated by non-native species is also speculative. The Draft EIR discloses that non-native species are a threat to native vegetation communities, plants, and wildlife habitat in several instances, including pages 2.4-64, 2.4-70, 2.4-97, 2.4-97, and 2.4-100. Because non-native species are a potentially significant impact, several mitigation measures will be implemented to minimize their effects, including the following:

- M-BIO-1 (Construction Monitoring)
  - i. Periodically monitor incoming landscape products for compliance with the prohibition on non-native invasive species and the requirement for landscaping composed of native species that do not require high irrigation rates.
- M-BIO-4 (Invasive Species Prohibition)
- M-BIO-8D (Resource Management Plan)
- M-BIO-10 (Control Of Invasive Species)
- M-BIO-11 (Fire Protection Plan)

The Fire Protection Plan includes a Special Management Zone where native fuels would be managed such that highly flammable prohibited 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 to remain (Appendix N of the Draft EIR).

**O-1.5-10** The comment correctly states that the Draft EIR concluded project-related impacts on wildlife movement would be less than significant after mitigation. The comment questions the Draft EIR’s less-than-significant determination on grounds that “large segments of the proposed development are sited along major canyons and ridgelines.” The comment then states that the proposed Valley, Mesa, and Terrace neighborhoods, as well as the Town Center portion of the project, “either directly occupy likely wildlife movement pathways or block unimpeded passage through canyons that serve as wildlife movement pathways.” Finally, the comment states that the project, by

limiting wildlife movement to the artificial corridors proposed for the open space areas “will have a significant and permanent impact on wildlife movement and landscape connectivity that is not acknowledged, was not properly assessed, and is not mitigated.”

The County does not agree with the comment. The Draft EIR fully disclosed that the proposed project would have potentially significant impacts on wildlife movement and habitat connectivity, absent mitigation. As addressed on page 2.4-78 in Section 2.4, Biological Resources, of the Draft EIR, the project would create artificial wildlife corridors that would result in less than significant impacts to the movement of wildlife.

This comment states that the less-than-significant determination is out of context of the entire significance analysis for impacts on wildlife movement based on the County’s Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources. In response, the relevant criteria for analyzing impacts on wildlife movement, listed on page 2.4-73 of the Draft EIR, are as follows:

- B. The project would substantially interfere with connectivity between blocks of habitat, or would potentially block or substantially interfere with a local or regional wildlife corridor or linkage. For example, if the project proposes roads that cross corridors, fencing that channels wildlife to underpasses located away from interchanges would be required to provide connectivity. Wildlife underpasses shall have dimensions (length, width, height) suitable for passage by the affected species based on a Site-specific analysis of wildlife movement. Another example is increased traffic on an existing road that would result in significant road-kill or interference with an existing wildlife corridor/linkage.
- C. The project would create artificial wildlife corridors that do not follow natural movement patterns; for example, constraining a corridor for mule deer or mountain lion [i.e., cougar] to an area that is not well-vegetated or that runs along the face of a steep slope instead of through the valley or along the ridgeline.

Impacts to movement by larger wildlife would be potentially significant under criterion B. As stated in the Draft EIR on page 2.4-76:

- B. Although open space was designed to reduce interference with connectivity between blocks of habitat and local/regional wildlife corridor or linkages, the proposed project could substantially interfere

with connectivity between blocks of habitat, such that wildlife seeking movement to landscapes south of the project Site would need to locate and use designated corridors incorporated throughout the Site that would provide some opportunity for these movements. The additional effects of increased traffic may also pose barriers to direct connectivity to adjacent landscapes in the southern half of the project Site. Impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially significant for larger wildlife species (Impact WM-4).

With respect to artificial corridors under criterion C, some natural features that likely support wildlife movement, including movement by large mammals, across the project Site will be developed and that movement will have to occur along remaining natural features in the proposed open space. The Draft EIR states that wildlife can currently generally move across the project Site “unencumbered” under existing conditions on page 2.4-51, Section 2.4.10, Habitat Connectivity and Wildlife Corridors. Certainly the loss of natural movement features will alter the movement of wildlife post-development on Site, and this alteration is considered an adverse effect. However, the question is whether the effect rises to a level of significance. As noted above, the Draft EIR already determined that the project’s impacts on movement by large wildlife would be potentially significant. The Draft EIR, however, determined that the project’s impacts on wildlife movement generally, while adverse, would not be significant. The designated biological open space and corridors were designed to follow natural ridgelines and landscape patterns that would facilitate wildlife movement around and through developed landscapes. In addition, developed landscapes were designed to follow, as feasible, natural contours of the landscape (see Draft EIR, pages 2.4-76 to 2.4-78). Therefore the “artificial wildlife corridors” were created to align with the natural movement of wildlife species. This is because Block 1 includes a large block of habitat that is available for wildlife movement for a wide variety of large and small species across the north to the east and west and includes all landscape features. Without this block of land, the entire western portion of the proposed PAMA preserve would be cut off from the eastern portion (see Figure 9 of the Biological Resources Technical Report). Block 2, adjacent to I-15, maintains movement opportunities for CAGN which maintenance of stepping-stone habitat patches in this area is a goal for that draft PAMA unit. It maintains movement opportunities for other large and small wildlife as well for species moving north or south.

- O-1.5-11** The comment states that the proposed design does not minimize edge effects in compliance with best available science and goals of the draft North County MSCP. The comment states that the project “exacerbates” edge effects by establishing “two

small blocks of ‘open space’ ... that are surrounded by houses, bisected by roads without consideration for wildlife underpasses and wildlife-vehicle collisions and are not contiguous with adjacent open space.”

The County does not agree with the comment. The Draft EIR includes an extensive analysis of the project’s edge effects; and the comment does not identify any defect or inadequacy in this analysis. Instead, the comment expresses the commenter’s opinions of the subject. Thus, the County cannot provide a more specific response. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to final decision on the project.

**O-1.5-12** The comment restates information in the Draft EIR regarding the description and size of habitat blocks within the project. The Draft EIR describes the proposed open space design as “large, interconnected open space blocks within the project” (page 2.4-1 in Section 2.4 of the Draft EIR), which adequately illustrates the proposed habitat blocks, Block 2 and Block 3, because these open space blocks are designed to connect habitat. The County disagrees that the proposed design of the open space blocks is in conflict with the connectivity and conservation planning goals of the draft North County MSCP, which is why the project is shown as a hardline in the draft North County MSCP. See also **Topical Response BIO-1** and **Topical Response BIO-2 – Wildlife Corridors**.

**O-1.5-13** The comment indicates that the Draft EIR, by justifying the fragmentation of a large existing habitat block with the three habitat blocks, ignores the fact that habitat block configuration and location is just as important as their size for wildlife movement. The comment also indicates that reduced habitat patch size will significantly impact wildlife movement which cannot be mitigated by the proposed project design.

The County notes that the comment expresses the commenter’s opinion that the proposed open space design and proposed mitigation measures to reduce potentially significant effects on large wildlife species movement (Impact WM-4) cannot be reduced to less-than-significant. The County disagrees with the position taken by the commenter but 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-1.5-14** The comment states that the Draft EIR’s “connectivity analysis omits consideration of redundancy of corridors, a concept that is fundamental to landscape connectivity planning and functionality.” The comment further states that redundancy “is important for species such as puma, which could be significantly impacted by the proposed project.” Unfortunately, the comment does not explain the importance of corridor redundancy generally or in the specific context of the proposed project. Nor

does the comment discuss how the proposed project would affect corridor redundancy and or otherwise result in significant impacts on the movement of puma (cougars). While the comment provides additional research regarding landscape connectivity planning and functionality, primarily for cougar/puma, the comment does not show where the Draft EIR is deficient.

The comment refers to redundancy of movement corridors at a landscape scale, especially with regard to movement by cougars in the western San Diego County region. The scale of the project area is far smaller than the scale needed to support cougars, which range from 25 square miles to over 100 square miles, whereas the project Site is approximately 3 square miles and the relevant proposed PAMA Preserve area is less than 20 square miles. Previous responses, including **Responses to Comments O-1.5-2 and O-1.5-8**, discuss the status of cougars on the project Site. The cougar has been anecdotally reported on Site and within 1.75 miles of the Site, but the Draft EIR concludes on page 2.4-53 that the dense chaparral and current human influence likely limited its use of the Site. In addition, mule deer, which are important prey for cougars, are not common on the project Site based on very little detected sign (tracks and scat piles) during field studies. However, portions of the project Site may still be used by cougars during movement.

The Draft EIR describes Block 3 in the northern portion of the project as providing a diversity of topography and microhabitat feature and that would directly connect to adjacent draft PAMA lands to the north (page 2.4-77 of the Draft EIR) that would be important for regional cougar movement as described in the comment. Block 3 also provides suitable habitat for many other wildlife species. Therefore the proposed project open space would contribute to redundancy or regional movement habitat or cougars and other wildlife. It should be noted that habitat to the south (e.g., south of Deer Springs Road), southwest, and west of Block 3, although used by cougars in the past, is becoming much less suitable and safe for cougars due to urbanization in Escondido, San Marcos, and Vista. Even relatively large habitat patches within urban areas can serve as “sink” habitat where the risk of mortality or injury is high, primarily due to vehicle collisions along roads adjacent to habitat patches. Other larger wildlife such as bobcat and mule deer likely are also at higher risk in such habitat patches.

- O-1.5-15** The comment states that the Draft EIR “includes only minimal and insufficient discussion of sensitive wildlife mortality or the barrier effects of roads on sensitive wildlife, core areas, and most importantly, wildlife movement.”

The term “barrier effect” as it relates to wildlife movement intimates complete genetic or social blockage. However, a more appropriate term that is growing in use is

“filter effect” where some species are able to cross potential barriers such as roads, while other species may not be able to. Discussion of every nuance of road ecology and every associated evolving term is not required under CEQA.

The County disagrees with the comment. The Draft EIR discusses the potential impacts of roads on wildlife on pages 2.4-74 and 2.4-75 in Section 2.4.12.4, Wildlife Movement and Nursery Sites. While the Draft EIR concludes that wildlife-vehicle collisions likely will occur along project roads, these collisions will mostly occur to common, non-special-status wildlife species such as striped skunk, opossum, and mule deer. Other small species such as rodents and reptiles are also vulnerable to vehicle collisions, but these species are widely distributed throughout the chaparral habitat on Site (i.e., they are unlikely to seek out under-crossings if at grade-crossings areas are available). Small rodents such as cactus mouse and San Diego pocket mouse tend to avoid paved roads altogether and western fence lizard and Belding’s orange-throated whiptail (a special-status species) may use secondary paved roads but avoid two-lane rural paved roads (Brehme et al. 2013).<sup>147</sup>

Given that these general species are common and/or are widespread (although the orange-throated whiptail is special-status), such impacts would not be significant. Providing under-crossings of roads designed specifically for wildlife movement would do little to prevent or mitigate at-grade road crossings that could occur wherever roads pass along natural vegetation. Further, the large blocks of habitat that are preserved, would provide suitable “live-in” habitat for many common and sensitive species such as orange-throated whiptail, coast horned lizard, woodrats, and others despite the presence of roads or the widening of Deer Springs Road. Deer Springs Road is already a formidable “filter” for many species and the widening would not increase the filtering effect for the suite of affected species (e.g., small mammals, reptiles, amphibians).

While internal project roads are anticipated to cause occasional mortality to wildlife, these impacts are not expected to be significant as these allow for low levels of vehicle trips, have safety safeguards incorporated, and the period of primary use would occur outside of the primary activity periods for most mammal species. Mortality levels that do occur to species are not expected to be significant, even for non-listed but special-status reptiles.

**O-1.5-16** The comments states that the Draft EIR fails to discuss the impacts of increased vehicle traffic on wildlife, especially on roads surrounding the project Site, including

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<sup>147</sup> Brehme, C.S., J.A. Tracey, L.R. McClenaghan, and R.N. Fisher. 2013. “Permeability of Roads to Movement of Scrubland Lizards and Small Mammals.” *Conservation Biology* 27(4):710–720.



Deer Springs Road, which will be widened from two to four lanes. According to the comment, the increased traffic rates and the widening of Deer Springs Road will result in mortality for wildlife species and cut off wildlife movement north and south of the road. The comment states that “these effects are likely to impact not only large species, as stated in the Biological Resources section of the DEIR, but many small species as well that are more likely to suffer barrier effects impeding movement.”

As the comment acknowledges, the Draft EIR, in Section 2.4, Biological Resources, does assess the effect of increased traffic on large wildlife species. In addition, at page 2.4-76, the Draft EIR provides the following information on this topic:

Although open space was designed to reduce interference with connectivity between blocks of habitat and local/regional wildlife corridor or linkages, the proposed project could substantially interfere with connectivity between blocks of habitat, such that wildlife seeking movement to landscapes south of the project Site would need to locate and use designated corridors incorporated throughout the Site that would provide some opportunity for these movements. The additional effects of increased traffic may also pose barriers to direct connectivity to adjacent landscapes in the southern half of the project Site. Impacts to smaller mammals, reptiles, and birds are not expected to be significant. Impacts to connectivity between blocks of habitat would be potentially **significant** for larger wildlife species (**Impact WM-4**).

Improvements to Deer Springs Road have the potential to impact wildlife movement by causing direct mortality through road kill, or reducing the amount of attempted crossings due to increased noise and activity. In support of the habitat preservation and management, these additional mitigation measures would be implemented: an easement would be placed over the open space (M-BIO-8B), fencing and signs would be constructed around the open space (M-BIO-8E), the project would limit the clearing or modification of vegetation adjacent to open space (M-BIO-8C), and on-site and off-site RMPs have been provided (M-BIO-8D).

**O-1.5-17** The comment suggests that mitigation measures should be incorporated for road crossings structure and fencing to reduce barrier effects and vehicle collisions both on and off the project Site. The comment notes permeable fencing along open space will allow wildlife to enter roadways and not funnel wildlife to appropriate crossing. The comment also notes that no specifications are provided for the less permeable fences and walls adjacent to residential areas and roads.

The Draft EIR does not propose mitigation measures for road crossing structures and fencing to reduce barrier effects and vehicle collisions because impacts to most wildlife due to vehicle collisions were determined to be less-than-significant;

therefore no mitigation is required. The main purpose of the open space fencing described in M-BIO-8E (Biological Open Space Fencing and Signage) is to prevent disturbance of the open space by unauthorized human activities (pages 2.4-118 and 2.4-119), not to prevent wildlife from moving out of the open space. This mitigation measure is part of the overall protection and management of the on-Site open space specified in M-BIO-8A through M-BIO-8E.

**O-1.5-18** The comment notes that additional studies of the effects of existing and increased traffic on wildlife should be conducted, and that mitigation measures in the Draft EIR should include minimizing and mitigation for the likely impact of increased traffic rates on wildlife. In the absence of evidence demonstrating that sensitive or special-status species, as defined in the Draft EIR, currently experience high rates of traffic-related mortality, the County is not inclined to conduct further study of this issue.

**O-1.5-19** The comment recommends assessing the impacts of roadways in the project area on various wildlife species' habitat and movement by mapping and evaluating road effect distances using quantitative methods such as described by Jennings and Zeller (2017).<sup>148</sup>

The Jennings and Zeller (2017) report described in the comment is a connectivity assessment and planning document for the Highway 67 region in San Diego County, and specifically for helping to identify the best crossing sites for wildlife along a fairly broad region of Highway 67 and other nearby roads from Ramona south to Interstate 8). The study used quantitative species distribution model methods to estimate habitat use and resistance to movement for selected target species, including two rodents and one bird (big-eared woodrat, California mouse, and wrentit), as well as mule deer, bobcat, and cougar. Their methods are described in detail in Appendix C, Detailed Methods and Results for Modeling Species-Specific Connectivity, Multi-Species Connectivity, and Road Crossing Locations (Jennings and Zeller 2017).<sup>149</sup>

Presence data (and absence data for wrentit) were from the SDNHM Mammal Atlas, SanBios, and eBird, and thus were not systematic data collected specifically for the study. The models included a variety of environmental variables that may be related

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<sup>148</sup> Jennings, M.K. and K.A. Zeller. 2017. "Detailed Methods and Results for Modeling Species-Specific Connectivity, Multi-Species Connectivity, and Road Crossing Locations." Appendix C in *SR-67 Connectivity Planning Final Report*. June 2017. [https://sdmmp.com/upload/SDMMP\\_Repository/0/5wvgnbmy3df9r8z274ths1cp60kxj.pdf](https://sdmmp.com/upload/SDMMP_Repository/0/5wvgnbmy3df9r8z274ths1cp60kxj.pdf).

<sup>149</sup> Jennings, M.K. and K.A. Zeller. 2017. "Detailed Methods and Results for Modeling Species-Specific Connectivity, Multi-Species Connectivity, and Road Crossing Locations." Appendix C in *SR-67 Connectivity Planning Final Report*. June 2017. [https://sdmmp.com/upload/SDMMP\\_Repository/0/5wvgnbmy3df9r8z274ths1cp60kxj.pdf](https://sdmmp.com/upload/SDMMP_Repository/0/5wvgnbmy3df9r8z274ths1cp60kxj.pdf).

to habitat suitability and movement such as vegetation type, elevation, slope, ruggedness, distance to water, roads, and trails. It is important to note that such data are based mostly on anecdotal records over long time periods and may vary substantially in spatial precision, which can increase uncertainty in model results (e.g., how accurate is the record with respect to a road or trail?). Historical records before the use of GPS can often have relatively low precision. Although the author's consulted species experts about the validity of model results, no systematic field studies were conducted to test the results with respect to species current presence or absence at identified road crossings. The comment states that "Our analyses suggest small species such as California mouse, big-eared woodrat, and wrentit respond to primary roads at scales between 90 to 360 meters (295–1,180 feet) but larger species like mule deer and bobcat show negative associations at distances 1,000–1,440 meters (3,280–4,725 feet) from the road when considering overall habitat suitability." Based on these results, the comment suggests that this type of analysis as applied to the Newland Sierra project would show that with the road impact distances relative to the smaller open space habitat blocks (i.e., at 153.9 acres and 185 acres) and proposed internal corridors on the project Site, the habitat blocks and internal corridors would not be effective or functional for many species.

The County does not challenge the validity of the results reported in the study despite some inherent uncertainty in the presence data used for the modeling for big-eared woodrat, California mouse, and wrentit and lack of validation studies. Assuming that the results are accurate, it would be pointless to repeat the study in the project Site simply to confirm what the commenter already believes to be the case. The relevant CEQA issue, however, is whether these effects rise to the level of significant. Does some level of avoidance or resistance to movement (i.e., the road effect) substantially adversely affect wildlife in the on Site open space? For example, if an effect is measurably lower population density or reduced reproductive success within the road effect area, does the effect significantly reduce population viability of the local population and populations in the region over the long term to a level that populations do not persist in the project open space? The Draft EIR as described on pages 2.4-59 to 2.4-61, used the County's Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources was used to evaluate direct, indirect, and cumulative impacts. The relevant criteria are as follows (Draft EIR, page 2.4-61) (emphasis added):

The project would have a *substantial adverse effect*, either directly or through habitat modifications, on a candidate, sensitive, or special-status species listed in local or regional plans, policies, or regulations, or by the CDFW or USFWS

- H. The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely *harm sensitive species over the long term*. The following issues should be addressed in determining the significance of indirect impacts: increasing human access; increasing predation or competition from domestic animals, pests, or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.

Note that road effect area specifically is not included as a specific issue, although noise, lighting and exotic species may be indirect effects of roadways that reduce habitat suitability.

At least five studies conducted in coastal San Diego County provide data relevant to this issue for smaller wildlife species such as native rodents and birds (Bolger et al. 1997, 2001; Crooks et al. 2001, 2004; Sartain and Alberts 2008).<sup>150</sup> These studies did not address road effects directly, but collected empirical field data for native wildlife in fragments of varying sizes supporting coastal sage scrub and chaparral within an urban matrix in San Diego. These fragmentation studies are relevant to road effects and other urban-related edge effects raised by the commenter because it can be assumed that roads contribute to indirect effects within or related to the fragments, such as isolation, noise, vibration, road avoidance affecting movement, and vehicle collisions (Brehme et al. 2013).<sup>151</sup> Generally these studies found that while adverse habitat fragment effects occurred (i.e., as measured by local extinctions, failure of colonizations, and absence and/or lower abundance of species), such effects were strongly determined by fragment size. Almost all of the habitat fragments in the studies were smaller than the two smaller mitigation blocks on the project Site, and

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<sup>150</sup> Bolger, D.T., A.C. Alberts, R.M. Sauvajot, P. Potenza, C. Mccalvin, D. Tran, S. Mazzoni, and M.E. Soule. 1997. "Response of Rodents to Habitat Fragmentation in Coastal Southern California." *Ecological Applications* 7(2): 522–563. Accessed August 22, 2011. [http://www.uvm.edu/~bwemple/geog242/pdfs/bolger\\_et\\_al.pdf](http://www.uvm.edu/~bwemple/geog242/pdfs/bolger_et_al.pdf).

Bolger D.T., T.A. Scott, and J.T. Rotenberry. 2001. "Use of Corridor-Like Landscape Structures by Bird and Small Mammal Species." *Biological Conservation* 102:213–224.

Crooks, K.R., A.V. Suarez, D.T. Bolger, and M.E. Soule. 2001. "Extinction and Colonization of Birds on Habitat Islands." *Conservation Biology* 15(1):159–172.

Crooks, K.R., A.V. Suarez, and D.T. Bolger. 2004. "Avian Assemblages along a Gradient of Urbanization in a Highly Fragmented Landscape." *Biological Conservation* 115:451–462. Accessed August 22, 2011. doi:10.1016/S0006-3207(03)00162-9.

Sartain, A.R. and A.C. Alberts. 2008. "Habitat Fragmentation and Scrub-Specialist Birds: San Diego Fragments Revisited." *Western Birds* 39:82–93.

<sup>151</sup> Brehme, C.S., J.A. Tracey, L.R. McClenaghan, and R.N. Fisher. 2013. "Permeability of Roads to Movement of Scrubland Lizards and Small Mammals." *Conservation Biology* 27(4):710–720.

the larger habitat fragments (most still smaller than the project Site habitat blocks) supported relatively high native species richness and abundance. Although the studies did not directly measure road effects, they provide empirical evidence that habitat fragments likely subject to road effects, as well as other edge effects, can still support persistent populations of native birds and rodent. Because almost all of the fragments were substantially smaller than the two smaller habitat blocks on the project Site and were much more isolated from any large habitat areas that could support source populations (i.e., Blocks 1 and 2 are directly connected without any physical barrier, Blocks 2 and 3 are contiguous and connected by an internal corridor, and Block 2 is connected by an internal corridor to off-site habitat), the habitat fragments in the studies represent “worst-case” examples of habitat fragmentation in terms of size and isolation. These five studies are summarized below.

Bolger et al. (1997)<sup>152</sup> examined native rodent richness (i.e., number of species) in 25 scrub and chaparral habitat fragments (0.125 ha to 84 ha [0.31 acres - 207.5 acres]) and found that fragment size was the primary determinant of species richness. Larger fragments maintained relatively high richness over more than two decades. In the largest fragment (84 ha [207.5 acres]) and a 32-ha [79-acre] fragment six common native rodents associated with scrub/chaparral were captured: California mouse, cactus mouse, western harvest mouse, dusky-footed woodrat (now classified as big-eared woodrat), desert woodrat, and San Diego pocket mouse. In a 51.8-ha [128-acre] fragment, all these species were captured except desert woodrat (which typically prefers drier, more open scrub habitat than is found in San Diego coastal canyons). Compared to the two smaller habitat blocks on the project Site (153.9 acres and 185 acres), these large fragments ranged from somewhat higher (207.5 acres) than the smaller habitat blocks to smaller (128 acres and 79 acres). Notably the two habitat fragments with six species each had been isolated (i.e., surrounded by urban development) at the time of the study for 20 and 34 years, respectively.

Crooks et al. (2001)<sup>153</sup> examined eight scrub-breeding bird species distribution and abundance using point-count and transect surveys in 34 habitat fragments in San Diego in 1997 and compared the results to data collected in 1987 for most of the same fragments. The eight scrub species were selected for their presumed sensitivity to habitat fragmentation due to their habitat specialization and limited dispersal capabilities, and included greater roadrunner, California gnatcatcher, California quail,

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<sup>152</sup> Bolger, D.T., A.C. Alberts, R.M. Sauvajot, P. Potenza, C. Mccalvin, D. Tran, S. Mazzoni, and M.E. Soule. 1997. “Response of Rodents to Habitat Fragmentation in Coastal Southern California.” *Ecological Applications* 7(2): 522–563. Accessed August 22, 2011. [http://www.uvm.edu/~bwemple/geog242/pdfs/bolger\\_et\\_al.pdf](http://www.uvm.edu/~bwemple/geog242/pdfs/bolger_et_al.pdf).

<sup>153</sup> Crooks, K.R., A.V. Suarez, D.T. Bolger, and M.E. Soule. 2001. “Extinction and Colonization of Birds on Habitat Islands.” *Conservation Biology* 15(1):159–172.

California thrasher, wrentit, spotted towhee, Bewick's wren, and cactus wren (which was omitted from statistical analysis due to lack of data). The habitat fragments ranged in size from 2 ha - 102 ha (5 acres - 252 acres). (Notably only the 102-ha fragment was larger than the two smaller habitat blocks on the Newland Sierra project Site.) Generally, local extinctions occurred in more than 50 percent of the fragments and extinctions were twice as common as colonizations. Fragment size was the most important extrinsic factor in determining extinctions and colonizations. Crooks et al. (2001)<sup>154</sup> found that most of the scrub species were more likely to go locally extinct in small habitat fragments and more likely to occur in larger fragments, including old fragments. The estimated fragment area where the probability of occurrence was greater than 50 percent was 63 ha (156 acres) for greater roadrunner, 48 ha (119 acres) for California gnatcatcher, 37 ha (91 acres) for California quail, 10 ha (25 acres) for California thrasher, 4 ha (10 acres) for wrentit and spotted towhee, and 3 ha (7 acres) for Bewick's wren. Crooks et al. (2001)<sup>155</sup> made three conclusions that are relevant to the Newland Sierra project: (1) native scrub species can persist in habitat fragments within an urban matrix; (2) some scrub species have persisted in the fragments for up to century and may continue to persist in the largest fragments (note that only one fragment was larger than the two smaller habitat blocks on the project Site); and (3) the fragments support many other native bird species that less habitat specialists and better dispersers than the scrub specialists (see Crooks et al. 2004 discussion below).

Sartain and Alberts (2008)<sup>156</sup> conducted follow-up surveys to the Crooks et al. (2001) study for the scrub-breeding birds in 2006. Similar to the Crooks et al. study, they found that species richness was positively related to fragment size and more local extinctions related to fragment area had occurred in the 20 years since the original 1987 study the 9 years since the 1997 study. They are found that sensitivity to fragmentation appeared to be related to body size and dispersal capability.

Crooks et al. (2004)<sup>157</sup> found that both overall bird species richness and abundance based on point counts was higher in large habitat fragments (defined as >30 ha [74 acres]) compared to large core habitat areas (defined as greater than 1,000 ha [2,471

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<sup>154</sup> Crooks, K.R., A.V. Suarez, D.T. Bolger, and M.E. Soule. 2001. "Extinction and Colonization of Birds on Habitat Islands." *Conservation Biology* 15(1):159-172.

<sup>155</sup> Crooks, K.R., A.V. Suarez, D.T. Bolger, and M.E. Soule. 2001. "Extinction and Colonization of Birds on Habitat Islands." *Conservation Biology* 15(1):159-172.

<sup>156</sup> Sartain, A.R. and A.C. Alberts. 2008. "Habitat Fragmentation and Scrub-Specialist Birds: San Diego Fragments Revisited. *Western Birds* 39:82-93

<sup>157</sup> Crooks, K.R., A.V. Suarez, and D.T. Bolger. 2004. "Avian Assemblages along a Gradient of Urbanization in a Highly Fragmented Landscape." *Biological Conservation* 115:451-462. Accessed August 22, 2011. doi:10.1016/S0006-3207(03)00162-9.

acres]). Higher richness and abundance in large fragments compared to core areas was attributed to more “fragmentation-tolerant” species such as mourning dove, house finch, and northern mockingbird. However, for just native scrub-breeding bird species, richness was also higher in large fragments compared to core areas and abundance was about the same.

These studies together show that fragment-sensitive scrub-breeding birds, high native bird species richness and abundance, and native rodent richness can persist for at least decades in habitat fragments smaller than the two smaller habitat blocks on the project Site and in fragments arguably much more isolated from large habitat areas than the two smaller project habitat blocks would be after development of the project.

Bolger et al. (2001)<sup>158</sup> addressed the function of coastal sage scrub habitat fragments and revegetated areas along highways for native rodents and scrub-breeding birds. This study examined bird and rodent richness in “corridor-like” structures in urbanized coastal San Diego comprised of small remnant habitat fragments that were either coastal sage scrub strips or revegetated highway rights-of-way (ROW) (which clearly would be subject to road effects). The study also examined reproductive status of female rodents as a measure of productivity. Bolger et al. (2001)<sup>159</sup> found that overall native rodent species richness did not differ significantly in the two small habitat fragment types compared to larger remnant coastal sage scrub patches to which they connected, although there were some individual species differences. For example, cactus mouse was more abundant than other native rodent species in ROW, and California mouse was most abundant in remnant coastal sage scrub strips. No differences in female reproductive status was found among the different habitat structures. For birds, species were divided into “fragmentation-sensitive” types such as California quail, Bewick’s wren, and California gnatcatcher and “fragmentation-tolerant” types such as mourning dove, Anna’s hummingbird, and house finch based on the authors’ previous research in the region. Species richness for fragmentation-sensitive birds was significantly lower in the revegetated ROW versus remnant coastal sage scrub strips and larger remnant patches and species richness in the remnant strips and larger remnant patches was positively correlated with percent cover of native shrubs. Richness of fragmentation-tolerant birds was not correlated with percent shrub cover. For both rodents and birds, there was no correlation with

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<sup>158</sup> Bolger D.T., T.A. Scott, and J.T. Rotenberry. 2001. “Use of Corridor-Like Landscape Structures by Bird and Small Mammal Species.” *Biological Conservation* 102:213–224.

<sup>159</sup> Bolger D.T., T.A. Scott, and J.T. Rotenberry. 2001. “Use of Corridor-Like Landscape Structures by Bird and Small Mammal Species.” *Biological Conservation* 102:213–224.

the length or width of the corridor-like habitat structures. Bolger et al. (2001)<sup>160</sup> concluded that the corridor-like structures have potential to serve as functional habitat linkages for rodents and birds, but only remnant habitat strips may be suitable for fragmentation-sensitive birds. This study suggests that both the smaller habitat blocks and the internal corridors on the project Site, which will be thinned chaparral (20 to 50 percent), will effectively function as both live-in and linkage habitat for wildlife movement for rodents and small birds.

Without discounting the likelihood that roads will have some long-term adverse effects on certain smaller fragment-sensitive wildlife species in habitat Blocks 2 and 3 on Site, as suggested by the commenter, based on these studies indicating long-term persistence of several target native birds and rodents in habitat fragments smaller and much more isolated than the open space blocks on Site, the County concludes that the less-than-significant impacts on wildlife movement determination in the Draft EIR (page 2.4-76) is justified and that no additional studies are warranted.

**O-1.5-20** The comment states that “[c]urrently, Deer Springs Road is more likely acting as a source of mortality for the majority of species rather than a barrier.” The comment does not provide any data to support this statement. Nor does the comment identify which species are sustaining mortality due to vehicle impacts along Deer Springs Road. Without such information, it is difficult to assess the significance of the impact discussed in the comment.

The comment also states incorrectly that Deer Springs Road will be expanded from two to six lanes and that the resulting increases in traffic volumes will make the road a barrier to wildlife movement and increase permanent indirect impacts on many species. As explained in the Draft EIR, the proposed project would widen Deer Springs Road to four lanes, not six, as stated in the comment. The comment suggests these impacts can only be mitigated by appropriate crossing structures and fencing, including along the more southern portion of Deer Springs Road near Sarver Lane. In addition, the comment indicates that the information about the fencing along Deer Springs Road is limited to Figure 2.4-8 (Draft EIR page 2.4-233) and is difficult to interpret.

The County acknowledges the comment and notes it expresses opinions about future conditions along improved Deer Springs Road relevant to wildlife movement and about appropriate mitigation. The County will include the comment as part of the

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<sup>160</sup> Bolger D.T., T.A. Scott, and J.T. Rotenberry. 2001. “Use of Corridor-Like Landscape Structures by Bird and Small Mammal Species.” *Biological Conservation* 102:213–224.



## Comment Letter Responses

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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-1.5-21** The comment states that additional information is needed to adequately determine the impacts from proposed interchange improvements to the I-15/Deer Springs Road. The comment also states that more information is needed to determine if the proposed interchange improvements may require mitigation measures to address impacts to wildlife movement. The County does not concur with the comment for the following reasons

As stated in **Response to Comment O-1-19**, the Draft EIR 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. As noted 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 that an EIR evaluate impacts resulting from a mitigation measure to the same level as a project; rather, such impacts are to be discussed "but in less detail" (CEQA Guidelines Section 15126.4(a)(1)(D)). As noted

in Chapter 2, “Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).” Thus, the Draft EIR complies with CEQA requirements by discussing the potential environmental effects of mitigation measures.

Finally, Chapter 1, Project Description, does include the interchange as an “Off-Site Mitigation Requirement,” and subsequent sections of the Draft EIR disclose and discuss the interchange to the extent known at this time. For each impact area, the potential impacts associated with the interchange improvement are described, and mitigation has been incorporated to ensure that potential impacts will be less than significant.

Further, the Draft EIR does include available information for habitat within the area of the interchange improvements. Figures 2.4-5D, 2.4-7, and 2.4-9D, as well as Tables 2.4-14, 2.4-22, and 2.4-23.

- O-1.5-22** The comment indicates that, due to the project, traffic volume on Mesa Rock Road is expected to increase by 370 percent. According to the comment, the “extension of this roadway and the associated traffic volumes expected in this area will likely result in both barrier and mortality effects for both small and large species.” The comment also states that Mesa Rock Road, once improved for the project, will impact the quality and functionality of proposed Habitat Block 2 and restrict access and movement between Habitat Block 3 and Blocks 1 and 2. Lastly, the comment recommends that construction and improvements associated with Mesa Rock Road incorporate wildlife crossings and wildlife fencing.

Mesa Rock Road is an internal collector road and along the roughly 1,600-foot-long segment that connects Habitat Blocks 2 and 3, it is a two-lane, 32-foot-wide road with no median. Traffic volumes along this road are expected to decrease drastically during the evening and night periods when nearly all mammals would be expected to cross this segment. Avian species movement across this area would not be expected to be affected by this road segment. Even California gnatcatchers, a focal species of this connection, readily cross four-lane or greater roadways (this is a two-lane road) with much higher traffic volumes throughout their range. It is expected that smaller wildlife including small mammals and reptiles are expected to be impacted by any roadway. However, the width of the road is not impassible to the species present on Site. Further, this was analyzed and appropriate mitigation was applied. These smaller species will be able to maintain populations within the preserved open space blocks and are expected to maintain genetic exchange across the collector roads.

The effects of internal project roads such as Mesa Rock Road, and roads identified in **Response to Comment O-1.5-23** (Sarver Lane), **Response to Comment O-1.5-24** (Twin Oaks Valley Road), and **Response to Comment O-1.5-25** (Camino Major) were discussed above in **Response to Comment O-1.5-15**. Mitigation such as wildlife crossings and exclusion fencing are not required because the effects of the internal project roads on smaller wildlife were determined to be less-than-significant.

The County has considered the suggested wildlife crossings provided in the comment (Figure 4) and has determined that these crossings are not necessary. Undercrossings and fencing are more appropriate where high levels of mortality are expected; where there are highly sensitive or rare species that would otherwise not cross roadways, such as wolverines, mountain goats, grizzly bears, wolves; or the project is situated within a key migration route (e.g., mule deer, elk, pronghorn). In this case, high levels of mortality are not expected due to the width, location, and primary movement period compared to human use, the species that are expected to cross in this area are typically not very rare or sensitive to making at-grade road crossings, and there are no known key land-based migration routes in this area. A review of literature indicates that nearly all wildlife crossing structures have been installed where the above criteria are met, or to reduce public risk (e.g., from large mammal collisions). In nearly all cases, these structures have been installed on major highways, state routes, and throughfares – arterial roadways with high volumes of traffic, and mostly by various Departments of Transportation. They are rarely installed as part of local housing developments or by private entities. The risk or impact to human or species typically does not elevate to the level that would require this extreme measure. If an undercrossing was installed, it would most likely be used little and most wildlife crossings would stay at-grade. If fencing were installed to direct/restrict wildlife to undercrossings, then this would introduce a much greater impact to wildlife movement by reducing a potential 1,600-foot movement area to a width of 30 feet or less. Because of their size, small mammals and reptiles would not be restricted by fencing.

- O-1.5-23** The comment notes that the construction and improvements associated with Sarver Lane has potential to increase traffic volume and size of the road that is likely to result in barrier and mortality effects to wildlife species.

Sarver Lane is two-lane local collector road that is 38 feet wide with no median. As shown on Figure 9 of the Biological Resources Technical Report, it occurs adjacent to existing rural residential development and is at the southwestern edge of the draft PAMA. This area does not connect large blocks of open space. It instead crosses through existing developments. For this reason, this road will have minimal effects on wildlife.

See **Response to Comment O-1.5-22.**

- O-1.5-24** The comment identifies an additional likely wildlife crossing location to the north of Twin Oaks Valley Road to enhance wildlife movement. In addition, the comment notes that an evaluation is needed in the southern segment of the Twin Oaks Valley Road for wildlife crossings adjacent to open space.

Twin Oaks Valley Road is an existing road, and where it crosses the project Site, it will remain in its current configuration and not result in additional trips. Further south below Camino Mayor, there will be a minimal increase of vehicle trips of 230. South of Camino Mayor, there is little habitat value for wildlife species. The area mostly consists of rural developments and farms. Camino Mayor in this area forms the border of the draft PAMA, with none occurring south of it along Twin Oaks Valley Road. The expected slight increase in traffic volume is not expected to significantly affect wildlife. The impact identified within the comment is not a significant effect of the project and therefore does not require mitigation.

See **Response to Comment O-1.5-22.**

- O-1.5-25** The comment notes that the development of Camino Mayor has the potential to effect wildlife connectivity by changing the landscape character through grading and paving, and increase traffic that is likely to result in barrier and mortality effects for wildlife species. Camino Mayor through the project Site is a two-lane local collector road that is 28 feet in width and includes no median. The road will result in an anticipated 170 vehicle trips per day. While it cuts through a portion of the Preserve, there are no significant impacts to wildlife species or movement anticipated. Therefore, no mitigation is required. South and east of the property, the road passes through rural residential areas and farms with little wildlife value.

See **Response to Comment O-1.5-22.**

- O-1.5-26** The comment suggests that the Draft EIR has “mischaracterized and underestimated” the potential impacts of human activity on sensitive species and core wildlife. The comment also states that the Draft EIR evaluates short-term indirect effects from construction but dismisses the long-term impacts of human activity are dismissed. The comment further states that it is unlikely that human activity will be less than under existing conditions by the closing of existing illegal trails and new trail construction. This comment references studies which show higher rates of recreation in San Diego occur on preserve lands closer to developments. Although human activity within the open space may increase over existing conditions, the activity would still be considered minimal and would not result in significant impacts on a project-specific level.

The County disagrees with the comment. The Draft EIR considers potential impacts of human activity on project open space and biological resources in two separate 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 is cumulatively less-than-significant because illegal/unauthorized activities, including hiking, biking, off-road-vehicle activity, parties, trash dumping, homeless population activities, and camping that are currently adversely affecting vegetation communities will be controlled. All of these activities except the biking and hiking would cease, and hiking/biking would be managed and kept to select trails (page 2.4-96 of the Draft EIR).

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 B1-C-1). Impact BI-C-1 would be reduced to less than significant through 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 (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 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-1.5-27** The comments states that the Draft EIR fails to analyze and mitigate certain long-term indirect effects (i.e., persistent edge effects, impacts of increase human activity, and increasing fire frequency) as they relate to core wildlife areas, special-status species, or wildlife movement. The comment notes that there is a lack of discussion on long-term indirect effects associated with development for the following identified impacts: Impact CWA-3, Impact W-9, and Impact WM-3.

The Draft EIR provides a summary list of the potential long-term indirect effects associated with development that is the analytic basis for the significance determination. The Biological Resources Technical Report (Appendix H of the Draft EIR) provide details regarding these potential long-term effects.

With regard to Impact CWA-3, this impact was specifically for short-term construction-related impacts. The Biological Resources Technical Report also lists Impact CWA-4: Permanent Indirect Impacts to Existing Core Wildlife Area, and provides discussions of habitat fragmentation, increased human activity, noise, and

lighting (pages 2-33 through 2-34 of the Biological Resources Technical Report). The section references Section 6 for the significance determination for these potential impacts as determined through application of the County Significance Guidelines. Unfortunately, the determination is missing from the Biological Resources Technical Report. Section 3.2.6 of the Biological Resources Technical Report has been revised to include Impact CWA-4. In addition, the discussion relating to Impact CWA-4 was not included in the Draft EIR. This has been corrected for the Final EIR in Sections 2.4.12.1, 2.4.14.1.3, and 2.4.16.1.3.

With regard to Impact W-9, this impact was specifically for short-term construction related impacts. The Draft EIR also lists Impact W-8, which describes potential long-term or permanent indirect impacts to special-status wildlife species and includes generation of fugitive dust; off-road-vehicle use, introduction of non-native, invasive plant and animal species; habitat fragmentation; alteration of the natural fire regime; and altered hydrology. This impact pertains to all species listed in Table 2.4-6, and includes tree-nest raptors.

With regard to Impact WM-3, Temporary and Permanent Indirect Impacts to Foraging and Nesting Habitat, the Biological Resources Technical Report provides details on long-term indirect impacts in Section 6, Wildlife Movement and Nursery Site, on page 6-4. This discussion also references more detailed descriptions of these impacts in Section 2.4.2, Indirect Impacts to Special-Status Wildlife Species, and Section 2.6.2, Indirect Impacts to Habitat Connectivity and Wildlife Corridors, of the Biological Resources Technical Report. Section 2.4.2.2, Permanent Indirect Effects, provides a discussion of various edge effects on wildlife, including fugitive dust; off-road vehicle use; non-native, invasive plant and animal species; habitat fragmentation; increased human activity; alteration of the natural fire regime; altered hydrology; lighting; and noise. The Draft EIR determined that due to project design features, these impacts to wildlife, except large mammals, would be less than significant. There is not a specific discussion of road effects, but the edge effects that are discussed capture much of the potential adverse road effects. Section 2.6.2.2, Permanent Indirect Impacts, provides a discussion of habitat fragmentation; increased human activity; lighting; and noise.

- O-1.5-28** The comment provides additional research regarding the significance of impact to connectivity for small mammals, reptiles, and birds analyzed in Impact WM-4. The comment indicates that the determination for Impact WM-4 is based on inadequate analysis and does not take into account the best available science.

The analysis for Impact WM-4 determined that movement by large mammals would be significant, but that impacts to small mammals, reptiles, and birds would be less-

than-significant (page 2.4-76 of the Draft EIR). For smaller species, the less-than-significant determination was based on the design of the project open space (Habitat Blocks 1-3 totaling 1,209 acres or 61 percent of the 1,985-acre project Site) and the internal corridors that will primarily be thinned chaparral (20 to 50 percent) for fuel modification. The Draft EIR takes into consideration the open space, internal corridors, and off-site habitat connections to the project Site, the literature reviewed, and the professional judgement of the biologists conducting the field studies (having decades of experience in similar settings throughout California) (see discussion on pages 2.4-50 to 2.4-54 in Section 2.4.10, Habitat Connectivity and Wildlife Corridors, of the Draft EIR).

Based on this information, the County concludes that the less-than-significant determination for Impact WM-4 for smaller wildlife species is justified. The fragmentation studies conducted in habitat fragments in the San Diego urban matrix described in **Response to Comment O-1.5-19** support this conclusion in that larger habitat fragments (but smaller than Blocks 2 and 3 on the project Site) support relatively high native rodent and bird species richness. In addition, because Impact WM-4 is significant for large mammals, mitigation measures are proposed to reduce impacts on large mammals to less-than-significant which will benefit the smaller species. These include M-BIO-8A through M-BIO-8E (habitat preservation and management), M-BIO-4 (invasive species prohibition), M-BIO-7 (a lighting plan that would direct lighting away from open space), M-BIO-8E (biological open space fencing and signage), M-BIO-9 (invasive species control), and M-BIO-10 (fire protection plan (pages 2.4-110 to 2.4-120 in Section 2.4.15, Mitigation Measures, of the Draft EIR). In particular M-BIO-8D requires preparation and implementation of the Resources Management Plan (pages 2.4-117 and 2.4-118 of the Draft EIR).

- O-1.5-29** The comment describes several sources of indirect effects and notes that the indirect effects to the small blocks of habitat and proposed corridors have potential to increase mortality rates for wildlife species.

The comment addresses a general subject area that received extensive analysis in the Draft EIR. Indirect permanent edge effects are addressed in the Draft EIR in Section 2.4.12.1, Candidate, Sensitive, or Special-Status Species, on page 2.4-65. Edge effects are described in detail in the Biological Resources Technical Report (Appendix H of the Draft EIR) in Section 2.4.2, Indirect Impacts to Special-Status Wildlife Species on pages 2-23 to 2-25, and Section 2.6.2, Indirect Impacts to Habitat Connectivity and Wildlife Corridors, on pages 2-33 and 2-34. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific can be provided or is required. The County will include the comment as part of the Final EIR

for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.5-30** The comment states that Draft EIR does not adequately analyze the indirect impacts of human recreation and edge effects on wildlife. Although human activity within the open space may increase over existing conditions, the activity would still be considered minimal and would not result in significant impacts on a project-specific level. In addition, the type of human activity would be less destructive and intrusive than previous illegal use of the Site. The following is stated on page 2.4-96:

The proposed project would involve development of seven neighborhoods, recreational facilities (e.g., parks), and designated open space. The Site is currently subject to illegal/unauthorized activities, including hiking, biking, off-road-vehicle activity, parties, trash dumping, homeless population activities, and camping. With the project and associated open space preserve, all of these activities except the biking and hiking would cease, and hiking/biking would be managed and kept to select trails. To protect the proposed open space easement from unauthorized entry or disturbance, both permanent post and rail fencing, along with walls and strategic placement of signage shall be installed approximately every 200 feet. The illegal trails would be closed and new trail creation (which currently occurs) would potentially stop. Therefore, the proposed development is expected to lead to a decrease in human activity in the open areas of the project Site. The potential cumulative indirect project impacts would be **less than significant**.

- O-1.5-31** The comment states that the density of proposed project development is likely to increase ignitions and increase fire frequency, which has potential to artificially affect wildlife habitat ecosystems through habitat-type conversion such as conversion of shrub habitats to grasslands that can adversely affect wildlife habitat and ecosystems and increase flashy fuels. The comment suggests that the fuel modification zones (FMZs) will similarly be affected if they are maintained regularly.

First, the County disagrees that the project will increase the risk of increased ignitions compared to existing conditions, given that there are currently a substantial number of unauthorized and illegal activities on the project Site that could lead to fire ignition. Nonetheless, the Draft EIR describes FMZs in Section 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 and California sycamore coast live oak, and Engelmann oak would be allowed in Zone 2. The Special Management



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Zone is where fuels would be managed such that highly flammable prohibited 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 to remain (see Appendix N, Fire Protection Plan, of the Draft EIR). Therefore, management of the Zone 2 and Special Management Zone areas will prevent the type conversion and build-up of flashy fuels suggested in the comment, reduce the chance of wildfire spreading to open space, and will retain habitat value for wildlife.

**O-1.5-32** The comment states that the Draft EIR did not consider the San Marcos Highland Project as part of the cumulative analysis, and requests that this project be included in an updated cumulative impact analysis in the Final EIR. The County does not agree with this comment. The San Marcos Highlands Project was included in the Draft EIR's cumulative project's list (refer to cumulative project #103 in Table 1-10 of the Draft EIR) and cumulative impact analyses for the various impact areas of the Draft EIR. However, the Draft EIR was revised to clarify that the San Marcos Highlands Project was included; this change is reflected in the Final EIR. No revisions to the cumulative impact analyses contained in the Draft EIR are required.

**O-1.5-33** The comment summarizes many of the commenter's positions regarding project-related impacts and the Draft EIR's assessment of them. For the most part, the comment expresses disagreement with the Draft EIR's conclusions on a variety of biology impact topics, including wildlife movement. The thrust of the comment is that the mitigation measures recommended in the Draft EIR lack adequate support because the impact assessments that inform those mitigation measures are themselves insufficient for the reasons given in earlier comments. The County acknowledges these comments and notes they provide concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For this reason, the County provides no further response to the first four conclusory statements.

The comment also notes in reason No. 5 that that the off-site mitigation does not connect County and U.S. Forest Service lands, and does not account for the effects of SR-78 adjacent to the mitigation site. The comment is correct in that the off-site mitigation site not directly connected to U.S. Forest Service lands and County Park lands. The Draft EIR has been revised to correct this misstatement, and the Final EIR notes that SR-78 is adjacent to the mitigation site (see Section 2.4.1, page 2.4-4).

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### O-1.6 L&W Attachment 6

- O-1.6-1** The County of San Diego (County) acknowledges the comment as an introduction to the comments that follow. This comment is included in the Final Environmental Impact Report (EIR) for review and consideration by the decision-makers prior to a final decision on the Newland Sierra Project (project or proposed project). No further response is required or necessary.
- O-1.6-2** The County acknowledges the comment as an introduction to the comments that follow. 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-1.6-3** The comment states that the majority of biological field surveys from the project were conducted in 2013, a year of “severe drought” in the County. The comment further states that drought affects the productivity of most biological resources and that, for this reason, “the survey findings should not be used as conclusive evidence of the absence of biological resources.” The comment contends that surveys for sensitive species should have been repeated in 2017 “to update the 2013 survey data with information collected during more optimal climate conditions.” The comment concludes by stating that such updated surveys were feasible and that, without them, the Draft EIR’s conclusions regarding the project’s biological impacts are invalid.

The County disagrees with the comment. There is no evidence that the rainfall for 2013, while less than the annual average, resulted in diminished biological productivity in the County or at the project Site. More specifically, there is no evidence that the biological surveys conducted in 2013 missed species that would have been observed had updated surveys taken place in 2017. Consequently, the 2013 surveys provided sufficient baseline data on which to analyze the project’s impacts on both common and special-status species that may reside in or use the project Site. It is also worth noting that rainfall in 2011 was 12.70 inches, which was well above the annual average and may have contributed to greater expression of biological productivity on the project Site during the 2013 timeframe. The high variability of precipitation in the County is well established, with low rainfall years followed by high rainfall years and vice versa. For this reason, it does not make sense to focus on one year, such as 2013, and declare its rainfall numbers too low for purposes of conducting valid biological surveys. By way of illustration, if the commenter’s policy were to apply, then biological surveys conducted in 2000, 2001, 2002, 2004, 2006, 2007, 2008, 2009, 2012, 2014, and 2016 would be invalid because rainfall in each of these years was below the annual normal average of 10.34 inches. Such a policy would make it impossible for the County to perform its role as lead agency under the California Environmental Quality Act (CEQA). However, neither CEQA nor the

County's CEQA Guidelines require that biological surveys take place during years with average to above-average rainfall.

Specific to sensitive plant species, the Draft EIR acknowledges that some areas of the project Site were inaccessible and, thus, could not be surveyed (see Section 2.4.7.2, County List A and B Species, in the Draft EIR). Because of this limitation, the Draft EIR acknowledges that those species with potential to occur based on suitable Site conditions (i.e., vegetation, elevation, soils, and range) could be present on the project Site even if they were not directly observed (see Table 2.4-5, Plant Species Detected or Moderate Potential to Occur On Site, on page 2.4-140 of the Draft EIR). Regarding wildlife species, the BTR, Appendix H of the Draft EIR, states the following: "To account for survey limitations, special-status wildlife species that could occur, based on pertinent distribution and habitat preference literature and recorded off-site observations, are analyzed based upon their potential to occur and adequate measures to avoid and minimize impacts are provided in this report" (page 1-18). Impacts to special-status wildlife that could occur on the project Site are based on impacts to suitable habitat for that specific species and not just known occurrences (see Table 2.4-6, Wildlife Species Detected or Moderate or High Potential to Occur, on page 2.4-147 of the Draft EIR).

- O-1.6-4** The comment states that rare plant surveys were conducted too late in the season (May 2013) and should have been conducted earlier (March 2013) to potentially capture early blooming plants during a dry year. The County disagrees that the rare plant surveys were conducted too late in the season. As stated on page 1-12 in Section 1.3.4.1, Focused Surveys for Special-Status Plants, of the BTR (Appendix H of the Draft EIR), focused surveys were conducted in April/May and July/August 2013 (e.g., spring and summer) at the appropriate phenological stage of the plants (blooming and fruiting) to detect and identify the target species. Surveys conducted during the summer months (e.g., July/August) were conducted in order to capture later blooming target species such as felt-leaved monardella (*Monardella hypoleuca* ssp. *lanata*) and white rabbit-tobacco (*Pseudognaphalium leucocephalum*) that would not have been captured during the spring (e.g., April/May) focused surveys. These species are known to bloom during this time-frame and would not have been dry or no longer easily identifiable. Furthermore, as stated on pages 1-17 and 1-18 in Section 1.3.6, Survey Limitations, of the BTR (Appendix H of the Draft EIR), on-site populations of Ramona horkelia (*Horkelia truncata*) were confirmed present and blooming prior to initiating surveys. Summer holly (*Comarostaphylis diversifolia*) is an evergreen shrub, and Engelmann oak (*Quercus engelmannii*) is a deciduous tree; therefore, both were identifiable at the time of the surveys.

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**O-1.6-5** The comment states that rare plant surveys were not conducted in the fall to identify fall blooming species, such as the federally listed threatened and state-listed endangered Encinitas baccharis (*Baccharis vanessae*). The County disagrees with the statement that Encinitas baccharis would not have been identifiable during the time of the surveys conducted for the proposed project. As stated on page 1-49 in Section 1.4.5.2, County List A and B Species, and in Table 1-6, Plant Species Detected or Moderate Potential to Occur on Site, of the BTR (Appendix H of the Draft EIR), Encinitas baccharis blooms from late summer to early fall (August to November). Rare plant surveys were conducted in late summer from July 22 through 25 and on August 1, 2013 (see Table 1-1, Schedule of Surveys, on page 1-9 of the BTR; Appendix H of the Draft EIR).

However, in response to the comment, Dudek conducted additional surveys for Encinitas baccharis in September 2017. As explained below, these additional surveys did not result in any observations of Encinitas baccharis.

Encinitas baccharis occurs in chaparral and cismontane habitat types. It blooms from August to November. The surveys were conducted in accordance with the schedule provided in Table 1. Table 1-1, Schedule of Surveys, in the Biological Resources Technical Report has been revised to include these additional surveys.

**Table 1**  
**Schedule of Survey Conditions**

Date	Survey Time	Personnel	Survey Conditions
2017-09-21	8:50 a.m.–4:00 p.m.	Kathleen Dayton, Jeremy Sison	63°F–68°F; 70–100 percent cloud cover; 5–10 mph wind
2017-09-25	7:45 a.m.–3:25 p.m.	Kathleen Dayton, Jeremy Sison	60°F–82°F; 0–10 percent cloud cover; 0–2 mph wind

mph = miles per hour

A reference site location was checked prior to conducting surveys to ensure that the species is in bloom and easily detectable. The reference population visited was California Native Diversity Database (CNDDDB) occurrence 1 at Oakcrest County Park in Encinitas, California. The plants observed were in bloom, and surveyors were able to develop a search image prior to conducting surveys.

Surveys within the project Site were conducted within the on-site and off-site impact areas and surrounding 50-foot buffer (for potential indirect impacts) in suitable chaparral and cismontane habitat types. Due to the steep slopes and very dense vegetation, a modified field survey was conducted, which focused on surveying for

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this shrub from the existing trails and accessible ridgelines. Binoculars were used to survey areas that were inaccessible on foot.

Plants were recorded within the separate off-site areas not visited during rare plant surveys in 2013.

Encinitas baccharis was not observed during focused surveys.

**O-1.6-6** The County agrees with the comment stating that “the fact that this and other sensitive species are not referenced in the CNDDDB does not mean they would be absent from the site if suitable habitat was present (CNDDDB references rely on the input of observational data, and if surveys were not conducted or the species was not entered into the CNDDDB database, the species would not appear as a CNDDDB query result).” As the BTR acknowledges, the project biologists consulted a variety of sources, not just the CNDDDB data base, as part of their extensive literature review to determine which special-status biological resources are present or potentially present on the project Site. (See BTR, Section 1.3.1, Literature Review.) This search included review of plant species proposed for coverage under the draft North County Multiple Species Conservation Program (MSCP). Consequently, the County disagrees with the comment stating that “it is, therefore, likely that many of the County-listed sensitive plant species would have been missed during the rare plant surveys due to drought and inappropriate survey seasons, which leads to the potential under-representation of permanent impacts to County-listed plant species.” County-listed sensitive plant species were reviewed and surveyed for at the appropriate phenological stage of the plant (blooming and fruiting) to detect and identify the target species (see page 1-49 of Section 1.4.5.2 of the BTR, Appendix H of the Draft EIR). Furthermore, the Draft EIR acknowledges that not all areas of the project Site were accessible and, therefore, unable to be surveyed (see Section 2.4.7.2). Because of this limitation, the Draft EIR acknowledges that those species that have a potential to occur based on suitable Site conditions (i.e., vegetation, elevation, soils, and range) could be present within the project Site even if they were not directly observed (see Table 2.4-5 on page 2.4-140 of the Draft EIR). Therefore, the County disagrees with the statement that County-listed sensitive plant species would have an under-representation of permanent impacts.

**O-1.6-7** The comment states that the presence of suitable habitat and anecdotal observations of coastal California gnatcatcher (*Poliophtila californica californica*) indicate that coastal sage scrub habitat in the project could be occupied by coastal California gnatcatcher “beyond the areas where the species was detected during the 2013 field surveys.” According to the comment, the anecdotal evidence, while not conclusive as to the presence/absence of coastal California gnatcatcher, “supports the claim that

focused California gnatcatcher surveys should be repeated in all suitable habitat on the project site during adequate survey conditions (i.e., not during drought conditions) to avoid underrepresenting survey results.”

The County disagrees with the comment. Coastal California gnatcatcher have been observed during focused surveys adjacent to Interstate (I-) 15 within a mix of sage scrub communities and have also been anecdotally detected within other patches of sage scrub on Site. The Draft EIR acknowledges that coastal California gnatcatcher may use suitable habitat within the project Site. Specifically, Section 2.4.8.2, County Group I Species and/or SSC Species, of the Draft EIR states that the “Site supports foraging and nesting opportunities within the coastal scrub habitats (i.e., Diegan coastal sage scrub, coastal sage scrub – *Baccharis*, and flat-topped buckwheat) and foraging opportunities in the remaining vegetation communities. It also provides for movement and dispersal opportunities within and through the Site” (see page 2.4-37). Direct impacts to coastal California gnatcatcher are based on the assumption that suitable habitat within the project Site (56.7 acres) could be used by the species. In addition, as pointed out in **Response to Comment O-1.6-3**, there is no evidence that the lower-than-average rainfall for 2013 meaningfully reduced the amount of coastal sage scrub on the project Site or otherwise rendered the focused coastal California gnatcatcher studies invalid.

- O-1.6-8** The comment states that the Wildlife Agencies (i.e., U.S. Fish and Wildlife Service and California Department of Fish and Wildlife) requires field surveys to be repeated every 2 years. The County disagrees with the statement that the technical validity of field surveys expires after 2 years. The County also disagrees with the implication that CEQA, as a matter of law, requires that field surveys be repeated every two years. The survey guidelines for least Bell’s vireo (*Vireo bellii pusillus*)<sup>161</sup> and southwestern willow flycatcher (*Empidonax traillii extimus*)<sup>162</sup> do not state that there are expiration dates for the focused surveys. *The Staff Report on Burrowing Owl Mitigation*,<sup>163</sup> which provides survey guidelines for burrowing owl, does not include survey expiration dates within the report. USFWS’s *Coastal California Gnatcatcher* (*Poliophtila californica californica*) *Presence/Absence Survey Protocol*<sup>164</sup> also does not

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<sup>161</sup> USFWS (U.S. Fish and Wildlife Service). 2001. *Least Bell’s Vireo Survey Guidelines*. January 19, 2001.

<sup>162</sup> Sogge, M.K., D. Ahlers, and S.J. Sferra. 2010. *A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher*. U.S. Geological Survey Techniques and Methods 2A-10.

<sup>163</sup> CDFG (California Department of Fish and Game). 2012. *Staff Report on Burrowing Owl Mitigation*. March 7, 2012. Accessed April 2018. <http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>.

<sup>164</sup> USFWS (U.S. Fish and Wildlife Service). 1997. “Coastal California Gnatcatcher (*Poliophtila californica californica*) Presence/Absence Survey Protocol.” Carlsbad, California: USFWS, Carlsbad Field Office. Revised

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provide expirations dates for the surveys. When required, surveys were conducted in accordance with the most recent survey protocols or guidelines (see Section 1.3.4 of the BTR, which is Appendix H of the Draft EIR). Furthermore, none of the protocols or guidelines used for focused surveys state that “surveys must be repeated every 2 years, specifically when surveys are conducted during less optimal survey seasons or during drought,” as stated within the comment letter. Likewise, nothing in the CEQA statute, the CEQA Guidelines, or CEQA case law requires new field surveys every 2 years. Surveys were conducted during the appropriate time of year in accordance with the specific species survey requirements. Therefore, the Draft EIR uses the best available information to determine the significance of the proposed project impacts.

**O-1.6-9** The comment states that expired surveys and surveys using inappropriate survey protocols are not considered best available information. As stated in **Response to Comment O-1.6-8**, the County disagrees that the surveys conducted for the project Site are expired. In addition, when required, surveys were conducted in accordance with the most recent survey protocols or guidelines (see Section 1.3.4 of the BTR, which is Appendix H of the Draft EIR). Therefore, the Draft EIR uses the best available information to determine the significance of the proposed project impacts. Moreover, contrary to what the comment implies, CEQA does not require protocol surveys for any species. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1395-1397.)

**O-1.6-10** The comment states that, due to the riparian habitat on Site, pallid bat (*Antrozous pallidus*) has high potential to occur on the project Site and that bat surveys should be conducted to evaluate the project’s impact on this species.

The County does not agree with the comment. The Draft EIR acknowledges that there is suitable roosting and foraging habitat for a number of bat species, including pallid bat, and that those species have a potential to occur within the project Site (see Table 2.4-6 of the Draft EIR, page 2.4-154). However, the fact that a species has a high or moderate potential to exist on the project site does not, by itself, indicate that focused surveys for that species are required or warranted, especially where, as here, the species in question is not listed and/or has no specific survey requirements. Regardless, focused bat surveys only determine the presence of bats and identify the species. Surveys typically include a visual inspection and assessment of the potential roost location for roosting bats and other bat roost signs, including exit count surveys, and active acoustic monitoring at the potential roost location and immediate surrounding area. The active acoustic surveys would provide an indication of the

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July 28, 1997. Accessed April 2018. <http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/CCalGnatcatcher.1997.protocol.pdf>.



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species using the designated survey location for roosting and the adjacent area for foraging. These surveys do not provide additional detail, such as information regarding distribution or numbers on Site, and, therefore, would not provide any additional information beyond what the habitat assessment provided. If present, the proposed project would provide for suitable roosting and foraging habitat for the species, and the mitigation for impacts to this suitable habitat would include the preservation of suitable habitat within the open space per Mitigation Measure (M-) BIO-8A, as described in Section 2.4.15.1, Mitigation Measures, of the Draft EIR (page 2.4-115).

**O-1.6-11** The comment states that eight least Bell's vireo protocol surveys are required by USFWS; however, Table 1-1 of the Biological Resources Technical Report only lists seven surveys. The survey conducted on June 17, 2013, was inadvertently left out of Table 1-1. Appendix C, 2013 Least Bell's Vireo and Southwestern Willow Flycatcher Focused Survey Results, of the BTR contains the correct survey information. As shown in that survey report, eight surveys were conducted. The Biological Resources Technical Report has been revised to include this missing survey. This is reflected in Table 1-1 of the Biological Resources Technical Report in the Final EIR. Note also that CEQA does not require protocol surveys. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1395-1397.)

**O-1.6-12** The comment states that while the Draft EIR indicated that no host plants for Hermes copper butterfly (*Lycaena hermes*) were recorded, "there is anecdotal evidence (through photographs provided by community members which would need to be verified by a botanist) that the host plant, spiny redberry (*Rhamnus crocea*), occurs in the study area (Attachment A)." A qualified botanist familiar with this species inspected the photograph and determined that it is not spiny redberry. Although the photograph provided in Attachment A of the comment letter does exhibit the appropriate red fruit and size, Spiny redberry leaf blades are characterized as being 10 to 15 millimeters and abaxially flat.<sup>165</sup> The leaves within the photograph provided do not match these key characteristics and are much larger and not flat. Instead they are abaxially concave. Based on these key characteristics, it is believed that the species presented in the photograph provided in Attachment A of the comment letter is hollyleaf redberry (*Rhamnus ilifolia*). Qualified biologists conducted the rare plant surveys throughout the project Site. The biologists were aware of the potential for this species to occur, and per the County's Hermes copper butterfly survey guidelines, would have mapped occurrences of spiny redberry within 15 feet of *Eriogonum*

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<sup>165</sup> John O. Sawyer, Jr. 2017. *Rhamnus crocea*, in Jepson Flora Project (eds.) *Jepson eFlora*. Accessed September 18, 2017. [http://ucjeps.berkeley.edu/cgi-bin/get\\_IJM.pl?tid=41069](http://ucjeps.berkeley.edu/cgi-bin/get_IJM.pl?tid=41069).

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*fasciculatum* (California buckwheat) had it been present. In addition, suitable habitat for Hermes copper butterfly can be conducted any time of the year. The County's Guidelines for Hermes Copper (*Lycaena hermes*) (Attachment B of the County Guidelines) do not provide specific dates for conducting the habitat assessment in support of focused surveys.

**O-1.6-13** The comment recommends that a focused habitat assessment for Hermes copper butterfly should be conducted due to inadequate studies provided. The County disagrees with the comment. Qualified biologists conducted the rare plant surveys throughout the project Site. The biologists were aware of the potential for spiny redberry to occur and, per the County's Hermes copper butterfly survey guidelines, were tasked to map occurrences of this species based on the mapping guidelines provided in Attachment B of the *County of San Diego Report Format and Content Requirements: Biological Resources*.<sup>166</sup> Suitable habitat for Hermes copper butterfly was not observed within the project Site; therefore, County survey guidelines do not require focused surveys for the Hermes butterfly. Since this suitable habitat for Hermes copper butterfly would not be impacted by the proposed project, a habitat assessment is not required for the mitigation site.

**O-1.6-14** The comment addresses the memorandum prepared by Dudek for the project, dated December 27, 2016, which evaluated mitigation sites in Ramona based on recent vegetation surveys and focused surveys. The comment asserts that the surveys discussed in the Dudek memorandum are outdated and likely do not reflect "extant biological conditions on the property." The comment is also critical of Dudek's 2016 vegetation surveys of the Ramona mitigation area, stating that the surveys "were not suitable to provide information about any County sensitive plant and animals species occurring on the site, because they were performed 1) during the non-breeding season of most animal species; 2) during the least optimal season to detect rare plant species; 3) not using accepted protocols for focused surveys to aid in the detection of any federally or state-listed species."

The County does not agree with the comment. Under CEQA, a lead agency does not need to analyze potential mitigation sites at the same level of technical detail as it does the project Site because only the latter would be subject to the adverse physical impacts of the project. In this case, a qualified biologist reviewed the Ramona mitigation site and the results of previous surveys conducted for the site. The survey

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<sup>166</sup> County of San Diego. 2010a. *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*. Fourth Revision. Land Use and Environment Group, Department of Land Use and Planning & Development Services, Department of Public Works. September 15, 2010.

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results and site review, along with data pertaining to range, elevation, habitat, and soils present within the mitigation site, were analyzed by Dudek, which applied its expertise and experience to these data to determine which species may use the mitigation site. The mitigation memorandum (Appendix K of the BTR) lists several special-status species that could use the mitigation site. No evidence has been presented indicating that the mitigation site is unable to support the plant and animal species discussed in the Dudek memorandum.

- O-1.6-15** The comment states that the Biological Resources Technical Report did not describe the survey methodology used to determine whether mapped culverts or crossings would facilitate wildlife movement. The County disagrees with this comment. Section 1.3.4.8, Wildlife Crossing and Culvert Mapping Survey, of the BTR, Appendix H of the Draft EIR, describes the methodology for mapping potential wildlife crossings, culverts, and hindrances to wildlife movement within and around the project Site. This information was gathered and reviewed by a wildlife biologist with over two decades of experience conducting wildlife movement studies and analyzing wildlife movement patterns. The discussion provided in Section 2.4.10, Habitat Connectivity and Wildlife Corridors, of the Draft EIR uses the information gathered during the wildlife crossing and culvert mapping survey. This section discusses the potential for wildlife to use mapped culverts or crossings within the around the project Site.
- O-1.6-16** The County disagrees with the statement that “despite the fact that the report acknowledges that wildlife movement occurs in the project area, the study fails to adequately and professionally analyze wildlife movement.” Section 2.4.10 of the Draft EIR provides a detailed assessment of wildlife movement within the project Site. Refer to **Responses to Comments O-1.5-4, O-1.5-7, O-1.5-8, and O-1.5-10**.
- O-1.6-17** The comment indicates studies referenced in the report are outdated and introduces an additional study, *San Diego Management and Monitoring Program (SDMMP) and The Natural Conservancy, Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County, 2017*. The Draft EIR cites the *Draft Merriam Mountains North San Diego County, California Preliminary Wildlife Movement Study*<sup>167</sup> conducted by PSBS because it is a site-specific wildlife movement study. The SDMMP identifies the Merriam Mountains as a key area for connecting core linkages to the north, south, east, and west, which is generally consistent with the characterization of the Site addressed on page 2.4-50 in Section 2.4-10 in the Draft EIR. In response to the comment, the County has reviewed *San*

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<sup>167</sup> PSBS (Pacific Southwest Biological Services). 2003. Draft Merriam Mountains North San Diego County, California Preliminary Wildlife Movement Study. September 15, 2003.

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*Diego Management and Monitoring Program (SDMMP) and The Natural Conservancy, Management and Monitoring Strategic Plan for Conserved Lands in Western San Diego County, 2017*, and determined that it does not change the conclusions drawn in the Draft EIR.

- O-1.6-18** The comment states that there is a lack of field-collected data on wildlife movement and recommends wildlife movement survey methodology. The County does not require that a specific wildlife movement study design be implemented for projects. The County determines whether such a study is needed, and the method for conducting such a study, on a case-by-case basis in conjunction with the professional biologists performing the analysis. In this case, the County and project biologists determined that because the Site is currently unconstrained, and wildlife are free to use the Site as they wish, a focused wildlife movement study was not necessary. For larger species, this would likely have been concentrated within the network of dirt roads due to the density of the chaparral vegetation on Site. Specific movement studies would not have provided much useful additional information.
- O-1.6-19** The comment states that the on-site wet-season brachiopod surveys for fairy shrimp conducted in 2017 are invalid because they did not follow “the full USFWS protocol.” The County disagrees with the comment. CEQA does not require protocol surveys. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1395-1397.) In addition, the fairy shrimp surveys conducted in 2017 must be put into context. Prior to 2017, Dudek determined that there was a low potential for listed fairy shrimp because of poor soils, topography, and distance from known population areas (see Section 1.3.4.9 of the BTR, Appendix H of the Draft EIR). The Site does not support vernal pool habitat, and features mapped within the project Site have been categorized as puddles. The Site includes steep hills with dirt roads that exhibit significant off-road-vehicle use and erosion. Soils on Site are predominately sandy loam, and there are no areas of clay soils that would support the typical vernal pool habitat. The closest known location of occupied pools are approximately 5 miles southwest of the project Site in San Marcos, with other occurrences 15 miles to the southeast in Ramona and 16 miles northwest within Camp Pendleton.<sup>168</sup> Dudek had reviewed the project Site over the last 3 years during the rainy season and never detected any standing water within the development area. Further, this season, Dudek visited the Site on a number of occasions until the end of November. Ponding was not observed then either. Therefore, focused surveys were

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<sup>168</sup> USFWS (U.S. Fish and Wildlife Service). 2017. “Critical Habitat and Occurrence Data” [map]. Accessed February 2017. <http://www.fws.gov/data>.

not previously conducted for the project Site due to the lack of puddles and the low potential for listed fairy shrimp to occur.

The significant rain events in January 2017 caused low areas within existing dirt roads to pond with enough water to be sustained more than 7 days. In response to information provided by USFWS regarding observations of puddles within the project Site, a review of winter puddles and surveys for listed large branchiopods (fairy shrimp) were conducted between January and February 2017 (see Section 1.3.4.9 of the BTR). Upon review of the puddles, Dudek determined that none of the puddles were occupied by listed fairy shrimp. Appendix H of the BTR contains the memorandum *San Diego Fairy Shrimp Potential on the Newland Sierra Project Site Memorandum*. This memorandum provides a detailed analysis of the potential for listed fairy shrimp to occur within the project Site. In that analysis, Dudek concluded that, for the following reasons, there is low potential for the listed fairy shrimp to occur on the Site: (i)—atypical soils, topography, and geography; (ii) lack of mimamounds or vernal pools; (iii) distance from known populations of the species; (iv) difference in habitat between the Site and known fairy shrimp population sites; (v) record rainfall; and (vi) identification of only the common fairy shrimp species. Dudek believes that the project Site has only a low potential to support listed fairy shrimp, and San Diego fairy shrimp (*Branchinecta sandiegonensis*) is not expected to occur, and therefore, full protocol surveys are not warranted.

- O-1.6-20** The comment states there is evidence that the “road pools” (i.e., puddles as described in the Draft EIR) within the project Site contain fairy shrimp. Non-protocol-level surveys for the project Site were initiated based on the evidence provided to USFWS as shown in Attachment A of the *San Diego Fairy Shrimp Potential on the Newland Sierra Project Site Memorandum* (Appendix H of the BTR). The biologist who conducted the Site surveys located the pools that were identified in Appendix H and searched other areas of the project Site (both open space and proposed development areas) for ponding and listed fairy shrimp. The biologist also collected samples for identification purposes where fairy shrimp were found. Once initiated, surveys proceeded on a weekly basis for four surveys. Surveys were initiated on January 31, 2017, and concluded on February 24, 2017. Dudek located 45 puddles on the Site, with 17 occurring within the proposed development area. The non-listed versatile fairy shrimp (*Branchinecta lindahli*) were identified by permitted biologist Paul Lemons in nine puddles. Three of the puddles occur within the development footprint (two from the vicinity of the southeastern area near the northern cul-de-sac at Mesa Rock Road, and the other one from the central portion of the Site). The puddle identified in the comment letter is shown on Figure 1 of Appendix H of the BTR. This puddle is located within the open space preserve. Because the only fairy shrimp species to be identified is not sensitive, and the listed species only has a low chance

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of occurring based on numerous geographic and habitat features, significant impacts to listed invertebrates, including fairy shrimp, are not anticipated.

- O-1.6-21** The comment states that the lack of focused surveys for special-status plants and wildlife species at off-site road and sewer improvements areas renders the Draft EIR's assessment of project-related impacts on such species inadequate. In response, a revision to the BTR has been made as follows:

Biological surveys for Deer Springs Road, Sarver Lane and Camino Mayor included vegetation mapping and a jurisdictional delineation. Focused surveys for southwestern willow flycatcher, least Bell's vireo and coastal California gnatcatcher were conducted within suitable habitat along Deer Springs Road. The small isolated patch of southern willow scrub along Camino Mayor was not surveyed for southwestern willow flycatcher or least Bell's vireo due to the very small size. Since impacts to habitat are not expected to occur as a result of off-site sewer improvements, this area was not included in the focused surveys for southwestern willow flycatcher or least Bell's vireo. Focused surveys for coastal California gnatcatcher were not conducted for Camino Mayor, Sarver Lane, Mar Vista, South Santa Fe and the sewer improvement area due to lack of suitable habitat. Mesa Rock Road was included in the focused surveys for coastal California gnatcatcher. While a formal delineation was not conducted for Mar Vista and South Santa Fe, based on vegetation present and the site visit, it was determined that the limits of impacts would not affect any jurisdictional resources. Vegetation mapping was only conducted for the I-15 interchange as this area is associated with a separate project and is only included for informational purposes. Although a formal delineation was not conducted for the off-site sewer improvements, the extent of jurisdictional resources was determined based on vegetation mapping. Focused surveys were conducted for special-status plant species along Deer Springs Road and also include Camino Mayor, Mesa Rock Road and Sarver Lane.

Focused surveys were not conducted for the sewer improvement area due to the lack of ground disturbance associated with this portion of the project. Focused surveys for sensitive plants were not conducted for improvements at Mar Vista and South Santa Fe due to the lack of habitat. Improvements associated with the I-15 interchange are a separate project (see **Response to Comment O-1.5-21**).

The off-site areas were assessed for habitat suitability for wildlife species that have potential to occur in these areas but for which focused surveys are not required. Table

2.4-14 on page 2.4-161 of the Draft EIR includes the off-site permanent direct impacts to suitable wildlife habitat for the Deer Springs Road Option A and Option B and other off-site roads. The Draft EIR analyzed the impacts to suitable habitat for potentially occurring wildlife species, deemed the impacts significant (Impact W-4), and recommended mitigation measures that would reduce the impacts to a less-than-significant level (see M-BIO-8A, which would provide habitat preservation through established mitigation ratios). Using modeled habitat as the baseline for an impact analysis is a common and conservative approach for determining project impacts to species' habitat. Therefore, the project analyzed impacts in accordance with CEQA.

**O-1.6-22** The comment states that the project's location is in violation of the impact avoidance and minimization principle under CEQA within the recognized Pre-Approved Mitigation Area (PAMA) in the draft North County Multiple Species Conservation Program (MSCP), as well as violation of the *5-Point Policy for Habitat Conservation Plans* and addendum to the HCP Handbook (65 Federal Register 35242). The County disagrees with the comment. Note that the draft North County MSCP has not yet been finalized or adopted, and CEQA does not require that projects comply or be consistent with draft plans. Nevertheless, the proposed project was designed using avoidance and minimization principles to make it compatible with the draft NC MSCP; specifically, Section 1.2.1.1 of the Draft EIR describes the open space areas that were selected based on large size; connectivity to each other; and diversity of habitat types and species, including the federally listed coastal California gnatcatcher. Additionally, the project has been planned in accordance with the planning principles of the North County Metropolitan Subregional Plan (draft North County Plan) as expressed by the Preliminary Conservation Objectives outlined in the Planning Agreement for the draft North County Plan (County of San Diego 2008 and 2014). The proposed project would implement the relevant portions of the County's draft North County Plan and Bonsall Community Plan, which identifies and coordinates land use patterns, objectives, and goals for the Community. Therefore, the County disagrees that the project is in violation of the principles under CEQA or the *5-Point Policy for Habitat Conservation Plans* and Addendum to the HCP Handbook. See **Response to Comment A-3-16** regarding the statement in the comment that the draft PAMA is a preserve designation that has a 75 percent conservation goal.

**O-1.6-23** The comment states that the BTR assumes that the Wildlife Agencies will (1) approve and implement the draft North County MSCP, and (2) add the proposed project to the draft North County MSCP as an approved "hardline" project. According to the comment, neither assumption is based in fact. The comment also states that the proposed project violates several preserve design criteria. These issues are thoroughly addressed in **Topical Response BIO-1 – North County MSCP**.

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- O-1.6-24** The comment addresses the proposed project's status in relation to the draft PAMA and the draft North County MSCP Plan, although there is no hardline agreement for the project that has been approved by the Wildlife Agencies. This issue is discussed in **Topical Response BIO-1 (North County MSCP)**.
- O-1.6-25** The comment states that preserve studies concluded that the Merriam Mountains area is a valued biological core area. The County notes that the comment provides factual background information and does not raise an issue as to the adequacy of the Draft EIR. No further response is required because the comment does not raise an environmental issue.
- O-1.6-26** The comment states that the draft North County MSCP Plan is a draft and that it is not known when the North County MSCP would be implemented. See **Topical Response BIO-1 (North County MSCP)**.
- O-1.6-27** The comment states that the Habitat Loss Permit application for the project erroneously assumes the preserve design principles "would be met by conserving open space surrounding the proposed development footprint." The comment also states that to make a conclusive finding regarding the adequacy of the preserve design, "the County would have to re-run the preserve design model in the context of the entire NC [North County] MSCP study area."

The County disagrees with the comment. For the reasons given below, the County determined that the Habitat Loss Permit application meets the preserve design principle. Specifically, the Planning Agreement (County of San Diego 2008 and 2014) identifies preserve design principles to be applied when evaluating "Interim Projects," such as the proposed project. The project has been designed consistently with these principles. Finally, the draft North County Plan identifies conservation goals for the adjacent draft PAMA planning units, and the project has been designed to be consistent with these goals. These principles are outlined in Section 2.4.1.2.5 of the Draft EIR, pages 2.4-82 through 2.4-87. Additionally, the County agrees with the designation of three large blocks of interconnected on-site open space to provide long-term biological benefit to coastal sage scrub and associated plant and wildlife species. Therefore, the County concludes that the project, as described in the Habitat Loss Permit application, meets the Preserve design principles.

- O-1.6-28** The comment states that the "project proponent would need to identify and conserve open space with equal or higher biological value than the biological resource impacted by the project." The comment also suggests that the project be repositioned outside the high habitat value area to avoid and minimize impacts to biological resources.



The County disagrees with the comment. As stated in Section 2.4.1.2.5 of the Draft EIR, page 2.4-92, the areas of very high and high habitat value on the project Site that would be impacted by the proposed project are isolated from other areas of contiguous very high or high value habitat areas by existing land uses (e.g., existing development areas and the I-15 corridor). Consequently, if the development were positioned outside of these areas, as the comment recommends, it would be very difficult to conserve larger blocks of habitat that provide far greater conservation to biological resources based on their larger size and interconnectivity. Further, approximately 47 percent (291 acres) of the very high and high habitat value areas on the project Site would be conserved in proposed on-site biological open space. Therefore, the proposed project would retain areas of high habitat value within an interconnected biological open space system developed consistent with the reserve design objectives of the draft North County (Draft EIR page 2.4-92). In addition, it is worth noting that the habitat evaluation model is based on a regional review of habitat. The project-level review of the Site, along with Site-specific habitat mapping and focused surveys, were instrument in siting the development and open space.

**O-1.6-29** The comments provides information regarding conservation of coastal California gnatcatcher and territory sizes and that the conservation should conform to the “stepping stones concept” of the draft North County MSCP. The comment does not raise any issue regarding the adequacy of the Draft EIR, and thus, no further response is required.

**O-1.6-30** The comments states that the Draft EIR fails to identify adequate mitigation for the proposed project’s impacts on golden eagle (*Aquila chrysaetos*) habitat. The comment also recommends that the BTR cite the ongoing golden eagle studies currently conducted by the U.S. Geological Survey (USGS).

The County disagrees with the comment because the project Site does not support foraging or nesting by golden eagles. As stated on page 2.4-63 of the Draft EIR, “although the project Site contains a historic nest site for golden eagles (as described in PSBS 2007), no golden eagles were reported by PSBS (2007) or others in this region for many years. There are no records of golden eagle on Site in the CNDDDB (CDFW 2014c), and the closest species occurrences are of a male eagle approximately 4.5 miles to the east in 2015/2016, and another approximately 8 miles northeast in 1991 (nest located) and 2000 (adult and young flying over) (CDFW 2014c). Additionally, the project Site is primarily composed of dense chaparral vegetation, in which eagles cannot efficiently conduct foraging activities.” It should also be noted that the Site contains too much human disturbance in its current state to support foraging by golden eagles. As described in **Response to Comment O-1.6-4**, the 212-acre off-site mitigation parcel located east of Ramona provides better golden eagle foraging

habitat and better wildlife movement potential than the project Site because the mitigation site provides for connectivity between segments of the Cleveland National Forest located approximately 2 miles to the east and west and County Parks land located approximately 3 miles to the north and south. In addition, eagles are known to occasionally occur within this mitigation site. The County has reviewed the 2017 USGS *Biotelemetry Data for Golden Eagles (Aquila chrysaetos) Captured in Coastal Southern California, February 2016–February 2017* report, as well as the USGS golden eagle telemetry model released in April 2018, and determined that these documents do not alter the Draft EIR's conclusions regarding project impacts on golden eagle.

- O-1.6-31** The comment notes that adequate mitigation is not included for impacts to biological resources from off-site road and sewer improvements. The County disagrees that adequate mitigation is not provided for off-site impacts. As stated in **Response to Comment O-1.6-21**, the biological resources within the off-site portions of the proposed project have been quantified, and focused surveys have been conducted where appropriate. Impacts to sensitive resources have been quantified and are included in the analysis of impacts (see Table 2.4-20 of the Draft EIR). Mitigation for these impacts is discussed in Section 2.4.15.2, page 2.4-121, of the Draft EIR. Specifically, mitigation for sensitive vegetation would be provided by M-BIO-8 that includes on-site and off-site preservation of 1,420.9 acres of open space.
- O-1.6-32** The comment expresses concern regarding the project's ability to meet the federal no net loss policy for jurisdictional waters of the United States and suggests the lack of a mitigation location constitutes mitigation deferral. The County does not agree with the comment. Before any impact to federal or state waters is allowed to occur, the applicant must obtain the appropriate permits through U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife, as described in M-BIO-12. This process requires project-specific coordination with these agencies, and through this coordination, the project may require implementation avoidance, restoration, and/or compensatory mitigation measures. The Draft EIR also describes the specific requirements for mitigation (1:1 ratio for wetlands creation and 2:1 mitigation ratio for wetlands enhancement). By identifying the specific mitigation ratios and requirements to obtain the applicable permits through the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife, the Draft EIR satisfies CEQA's mitigation requirements and does not defer mitigation for impacts to wetlands and waters of the U.S.
- O-1.6-33** The comment states that the Biological Technical Report (BTR) does not analyze or mitigate the project's long-term impacts on wildlife from edge effects and increased

noise and light pollution from the occupied development. The County disagrees with the comment. The relevant discussion is in the Draft EIR, which is the fundamental CEQA document. Specifically, Impact WM-5 addressed impacts from permanent nighttime lighting and noise (Draft EIR pages 2.4-78-79). Although the project was designed to provide areas of refuge and corridors, noise and nighttime lighting associated with the project would impact wildlife behavior. Therefore, impacts to wildlife behavior due to an increase in noise and nighttime lighting in a wildlife corridor would be potentially significant (Impact WM-5). As stated in Section 2.4.16.3 of the Draft EIR, Wildlife Movement and Nursery Sites, significant impacts to wildlife behavior resulting from noise and/or nighttime lighting in a wildlife corridor would be reduced to less than significant through implementation of M-BIO-7, which would minimize nighttime and outdoor lighting, and M-BIO-8A, which would provide commensurate habitat management and conservation of open space areas.

- O-1.6-34** The comment states that the BTR and Draft EIR do not present sufficient information to conclude that on-site impacts to biological resources (i.e., wildlife movement, open space, sensitive plants and vegetation communities, coastal sage scrub, and coastal California gnatcatcher) would be adequately mitigated through off-site preservation of the Ramona parcel. The comment incorrectly states that this parcel is proposed to provide mitigation for impacts to coastal California gnatcatcher. The 212 acres of off-site mitigation habitat in Ramona is not intended to serve as mitigation for impacts to coastal California gnatcatcher; rather, the off-site mitigation land serves to provide like-kind mitigation for vegetation impacts.

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

Although the off-site mitigation site is intended to offset the project's significant impacts on vegetation communities, it will also provide benefits for other biological resources, including wildlife and plant species. For example, it provides golden eagle foraging habitat and better wildlife movement potential than the project Site because it provides for connectivity between segments of the Cleveland National Forest, located approximately 2 miles to the east and west, and County Parks land, located approximately 3 miles to the north and south. This site supports more Engelmann oak resources (100+ trees versus the three on the project Site) and other sensitive resources (e.g., ringtail (*Bassariscus astutus*)). Preservation of the mitigation site

through acquisition would also benefit the proposed PAMA and draft North County MSCP because the mitigation site is under threat of development for agricultural production or residential use (the mitigation site has many developable areas, and the views are outstanding from many locations). Further, the mitigation site could benefit from management, since there is currently easy access to the site, and there are wild boar (*Sus scrofa*) concerns.

The comment also recommends field surveys of the off-site mitigation area be conducted “during the most opportune season for the detection of sensitive plant and animal species and using accepted and USFWS survey protocols where applicable.” Because the off-site mitigation site is being used to offset significant impacts to vegetation communities and not to offset impacts to plants or wildlife, the surveys requested by the comment are not warranted. Nevertheless, senior wildlife biologist Brock Ortega did conduct a habitat assessment for the species impacted by the project. The results of the habitat assessment indicated that the off-site parcel is used by a variety of large mammals that are not present or abundant on the project Site but could occur occasionally (e.g., mule deer coyote (*Canis latrans*), bobcat (*Lynx rufus*), mountain lion (*Puma concolor*), ringtail, and desert woodrat (*Neotoma lepida*)). Additional special-status species that have potential to occur include red diamondback rattlesnake (*Crotalus ruber*), granite night lizard (*Xantusia henshawi*), granite spiny lizard (*Sceloporus orcutti*), San Diego ringneck snake (*Diadophis punctatus similis*), rosy boa (*Lichanura trivirgata*), southern rubber boa (*Charina umbratica*), golden eagle (foraging), and American badger (*Taxidea taxus*). Satellite telemetered female golden eagles F001, F002, F004, and F008 and male M007 are known to occasionally occur on the Site (Tracey et al. 2016). Therefore, the County accepts the habitat assessment and does not agree that additional focused surveys are required at this time.

Impacts to coastal California gnatcatcher are mitigated through implementation of M-BIO-8A through M-BIO-8E. The 212 acres of off-site mitigation habitat in Ramona is not intended to serve as mitigation for impacts to coastal California gnatcatcher; rather, the off-site mitigation land serves to provide like-kind mitigation for vegetation impacts.

- O-1.6-35** The comment suggests that the off-site mitigation area selected for the project is inadequate because it “is located more than 20 miles to the east of the proposed development ... in a different NCMSCP [North County MSCP] Planning Area that is influenced by different micro-climatic conditions (including precipitation levels and lower winter and higher summer temperatures).” The County does not agree that the off-site mitigation area is inadequate for the purposes assigned to it – i.e., mitigation for impacts to vegetation communities. The County acknowledges that the off-site

mitigation area is located approximately 20 miles east of the project Site and with some elevation and topographical differences compared to the project Site. However, 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 draft PAMA, and conservation of this site contributes to the overall preserved lands within the draft PAMA and provides an important block of habitat for that region. The 212 acres of off-site mitigation habitat in Ramona is not intended to serve as mitigation for impacts to coastal California gnatcatcher; rather, the off-site mitigation land serves to provide like-kind mitigation for vegetation impacts. Furthermore, the proposed off-site mitigation area is located entirely within the PAMA and the draft North County MSCP, and conservation of this site contributes to the overall preserved lands within the PAMA and provides an important block of habitat for that region. While there may be subtle differences between the project Site and the mitigation area in terms of precipitation levels and temperature, these are not significant enough to preclude the Ramona property from serving as off-site mitigation for project-related impacts to vegetation.

- O-1.6-36** The comment states that the proposed project violates the County's Resource Protection Ordinance (RPO) due to the permanent impacts to County-sensitive biological resources and jurisdictional waters and wetlands, and justifies impacts by applying for an exemption. The County disagrees with this comment.

The Resource Protection Plan (RPP) (Appendix H-2 of the EIR) provides information regarding the proposed project's consistency with the provisions of the RPO (see RPP, Section 3.2), including conditional allowances for increased impacts to certain RPO resources to achieve a greater overall biological outcome or to accommodate an essential public facility (i.e., Deer Springs Road). Accordingly, the project design concentrates the development in the southern portion of the property to create a biological preserve in the northern portion of the property, providing a core habitat block in the Merriam Mountains while accommodating required improvements to Deer Springs Road, an essential public facility. The RPP provides for protection and enhancement of resources qualitatively equivalent and functionally superior to that which would occur under the RPO; the RPP provides for interconnected resources to be managed in a consolidated plan such as that which might not occur with the more piecemeal application of the RPO. In addition, the RPP provides funding and assurances for long-term resource protection, management, and enhancement, as well as opportunities for public use and enjoyment, which would not occur under the RPO (Section 1.6.2).

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**O-1.6-37** The comment states that the BTR lacks mitigation for permanent impacts to core habitat identified in the draft PAMA. See **Responses to Comments O-1.5-1 through O-1.5-33**.

**O-1.6-38** The comment states that the Draft EIR fails to include a quantitative assessment of the project's cumulative impacts on biological resources. The Draft EIR, as described on pages 2.4-59 through 2.4-61, used the County's Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources (County of San Diego 2010a) to evaluate direct, indirect, and cumulative impacts. The County's guidelines do not require that a project quantify the individual impact acreages from projects on the cumulative project list because oftentimes projects included in the cumulative analysis may still be in the planning phase, and the final project impacts are not available. The cumulative impact analysis reviewed each significant impact from the project and analyzed the reasonably foreseeable projects located in the City of San Marcos, City of Vista, City of Escondido, Rainbow, Valley Center, and unincorporated areas of the County, and include proposed and recently approved projects to determine which of those projects had significant impacts to the same biological resources.

The cumulative impacts analysis provided in Section 2.4.13 of the Draft EIR reviews each significant impact and the potential cumulative effects on the biological resources. The Draft EIR also identifies significant cumulative impacts from indirect impacts to biological resources from habitat fragmentation, non-native invasive species, alteration of natural fire regime, changes in hydrology, chemical pollutants, and fugitive dust (Impact BI-C-1); significant cumulative impacts to California gnatcatcher (Impact BI-C-2); and significant cumulative impacts to wildlife movement (Impact BI-C-3). These significant impacts are mitigated to less than significant through implementation of M-BIO-8A through M-BIO-8E; habitat management and conservation of open space areas would allow for unimpeded wildlife movement and use.

**O-1.6-39** The comment states that the cumulative impact analysis lacks an evaluation of impacts to wildlife movement and habitat fragmentation due to severing the draft PAMA identified in the draft North County MSCP. The Draft EIR concludes that cumulative impacts to wildlife movement from the proposed project combined with the reasonably foreseeable cumulative projects would be significant (Impact BI-C-3). To reduce the project's significant impacts to a less-than-significant level relative to wildlife movement, the Draft EIR identifies 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 to 2.1-119). Refer to **Response to Comment O-1.5-9**.

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- O-1.6-40** The comment states that the cumulative impact analysis does not include the San Marcos Highlands development, and that if it did include this development, the proposed project would have a significant cumulative impact on biological resources, wetlands, and open space preserves. The County does not agree with this comment. The San Marcos Highlands Project was included in the Draft EIR's cumulative project's list (refer to cumulative project No. 103 in Table 1-10 of the Draft EIR) and cumulative impact analyses for the various impact areas of the Draft EIR. Therefore, no revisions to the cumulative impact analyses contained in the Draft EIR are required.
- O-1.6-41** The County acknowledges the comment and notes it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

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### O-1.7 L&W Attachment 7

- O-1.7-1** This comment states that the intent of the following letter is focused on the Draft EIR's consistency with CEQA Guidelines and the County's guidance on preparation of CEQA documents. The County acknowledges the comment as an introduction to comments that follow, and notes that it does not raise issues related to the adequacy 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-1.7-2** The comment states that the project's details are not provided in such a way as to be fully understandable to the EIR reader. The County does not concur with this comment. Chapter 1, Project Description, includes a complete description of the proposed project, including the project location; surrounding land uses and existing on-site conditions; a description of the various project components, including the anticipated uses and infrastructure improvements; and the required changes to the General Plan Regional Categories, land use designations, and zoning necessary to implement the project. Additional details on the proposed project are included in Appendix C, Specific Plan. The Specific Plan includes additional details regarding the built environment, such as development regulations and design guidelines. The comment does not raise any specific missing project detail and, therefore, no more specific response can be provided or is required.
- O-1.7-3** The comment states that the project Site acreage is inconsistent, and cites two locations where acreages are different. The County does not concur with this comment. The reference to the project Site on page 1-2 refers to the entire project Site, which consists of 1,985 acres. The references to 1,888 acres on pages 1-29 and 1-30 refer to the portion of the project Site within the North County Metropolitan Community Planning Area. As further noted on pages 1-29 and 1-30, an additional 97 acres of the project Site are located within the Bonsall Community Plan Area. The sum of these two portions of the project Site (1,888 acres + 97 acres) is 1,985 acres.
- O-1.7-4** The comment states that the project purpose is not feasible because the project Site is not near any infrastructure. The County does not concur with the comment for the following reasons.

Chapter 1, Project Description, states, "The underlying purpose of the proposed project is to implement a new mixed-use community near existing *and planned* infrastructure" (emphasis added) (Draft EIR page 1-1). Thus, the statement that the project purpose is infeasible because the project is not near existing infrastructure is inaccurate because the project purpose clearly includes existing and planned infrastructure.

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Relative to existing infrastructure, there are several roadways in the immediate vicinity of the project Site. The project Site is located north of Deer Springs Road, an existing Circulation Element road, and east of Mesa Rock Road, another County Circulation Element road south of the project Site. Deer Springs Road is planned to be widened to six lanes in the County General Plan Mobility Element. The project Site is adjacent to an existing park-and-ride facility at the intersection of Deer Springs Road and Mesa Rock Road and Interstate (I) 15. The project Site is approximately 0.25 miles west of I-15, a major north/south highway. Thus, there is existing transportation infrastructure within the immediate vicinity of the project Site.

Relative to utilities, major transmission lines for sewer and water conveyance are located in Deer Springs Road. With respect to existing water facilities, Figure 4-1 of Appendix U, Master Plan of Water, depicts existing water lines in the 1028 zone, 1228 zone, 1235 zone, and 1608 zone adjacent to and crossing the project Site. In addition, as noted in the comment, an existing 1.3 million gallon (MG) 1608 zone water reservoir is located within the project Site, two 1028 zone reservoirs (33 MG and 40 MG, respectively) are located west of the project Site, one 1228 zone reservoir (1.3 MG) is located north of the project Site, and another 0.6 MG 1228 zone water reservoir is located south of the project Site. In addition, a 66-inch-diameter San Diego County Water Authority crossover main bisects the Sierra Farms portion of the project Site. With respect to sewer, Figure 4-1 of Appendix V, Master Plan of Sewer, depicts existing sewer lines southwest of the project Site within Deer Springs Road, which are proposed to be extended by the proposed project into the project Site to provide sewer service.

In addition to the above listed existing facilities, the comment notes that there is additional infrastructure planned for the project Site, including a Vallecitos Water District reservoir. In addition, as noted above, Deer Springs Road is planned to be widened by the County General Plan Mobility Element.

Please refer to Appendix JJ-10 of the EIR, which includes figures showing the existing and planned infrastructure in the project vicinity.

The comment further notes that to be viable, “significant utility improvements are needed.” However, this comment raises an economic issue (the cost and viable of utility improvements) that do not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

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**O-1.7-5** The comment states that the project does not comply with the project purpose because there is very little commercial or industrial land and employment centers in the surrounding area to provide jobs to future residents. The County does not agree with the comment. The proposed project is within the Spheres of Influence of two major North County cities, Escondido and San Marcos, and less than one mile from each city's municipal boundary. The project Site is also approximately four miles from the City of Vista, less than six miles from major employment areas in downtown San Marcos, less than eight miles from major employment areas in Escondido, and less than ten miles from major employment areas in Carlsbad and Oceanside. Collectively, these five cities (Escondido, San Marcos, Vista, Carlsbad, and Oceanside) comprise the major communities and economic centers along the Highway 78 Corridor stretching from I-5 to downtown Escondido, a transportation and economic corridor of North County San Diego that employs over 283,000 workers. Accordingly, the proposed project would be in proximity to major employment centers along the SR-78 corridor.

**O-1.7-6** The comment states that the project objectives overstate the availability of transit and the Transportation Demand Management (TDM) Plan would not significantly reduce single-occupancy vehicle trips. The County does not concur with this comment; refer to **Responses to Comments O-1.4-44** through **O-1.4-51**.

**O-1.7-7** The comment states that development details are missing from the project description, specifically, "lists of lots, their sizes, development densities, landscaping details, architecture styles, color palette, etc.," which makes it difficult for readers to understand what is being proposed. The County does not concur with this comment for the following reasons.

As noted by the commenter, many of the details in question are included in Appendix C, Specific Plan. From the comment, "It appears that the bulk of the detail is contained in the Specific Plan." Section 3 of Appendix C provides Development Standards and Design Guidelines for the Community. Section 3.3 establishes zoning requirements for the Community. Tables 4 and 5 provide the Zone Box and establish Lot Size and Setback Schedules for the C34 zone, Table 6 is the Single Family Residential Zone Box, Table 7 is the Single Family Residential Lot Size and Setback Schedule, and Tables 8, 9, and 10 address the A70 and S80 zones and setbacks. Section 3.4.1 address the architectural character (see also Figures 47 and 48); Section 3.4.2 addresses Landscape Character; and Sections 3.5, 3.6, and 3.7 address Commercial, Residential and Landscape Development Standards and Design Guidelines, respectively. Figure 37 and 54 provide details regarding setbacks in the commercial area and a conceptual site plan. Figures 38–46 provide overviews of various residential product plotting.

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Specific to the commenters' statement that mixed use zoning requires a form based code, this is not a requirement and the proposed project is not proposing such a code. Rather, as noted above, Tables 4 and 5 established the development criteria for the C34 zone which includes the Town Center.

- O-1.7-8** The comment states details regarding the landscape description are missing from the project description, including a plant palette and specific species and plant sizes. The County does not concur with this comment. Similar to the above response (**Response to Comment O-1.7-7**), Appendix C, Specific Plan, includes Figures 56, 58, 62, and 64 which provide plant palettes for Parkways and Streetscapes, Basins and Swales, Enhanced Landscape Areas, and Fuel Modification Zones, respectively. Figures 57, 59, 63 and 65 visually depict the anticipated landscape character of these areas. In addition, visual simulations are provided in Section 2.1, Aesthetics, which provide examples of the future planting on the project Site.
- O-1.7-9** The comment states planting vineyards on highly visible slopes would be counter to any mitigation requiring highly visible areas to be planted with native species. However, no such mitigation measure or design feature is required (see Draft EIR, Section 2.1.6, Mitigation Measures, which does not identify any applicable measures which would be available to reduce impacts to aesthetics/visual resources); thus, the planting of vineyards in highly visible areas would not conflict with or preclude the implementation of a mitigation measure required for purposes of reducing or avoiding an environmental impact.
- O-1.7-10** The comment states that the planned office/professional uses are mischaracterized as "commercial" throughout the Draft EIR; however, the comment notes such Office/Professional uses are different from traditional commercial uses. The County acknowledges the comment and notes that it does not appear to relate to any physical effect on the environment. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

Nonetheless, the County does not concur with the comment. Page 1-29 of the Draft EIR clearly identifies both General Commercial and Office Professional as existing Community Plan Land Use designation. The same distinction is made on page 1-30 under Existing Zoning, and page 1-34 under General Plan Amendment. Table 1-11, Commercial and Residential Yield Analysis, also differentiate between General Commercial and Office Professional. In fact, the Office Professional land use has a greater intensity of development than General Commercial, thus, any implication that

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such uses are the same was General Commercial would underestimate development potential based on permitted FAR.

**O-1.7-11** The comment states that off-site improvements necessary to mitigate project impacts are not sufficiently defined. The County does not concur for the following reasons. The comment is an introduction to the following comments (O-1.7-12 through O-1.7-16) and does not raise any specific issues. However, it is important to note, as the Draft EIR states on page 1-10, that “because these additional off-site improvements are identified as mitigation measures, this EIR discusses the environmental effects of the improvements to the extent known at this time, and as required by CEQA, in less detail than the significant effects of the proposed project (see CEQA Guidelines Section 15126.4(a)(1)(D)).” Thus, even if the analysis is not as detailed as that for the proposed project, this is permissible under CEQA so long as the Draft EIR considers the improvements to the extent known. As the following responses indicate, in all but one instance (I-15/Deer Springs Road interchange), the extent to which the off-site improvements and other mitigation measures are known were analyzed at the project-level based on the Tentative Map and Preliminary Grading Plan.

**O-1.7-12** The comment states that the Draft EIR does not provide sufficient detail on off-site water, wastewater, and natural gas and electricity facilities. The County does not agree with this comment. The proposed project would include installation of water, wastewater, natural gas and electrical facilities as discussed at Draft EIR Sections 1.2.1.6 and 1.2.1.11. The locations of these facilities are shown on the Tentative Map and analyzed throughout the Draft EIR, the corresponding impacts are discussed in Section 2.14, Utilities; Section 2.4, Biological Resources; Section 2.5, Cultural Resources; Section 2.6, Geology and Soils; Section 2.9, Mineral Resources; and Section 2.11, Paleontological Resources. Further, the construction of these facilities are included in the construction scheduled, Appendix A to the Air Quality Technical Report. Thus, the impacts associated with construction of the above-referenced facilities are included in Section 2.3, Air Quality; Section 2.7, Greenhouse Gas Emissions; and Section 2.10, Noise.

**O-1.7-13** The comment states that the County typically addresses off-site road improvements in other County EIRs in same level of detail as that of the project. The County does not concur that the off-site improvements required as mitigation measure for the proposed project is not evaluated at the same level of detail as other County projects. Tentative Map level grading plans have been prepared and submitted for review by the County for the proposed project, including grading plans for the widening of off-site roadways. Both the Tentative Map and Preliminary Grading Plan are available at the County’s website ([http://www.sandiegocounty.gov/content/sdc/pds/Current\\_Projects/newlandsierra/PreviousProjectDocuments.html](http://www.sandiegocounty.gov/content/sdc/pds/Current_Projects/newlandsierra/PreviousProjectDocuments.html)). The analysis contained in the Draft

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EIR is based on these project-level details, and thus, the corresponding impacts are analyzed in Section 2.14, Utilities; Section 2.4, Biological Resources; Section 2.5, Cultural Resources; Section 2.6, Geology and Soils; Section 2.9, Mineral Resources; and Section 2.11, Paleontological Resources. It should be noted that the proposed project is a very geographically large project, covering nearly 2,000 acres, and thus, some graphics necessarily cannot show the same level of detail as other projects; however, these figures were also available online in a format that allowed for “zooming in” to greater levels of detail.

- O-1.7-14** The comment states that grading-level impact footprints must be developed for these improvements and the Draft EIR must assess them for their physical impacts to all the resources in the study. The County agrees that this level of detail is important and has required the project applicant to prepare grading-level impact footprints as part of the Preliminary Grading Plans submitted for the proposed project. As stated in **Response to Comment O-1.7-13**, these plans are available at the County’s website and formed the basis for the impact analysis through the Draft EIR and technical appendices. Accordingly, the proposed project is consistent with CEQA and County EIR Guidance and not deferring analysis of project impacts and piece-mealing the analysis because the off-site impacts associated with grading for these improvements was analyzed at the same level as the proposed project.
- O-1.7-15** The comment states that the level of analysis and disclosure of project impacts is inadequate such that the County and other responsible agencies cannot issue grading approvals to construct the required public improvements or traffic mitigation. The County does not concur with this comment for the reasons given in **Responses to Comments O-1.7-13** and **O-1.7-14**, above. The only exception to this is relative to the interchange of I-15/Deer Springs Road, where the Draft EIR has relied upon the best available information to analyze potential impacts of the future interchange project as required by CEQA. In this instance, the Draft EIR provides a brief analysis for each issue based on the extent of available information, and anticipates such subsequent CEQA analysis will be required once Caltrans has completed the design phase of the interchange. Because the Draft EIR considers these other (i.e., non-interchange) improvements at the project level, other responsible agencies may rely on the findings of the Draft EIR to issue future permits as they deem appropriate.
- O-1.7-16** This comment states that off-site facilities would have impacts to jurisdictional areas and the Draft EIR does not provide the Wildlife Agencies (i.e., USACOE, CDFW and RWQCB) the proper CEQA clearance to issue necessary permits for the project’s required off-site improvements. The County does not concur with this statement for the reasons specified above in **Responses to Comments O-1.7-13** through **O-1.7-15**. Specific to Section 2.4, Biological Resources, Tables 2.4.2 and 2.4.3, Deer Springs

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Road Off-Site Vegetation Communities and Land Cover Types (Option A) and (Option B), disclose impacts to 60.3 acres and 63.7 acres, respectively, of vegetation communities based on the ultimate configuration of Deer Springs Road implemented by the project. Table 2.4.4 Vegetation Communities and Land Cover Types for Off-Site Improvements provides the acreage and vegetation communities for other off-site improvements, totaling 31.4 acres. Table 2.4.8 Off-Site Wetlands, Riparian Habitat, and Non-Wetland Waters (Deer Springs Road) discloses impacts to wetlands under Deer Springs Road Options A and B. Table 2.4.9 Additional Off-Site Wetlands, Riparian Habitat, and Non-Wetland Waters discloses impacts to wetland to other off-site improvement areas. Other off-site impacts are analyzed in Tables 2.4.14, 19, 20, 22, and 23.

**O-1.7-17** The comment states that the proposed project should include a General Plan Amendment for Deer Springs Road Option B (4-lanes) since a GPA is required under Option A. The County does not concur with this comment. Option B would not preclude the future widening of Deer Springs Road to 6-lanes per the County General Plan. Rather, Option B acknowledges the County General Plan is for Deer Springs to ultimately be a 6-lane roadway; however, based on the findings of Appendix R, Traffic Impact Analysis, a 4-lane road will provide the sufficient level of service under the Cumulative scenario, thus, the proposed project only includes widening Deer Springs Road to 4-lanes. The grading plan for Deer Springs Road under which all impacts are analyzed based on a 6-lane configuration.

**O-1.7-18** The comment states Draft EIR Chapter 1, Project Description, does not provide sufficient construction information. The County does not concur with this comment. Please refer to **Topical Response AQ-3**. Specific to Chapter 1, Section 1.2.1.12, Construction, summarizes the proposed construction schedule and activities, and refers to Section 2.3, Air Quality, for additional information.

Appendix A to the Air Quality Technical Report (see Draft EIR, Appendix G, Air Quality Technical Report) provides a more detailed construction schedule. This construction schedule, which was prepared in consultation with the project engineer and an estimator, details the types of construction activity, anticipated start and end date(s), number of weeks per activity, number of workers for each activity, number of haul and vendor truck trips per day, as well as the equipment types and number of equipment units. This detailed construction schedule shows that, for Phase 1, heavy construction activities (i.e., site preparation and grading) are anticipated to occur from January 10, 2018 to December 1, 2020. For construction of Phase 2, heavy construction activities are anticipated to occur from December 21, 2020 to November 18, 2022.

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- O-1.7-19** The comment states Draft EIR Chapter 1, Project Description, does not provide sufficient information regarding the proposed on-site rock crushing facilities. The County does not concur with this comment. Section 1.2.1.12, Construction, summarizes the proposed construction schedule and activities, including blasting, excavation, and rock crushing. Please refer to **Topical Responses AQ-1, AQ-2, and NOI-1**.
- O-1.7-20** The comment states that the Draft EIR inaccurately characterizes the amount of conserved open space as 72 percent of the project Site by included 212 acres off off-site conserved land. The Draft EIR states in the preceeding sentence, “as well as 212 acres of off-site habitat preservation,” clearly indicated that the additional 212 acres are off-site and not within the project Site. The total amount of conserved land by the proposed project is the sum of the on-site open space (1,209 acres) and off-site open space (212), which total 1,421 acres. The comment does not raise an issue with the adequacy 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-1.7-21** The comment states that growth inducement analysis is missing from the Draft EIR. The County does not concur with this comment. Section 1.8 analyzes the potential for growth inducing effects. As noted in the comment, Section 1.8 discloses potential growth inducing effects to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources.

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

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

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



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

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

The EIR is not required to provide a detailed analysis of the project's effects on growth, but only a more general analysis of projected growth (CEQA Guidelines Section 15126.2(d)(2); *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 388, *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369). The level of detail the County can provide in the discussion of potential growth inducement is limited by its ability to forecast the actual effects the project will have on the physical environment. An EIR is not required to evaluate "speculative effects" (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265). As no known intensity-increasing development applications are pending in the immediate project vicinity at this time, the County cannot provide further analysis of potential impacts without engaging in undue speculation, which is not required by CEQA.

**O-1.7-22** The County acknowledges the comment as an introduction to comments that follow. 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-1.7-23** The comment states that the project description of the Visual Resources Technical Report includes a conclusory statement ("the town center would be ... visually appealing, and compatible with surrounding development") (page 7) that gives the impression that the report is based on poorly based or incorrect pre-conceived notions. The comment states that instead of conclusory statement, the description of the proposed project should rely on statements of fact upon which to base the analysis. The County concurs with this comment, and Section 2, Project Description (see discussion under "Town Center"), on page 7 of the Visual Resources Technical Report has been revised as follows: "The design of the Town Center ~~would envision~~ a compact, walkable, ~~visually appealing, and compatible with surrounding~~ development."

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- O-1.7-24** The comment states that the description of proposed development presented in the Visual Resources Technical Report are extremely limited in detail and does not provide necessary information for a visual analysis including structure color, water tank color, architectural detailing that might shield structures from producing glare, grading technique specifications, and a functional landscape plan. In addition, the comment states that without this information, the visual simulations may be inaccurate and indefensible and that structure and water tank colors, architectural details, and grading technique specifications should be Project Design Features to ensure that they are implemented as presented in the visual simulations.

The comment fails to acknowledge that the Newland Sierra Specific Plan (Appendix C to the Draft EIR) outlines many of the details mentioned in the comment (such as architectural detailing), and the Specific Plan effectively guarantees that certain design elements must be incorporated into the project per the development standards and design guidelines which are described in Section 3 of Appendix C. Further, Section 4 of Appendix C addresses implementation and enforcements of the Specific Plan requirements, including through the preparation of Site Plans through the County Zoning Ordinance requirements. As such, the commenter is incorrect in stating that there is no certainty that these design elements would be incorporated into the project. Furthermore, it should be noted that there is a landscape concept plan (Figure 1-18), contrary to the comment, and there is a plant list (Appendix J of Appendix N to the Draft EIR).

- O-1.7-25** The comment states that the Visual Resources Technical Report is “peculiarly silent” as to the timeframe represented by the depictions and that the reader has to continually guess if they are looking at a simulation reflecting installation or some period in the future. The comment also states that the term “mature” is not defined and that, absent criteria to rely upon, such as committed project design features and a landscape plan specifying plant types and container sizes at installation, the project could look quite different from that depicted in the simulations. The County concurs with the comment regarding the term “mature” as being undefined in the Visual Resources Technical Report. Therefore, Section 5.2, Methodology, on page 34 of the Visual Resources Technical Report, has been revised as follows: “Visual simulations are also included in Figures 15 through 24 and, combined with photographs of existing conditions, provide a before and after (i.e., after completion of construction and generally with mature landscaping) depiction of the proposed project as experienced by viewers in the project vicinity. For purposes of this analysis, landscape maturity is anticipated to be reached generally between 10 and 15 years post-installation.”

The County does not concur with the comment implying that absent criteria including committed project design features and a landscape plan specifying plant types and container size at installation, the project could ultimately look quite different from depicted in the visual simulations. Landscaping depicted in the visual simulations reflects the landscape concept plan (Figure 5 of the Visual Resources Technical Report) and plant palette and character image figures included in the Newland Sierra Specific Plan for parkways and streetscapes (Figures 56 and 57), basins and swales (Figures 58 and 59), vineyards (Figures 60 and 61), enhanced landscape areas (Figures 62 and 63), and fuel modification areas (Figures 64 and 65). Minimum box and containers sizes are listed for plant palette trees and shrubs on Figure 56, 58, 62, and 64. Section 3.7, Landscape Standards and Design Guidelines, of the Newland Sierra Specific Plan details the design guidelines, planting palettes, and trail design included in the development of the Newland Sierra project. The County of San Diego Planning Commission and Board of Supervisors will consider both the Specific Plan and the Environmental Impact Report (including the Visual Resources Technical Report) for approval at a subsequent hearing once public review has ended and the document has been finalized.

- O-1.7-26** The comment implies that private views were not considered in the analysis and that a “growing volume of analysis” suggests that private views are protected under CEQA. The comment also references a “view rights” case (*Ocean Views Estates Homeowners Assoc. Inc v Montecito Water District (2014) 116 Cal.App.4th 396*) that stated that “there is no limiting factor per se regarding private views, but that the *numbers* of viewers impacted may play into whether or not the impact is significant under CEQA” and page 9 of the County’s Report Format and Content Requirements for Visual Resources. Among other direction, Page 9 states that “in cases when something is substantially different as a result of a land use action (GPA/SPA/Zoning), consider private views as well as public views.” The County does not concur that private views are excluded for consideration. Specifically, Section 1.3, Principal Viewpoints to be Covered, of the Visual Resources Technical Report states that “[p]rivate views are discussed and analyzed qualitatively in the analysis, but no visual simulations were prepared from these locations.” Although visual simulations were prepared solely from public viewing locations and effects to private views are analyzed qualitatively, effects and changes to private views are considered in the analysis. Effects to views from non-public points are described in Section 5.5, Determination of Significance (see page 88) Visual Resources Technical Report. More specifically, the Visual Resources Technical Report states that “[d]uring construction, residents would experience daily the transformation of the project Site from primarily undeveloped, chaparral and boulder covered to a developing Site marked by the tan-colored soils of graded hillsides, lots, and roadway alignments. A longer view duration would provide opportunity for residents to scan

the Site and construction visual effects with detail and due to the longer viewer duration and elevated vantage point, the visual effects of construction activities as experienced by receptors at ridgeline residences would be more severe than experienced by passing motorists in the surrounding area” (page 88). Contrary to the underline focus of the comment (“Public Views are excluded from consideration), the last sentence of the comment acknowledges that the Visual Resources Technical Report qualitatively “treats” private views and that the “treatment is pretty minimal.” Again, the County does not concur with the assertion of the comment that private views are not considered in the analysis.

**O-1.7-27** The comment states that the Visual Resources Technical Report is silent on effects to private views and that the viewshed of private viewpoints (specifically, non-public viewpoints 1 through 3 as depicted on Figures 25, 26, and 27 of Appendix A to the Visual Resources Technical Report) have the greatest visibility to the “heart of the project.” The comment also states that private viewpoints are given a “fairly dismissive treatment in the EIR,” non-public locales are not given equal treatment in the assessment process, and the reader is left to themselves to identify the “extensive residential uses” on the areas and relate them to the viewshed extent depicted in Figure 2.1-2. The comment also implies that by not including the non-public viewpoints on the viewpoint map (Draft EIR Figure 2.1-3), Draft EIR readers are subtly misled “as to the nature of the information upon which to determine the adequacy of the EIR assessment” and that the Draft EIR potentially supports inaccurate significance assessments. The comment concludes by stating that non-public viewpoints need to be considered in more detail (and should be evaluated in the same manner as selected key view points) before the analysis can be considered adequate.

The County does not concur with the comment. Although the Visual Resources Technical Report does not specifically identify the severity of visual change expected to be experienced at non-public viewpoints, the Guideline 1 and 2 impact analysis (see Section 5.5, Determination of Significance (pages 82 to 90), and significance of impact determination considers the anticipated effects from key view locations and non-public viewpoints. While a visual simulation was not prepared from a non-public viewpoint and private viewpoints are not identified as key view locations (key views are identified through a collaborative process between County staff and the EIR and/or technical report preparer), the Visual Resources Technical Report describes the visual change anticipated to be experienced by ridgeline residences in the Hidden Meadows community. “As viewed from westbound Deer Springs Road at I-15, westbound Mountain Meadow Road, northbound North Centre City Parkway/I-15 (see Key Views 1, 2, and 3) and from ridgeline residential areas in the Hidden Meadows community, the characteristic and dominant visual pattern of chaparral and

occasional boulder covered mountainous terrain would become discontinuous across the project Site. Existing elements would be removed and replaced to accommodate proposed development and as shown in Figure 18 (Key View 4 – Southbound I-15), the removal of native vegetation and the establishment of fuel modification zones would create noticeable line and color contrast. Vegetation at the project edges would appear sparser than adjacent areas of natural and intact vegetation and vineyards would display an ordered, uniform appearance (see Key Views 1, 2, and 3; Figures 15, 15a, 16, and 17). While maturity of landscape materials would eventually conceal previously exposed soils and denuded slopes and would reintroduce spreading green hued forms to areas altered by construction, these new forms and elements would be discontinuous and would be noticeably sparse at project edges. Mature landscape trees would partially screen development from view; however, the visual effects and contrast associated with vegetation management and development would be clearly visible to viewers along nearby regional and local roads including I-15, Deer Springs Road at I-15, North Centre City Parkway and Mountain Meadow Road” (Visual Resources Technical Report, pages 84 and 85). A similar discussion is included in Section 2.1, Aesthetics, of the Draft EIR (see Section 2.1.3.2). Non-public viewpoints are not identified as key view locations however, the report uses representative viewpoints and visual simulations from representative viewpoints to describe the visual changes anticipated to occur and be experienced from public and private viewing locations in the surrounding area. Also, as discussed by the commenter, visual change anticipated to be experienced at non-public viewpoints is briefly described in the Visual Resources Technical Report (see page 88) and in Section 2.1, Aesthetics, of the Draft EIR (see Section 2.1.3.2). The statement that the non-public locales are not given equal treatment in the assessment process is accurate however, non-public locales are not identified as key view locations and the County’s Report Format and Content Requirements for Visual Resources require only that private views be considered in the analysis. As demonstrated above, private views are considered in the analysis presented in the Visual Resources Technical Report and the Draft EIR.

The extent of views to the project Site from non-public viewpoints 1 through 3 are included in Appendix A to the Visual Resources Technical Report. References to the applicable figures that depict the extent of views from non-public viewpoints are included in Section 2.1.3.2 of the Draft EIR and on page 88 of the Visual Resources Technical Report. The figures are referenced to help readers comprehend the expected extent of views to the project Site and identify what areas of the project would be visible from particular viewing locations. The development pattern of the Hidden Meadows community is observable on Figures 25 through 27 of Appendix A to the Visual Resources Technical Report and Figure 2.1-1f, Off-Site Visual Elements, of the Draft EIR.

On multiple occasions, the Visual Resources Technical Report and Draft EIR (Section 2.1) disclose that views to the Site and visual change associated with development of the proposed project are and would be available to residences in the Hidden Meadows area. For example, page 31 of the Visual Resources Technical Report states that “[p]ortions of the proposed project Site are currently visible to nearby residences in the Twin Oaks Valley, Lawrence Welk Village and Hidden Meadows areas” and that “residents are afforded long-term/permanent views of the surrounding landscape and as such, their rate of exposure is high.” In addition, page 88 of the report states “[i]n addition to motorists and other mobile viewers, views to the proposed project are also available to ridgeline residences located east of I-15 in the community of Hidden Meadows. While receptors in ridgeline residences are afforded views to the proposed project and would experience the visual effects of construction, residences located east of ridgelines would not generally be able to view the project Site. Prominent, intervening structures (residences) would effectively block the proposed project from view of most residences located away from the western perimeter of the Hidden Meadows community.” Similarly, Section 2.1.1.1 states that “[l]arger ridgeline homes in Hidden Meadows would be afforded views to the project Site, but views to the project Site from the majority of homes in Hidden Meadows would generally be obstructed by intervening vegetation, structures, and terrain” (pages 2.1-4 to 2.1-5). Page 2.1-39 also describes effects to existing visual patterns on the Site that would be experienced from ridgeline residents in the Hidden Meadows community. “As viewed from westbound Deer Springs Road at I-15, westbound Mountain Meadow Road, northbound North Centre City Parkway/I-15 (see Key Views 1, 2, and 3 in EIR Figures 2.1-4a, 2.1-4b, 2.1-5, and 2.1-6), and from ridgeline residential areas in the Hidden Meadows community, the characteristic and dominant visual pattern of chaparral and occasional boulder covered mountainous terrain would become discontinuous across the proposed project” (Draft EIR page 2.1-39). The County’s Report Format and Content Requirements for Visual Resources direct visual report preparers to consider private views. Because the Visual Resources Technical Report and Draft EIR for the Newland Sierra project considers project effects to private views, the County believes that the analyses are adequate.

- O-1.7-28** The comment states that grading specifics are missing from the Draft EIR and that the overall discussion of steep slope in the Visual Resources Technical Report is confusing and misleading. In describing the lack of existing conditions information pertaining to steep slopes, the comment asserts, “[a] clear understanding of existing conditions is critical to an adequate assessment of potential project impacts associated with project implementation.” The comment also states that the discussion of RPO-protected steep slopes in the Visual Resources Technical Report is inconsistent with discussions in the Draft EIR and that a discussion of visual effects to steep slopes due to proposed development is missing from the technical report. In addition, the

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comment states that the technical report fails to disclose what the steepest slope on the Site is and does not include figure depicting where steep slopes occur. According to the comment, the absence of this information “hamstrings the reader from easily envisioning the existing conditions.”

The County concurs with the comment pertaining to the RPO-steep slopes discussion in the Visual Resources Technical Report being inconsistent with RPO-steep slope discussions elsewhere in the Draft EIR, and in particular, Appendix H-2, Resource Protection Plan for the Newland Sierra Project. In response, Section 3.1, Project Setting, on page 23 of the Visual Resources Technical Report, has been revised as follows: ~~Portions of the Site contain Resource Protection Ordinance (RPO) defined steep slope lands in excess of 25 percent slope~~ The project Site contains 1,086 acres of Steep Slope Lands as defined by the County’s Resource Protection Ordinance (RPO) and of these lands, 148 acres are located within the project development footprint (see Figure 7 of Appendix H-2, Resource Protection Plan for the Newland Sierra Project).

In the existing conditions discussion of the I-15 Corridor Landscape Unit (Section 3.3, Landscape Units) and in Sections 5.2.3 and 5.2.10, “steep” is used as an adjective to generally describe the form displayed by terrain. It is not used in these sections of the Visual Resources Technical Report to identify County RPO-steep slopes. The County does not concur that the use of “steep” when generally describing slopes in and near the project area is confusing. Where County RPO-steep slopes are discussed, they are referred to as “County RPO-steep slopes.” When “steep” is used to generally describe the form of sloping terrain, County RPO is not referenced. No changes to the Visual Resources Technical Report were made in response to this specific comment.

While the Visual Resources Technical Report does not include a specific analysis related to the visual effects associated with alteration of RPO-steep slopes within the development footprint, the key view analysis describes potential visual effects associated with alteration of project Site terrain. For example, when describing anticipated changes to existing visual character and quality (vividness) as viewed from Key View 1, Section 5.2.1 states, “development is proposed on east- and south-facing slopes of the proposed project Site and although terrain would continue to display a primarily mounded form following project implementation, textures would alternate from rugged and coarse where vegetation would remain in place to patchy, dotted and smooth areas where development is proposed” (Visual Resources Technical Report page 37). Later in the analysis of changes to visual character and quality (intactness), Section 5.2.1 states, “grading activities and the establishment of fuel modification zones on east- and south-facing slopes on the proposed project Site would produce a series of wavy lines and contrasting colored bands marked by

varying densities of planting materials” and “underlying soils would be exposed by thinning and/or vegetation removal practices and as a result, the characteristic dark green color of mountainous terrain would be replaced by light to dark brown hues” (Visual Resources Technical Report page 38). Further, in describing the alteration of terrain that would be experienced at Key View 3, Section 5.2.3 discloses “chaparral vegetation would be removed or thinned, east and south facing slopes would be modified through grading activities, and the characteristic drab green/brown color of the Site would be altered by the introduction of brown-hued soils and vibrant green and irrigated newly installed vegetation” and that “new lines resulting at the boundary of vegetation management zones would also be visible and would compete with the otherwise rolling ridgeline of terrain for the attention of passing motorists” (Visual Resources Technical Report pages 46 and 47). Lastly, in the assessment of effects to existing visual quality resulting from construction activities, Section 5.3.2 describes changes anticipated to occur to the characteristic visual patterns displayed by on-site elements. “[T]he construction of manufactured slopes would introduce vertical and diagonal slopes where natural and gentle slopes currently exist” (Visual Resources Technical Report page 79). Because the Visual Resources Technical Report considers and describes potential visual effects to existing terrain resulting from project development, the County does not concur with the comment implying that the potential visual effect of impacted steep slopes is nowhere to be found.

The County does not concur with the suggestion that without knowing what the steepest slope on the Site is, that it is difficult for the reader to assess context relative to how truly steep any specific slopes might be. Knowledge of the steepest percent slope on Site is not necessary to acquire a general understanding of the terrain present in a given area or the project Site. Both the Visual Resources Technical Report and the Draft EIR provide information to the reader regarding the form and character of on-site terrain. As acknowledge earlier in response to this comment, Section 3.1, Project Description, of the Visual Resources Technical Report has been revised to accurately describe the acreage of steep slope lands on the total project Site and the acreage of steep slope lands within the development footprint, as described in **Response to Comment O-1-25**. A reference to Figure 7, RPO Steep Slopes, of Appendix H-2, Resource Protection Plan for the Newland Sierra Project, will also be included in Section 3.1 of the Visual Resources Technical Report. Existing images of the local terrain on the project Site and in the surrounding area are included in the Visual Resources Technical Report and Draft EIR. Specifically, Figure 13a, Existing Conditions – I-15 Corridor Landscape Unit, and Figure 13b, Existing Conditions – Twin Oaks Valley Landscape Unit, of the Visual Resources Technical Report include photographs of the local terrain and review of these figures helps to convey the character of existing terrain. These figures are also included as Figures 2.1-1g and 2.1-1h of the Environmental Impact Report.



Also, photographs of on-site visual elements including terrain are included on Figures 2.1-1a and 2.1-1b, On-Site Visual Elements, of the Draft EIR and can help the reader to better understanding the characteristics of project Site including form of existing terrain and density of existing vegetation. Additional photos of views to the project Site are included on Figure 2.1-1f, Off-Site Visual Elements, of the Draft EIR (see bottom photos that include project Site terrain). Similar to the photographs of on-site visual elements, photographs of off-site views to the project Site illustrate that the natural terrain is composed of hills and valleys dominated by significant rock outcroppings with moderate to steeply sloping terrain. The form of the project Site terrain is also evident in existing photographs from Key Views 1, 3, 4, 5, and 6 (see Draft EIR Figures 2.1-4a and 2.1-4b, 2.1-6, 2.1-7, and 2.1-8a through 2.1-9b). Inclusion of a project/environmental setting narrative (see Section 3.1 of the Visual Resources Technical Report and Section 2.1.1.1, Environmental Setting, of the Draft EIR) that descriptively conveys the character of the existing on-site terrain and other on-site visual elements, in combination with existing conditions photographs that illustrate the project Site helps the reader to envision existing conditions on the project Site. Therefore, the County does not concur that readers are hamstrung from reasonably envisioning the existing conditions.

- O-1.7-29** The comment states that Draft EIR does not include a RPO-steep slopes analysis and thus, the Draft EIR is not consistent with the County EIR Guidance. The comment also states that project impacts to RPO-steep slopes must be evaluated as a visual issue because the waiver for “insignificant” steep slopes is based on slopes being isolated, visually indistinguishable from other non-steep slopes protected by the ordinance, demonstrating “in-fill” conditions, etc. The comment concludes that the Draft EIR is “absolutely silent” as to the significance of the project’s slope encroachments and must be revised to be adequate.

The comment fails to acknowledge that the project’s Resource Protection Plan (Appendix H to the Draft EIR) includes a RPO-steep slopes analysis. More specifically, Section 8.1.3 of the Resource Protection Plan notes that, while steep slope lands are present within the project Site (as shown on Figure 7 of the Resource Protection Plan), the consolidated nature of the Site’s plan was developed to provide preservation of large, contiguous blocks of habitat. While lot-by-lot encroachments would exceed the allowances of the County RPO, the overall project would be consistent with the RPO because the RPO allows encroachment into Steep Slope Lands “to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists” (Newland Sierra Resource Protection Plan, page 33).

**O-1.7-30** The comment asserts that project development is inconsistent with Policy 8 of the I-15 Design Guidelines because grading above 25 percent slope will not blend with the surrounding area and vineyard landscaping will not look natural. The County does not concur with the comment and finds that the project is consistent with the referenced policy. A consistency analysis of applicable I-15 Corridor Scenic Preservation Guidelines and the proposed project is included in Appendix DD, Land Use Consistency Analysis, of the Draft EIR. In regards to Development Standards for Steep Topography and Natural Features, Policy 8, Appendix DD finds that the project would be consistent because all of the project's manufactured slopes would be landscaped with a plant palette that includes a variety of Southern California native and California-friendly low-water use plants and trees to blend with the surrounding area. Vegetation on "modified" slopes in fuel modification zones referenced by the commenter would be thinned or removed and replaced with low growing and/or fire resistant plants to aid in fire protection. Discussing the intent with including vineyards in the landscape concept plan, Chapter 1, Project Description, of the Draft EIR, states that "vineyards would be planted on selective high-visibility slopes" to "create a unique visual identity, establish a connection to the region's agrarian history, and provide a productive landscape" (Draft EIR page 1-5). Although Policy 8 provides direction such that landscaping should appear "natural," the County contends that due to the prevalence of nurseries and avocado trees plantings on properties adjacent to the I-15 corridor, the inclusion of vineyard plantings helps the project Site to blend in with the existing agricultural land uses visible along the interstate corridor. Therefore, Draft EIR Section 2.1.3.4 correctly states that the project would be consistent with the I-15 Corridor Scenic Preservation Guidelines.

As stated in Section 3.7.3 of Appendix C, Specific Plan, "Vineyards are low-water-use crops that provide a productive agricultural use of irrigated open space. They have a low fuel volume and provide excellent fire resistance." Further, as required in Section 3.4.3, Sustainable Design, vineyard would be located in common areas and would thus be subject to the following:

All common area landscapes shall meet an evapotranspiration adjustment factor of 0.55 within residential neighborhoods and 0.45 within non-residential areas. An evapotranspiration adjustment factor of 1.0 is allowed for special landscape areas (i.e., recreational and community garden areas), as noted in County Ordinance Number 10032 (County of San Diego 2010a). All irrigation shall be designed to meet or exceed an average irrigation efficiency rating of 0.75 for spray/rotor irrigation and 0.81 for drip irrigation, per the County's Water Efficient Landscape Worksheet (County of San Diego 2016b).

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**O-1.7-31** The comment states that the scenic corridor listings are missing an important discussion and is potentially inadequate. The comment contends that because the scenic vista discussion in Section 2.1.3.1 does not disclose that I-15 and Twin Oaks Valley Road are county scenic highways and the I-15 discussion does not mention the I-15 Corridor Scenic Preservation Guidelines, the scenic vista discussions applicable to these roads is inadequate. The County does not concur with the comment. The County scenic highway system is discussed on pages 2.1-19 and 2.1-20 and the Draft EIR correctly identifies I-15 and Twin Oaks Valley Road as components of the scenic highway system. Visual impacts to the County of San Diego Highway System are discussed on page 2.1-36 of the Draft EIR and rather than providing a duplicative evaluation, the Scenic Vistas and Highways discussion refers to the Public Roads discussion in which changes to views from I-15 and Twin Oaks Valley Road are evaluated. Because the Draft EIR considers the inclusion of I-15 and Twin Oaks Valley Road on the County Scenic Highway System, the County does not concur that the Draft EIR is inadequate with regards to consideration of potential impacts to scenic vistas or has improperly portrayed the sensitivity of the I-15 or Twin Oaks Valley Road corridor landscape to change.

**O-1.7-32** The comment states that the lighting and glare analysis in the Draft EIR is not a “full discussion” in that it applies only to ordinance compliance and does not consider nighttime views and ambient lighting. For the analysis to be complete, the comment contends that the Draft EIR must disclose to the public the potential changes to nighttime views. The County does not concur with the comment. Section 2.1.3.3, Light and Glare, of the Draft EIR, considers light and glare thresholds from CEQA Appendix G the County’s *Guidelines for Determining Significance, Report Format and Content Requirements: Dark Skies and Glare*. While the County’s guidelines tend to focus on compliance with San Diego County’s Light Pollution Code, CEQA Appendix G aesthetic thresholds of significance address potential impacts to nighttime views.

Ambient sources of nighttime lighting are described through the Draft EIR. In particular, existing sources of nighttime lighting operating in the area are described in Section 2.1.1, Existing Conditions, and are considered in the evaluation of the project in Section 2.1.3.3. New nighttime lighting sources to be installed in the area (and general hours of operation) are described in Section 2.1.3.3. The Draft EIR concludes that new lighting would be visible on the currently undeveloped site and would affect existing nighttime views in the area. However, because lighting would comply with applicable requirements of the San Diego Light Pollution Code in regards to lamp type, shielding, and hours of operation, new sources of light on the project would not adversely affect nighttime views in the area. Therefore, no changes to the Draft EIR are required in response to this comment.

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- O-1.7-33** The comment states that the Draft EIR discussion of cumulative impacts in Section 2.1 fail to conclude whether or not the project's contribution is cumulatively considerable. The comment asserts that the project's contributions are cumulatively considerable and therefore, the Draft EIR and Visual Resources Technical Report must be revised to include a required discussion of mitigation measures. The County does not concur with the comment.

Section 2.1.4, Cumulative Impact Analysis, concludes that the project's contribution to the cumulative impact would be considerable: "[p]hysical changes associated with vegetation removal, grading, and the addition of residential development would adversely affect the viewshed and impacts would be considered cumulatively considerable" (Draft EIR page 2.1-51). Pursuant to Section 15130(e), of the California Environmental Quality Act Statutes and Guidelines, a project's contribution is "less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designated to alleviate the cumulative impact." A discussion of mitigation measures is required when an EIR determines that project impact would not be cumulatively considerable but a similar requirement has not been established for impacts determined to be cumulatively considerable. Further, Guidelines Section 15130(b)(5) states that the Draft EIR "shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." A discussion of mitigation measures considered but ultimately determined to be infeasible are discussed in Section 2.1.6, Mitigation Measures. Project alternative are discussed in Chapter 4, Project Alternatives, of the Draft EIR.

- O-1.7-34** The comment states that the County's EIR Content/Format requirements mandate that where growth-inducing impacts are identified, the potential environmental effects of growth must be addressed in the appropriate subchapter with the subject area analysis in Chapter 2. The comment suggests that because Section 1.8 of the Draft EIR concludes that the project is growth-inducing, a discussion of growth-inducing impacts must be included in Chapter 2. Please see **Response to Comment O-1.7-21**, which states that an EIR is not required to provide a detailed analysis of the project's effects on growth, but only a more general analysis of projected growth (CEQA Guidelines Section 15126.2(d)(2); *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 388, *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369). The level of detail the County can provide in the discussion of potential growth inducement is limited by its ability to forecast the actual effects the project will have on the physical environment. An EIR is not required to evaluate "speculative effects" (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1265). As no known intensity-increasing development applications are pending in the immediate

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project vicinity at this time, the County cannot provide further analysis of potential impacts without engaging in undue speculation, which is not required by CEQA.

- O-1.7-35** The comment states that the Draft EIR discussion omits a summary of the significant impacts associated with the growth-inducing and cumulative impacts identified in Chapter 1 and Section 2.1, respectively, and that this results in the complete omission of appropriate mitigation measures that must be added to the Draft EIR. The County does not concur with this comment. Cumulative Impacts are discussed in Section 2.1.5. As stated on page 2.1-51 of the Draft EIR:

[T]he cumulative projects identified in Table 1-10 would combine with the proposed project to change the existing composition of the visual environment. With implementation of the identified projects and the proposed project, the area would transition from primarily agriculture and rural residential land use development pattern to a more urban pattern of development. Physical changes associated with vegetation removal, grading, and the addition of residential development would adversely affect the viewshed and impacts would be considered **cumulatively considerable**.

Please refer to **Responses to Comments O-1.7-34** and **O-1.7-36**.

- O-1.7-36** The comment states that Section 2.1.10 does not consist of mitigation measures and that the County's EIR Content/Format Requirements mandate that measures determined to be infeasible be discussed and rationale for infeasibility be provided. In particular, the comment states that the Draft EIR's dismissal as additional landscaping as an infeasible mitigation measure because it "may" be problematic does not constitute adequate review prior to dismissal. The County does not concur with this comment.

Section 2.1.6 of the Draft EIR does in fact discuss the rationale for infeasibility of mitigation measures, contrary to the comment. In this discussion, the Draft EIR states that "mitigation measures that would further reduce the anticipated visual contrast associated with implementation of the proposed project were considered but determined to be infeasible. Specifically, Section 2.1.6 provides the following (Draft EIR, page 2.1-53):

Mitigation measures that would further reduce the anticipated visual contrast associated with implementation of the proposed project were considered but determined to be infeasible. For example, temporary screening of construction sites and storage areas with opaque fencing would largely be ineffective due to the viewing angle to the proposed project Site afforded to viewers on I-15 and North Centre City Road. Also, a denser distribution of landscape trees and

shrubs would increase visual contrast (and decrease intactness) between proposed landscaped areas on the Site and native vegetation that would be maintained as biological open space.

The Draft EIR further states the following (Draft EIR page 2.1-53):

Incorporation of grading, open space, landscaping, and architectural design features described above would not mask or substantially reduce the anticipated physical changes to the existing visual character of the proposed project Site as viewed from public roadways in the area including I-15, Deer Springs Road, North Centre City Parkway, and Mountain Meadow Road. Because there are no mitigation measures available that would further reduce the anticipated level of contrast associated with development of the proposed project and implementation of roadway improvements along the identified segment of Deer Springs Road, impacts would be **significant and unavoidable (Impact AES-1)**.

**O-1.7-37** The County acknowledges the comment as an introduction to comments that follow. 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-1.7-38** The comment states that the Agricultural Report identifies FMMP Unique Farmland and Farmland of Local Importance, but concludes that the project Site is not an agricultural resource and is therefore not required to evaluate the project Site using the LARA Model analysis. The comment further states that the Agricultural Report identifies on-site areas of FMMP Unique Farmland that is being encroached upon by an off-site agricultural operation and thus, should be evaluated in a LARA Model per the County Agricultural Guidelines.

The County does not concur with the comment. As stated in Section 2.2.3.1, Impacts to Important Agricultural Resources, the County's threshold for determining direct impacts per the County's *Guidelines for Determining Significance and Report Format and Content Guidelines: Agricultural Resources* (2007) is a two-pronged analysis which states the following (*emphasis added*):

A significant impact to important on-site agricultural resources would result if:

The project Site has important agricultural resources as defined by the LARA Model; *and the project would result in the conversion of agricultural resources that meet the soil quality criteria for Prime Farmland or Farmland of Statewide Importance*, as defined by the FMMP; and as a result, the project

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would substantially impair the ongoing viability of the Site for agricultural use.

As stated in the comment from the Agricultural Resources Technical Report, the project Site is only identified as containing FMMP Unique Farmland and Farmland of Local Importance; however, there is no identified record of Prime Farmland or Farmland of State Importance. This is stated on page 2.2-10, “The project does not contain any Williamson Act contract lands, County agricultural preserves, lands designated Prime Farmland, or Farmland of Statewide Importance.” Accordingly, because the proposed project would not meet this criteria, it was determined that a significant impact to important on-site agricultural resources would not occur and therefore, the LARA model was not applied to the analysis.

- O-1.7-39** The comment states that the Agricultural Report notes on page 48 and 49 that previous agricultural uses on the project Site ceased operation in the mid to late 1960’s. The comment further states that if this is true and there is evidence of historical agricultural production then without inclusion of historic aerial photos and/or other documentation in the report, the conclusion that “there is no evidence of historic agricultural production” is unsubstantiated. In 2014 when the Agricultural Report was first drafted, the report inaccurately stated that an agricultural operation existed on Site until the mid- to late 1960s. However, after a review of the County’s available Geographic Information Systems (GIS) aerial mapping, it was determined that no agricultural operation existed, and that the project Site does not contain a history of agricultural production (see Appendix JJ). References to this agricultural operation were removed in subsequent drafts of the project’s Agricultural Report. This sentence was removed in the Final EIR.
- O-1.7-40** The comment states that the Agricultural Report should be revised to provide adequate information and assessment of current and historic on-site agricultural uses; identify on-site FMMP Important Farmlands and current or historical agricultural operations; and if agricultural resources are present on Site then a LARA Model should be provided to assess potential on-site direct impacts. As stated on page 79 of the Agricultural Report, “Based on a review of the County’s available Geographic Information Systems (GIS) aerial mapping, the project Site does not contain a history of agricultural production. As such, there is no evidence of historic agricultural production per the County’s *Guidelines for Determining Significance – Agricultural Resources* and therefore the project Site would not be designated as an agricultural resource. Although the Site contains Farmland of Local Importance, per the County’s Guidelines, it is not considered an agricultural resource as there is no evidence to demonstrate that portions of the Site have been used for agriculture. Therefore, the project Site is not required to be evaluated using the LARA Model. As such, the

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project Site is not considered an important agricultural resource, would have less than significant direct on-site impacts, and is not required provide agricultural mitigation land for direct on-site impacts to agriculture.” See further **Response to Comment O-1.7-38**, above, regarding the Draft EIR’s analysis of direct impacts to on-site agricultural resources.

- O-1.7-41** The comment states that Figures 15a through 15d are all incorrectly labeled “Option B Off-Site Important Farmland Categories,” and the Agricultural Report identifies two options (A and B) for the widening of Deer Springs Road. The comment suggests that the figures be revised to more clearly describe the individual off-site roadway improvements for both options and that the text in the report be revised as well. The comment further states that Figures 15a through 15d are difficult to interpret as no roadway names are provided. As explained on page 12, the analysis for the widening of Deer Springs Road evaluates impacts from Option B because it represents the largest area of potential off-site impacts. Therefore, Figures 15a through 15d are correctly labeled “Option B Off-Site Important Farmland Categories.” In addition, the Agricultural Report clearly describes the individual off-site roadway improvements for both options in Section 1.2, Project Location and Description. Figures 15a through 15d have been revised in the Final EIR to include roadway names.
- O-1.7-42** The comment states that the appropriate off-site parcel numbers being impacted by off-site roadway improvements should be identified on Figures 15a through 15d to clarify exactly where and what parcels are being impacted according to Table 4 in the Agricultural Report. Parcel numbers were added to Figures 15a through 15d in the Agricultural Technical Report as requested.
- O-1.7-43** The comment states that page 59 of the Agricultural Report incorrectly notes the acreage of impacts for off-site roadway improvements (3.05 acres) and should be changed to 5.82 acres. This correction has been made in the Agricultural Resources Technical Report.
- O-1.7-44** The comment states that page 60 of the Agricultural Report justifies the feasibility of purchasing 5.82 acres of conservation easements through the PACE Program based on the 168,505 acres of Prime Farmland and Farmland of Statewide Important soils in the County. The comment suggest that that this implies that all 168,505 acres are available as agricultural mitigation land and should be revised to describe the availability of the agricultural mitigation credits in the context of the PACE Program rather than the County as a whole. This discussion has been revised in the Agricultural Technical Report to state that although not all 168,505 acres are available for agricultural mitigation credit, the purchase of 5.82 acres is still a feasible mitigation measure.



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- O-1.7-45** The comment states that Figure 10 in the Agricultural Report should be modified to include the ZOI boundary. This figure has been updated in the Agricultural Resources Technical Report.
- O-1.7-46** The comment requests that the discussion on page 64 of the Agricultural Report regarding potential interface conflicts with the proposed school/denser housing development and nearby agricultural operations be modified to include quantified descriptions of intervening distances provided by the noted open space and other buffers. The nearest agricultural operation southwest of the project Site would be buffered by approximately 1,000 feet of open space and fuel modification zones and the operation south of project Site would be buffered by 1,300 feet of open space, fuel modification zones, and Deer Springs Road. This discussion in the Agricultural Resources Technical Report has been revised to indicate the width of the buffer between the proposed school/denser housing and nearby agricultural operations.
- O-1.7-47** The comment states that the discussion in Table 5 of the Agricultural Report regarding consistency with General Plan Policy LU-5.3, Rural Land Preservation, which states “the onsite terrain of steep slopes and rock outcroppings are generally not conducive to agricultural use,” is inconsistent with County Agricultural Guidelines. The comment states that the discussion is inconsistent because as stated in Section 1.2.3 of the County Agricultural Guidelines, “Avocados thrive on steep, rock slopes benefit from the effect that topography has on facilitating water drainage.” The soils on Site have significant limitation for raising crops. As stated on page 17 of the Agricultural Report, Land Capability Classification (LCC) Classes VI through VIII have severe limitations, limiting or precluding their use for agriculture and subclass “e” shows that the main limitation is risk of erosion. Overall, approximately 1 percent of the project Site is occupied by soils with a LCC better than class IV, approximately 4 percent of the project Site soils have an LCC of class IV, and the remaining approximately 95 percent of the project Site has an LCC that is worse than class IV. In addition, as shown in Table 1, all of the soils on Site have an LCC subclass of “e,” except for one. Furthermore, as stated on page 23, the most prevalent soil type on the project Site (approximately 49 percent of the project Site) is AcG, acid igneous rock land, which is rated as nonagricultural land and does not support avocados or other citrus crops that are common in the surrounding area.
- O-1.7-48** The comment states that the discussion in Table 5 of the Agricultural Report regarding consistency with Goal COS-6, Sustainable Agricultural Industry, is incorrect in stating that “Although the project would change the zoning for a portion of the Site from A70 to Residential, this land has never been in active agricultural production, nor is it designated by the FMMP as Prime Farmland, Farmland of Statewide or Local Importance.” The commenter states that this statement is incorrect

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because there is a portion of Farmland of Local Importance that is currently zoned A70 that will be converted to residential. The Draft EIR has been revised to remove the words “or Local”; this is reflected in the Agricultural Resources Technical Report. However, as stated in **Responses to Comments O-1.7-39** and **O-1.7-40**, no agricultural operation existed and that the project Site does not contain a history of agricultural production, and; therefore, the project Site would not be designated as an agricultural resource. Although the Site contains Farmland of Local Importance, per the County’s Guidelines, it is not considered an agricultural resource as there is no evidence to demonstrate that portion of the Site have been used for agriculture.

- O-1.7-49** The comment states that the cumulative project boundary shown on Figure 16 in the Agricultural Report is unclear as to whether it reflects the North County Metropolitan Subregional Plan area or some other boundary, because it appears that a majority of cumulative projects are located outside of the cumulative boundary. As stated on page 72 in the Agricultural Report, “The cumulative projects study area ‘generally’ includes the North County Metropolitan Subregional Plan area.” As stated on page 19 of the County’s Report Format and Content Requirements – Agricultural Resources, “The consultant, in consultation with County staff, must determine the extent of the area used in the cumulative analysis. The area should be defined by considering the following factors and others, as appropriate: agricultural land use patterns, topography, history of the local agricultural community, using best professional judgement.” Therefore, the cumulative project boundary in the Agricultural Resources report “generally” includes the North County Metropolitan Subregional Plan area; however, other factors were taken into consideration when developing the cumulative project boundary, which was developed in coordination with the environmental consultant and County staff.

The comment also reiterates a sentence in the Agricultural Report which states, “Table 6, Cumulative Projects, lists the cumulative projects nearby the project Site.” The commenter asks that this section of the report be revised to identify an appropriate study area and include all associated cumulative projects, not just “projects nearby.” As stated on page 18 of the County’s Report Format and Content Requirements – Agricultural Resources, “When using the list of projects approach, only projects with agricultural resources on site should be included in the cumulative analysis.” The statement on page 72 in the Agricultural Report regarding “nearby projects” has been revised, and the Agricultural Resources Technical Report states the following: “Table 6, Cumulative Projects, lists the cumulative projects that have agricultural resources on site.”

- O-1.7-50** The comment states that the conclusion in the cumulative impacts discussion which concludes, “...the project would not result in a cumulative considerable contribution

to a potential cumulative impact on agricultural resources...” is based on the assumption that the project Site was determined not to be an important agricultural resource. The comment states that the Agricultural Report does not include adequate information or analysis to reach a substantiated conclusion regarding on-site agricultural resources and that a LARA Model should be included to determine if the Site is an important agricultural resource and that the cumulative analysis should be revised to reflect the results of the LARA Model analysis. Please refer to **Responses to Comments O-1.7-38** and **O-1.7-39**, above. As described, the proposed project is not required to run the LARA model; therefore, the comment’s assertion that the cumulative impact discussion is flawed is inaccurate and the Draft EIR appropriately analyzed potential cumulative impacts in Section 2.2.4.

**O-1.7-51** The comment reiterates the conclusion of the cumulative analysis in the Agricultural Report which states “No cumulative projects have been identified that would impact agriculturally important land; therefore, no significant cumulative effects to agriculture would occur. The comment states that all cumulative projects should be identified, not just the 16 cumulative projects located “nearby the project Site” that are identified in Table 6. The statement in the Agricultural Report regarding cumulative projects not impacting agriculturally important land has been revised, and the Final EIR states the following: “Although some cumulative projects have the potential to directly or indirectly impact existing agricultural lands, the proposed project would not contribute to a cumulatively considerable impact; therefore, no significant cumulative effects to agriculture would occur.” Furthermore, as stated on page 18 of the County’s Report Format and Content Requirements – Agricultural Resources, “When using the list of projects approach, only projects with agricultural resources onsite should be included in the cumulative analysis.” The statement on page 72 in the Agricultural Report regarding “nearby projects” has been revised in the Agricultural Resources Technical Report to state the following: “Table 6, Cumulative Projects, lists the cumulative projects that have agricultural resources onsite.”

**O-1.7-52** The comment states that 11 of the 16 projects do not provide any data on estimated direct or indirect impacts and the 5 remaining projects have no assessment of the direct/indirect impact estimates, although the text on page 77 acknowledges that the cumulative projects, “could result in a potential cumulative impact from the conversion of agricultural land and of compatibility with agricultural uses.” The comment further states that the Agricultural Report should be modified to a) provide direct and indirect impact estimates for all applicable cumulative projects; and b) provide a quantified and qualified analysis of potential cumulative impacts based on the data to be provided for all applicable cumulative projects. The County does not concur with the comment. The Draft EIR analyzes cumulative impacts to Agricultural Resources in Section 2.2.4. As described therein, “the project Site is not considered to

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be comprised of important agricultural resources” and the proposed project “is not anticipated to change the existing environment, and would not result in the indirect conversion of off-site agricultural resources to a non-agricultural use or adversely impact the viability of agriculture on land under any Williamson Act contract. As a result, the Draft EIR concluded the proposed project not result in a cumulatively considerable impact on agricultural resources.

**O-1.7-53** The comment states that the Draft EIR should have lumped together six of the alternatives as two single alternatives and therefore, the Draft EIR address five alternatives, three of which were suggested by others. The County does not concur with this comment for the following reasons.

With respect to the Newland Sierra Parkway alternatives, these alternatives were prepared in response to comments received during the NOP comment period and subsequent communications from a neighboring property owner. As stated in the Draft EIR in Section 4.3:

In a letter dated March 16, 2015, Golden Door Properties, LLC, (owner and operator of the Golden Door Spa Resort which is situated on the south side of Deer Springs Road between Sarver Lane and Mesa Rock Road in the vicinity of the project), through its counsel, Latham & Watkins LLP, recommended an on-site alternative to the project’s proposed improvements to Deer Springs Road. In lieu of widening and improving Deer Springs Road to a four-lane Major Road classification, the letter recommended construction of a new four-lane road, named “Newland Sierra Parkway.”... Approximately one year after the NOP comment period closed, on April 8, 2016, Latham & Watkins LLP submitted a second letter on behalf of Golden Door Properties, LLC, requesting that the project address two additional Newland Sierra Parkway alignments. Latham & Watkins LLP hired Delane Engineering, Inc. to prepare a technical memorandum analyzing these two additional alignment options, identified as Options C1 and C2. These two additional alignments are referred to as Newland Sierra Parkway Alternative B and Alternative C, and are analyzed in this EIR in Sections 4.7 and 4.8.

Accordingly, the Draft EIR considered the requested alternatives in response to comments received on the project NOP.

With respect to the CDFW alternatives, Section 4.3 states, “three additional alternatives were recommended by the California Department of Fish & Wildlife (CDFW) in its NOP comment letter dated March 11, 2015.”

CDFW commented on the NOP, stating the following:

[T]o provide for a larger, contiguous block of open space, in the eastern and northern portion of the property, to minimize edge effects to on site biological open space areas, and to maintain connectivity between on site and off site areas designated for conservation, we recommend that the draft EIR include the following EIR alternatives: 1) one that would remove the three easternmost development bubbles (i.e., areas identified by the County in a prior meeting as Towncenter, Terraces, and Hillside) and associated access roads; 2) another possible alternative to consider would remove the easterly half of the Mesa development area (located just northwest of Hillside) and the Terraces and Hillside areas (but retain the Towncenter area); and 3) a third alternative that would move some of the development proposed in the central and eastern areas of the site to the old quarry locations.

The U.S. Fish and Wildlife Service (USFWS) also submitted a comment letter in response to the NOP requesting the EIR “fully analyze a project alternative that would remove the three development bubbles identified as Towncenter, Terraces, and Hillside ... and associated access roads.”

Accordingly, the three CDFW project Alternatives were analyzed. While similar in that each removes different neighborhoods for purposes of reducing impacts to biological resources, these alternatives include different unit counts (ranging from 1,333 to 1,549) which addresses CEQA requirements to consider a range of alternatives, which includes a range of unit counts.

With respect to the comment that the Draft EIR only analyzed two alternatives not suggested by others, 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, ranging from the No Project/No Build Alternative, to the General Plan Alternative (99 dwelling units, 2.0m+ square feet commercial/retail/office), CDFW Alternatives (1,333 to 1,549 dwelling units), the Multi-Family Town Center Alternative (2,135 dwelling units on 435 acres) and the Newland Sierra Parkway Alternatives (2,135 dwelling units on the existing project footprint plus a new, four-lane Circulation Element Road), and also considered and rejected an Alternate Site Location Alternative and Agricultural

Alternative. Thus, the Draft EIR considered a reasonable range of Alternatives that would meet most of the project objectives, be feasible, and avoid or substantially lessen the significant impacts resulting from the project. No further response is required.

**O-1.7-54** The comment states that by incorporating the alternatives suggested during the NOP comment period, the proposed project did not develop a reasonable range of alternatives because an effort was not made to avoid or lessen any of the project's significant effects. The County does not concur for the following reasons.

As stated above, 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.

With respect to the comment that none of the alternatives were developed to specifically avoid or substantially less any of the significant effects of the project, Table 4-1 compares the effects of the alternatives to those of the proposed project. As shown in Table 4-1, six of the nine alternatives would reduce or lessen an impact compared to the proposed project. Specifically, the Multi-Family Town Center Alternative would reduce impacts to Hydrology and Water Quality, Mineral Resources, and Paleontological Resources. CDFW Land Planning Alternatives A and C would reduce impacts to Aesthetics, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities and Service Systems, and Energy. CDFW Land Planning Alternative B would have the same reduced impacts as CDFW Land Planning Alternative A with the exception of Paleontological Resources.

Finally, Section 4.13 identifies the Environmentally Superior Alternative as CDFW Land Planning Alternative A.

The Draft EIR includes a reasonable range of alternatives which were analyzed in response to comments received during the NOP comment period and which reduce or avoid significant environmental impacts as required by CEQA. No further response is required.

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- O-1.7-55** The comment states that the Draft EIR should have considered a “Reduced Project Alternative” that would relocate or redesign the portions of the project that would impact Key Views 1, 2, and 3. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR Considered eleven project alternatives, including nine full comparisons and two alternatives considered but rejected.

With respect to the specific comment regarding Key Views 1, 2, and 3, these key views generally view the southeast portion of the project Site, including the Town Center and Terraces neighborhoods. Two similar alternatives, CDFW Land Planning Alternatives A and C, were considered as suggested by the comment. Please refer to Sections 4.10.2 and 4.12.2 for additional analysis comparing the relative visual impacts of these alternatives to the proposed project.

Lastly, the suggested alternative is counter to the Existing County General Plan Land Use and Zoning designations, which identify this location on the southeast portion of the project Site, near the I-15/Deer Springs Road interchange, for intense office/professional and commercial development. A Reduced Project Alternative in this location would be inconsistent with the Village regional category designated by the North County Metropolitan Community Plan.

- O-1.7-56** The comment states that the Draft EIR should have considered a “Reduced Grading Alternative” that would reduce the amount and duration of grading. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR Considered eleven project alternatives, including nine full comparisons and two alternatives considered but rejected.

With respect to the specific comment regarding reducing grading, several of the alternatives considered would reduce grading compared to the proposed project, including all three of the CDFW Land Planning Alternatives. Please refer to Sections 4.10.2, 4.11.2, and 4.12.2 for additional analysis comparing the relative grading impacts of these alternatives to the proposed project.

With respect to the comment that grading would occur over a 10-year period, please see **Topical Responses AQ-2, AQ-3, and NOI-1** for a detailed response regarding the estimated grading schedule, which is not 10 years as suggested by the comment.

**O-1.7-57** The comment states that the Draft EIR should have considered a “Project Phasing Alternative” that would address impacts associated with the loss of available mineral resource. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR Considered 11 project alternatives, including nine full comparisons and two Alternatives considered but rejected.

Specific to addressing the loss of mineral resources, the Multi-Family Town Center Alternative would avoid impacts to mineral resources. Please refer to Section 4.9.2, which states that, “Under this alternative, no development would occur within MRZ-2 area of the project Site. Therefore, impacts to mineral resources would be avoided under this alternative.”

In addition, the suggested alternative would result in the same ultimate project as the proposed project, and while combined emissions during construction and operational may be reduced, additional construction emissions would be expected if additional mineral resources were processed than otherwise would be required as part of the proposed project’s grading operation; thus, impacts to air quality, noise, and greenhouse gas emissions/climate change would be greater under this proposed alternative.



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With respect to the comment that all 650 acres of the project Site are designated MRZ-2 and; therefore, the actual impact to mineral resources is understated in the Draft EIR, the County does not concur. While the proposed project would designate approximately 482 acres as open space conservation, this would not preclude the future extraction of these resources per the threshold because the resources would still be minable through the processing of appropriate permits.

- O-1.7-58** The comment states that the Draft EIR should have considered a “Reduced Population and Housing Alternative” that would achieve the applicant’s basic project objectives. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR Considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected.

Also, in addition to the Existing General Plan Alternative, the three CDFW Land Planning Alternatives (A, B and C) would result in between 1,333 and 1,549 units, which is consistent with the comment to consider alternatives that would reduce potential impacts to population and housing by reducing the number of units. As described in Sections 4.10.2, 4.11.2, and 4.12.2, these alternatives would result in reduced impacts compared to the proposed project. No additional alternative would be required to consider this suggestion.

- O-1.7-59** The comment states that the Draft EIR should have considered a “Reduced Density Alternative” that would result in less density such that the projects traffic impacts (TR-1 through TR-45) would be substantially lessened. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected.

Also, the Draft EIR does consider reduced density alternatives as described above in **Response to Comment O-1.7-58**, namely, the CDFW Land Planning Alternatives. Specific to traffic impacts, Appendix II, Newland Sierra Project Alternatives Traffic Analysis, provides specific analyses for each of these alternatives and concludes that two of these Alternatives (A and C) would result in additional traffic improvements, specifically widening of Sarver Lane north of Deer Springs Road, compared to the proposed project, and would result in similar improvements to the remainder of the traffic network.

Due to existing deficiencies on Deer Springs Road, which is currently operating at a failing level of service, the introduction of any significant development would trigger impacts because the addition of more than 200 ADT on Deer Springs Road (as few as 20 homes) would result in a Direct Impact per the County's guidelines.

**O-1.7-60** The comment states that the Draft EIR should have considered a "GHG Reduction Alternative" that would identify other methods (aside from the purchase and retirement of carbon offset credits) of avoiding or substantially reducing the project's significant impacts to GHG's within San Diego County. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected.

As noted in the comment, the proposed project includes mitigation to reduce impacts to global climate change to less than significant. The comment notes this is achieved through the purchase and retirement of carbon offset credits. Please refer to **Response to Comment O-1-** for more detailed discussion regarding the applicability of such offset credits in mitigating GHG impacts.

Regarding the suggestion to analyze an alternative that would reduce GHG emissions, the Draft EIR considers five such alternatives including the Existing General Plan Alternative, the Multi-Family Town Center Alternative, and the three CFDW Land Planning alternatives. Most applicable to the specific comment is the Multi-Family Town Center Alternative, which was suggested by Latham and Watkins on behalf of Golden Door Properties LLC during the NOP comment period in part because of the anticipated reduction to GHG emissions resulting from a condensed land plan with more intense development.

Specific to the Multi-Family Town Center Alternative, Section 4.9.2 explains that, “GHG emissions would increase during construction compared to emissions under the proposed project due to the increase in grading and the required export of approximately 17,266,000 cubic yards of material and the associated increase in haul truck trips under this alternative.” Thus, construction-related GHG emissions would increase compared to the proposed project. Operation emissions would be reduced because, “new project-generated trips would decrease under this alternative when compared to the proposed project.” However, “due to construction, overall GHG emissions impacts would be greater than the proposed project.”

Finally, the proposed project includes Project Design Features to reduce GHG emissions, including a Transportation Demand Management Plan that requires implementation of land use strategies, resident and employee strategies to reduce vehicle miles travelled to reduce impacts TR-46, 47 and 48. In addition, these PDFs require construction practices including incorporation of solar PV on all residential units.

**O-1.7-61** The comment states that the Draft EIR should have considered a “Wildlife Movement Alternative” that would accommodate wildlife movement. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected.

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With respect to the suggestion the Draft EIR did not consider an alternative that would accommodate wildlife movement, the Draft EIR includes four project alternatives, the Multi-Family Town Center Alternative and the three CDFW Land Planning Alternatives, which would improve wildlife movement. Please refer to Sections 4.9.2, 4.10.2, 4.11.2, and 4.12.2, which describe the improvement wildlife movement achieved under these alternatives, as well as other impacts to biological resources.

- O-1.7-62** The comment states that the Draft EIR should be revised to consider an “Existing General Plan Alternative” that would only allow for up to 750,000 square feet of office-professional uses and about 100,000 square feet of traditional retail commercial uses. The County does not concur with this comment for the following reasons.

As noted in **Response to Comment O-1.7-53**, 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. The Draft EIR considered 11 project alternatives, including nine full comparisons and two alternatives considered but rejected.

The Draft EIR does include the Existing General Plan as an Alternative. Please refer to the responses to **Comment Letter O-1.9, Zoning** (submitted by Delane Engineering on behalf of Golden Door Properties LLC), which demonstrates that the uses and intensity analyzed in Section 4.4 are accurate based on existing General Plan Land Use and Zoning designations.

Regarding the demand for office-professional space, the Cushman Wakefield report (**Comment Letter O-1.8, Commercial Demand**) does not raise a CEQA issue, rather, it raises an economic issues that does not appear to relate to any physical effect on the environment.

- O-1.7-63** The County acknowledges the comment and notes that it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

### O-1.8 L&W Attachment 8

**O-1.8-1** The County acknowledges the comment as an introduction to comments that follow. The comment is actually a report prepared by a third-party appraiser (Peter Savage of Cushman Wakefield). As noted in **Response to Comment O-1.8-1**, the appraiser has 43 years of experience in the real estate industry, with a specialty in master-planned communities. 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-1.8-2** The comment is a summary of the location and existing and planned uses of a portion of the project Site, namely, the location of the Town Center neighborhood. The comment does not raise an environmental issue within the meaning of CEQA.

Nonetheless, it is important to note the report's summary of critical observations, which states that the Site's strength is its location adjoining I-15, and that, "*at present*, there is insufficient homes to support any significant commercial development of the site" (emphasis added). The County agrees with the assessment that there is not currently sufficient demand to support the underlying land use (2 million square feet of professional/office and general commercial), which would allow for significant commercial development; however, under the County's existing land use and zoning, that amount of commercial and professional/office is feasible, and future demand could result in such development. Accordingly, the project proponent has proposed a General Plan Amendment to amend the permitted uses on and surrounding the project Site from large-lot single-family residential development and high-intensity office/professional and commercial/retail uses to a balanced, master-planned residential community consisting of 2,135 residential units and 81,000 square feet of commercial/retail. Please refer to **Responses to Comments O-1.8-5, -6, -7, and -8** for additional information regarding the specific findings and how these apply to the proposed project.

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-1.8-3** The comment presents information on the San Diego marketplace, including current economic and demographic trends such as population, households, employment distribution, major employers, employment growth, and unemployment. The comment also details a more localized market that is specific to the community of Twin Oaks, and briefly summarizes location, access, demographics, employment, amenities, services, and land use. The comment supports the General Plan Amendment by stating that "employment is not as critical as amenities and lifestyle,"

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consistent with the current proposal to reduce the intensity of non-residential land uses from 2.08 million square feet to 81,000 square feet. The comment does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.8-4** The comment provides the existing zoning on the Town Center site, stating the following:

Under the current zoning of C30, the maximum FAR (Floor Area Ratio) is .80 of the site area for Village areas and .45 for semi-rural areas. Based on the estimated site area at 53.6 acres, at a maximum, this translates to a total building area from 1,050,667 to 2,008,116 square feet, [and] [u]nder the current zoning of C34, the maximum FAR is .70 of the site area for Village areas and .45 FAR for semi-rural areas. The estimated site area is 4.6 acres. At a maximum, this translates to a total building area from 90,169 to 140,263 square feet.

The County agrees with the comment and the square footages calculated by the third-party reviewer. These totals served as the baseline for development of the Existing General Plan Alternative (Section 4.4), and would be permitted under current zoning and land use allowances. However, as indicated by the commenter, the existing zoning and land use are not considered economically viable at this time due to insufficient housing and an over-supply of office and commercial space in North San Diego County, particularly along the State Route 78 corridor, approximately 5 miles south of the project Site. This is consistent with the analysis prepared by MarketPointe Realty Advisors that was available as part of the public review documents on the County's website (<http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/Market%20Analysis.pdf>).

In response to these conditions, the project is proposing a General Plan Amendment to reduce the non-residential (office/commercial) uses on the project Site from more than 2 million square feet of office professional and general commercial to 81,000 square feet of office/commercial, and proposes to increase the residential uses from 99 units to 2,135 units.

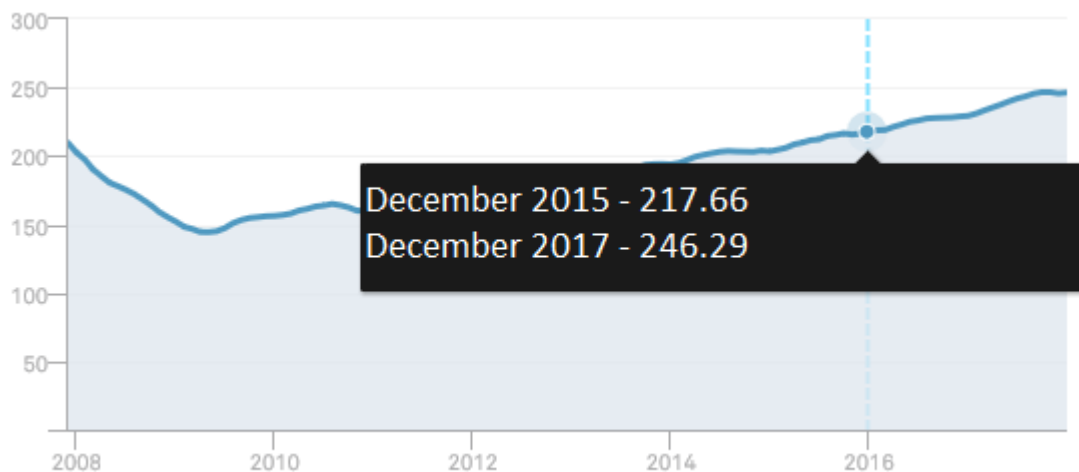
The comment does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

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**O-1.8-5** The comment provides a market demand analysis for residential units in the subject market. The comment states, “home sales and pricing have increased over the past two years, with attached product indicating a 31 percent increase,” and there is a decline in foreclosure activity, which both suggest a strong demand for residential units in the subject submarket. The comment also notes, “average home size decreased,” suggesting a shift in buyer profile in this particular submarket.

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

Nonetheless, the County acknowledges the results of the third-party reviewer’s analysis. In particular, the decrease in the average home size is consistent with the proposed General Plan Amendment, which would change the typical units from large estate lots to smaller lots and attached homes. Further, the average 31% increase in home prices in the submarket suggests an under-supply of housing in the submarket; the 2-year increase in home prices across San Diego County was approximately 13.15% over the same period (see the graphic below, which shows years on the bottom and home prices on the left).<sup>169</sup> The proposed General Plan Amendment would increase the number of residential units from 99 to 2,135. Accordingly, the comment lends support to the proposed General Plan Amendment to reduce lot size and increase unit count for the project Site.



<sup>169</sup> S&P Global. 2018. “S&P CoreLogic Case-Shiller San Diego Home Price NSA Index.” Data from December 2017. Published February 27, 2018. <https://us.spindices.com/indices/real-estate/sp-corelogic-case-shiller-san-diego-home-price-nsa-index>.

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- O-1.8-6** The comment provides a market demand analysis for office space in the subject market, and concludes that “there is little to no demand for office space in the subject’s location.”

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

Nonetheless, the County acknowledges the results of the third-party reviewer’s analysis. In particular, the lack of office demand is consistent with the proposed project’s General Plan Amendment, which would reduce the amount of office/professional from more than 2 million square feet to 81,000 square feet of commercial/office in a mixed-use configuration. By reducing the supply of a land use that is currently being over-supplied, most notably along the State Route 78 corridor, and processing a General Plan Amendment to increase housing supply, the proposed project provides for more balanced land uses in the project vicinity and the North County Metropolitan Subregional Plan area.

- O-1.8-7** The comment provides a market demand analysis for retail units in the subject market and concludes, “It appears that the existing development adequately serves the region.”

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

Nonetheless, the County acknowledges the results of the third-party reviewer’s analysis. In particular, the lack of retail demand is consistent with the proposed General Plan Amendment, which would reduce the amount of commercial/retail from more than 2 million square feet to 81,000 square feet of commercial/retail in a mixed-use configuration. By reducing the supply of a land use that is currently being over-supplied in other markets, most notably along the State Route 78 corridor, and processing a General Plan Amendment to increase housing supply, the proposed project is providing for a more balanced overall land use in the project vicinity.

- O-1.8-8** The comment summarizes the findings of the third-party reviewer. Specific to residential, the report concludes, “Growth rates are expected to continue in San Diego County and the North County Inland MSA [metropolitan statistical area] area [sic] in the long-term.” As a result, “overall long-term demand factors for San Diego County and the subject’s submarket are positive.” Relative to office and commercial, the



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report concludes that there “does not appear to be significant demand” for office, and there is “little to no demand” for retail development on the project Site.

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

Nonetheless, the County acknowledges the results of the third-party reviewer’s analysis. The proposed project is processing a General Plan Amendment that is consistent with the findings of the report; notably, to increase the number of residential units on the project Site, primarily through reducing lot size and increasing density, while also reducing the amount of professional/office and general commercial uses from more than 2 million square feet to 81,000 square feet.

The County General Plan Amendment process allows for this type of amendment following thorough review, including environmental review. The proposed project would process the amendment consistent with the County’s requirements. The report supports the General Plan Amendment proposal to convert land uses on the project Site from high-intensity profession/office to a master-planned residential project with appropriately sized commercial and office uses located along the I-15 frontage.

- O-1.8-9** The comment is a series of concluding assumptions and limiting conditions for the report. The comment does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.
- O-1.8-10** The comment gives the qualifications of the appraiser. It states that the third-party appraiser has 43 years of experience in the real estate industry and “specializes in residential development properties including subdivisions and master planned communities. In addition, appraisal and consulting assignments include vacant land, office buildings, industrial buildings, business/industrial parks, shopping centers, industrial complexes, commercial properties, apartment buildings and mixed-use properties.” The comment does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

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### O-1.9 L&W Attachment 9

- O-1.9-1** The comment restates information from the EIR regarding the existing land uses, acreages, and square footages of different planned uses on the project site and summarizes the proposed project. The comment also references “marketing material” distributed by Newland at public meetings. This marketing material is not from the EIR and was not produced by the County.

The comment restates information contained in the EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- O-1.9-2** The comments states that the EIR does not provide any detail on how parcels would support over 2 million square feet of development. Further, the comment states that the County Zoning Ordinance and Resource Protection Ordinance (RPO) would reduce the development potential of the commercially zoned parcels, and that the project is overstating the potential square footage allowed under the existing General Plan. The County does not concur with the comments for the following reasons.

First, the comment provides an incomplete definition of “steep slopes.” The County’s RPO section 86.602(p) provides the complete definition of steep slopes, as follows:

Steep Slope Lands: All lands having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project boundary.

Based on this definition, the 58.2 acres of office/commercial parcels support approximately 11 acres of steep slopes (approximately 19% of that area within these parcels). In contrast, Figure 3 in the Delane technical memorandum incorrectly includes additional areas that do not qualify as steep slopes. Specifically, in cases where 75% or less of the parcel contains steep slopes, which applies in this case as described above (19% of the site), a maximum encroachment into those steep slopes of 10% is allowed. Further, subject to certain limitations, the RPO allows for Mobility Element roadways, local public and private roads and driveways, public and private utility systems, and fuel modification to encroach into steep slope areas.

Finally, Section 86.604(e)(2)(cc) states:

[A]dditional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps which propose a Planned Residential Development, lot area averaging, conservation subdivision or cluster

development when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists.

The project has analyzed the Existing General Plan Alternative in the context of implementing a conservation subdivision design, implemented through a Specific Plan (EIR, Appendix C) and Tentative Map. A project that complies with the existing General Plan would be able to utilize the provisions of this section of the RPO to implement a conservation subdivision design that provides allowances for greater impacts to steep slopes to avoid or minimize other environmental impacts.

Regarding the calculation of existing yields, 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 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 is consistent with the 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 2,008,116 square feet and 140,263 square feet, respectively, which is higher but generally consistent with the proposed project’s estimate of the maximum building square footage as calculated in the Specific Plan and contained in the EIR.

- O-1.9-3** The comment states that, after taking reductions for steep slopes, height limits, and parking requirements, the existing commercially zoned parcels would yield an achievable building square footage of 635,000 square feet for C30 Office Professional and 103,000 square feet of C36 General Commercial, for a total achievable building square footage of 738,000 square feet. The comment also notes other variables that it claims would affect the feasibility of achieving these square footages. The County disagrees with this calculation of the allowable building square footage. Relative to the calculation of the total square footage allowed under current zoning and land uses, **Response to Comment O-1.9-2**, above, addresses how the maximum allowable building square footage was calculated. Relative to the comment about feasibility, the County notes that the comment raises economic issues that do not appear to relate to

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any physical effect on the environment. No further response is required because the comment does not raise an environmental issue requiring any further response under CEQA.

**O-1.9-4** The comment states the C30 zone does now allow “big box” retail stores. The County notes the comment provides factual background information on the County’s Zoning Ordinance as it relates to the C-30 Zone and does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the project’s EIR. Neither the EIR nor the Newland Sierra Specific Plan propose “big box” stores. 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.

**O-1.9-5** The comment states the C36 zone does allow “big box” retail stores and notes that the amount of buildable square footage calculated in **Response to Comment 1.9-3** would not provide sufficient room for typical “big box” stores. **Response to Comment O-1.9-2** above addresses the County’s determination of the maximum achievable building square footage for the area within the C-2 land use designation (i.e., the C-36 Zone). As stated above, neither the EIR nor the Newland Sierra Specific Plan propose “big box” stores. This comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the project’s 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-1.9-6** The comment states that the EIR “claims that the trip generation and distribution of the proposed residential development would be similar to and offset by the current commercial property.” The comment states, “when current land use is compared to proposed land use, it is apparent that trip distribution for the commercial parcels (if fully developed to current general plan) would result in differing trip distribution, with all traffic required to access the parcels from Mesa Rock Road. This is not addressed in the Newland project documents.”

The County does not concur with the comment. The EIR does not claim that trip generation and distribution of the proposed project would be similar to and offset by the current commercial property. Chapter 11 of Appendix R1, Newland Sierra Traffic Impact Analysis, to the EIR demonstrates the trip generation of the residential, school, park, and retail uses with the proposed project versus those residential, office, and commercial uses that would be allowed under the existing General Plan. As shown, while trip generation is similar in terms of average daily traffic, the office/commercial uses allowed under the existing General Plan would comparatively generate significantly higher peak hour trips.

The County also disagrees with the comment that the trip distribution of the existing General Plan Alternative is not addressed in the EIR. Appendix II, Newland Sierra Project Alternatives Traffic Analysis, of the EIR contains a detailed analysis of the traffic volumes and trip distribution of the Existing General Plan Alternative on the road network compared to the proposed project (refer to Table I-C in Appendix II). Section I of Appendix II, Existing General Plan Alternative, states, “compared to the Project, the Existing General Plan Alternative would result in greater impacts to Deer Springs Road from Mesa Rock Road to Twin Oaks Valley Road, greater impacts to Buena Creek Road between Twin Oaks Valley Road and Monte Vista Drive, and greater impacts to North Twin Oaks Valley Road.” Therefore, the County disagrees with the comment that the “differing trip distribution (of the Existing General Plan Alternative) ... is not addressed in the Newland project documents.”

The Existing General Plan Alternative is analyzed in Section 4.5 of the EIR. As Section 4.5.2 concludes, this alternative would require many of the same impacts and off-site road improvements to mitigate its impacts as the proposed project. Specifically:

[T]his alternative would require a new interchange at the I-15/Deer Springs Road interchange, and improvements to Camino Mayor. Also, like the proposed project, impacts to Caltrans and San Marcos facilities (the I-15 interchange, freeway mainlines, and Twin Oaks Valley Road), impacts to the intersection of Robelini Dr./S. Santa Fe Ave, and impacts to the segment of S. Santa Fe Ave. between Robelini Dr. and Buena Creek Rd. would remain significant and unavoidable. This alternative would result in greater impacts compared to the project.

Thus, the EIR did address the potential impacts of the Existing General Plan land uses for the “current commercial property.”

- O-1.9-7** The comment states that development of only the commercial properties would not result in the environmental impacts and earth-moving, blasting, noise, and other construction-related impacts of the proposed project. The comment does not raise an issue related to the adequacy of any specific section or analysis of the EIR. The County agrees that limiting development to the area within the commercial zoned parcels of the project site would likely result in less environmental impacts compared to the proposed project. In fact, the EIR considers an alternative, the Multi-Family Town Center Alternative, which consolidates development within the Town Center portion of the project site. This alternative would reduce impacts to Hydrology and Water Quality, Mineral Resources, and Paleontological Resources. 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-1.10 L&W Attachment 10

- O-1.10-1** The comment states that the project would generate thousands of additional trips on Interstate (I) 15 and State Route (SR) 78, and that the Draft EIR does not provide for any fair-share contribution to freeway mainline improvements to mitigate the project's impacts to the freeway mainline. The comment states that the Draft EIR states that the project could contribute to SR-78 mainline improvements, but does not specify an amount. The County does not agree with this comment since the Draft EIR properly addresses the project's freeway impacts and related mitigation, as discussed below.

Under CEQA, a public agency must mitigate or avoid a significant environmental impact *when feasible* (Public Resources Code Section 21002.1(b)) (emphasis added). However, the mitigation of extrajurisdictional traffic impacts (i.e., impacts outside of the jurisdiction and control of the lead agency) is not feasible when the public agency has no jurisdiction over the impacted roadways, and there is no enforceable plan or program in place to ensure that the impacts will actually be mitigated. In such a situation, extrajurisdictional impacts are significant and unavoidable, and the project proponent is not required to provide funding toward improvements (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 936; see also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 [to be adequate, mitigation fees must be part of a reasonable, enforceable plan of actual mitigation that the relevant agency commits itself to implementing; the plan must be sufficiently tied to the actual mitigation of the traffic impacts at issue]).

In this case, the impacted facilities (I-15 and SR-78) are outside of the jurisdiction and control of the County of San Diego, and there is no enforceable plan or program in place to ensure that the necessary improvements would be constructed within the necessary timeframe.

The San Diego Association of Governments (SANDAG) 2015 Regional Transportation Plan/Sustainable Communities Strategy, entitled San Diego Forward: The Regional Plan (2015 RTP/SCS), is the long-range transportation plan for San Diego County, and includes the addition of four toll lanes (two lanes in each direction) on I-15 between SR-78 and the Riverside County boundary. Completion of these toll lanes is not planned until 2050 (see Table A.2, Phased Revenue Constrained Projects, page 17, of Appendix A to the 2015 RTP/SCS). Additionally, although the cost of the improvement has been estimated at \$1.029 billion in 2014 dollars, no specific secured funding sources exclusively dedicated to these improvements to I-15 are identified in the 2015 RTP/SCS. Instead, the 2015 RTP/SCS identifies various potential local, state, and federal funding sources that are subject to recurring legislative approvals and other factors that can heavily influence actual available funding.

Accordingly, even if funding were to be dedicated and available now, the improvements would not be in place in time to mitigate the project's identified impacts, which would occur before or by approximately 2027, up to 23 years before any of the toll lanes would be completed per the 2015 RTP/SCS. Moreover, Caltrans has no funding program in place for the I-15 improvements into which the project could pay a fair-share amount. As such, mitigation that would ensure construction of the improvements necessary to mitigate the identified significant impact is infeasible.

Caltrans does not dispute this conclusion, recognizing that no mitigation program, which the proposed project could rely upon, is currently in place to implement the necessary improvements, and that based on the 2015 RTP/SCS, improvements to I-15 are not planned until sometime between 2040 and 2050 (letter from Jacob Armstrong to Mark Slovick, October 22, 2014).

As to SR-78, the proposed project would result in significant cumulative impacts to the segment between Mar Vista Road and Sycamore Avenue. As stated in the Draft EIR, this impact would be mitigated by payment of a fair-share contribution to Caltrans for the planned improvement to add high-occupancy-vehicle lanes in both directions on SR-78 (Draft EIR p. 2.13-117). However, because the timing and implementation of these improvements are under the jurisdiction and control of Caltrans, and, thereby, subject to its concurrence and approval, for purposes of the Draft EIR, the impact is considered significant and unavoidable.

The project includes a Transportation Demand Management (TDM) Program that provides all feasible measures to reduce the project's vehicle miles traveled (VMT) and vehicle trips, which would include project trips added to the freeway system. The TDM Program would be implemented via a series of project design features (PDFs), specifically PDF-1 through PDF-20, as set forth in EIR Table 2.7-7, Project Design Features to Reduce GHG Emissions, Section 2.7, Greenhouse Gas Emissions. Relative to traffic reduction, the TDM Program would consist of the following:

- A mix of land use and design strategies designed to lower VMT because residents could use alternative transportation modes to reach the various land uses available within the project Site.
- Travel and commute services for residents, including a comprehensive trails network, facilities to encourage bicycle use, implementation of an electric bike-share program, coordination with a car-share program to install three car-share stations, and coordination of a ride-share or shuttle system that connects the various neighborhoods to the Town Center.
- Commute services for employees, including the provision of transit subsidies for employees of the Town Center, implementation of a demand-responsive



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shuttle service that provides access throughout the Site to park-and-ride lots and to the Escondido Transit Center, and coordination with North County Transit District and SANDAG on the future siting of transit stops/stations at adjacent park-and-ride lots.

These strategies would result in a reduction in VMT of approximately 11.1 percent (see EIR Table 2.7-7).

In addition, the project proposes improvements to the I-15/Deer Springs Road interchange that would improve capacity of the interchange and I-15 mainline by providing ramp meters and acceleration and deceleration lanes on I-15 to control and mitigate the impacts of project traffic. The interchange improvements would improve the capacity and operations of I-15, thereby serving as partial mitigation for the project's impacts.

In response to comments raised, the project prepared an analysis of the amount of additional traffic that would use Deer Springs Road if the road were to be widened to four lanes, as proposed by the project. The analysis showed that widening would result in an additional 1,200 average daily trips (ADT) on Deer Springs Road in the near-term, and a near equal reduction of 1,100 ADTs along I-15 between Deer Springs Road and Centre City Parkway (refer to Four-Lane Deer Springs Road Memo prepared by LLG, Appendix JJ-7 to the Final EIR). Accordingly, improving the capacity of Deer Springs Road would have the net effect of drawing additional trips from I-15, serving as a partial offset to the project's addition of trips to I-15 south of the Deer Springs Road interchange. As addressed in Appendix JJ-7, the additional 1,200 ADT on Deer Springs Road would not result in any new direct or cumulative impacts. The road would still operate at level of service (LOS) C in the Existing Plus Project Scenario and LOS D in the Existing Plus Project Plus Cumulative Projects Scenario with the added 1,200 ADT. Thus, by widening Deer Springs Road in conjunction with the project's proposed interchange improvements, the project would partially mitigate its impacts to I-15 by reducing existing trips on I-15 and by controlling the flow of traffic onto I-15 in a manner that would improve the LOS of I-15 in that area.

It is also important to properly characterize the project's impacts to I-15. The project would primarily generate residential trips that affect I-15 segments from Deer Springs Road south toward San Diego. (See the end of this comment for a brief discussion on "residential" vs. "non-residential" trips.) As it relates to I-15 north of the Deer Springs Road interchange, only 12 percent of the project's net non-residential trips and 8 percent of the project's net residential trips would impact this segment of I-15. Specifically, on I-15 north of Deer Springs Road, the project would generate

approximately 55 and 68 non-residential trips in the morning and evening peak periods, respectively, and approximately 92 and 119 residential trips in the morning and evening peak periods, respectively. Further, approximately 60 percent of the non-residential trips (33 trips) would be driving into the project Site during the morning peak period, and approximately 51 percent (35 trips) would be leaving the project Site in the evening peak period. In terms of the residential trips, approximately 20 percent (18 trips) would be driving into the project Site during the morning peak period, and 27 percent (33 trips) would be leaving the project Site in the evening peak period. Thus, in total, north of the I-15/Deer Springs Road interchange, the project would add 51 total trips to the southbound segment of I-15 in the morning peak period and 68 total trips to the northbound segment of I-15 in the evening peak period. These 51 and 68 trips would constitute approximately 0.6 percent (less than 1 percent) and slightly less than 0.9 percent of the existing morning and evening peak hour volumes on I-15 north of Deer Springs Road, respectively (refer to Table 2.13-18 in the t EIR).

With respect to the segment of I-15 south of Deer Springs Road, as shown in Table 10-3, Existing + Project Freeway Mainline Operations, of the project's Traffic Impact Analysis (refer to Appendix R1 to the EIR), the highest number of daily trips the project would add to the segment between Deer Springs Road and Pomerado Road during the AM and PM peak hours would be 519 northbound PM trips, which would be added to the segments between Deer Springs Road and SR-78. Existing traffic levels on the segment during the PM peak hour would range from 7,344 to 8,044 peak-hour trips, which means that the project would increase existing volumes by a maximum of approximately 7 percent ( $519/7,344$ ). Expressed in terms of volume-to-capacity ratio, the project would increase the volume-to-capacity ratio a maximum of 0.065 during the PM peak hour. Under cumulative conditions, this segment of I-15 is projected to carry between 170,400 and 184,130 ADT, including project traffic (refer to Table 2.13-18 in the EIR;). The project would contribute 7,880 ADT of the overall Existing Plus Project Plus Cumulative Projects traffic volume (approximately 4.6 percent of the total volume in the cumulative condition). Therefore, the proposed project would add a relatively small percentage of traffic to I-15 under both Existing Plus Project and cumulative freeway conditions.

Non-residential trips generated by the project are not considered "new" trips in the same way that residential trips are new trips, because many of the non-residential trips, which are generated by the proposed project's commercial uses, are actually trips already on the road as residential trips from other area projects, which are separately accounted for and added to generate the Existing Plus Project Plus Cumulative Projects traffic volumes. Therefore, treating them as entirely new trips on the road network overstates the project's impacts.

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For additional information responsive to this comment, please see Topical Responses to Comments, TR-TR-1 (I-15/SR-78).

**O-1.10-2** The comment states that DELANE Engineering was retained to help provide analysis of mainline freeway projects planned for the region and the potential fair-share costs for the proposed project to mitigate the project's impacts on the region's transportation infrastructure. The comment refers to Figure 1 (provided herein as **Comment O-1.10-5**), which is a detailed breakdown of the estimated cost of freeway mainline improvements and the commenter's estimate of what the proposed project's fair-share contribution to these freeway improvements should be. The comment states that cost information was obtained from SANDAG's 2015 RTP/SCS (i.e., San Diego Forward: the Regional Plan).

Preliminarily, as noted in the **Response to Comment O-1.10-1**, because there is no enforceable plan or program currently in place to ensure that the necessary improvements would be implemented and that the project's significant impacts to I-15 actually would be mitigated, the impacts are considered significant and unavoidable, and the project proponent is not required to provide funding toward improvements.

Moreover, the County does not agree with the fair-share estimates as calculated by the commenter in Figure 1. The premise used by the commenter to prepare Figure 1 conflicts with the funding scheme outlined in the 2015 RTP/SCS, which uses the *TransNet* program's sales tax dollars in conjunction with state and federal transportation funding sources to fund the freeway improvements outlined in Figure 1. The analysis in Figure 1 entirely ignores these funding sources for improvements.

In addition, the analysis contained in Figure 1 is based on a fundamentally incorrect premise that future development (including the project) is 100 percent responsible for the I-15 and SR-78 improvements identified in the 2015 RTP/SCS. However, as shown in Table 2.13-3, Existing Freeway Segment Operations, of the EIR, the following freeway segments already operate at deficient LOS E or worse, and, therefore, existing development would also be responsible for any necessary improvements: I-15: Riverside County boundary to Old Highway 395, and Gopher Canyon Road to Pomerado Road; SR-78: Mar Vista Road to Rancho Santa Fe Avenue, and Las Posas Road to Twin Oaks Valley Road.

Furthermore, assuming that only new development is 100 percent responsible for the improvements conflicts with the "rational nexus test," which establishes that new development should bear no more than its equitable share of improvement costs, and that jurisdictions must determine that share based on the extent to which a development benefits from the improvements. In the U.S. Supreme Court case of

*Dolan v. City of Tigard* (1994; 512 U.S. 374), the Supreme Court ruled that the government must demonstrate that an essential nexus exists between the legitimate state interest and the exaction imposed, and that the nature of the exaction must be “roughly proportional” to the impact the project is creating.

The failure to meet the rough proportionality test is demonstrated by the cost estimates contained in Figure 1 when these estimates are converted to a per-unit cost. According to Figure 1, the Newland Sierra Project would be responsible for \$153,122,742 (in 2010 dollars) worth of freeway improvements. This amount would be in addition to the cost of improving local roads and the cost of building a new interchange at I-15 and Deer Springs Road, the latter of which is estimated to cost between \$18 and \$24 million. In 2017 dollars, this total amount is approximately \$173 million (more than \$80,000 per unit for 2,135 units in the project). If all of the region’s approximately 1.2 million existing housing units were to bear an equal share of the region’s freeway improvements, this would translate into \$97 billion worth of freeway improvements in 2017 dollars, or, using the \$12.5 million per express lane mile cost as referenced in Figure 1, 7,800 total freeway lane miles, which is approximately four times the amount of existing freeway lane miles in San Diego County. Using a more reasonable average cost for all forms of freeway lane miles of approximately \$6 million per lane mile, this would still translate into more than eight times the amount of existing freeway lane miles in San Diego County. Moreover, under a scenario whereby only future projects are required to pay the costs to construct the subject freeway improvements, under the premise and costs put forward in this comment, every housing project in the region could be required to pay up to \$80,000 per housing unit for freeway improvements, irrespective of the price point of the housing units in a given project, which would both adversely affect housing affordability and disproportionately affect lower priced housing. This mathematical exercise further demonstrates that the commenter’s estimate of the project’s fair-share cost for freeway improvements (as presented in Figure 1) is grossly disproportionate (i.e., does not meet the rough proportionality test) relative to the project’s impacts to the freeway.

Therefore, the County does not agree with the project’s fair-share estimate of I-15 and SR-78 improvements presented in Figure 1. The County also notes that Figure 1, which was prepared on behalf of Golden Door Properties LLC, identifies approximately \$3 billion worth of freeway improvements identified in the 2015 RTP/SCS within the vicinity of the project Site, but Golden Door Properties LLC has consistently stated in its comment letter (for example, refer to **Comments O-1-413, O-1-440, and O-1-442**) that the project vicinity does not support any existing or planned infrastructure.

**O-1.10-3** The comment states that, in some cases, the Draft EIR fails to provide future freeway volumes. The comment states that SANDAG Series 13 volumes were used for the fair-share analysis prepared by the commenter. The County does not agree with the comment. As shown on the following tables, “Existing” freeway volumes, “Existing Plus Project” freeway volumes, and “Cumulative” freeway volumes were provided for more than 32 miles of I-15 from the Riverside County boundary to the Camino Del Norte interchange (in the City of San Diego), and for approximately 5 miles of SR-78 from the Mar Vista Road interchange to Twin Oaks Valley Road interchange:

- Existing Freeway Mainline Operations (refer to Table 2.13-3 of the EIR)
- Existing Plus Project Freeway Segment Operations (refer to Table 2.13-18 of the EIR)
- Cumulative Freeway Segment Operations (refer to Table 2.13-28 of the EIR)
- Cumulative Freeway Segment Operations with Mountain Meadow Road Connection (refer to Table 2.13-30 of the EIR)

As it pertains to the County General Plan Buildout scenario, the purpose of this scenario is to analyze the project’s consistency with the County’s General Plan; significant impacts are not assessed under this scenario as they are assessed under the Existing plus Project, and Existing plus Project plus Cumulative Projects scenarios. Please refer to **Response to Comment O-1-266** for additional information regarding the County General Plan Buildout scenario. For the General Plan Buildout scenarios, freeway segment operations were analyzed, and the corresponding volumes provided, at the eight freeway segments where the project would add the greatest amount of traffic, and for those portions of the freeway where the volumes changed as a result of the project’s Deer Springs Road mitigation Option A (which would change the General Plan Mobility Element classification of Deer Springs Road) compared to maintaining the General Plan Mobility Element classification of Deer Springs Road as a 6.2 Prime Arterial. For these two scenarios, volumes were provided for I-15 from the Gopher Canyon Road interchange to the El Norte Parkway interchange, and for SR-78 from the Mar Vista Road interchange to the Twin Oaks Valley Road interchange. Refer to Table 2.13-33, County General Plan Buildout (Deer Springs Road Reclassified Under Option A)—Freeway Segment Operations, and Table 2.13-35, County General Plan Buildout (Deer Springs Road as a 6.2 Prime Arterial) – Freeway Segment Operations, of the EIR for the freeway segment volumes associated with these two General Plan Buildout scenarios. As shown in these tables, the reclassification of Deer Springs Road under Option A would result in slightly higher freeway mainline operations (with the I-15 segment between Gopher Canyon Road and Deer Springs Road being the one exception) compared to maintaining the General Plan Mobility Element classification of Deer Springs Road.

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**O-1.10-4** The comment states that Figure 1 shows a fair-share cost estimate of \$153 million (in 2010 dollars), which using 2 percent average inflation, would result in a cost of \$214 million in 2027 dollars (which the comment notes as the project’s proposed completion date). The comment states that these figures are intended to be used for initial discussion purposes and are not meant to state final or expected project contributions. The comment states that further discussion should be had between the County, SANDAG, and Caltrans to identify and determine appropriate contributions in detail. The County acknowledges the comment as providing a general overview of Figure 1. However, as stated in **Response to Comment O-1.10-2**, the County does not agree with the fair-share estimates as calculated by the commenter in Figure 1. Additionally, as stated in **Response to Comment O-1.10-1**, Caltrans has stated in writing that no mitigation program is currently in place for the project to implement the necessary improvements. The County also notes that ongoing discussions between the County, Caltrans, and the applicant have occurred beginning in 2015 when the applicant formally initiated the process to plan, design, and construct a new interchange at I-15 and Deer Springs Road. That process involved evaluating future I-15 volumes and various other factors that Caltrans requires privately initiated projects to consider.

Finally, the County notes that Caltrans submitted a letter about the Newland Sierra Project Draft EIR (dated January 11, 2018—refer to Appendix JJ-16 to the Final EIR) stating that an “intersection control evaluation (ICE) shall be submitted to and approved by Caltrans in order to finalize the mitigation concept at the Deer Springs Road Interchange. Caltrans is satisfied that the other previous comments from our August 10, 2017 letter have been adequately addressed.” Therefore, Caltrans, appropriately so, is not seeking funding from the project applicant for freeway improvements beyond the \$18 to \$24 million the project has already committed to pay for freeway related infrastructure improvements.

**O-1.10-5** The comment is Figure 1, which is previously referenced in **Responses to Comments O-1.10-2** and **O-1.10-4**. Please refer to those responses for additional information.

### **O-1.11 L&W Attachment 11**

- O-1.11-1** The comment is an introduction to the comments that follow pertaining to Camino Mayor. The County acknowledges the comment as an introduction to comments that follow. No further response is required or necessary.
- O-1.11-2** The comment provides information about Camino Mayor and Twin Oaks Valley Road, including the existing configuration and location of Camino Mayor and its intersection with Twin Oaks Valley Road. The comment restates information provided as part of public review for the Draft EIR, notably the Tentative Map/Preliminary Grading Plan, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.
- O-1.11-3** The comment states that the existing 60-foot-wide right-of-way for Twin Oaks Valley Road ends just north of Twin Oaks Crest Drive, and that, north of that point, the right-of-way is 40 feet wide, per Doc. No. 75-0043933. This description is accurate across Assessor Parcel Numbers (APNs) 174-300-18 and -19, which are 444 feet southerly of the centerline of Camino Mayor. However, from that point continuing north, the right-of-way widens to 60 feet wide (per Doc. No. 79-29767). The portion of Twin Oaks Valley Road, including its intersection with Camino Mayor, shown in Figure 1 of letter O-1.11 is 60 feet wide.

The comment also states that there is an existing 84-foot-wide Irrevocable Offer of Dedication (IOD) to the west of the existing Twin Oaks Valley Road, and that this “suggests” that the County plans to straighten and improve Twin Oaks Valley Road to County standards at some point. The County confirms the existence of the IOD, however the improvements associated with the 84-foot-wide IOD for Twin Oaks Valley Road are not designed or part of any County Capital Improvement Program and the County has not formally accepted the IOD.

The comment also refers to Camino Mayor as the project’s third main access point and states that it therefore may be appropriate to consider impacts and improvements to North Twin Oaks Valley Road. However, the County does not concur with the statement that Camino Mayor serves as a “main access point” for the project, since Camino Mayor, in fact, would not provide main access for the project. The primary function of Camino Mayor is to serve as emergency ingress and egress.

With respect to the comment’s suggestion regarding improvements to North Twin Oaks Valley Road, the road currently operates at LOS B and carries approximately 3,000 ADT (refer to Table 7-2 of Appendix R1 to the EIR); this volume equates to

less than 20 percent of the road's carrying capacity under acceptable LOS conditions. The proposed project would generate a maximum of 150 residential and 280 non-residential ADT (a total of 430 ADT) along the segment of North Twin Oaks Valley Road between Solar Lane and Deer Springs Road (refer to Figure 8-7 of the Traffic Impact Analysis, Appendix R1 of the Draft EIR). The project's trips along North Twin Oaks Valley Road are forecasted to peak at 430 ADT along the segment between Deer Springs Road and Solar Lane. North of Solar Lane, the project's trips along the road would be significantly less, and be closer to the 150 ADT forecasted by the Traffic Impact Analysis to be using Camino Mayor (refer to Figure 8-3 in Appendix R1 to the EIR). As it pertains to the 280 non-residential trips generated by the project along N. Twin Oaks Valley Road, these non-residential trips would be generated by existing and future land uses along the road traveling to non-residential uses (today these trips are presumably traveling south into the City of San Marcos); consequently, these trips are not necessarily new trips on the road in the same way the project's residential trips would be. Therefore, the amount of traffic that would be added to the N. Twin Oaks Valley Road by the project would not result in a significant impact on the functionality or LOS of the road, since it would continue to operate at LOS B with project traffic. Accordingly, no mitigation (i.e., no improvements to North Twin Oaks Valley Road) is required.

- O-1.11-4** This comment restates the prior comment that the project proposes to use Camino Mayor as a third access point and to provide emergency access, and that these vehicles would use N. Twin Oaks Valley Road to travel south, but that the Draft EIR does not analyze the proposed project's impacts, including safety-related impacts, to North Twin Oaks Valley Road north of Solar Lane. The comment also refers to truck traffic related to a quarry site located to the north and its effect on area road conditions and states that, with no improvements to N. Twin Oaks Valley Road, there is a concern for unsafe conditions if more traffic is added to the road. The County does not agree with the comment.

Preliminarily, as stated in **Response to Comment O-1.11-3**, the project would add a limited amount of traffic to North Twin Oaks Valley Road and, therefore, potential capacity-related impacts would be less than significant and no mitigation is required.

As it relates to safety concerns, the Draft EIR considered traffic hazards in Section 2.13.9.6. As stated on page 2.13-83:

Compliance with the applicable Public Road Standards, the County's Mobility Element safety-related policies, and other applicable engineering requirements, and incorporation of the project's TDM measures and



transportation-related project design features would ensure that the project results in **less than significant impacts** related to traffic hazards.

As it pertains to the segment of Twin Oaks Valley Road north of Solar Lane and including the intersection of Camino Mayor and North Twin Oaks Valley Road, in the context of traffic safety, two 24-hour speed surveys of traffic along this segment were conducted and found that the average travel speeds in the vicinity of the Camino Mayor intersection were 20.8 miles per hour for southbound traffic and 23.5 miles per hour for northbound traffic, and the 85th percentile speed was between 22.4 (southbound traffic) and 24.4 (northbound traffic) miles per hour. The speed surveys found that approximately 44 percent of the traffic traveled at speeds between 0 and 19 miles per hour along the road (refer to Newland Sierra DEIR, Additional Items, Design Exceptions Requests, Item 15). The relative slow travel speeds are explained by the geometry and grade of the road present in this section of the road. Southbound traffic travels uphill through a curve and northbound traffic must enter a curve along this section of North Twin Oaks Valley Road before reaching the Camino Mayor intersection. These two physical constraints result in the low average and 85th percentile travel speeds recorded by the speed survey compared to straighter and flatter portions of the road. In accordance with the speed survey and the approved design exception request, a design speed of 25 miles per hour was used as the basis for establishing a corner site distance of 250 feet on either side of the intersection (refer to County Public Road Standards, Section 6.E, Table 5, Standard Corner Site Distance at Intersections, and County Design Standards DS-20A and DS-20B). As shown in the figure included with Item 15 of the Design Exception Requests, the project can achieve 295 feet of corner site distance to the south and 265 feet of corner site distance to the north.

As it relates to the issue of traffic safety on N. Twin Oaks Valley Road, an analysis of the rate of traffic accidents along this road was conducted for the period between January 2013 and December 2017 (refer to *Sierra—Accident Analysis and Pedestrian/Bicycle Activity*, Appendix JJ-8 to the Final EIR). Appendix JJ-8 shows that a total of 10 accidents occurred along the road during this timeframe. Based on the 2.7-mile-long length of the road segment where these accidents occurred, an accident rate of 0.68 was calculated for the road (refer to Table A of Appendix JJ-8). By comparison, the expected accident rate for this road type is 1.14. The road is defined as being in the Rate Group H03 (speed limit less than 55 miles per hour and rolling terrain) in the “2014 Collision Data on California State Highways (road miles, travel, collisions, collision rates)” report published by the California Department of Transportation, Division of Research, Innovation, and System Information. Therefore, the accident rate for N. Twin Oaks Valley Road is lower than that of equivalent roads evaluated across the state, indicating that, at least from the

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standpoint of the road conditions having the potential to result in accidents, statistically the road is experiencing a lower than average number of accidents for its Rate Group.

Finally, in response to a request by the Planning Commission in 2005 to evaluate the safety of the road, the County the County Public Works Department did survey the road conditions along N. Twin Oaks Valley Road and installed additional signage to improve driver awareness of road curves ahead, the speed limit through curved sections of the road, and other applicable signage to improve driver awareness. Please see **Response to Comment I-405-58**.

**O-1.11-5** The comment states that the Draft EIR presents Camino Mayor “three different ways,” thereby raising concerns regarding the proposed improvements and use of the road, with comments that follow providing further explanation and details. The County acknowledges the comment as an introduction to comments that follow. No further response is required or necessary, since the following responses address the issues raised by the comment.

**O-1.11-6** The comment is a follow up to the preceding comment and consists of six unnumbered bullets, each of which is separately numbered and responded to below:

1. The comment states that there are no references to the Camino Mayor easement documentation. The County does not agree with this comment. Existing easement documents for Camino Mayor are referenced on Sheet 14 of the Tentative Map that was circulated with the Draft EIR (refer to Newland Sierra Public Review Draft EIR, Additional Items, Tentative Map: <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/SP-15-001/NSDEIR.html>).
2. The comment states that the private road proposes to go through multiple properties not owned by the developer. The County acknowledges the comment and notes that the project applicant now owns outright or controls two of the five off-site properties (APNs 174-300-21 and 174-300-24) that would be impacted by the Camino Mayor alignment depicted and described on the Draft Tentative Map and Preliminary Grading Plan that was circulated with the Draft EIR. In the case of Camino Mayor Alternative Alignment 1, that alignment would stay entirely within property owned and controlled by the project applicant. Camino Mayor Alternative Alignment 2 is engineered to be within the limits of the existing access easements. Under this alternative, the project applicant already has access rights granted by the existing easements.
3. The comment asks whether all sections of the Camino Mayor Alternative Alignment 2 are within the existing 40-foot-wide easement, and, if not, the

project should address implications of acquisition beyond the existing easement. The County acknowledges the comment and notes that the improvements related to Camino Mayor Alternative Alignment 2 are designed to remain entirely within the limits of existing access easements. The applicant is in discussion with impacted property owners for easement and slope rights for the alignment shown on the Draft Tentative Map and Preliminary Grading Plan. As it relates to Alternative Alignment 1, the project applicant owns or controls all of the property necessary to effectuate the improvements related to this alternative. Condemnation is not anticipated for additional road easement rights related to any of the three alignments analyzed in the Draft EIR.

4. The comment states that some portions of each road are designed at 20 percent maximum grade, which exceeds standards and are not indicated in the Design Exceptions. The County does not agree with this comment. Gradients of 20 percent are consistent with the County Hillside Residential Street criteria, the classification that would apply to any one of the three alignments.
5. The comment states that Camino Mayor serves as one of three main access points and that there may be other issues related to the fact that Camino Mayor is a private road. The County acknowledges the comment and notes that the comment does not present any evidence related to other issues not already addressed herein or analyzed in the Draft EIR. As stated in prior responses, Camino Mayor would not serve as a main access point for the project under any of the three Camino Mayor alignments analyzed. Additionally, without specifying the “other issues,” the County cannot provide a response to the comment. Accordingly, the County acknowledges the comment, notes that it expresses the opinions of the commenter, and does not raise an issue related to the analysis presented in the Draft EIR. As such, no further response is required or can be provided.
6. The comment states that the Draft EIR improperly indicates that Twin Oaks Valley Road lies within a 60-foot-wide right-of-way, while it actually lies within a 40-foot-wide public road easement through this area. The existing 60-foot-wide public road easement for North Twin Oaks Valley Road is properly shown per Document No. 79-029767, recorded January 18, 1979. The recorded document is also shown on Sheet 14 of the Tentative Map.

**O-1.11-7** The comment relates to Comment O-1.11-5, and consists of two unnumbered bullets, each of which is numbered and separately responded to below:

1. The comment states that Alternative 1, discussed in Appendix D, Camino Mayor Alternative Alignments – Environmental Analysis, does not show

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drainage or water quality requirements and impacts. In response, as stated in the “Hydrology and Water Quality” paragraph on page 7 of Appendix D, “Both Alternative Alignment 1 and Alternative Alignment 2 would be required to comply with the same regulations and standards as described in Section 3.2 [of the Draft EIR].”

2. The comment states that the Alternative 1 alignment in Appendix D does not use an existing easement and requires an additional easement altogether through private properties not owned by the developer. In response, the applicant is in discussion with impacted property owners to acquire easement and slope rights for Alternative Alignment 1.

**O-1.11-8** The comment relates to Comment O-1.11-5 and consists of two unnumbered bullets, each of which is numbered and separately responded to below:

1. The comment states that Camino Mayor Alternative Alignment 2 discussed in Appendix D does not show drainage or water quality requirements or impacts. The County does not agree with the comment. As stated in the “Hydrology and Water Quality” paragraph on page 7 of Appendix D, “Both Alternative Alignment 1 and Alternative Alignment 2 would be required to comply with the same regulations and standards as described in Section 3.2 [of the Draft EIR].”
2. The comment states that Camino Mayor Alternative Alignment 2 in Appendix D conflicts with and does not accommodate or provide access to the existing private well (800 feet from Twin Oaks Valley Road). In response, the existing well appears to have been constructed within the existing 40-foot-wide access easement. As the well is neither a road improvement, nor an appurtenant use to the allowed uses of the easement, it is potentially improperly located in the easement and, therefore, in violation of the easement. If that is the case and if Camino Mayor Alternative Alignment 2 is selected, the project applicant and the owner of the well will have the opportunity to coordinate accommodations for the well.

### **O-1.12 L&W Attachment 12**

**O-1.12-1** The comment states that DELANE Engineering is providing the following comments to the Draft EIR which build upon previous studies prepared by DELANE Engineering based on review of previous plans released for the proposed project and the eventual buildout of Deer Springs Road to six-lanes per the County General Plan. The comment states that, “No environmental review has ever been performed by the County or developer for the Buildout scenario’s indirect impacts, including property rights, grading, air quality, biological, cultural, and geological impacts.”

The County does not concur that the proposed project is required to study impacts of a six-lane “Buildout” of Deer Springs Road because neither the proposed project on its own, nor in combination with 199 cumulative projects in the study area, would result in a significant impact that requires the widening of Deep Springs Road to six lanes as mitigation. As concluded in the Traffic Impact Analysis (Appendix R1 to the EIR), a four-lane major road would adequately accommodate the future modeled traffic volumes on Deer Springs Road. Accordingly, there is no requirement for the proposed project to widen Deer Springs Road to six lanes, nor for the Draft EIR to analyze potential impacts of a six-lane Deer Springs Road. Please also refer to **Responses to Comments O-1-244 through O-1-252**.

**O-1.12-2** The comment refers to five additional studies that DELANE Engineering has provided. The County has reviewed and considered the five documents and provides the following summary of its review findings:

1. Concept Alternative Alignment Study for Deer Springs Road (NSP, Option C) dated April 5, 2016

As it was issued over a year in advance of the release of the Draft EIR, this April 2016 DELANE study does not raise an issue specific to the Draft EIR and, therefore, no further response is required. Nevertheless, this August 2016 DELANE study was included as an attachment to this comment letter and, to the extent that information contained in the study was relied upon to raise issues in this comment letter, those issues have been addressed with the responses herein. Further, as this April 2016 DELANE study was included as Appendix E of the “Newland Sierra Parkway Feasibility Study” (refer Appendix HH to the EIR), the issues raised in the study are addressed by the Newland Sierra Parkway Feasibility Study.

2. Impact Analysis for Newland’s Proposed Deer Springs Road Widening dated August 29, 2016.

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As it was issued over a year in advance of the release of the Draft EIR, this August 2016 DELANE study does not raise an issue specific to the Draft EIR, and, therefore, no further response is required. Nevertheless, this August 2016 DELANE study was included as an attachment to this comment letter and, to the extent that information contained in the study was relied upon to raise issues in this comment letter, those issues have been addressed with the responses herein.

3. Independent Analysis of Zoning Regulations, Constraints, and Development Potential of Newland owned Commercial Parcels dated August 4, 2017.

This Letter has been labeled **Comment Letter O-1.9** and responses to its comments are provided with that Letter. Please refer to the **Responses to Comment Letter O-1.9**.

4. Planning Level ROM Fair Share Freeway Contribution Assessment for Newland Sierra Development dated August 9, 2017.

This Letter has been labeled as **Comment Letter O-1.10** and responses to its comments are provided with that Letter. Please refer to the **Responses to Comment Letter O-1.10**.

5. Independent Assessment of Newland Sierra Development Impact to Camino Mayor and N. Twin Oaks Valley Road dated August 10, 2017.

This Letter has been labeled **Comment Letter O-1.11** and responses to its comments are provided with that Letter. Please refer to the **Responses to Comment Letter O-1.11**.

**O-1.12-3** The comment states that DELANE Engineering has reviewed project plans, including right of way exhibits for Deer Springs Road and Twin Oaks Valley Road, Preliminary Grading Plans, the Rock Fall Hazard Report, the Newland Sierra Parkway Feasibility Study, and the Storm Water Quality Management Plan (SWQMP). The comment notes differences between these plans and previous iterations, including whether new information is contained in the subsequent iterations. The comment provides background information and restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. No further response is required or necessary.

**O-1.12-4** The comment is a heading for the comments that follow. The County acknowledges the comment as an introduction to comments that follow. No further response is required or necessary.

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- O-1.12-5** The comment states that the Geotechnical Investigation and the Rock Fall Hazard Report do not address conditions and proposed improvements to Deer Springs Road. The County does not concur with this comment. The Rockfall Hazard Report (Appendix J-3 to the EIR) evaluates the stability of in-place boulders. Cut-slopes for Deer Springs Road would be constructed in conformance with the recommendations of Sections 6.7 Slope Stability and Section 6.8 Slope Construction, of the project Preliminary Geotechnical Investigation (Appendix J-1 of the Draft EIR).

The comment further states that the Draft EIR neglected to analyze the rockfall condition for a six-lane Deer Springs Road improvement. As explained in **Response to Comment O-1.12-1**, a six-lane Deer Springs Road is not proposed nor is it required as mitigation for the proposed project. Accordingly, the Draft EIR did not analyze the potential impacts of widening Deer Springs Road to six lanes.

- O-1.12-6** The comment notes Deer Springs Road varies in width where walls are proposed which eliminates the possibility of an intermittent center left turn lane or auxiliary curb lane. The comment notes this conflicts with the Draft EIR, Section 1.0 Project Description, page 1-11. Under Option B, the section of Deer Springs Road where retaining walls would be required would have a reduced median and a reduced Right-of-Way to reduce environmental impacts and this section of the road would not allow for an intermittent turn lane, however, the balance of the road would have a standard median to allow for intermittent turn lanes. The description of Option B on page 1-11 has been revised in the Final EIR from “4.1B Major Road (four lanes of travel with continuous left turn lane)” to match sheet 16 of the Preliminary Grading Plan which correctly describes the roadway as a “4.1B Major Road with Intermittent Turn lanes.”

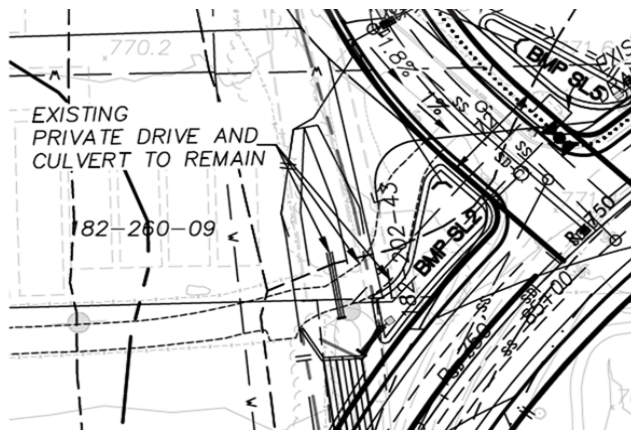
- O-1.12-7** The comment states that additional walls are needed for driveway (STA 29+00) and the access road, and for access to the easement road on the south side of Deer Springs Road. With respect to the proposed driveway connection to the parcel on the north side of Deer Springs Road at approximate station 29+00, the access to this parcel would be relocated and a break in the retaining wall would be created to provide access with a driveway in conformance with County Design Standard DS-07. The driveway would be required to meet County standards with respect to sight distance and maximum allowable grades. With respect to the access road, this road is used by the County Water Authority, among others, for access to its property and easement area. The access road from Deer Springs Road to the easement road highlighted in Figure 1 (of this **Comment Letter O-1.12**) is not within the existing easement. As seen on Sheet 16 of the Preliminary Grading Plan, access along the County Water Authority easement from the east would remain uninterrupted.

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**O-1.12-8** The comment states that the Preliminary Grading Plans do not address impacts to private drives, improvements, access and drainage for properties abutting Deer Springs Road. Figures 2 and 3, which are included with the comment as purported “Examples of Steep Private Drive and Improvements Impacted” and “ROW Exhibits Provided in DEIR Fail to Address Private Drives and Other Impacts,” incorrectly depict parcel impacts. Actual impacts along these parcels (182-040-71, -72, -73) are correctly indicated on Sheets 13 and 16 of the Preliminary Grading Plan. The proposed grades at the back of the parkway for both Options A and B in fact match the existing grades within approximately one foot, not as indicated in Figures 2 and 3 provided with this comment letter.

The following responses correspond to the five unnumbered bullet points of the comment:

1. Improvements proposed abutting the Deer Springs Oak Mobile Home Park are indicated on sheets 6 and 16 of the Preliminary Grading Plan. These improvements are within existing County Right-of-Way with the exception of 5,266 square feet of Temporary Construction Easement as indicated on sheet 1 of the “Draft Deer Springs Road Required Right of Way. Drainage Easement and Temporary Construction Easement Summary” dated March 21, 2017. This exhibit is included as “ROW Exhibit-Deer Springs Road” within the “Additional Items” section of the Public Review Draft EIR.
2. Access along the County Water Authority Easement is addressed in **Response to Comment O-11.12-7** above.
3. As shown below, on Sheets 13 and 16 of the Preliminary Grading Plan, proposed improvements to Deer Springs Road and Sarver Lane accommodate the existing private access for parcel 182-260-09 from Sarver Lane and this private access would remain.





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4. The proposed improvements to Deer Springs Road abutting parcel 182-260-10 (approximate road station 95+00) comply with the approved Major Use Permit (P02-019 for TERI) for this parcel. Access via the two private drives in this area were eliminated as part of the Major Use Permit issuance.
5. Responses to previous comments submitted outside of the Draft EIR public comment period by DELANE Engineering, are provided in Appendix HH “Newland Sierra Parkway Feasibility Study” of the Draft EIR.

**O-1.12-9** The comment states that the Draft EIR does not address the County General Plan Mobility Element designation for Deer Springs Road as a six-lane road. The County agrees the Draft EIR does not address Deer Springs Road as a six-lane road. As described above in Response to Comment O-1.12-1 above, buildout of Deer Springs Road to the County General Plan Mobility Element width of 6-lanes is not required or proposed as part of this project as the Traffic Impact Analysis (Appendix R1 to the EIR) did not identify a potentially significant traffic impact from the project that would require widening the road to six lanes. Accordingly, the project proposed two options for improvements to Deer Springs Road, one including two-lanes (to minimize impacts to on-the-ground resources but resulting in unmitigated traffic impacts) and the other four-lanes (which would fully mitigate traffic impacts along this stretch of Deer Springs Road). Please also refer to **Responses to Comments O-1-244 through O-1-252**.

**O-1.12-10** The comment states that the proposed project should have designed a new road through the project Site before using Deer Springs Road for access. In response, the project includes a network of internal roads designed to provide access to and through its individual neighborhoods. Designing a new arterial through the project Site to replace Deer Springs Road was shown to be ineffective at relieving congestion on Deer Springs Road (refer to Appendix HH to the EIR). Specifically, (1) the Newland Sierra Parkway Alternatives did not meet County road standards; (2) the road alternatives all had circuitous alignments compared to the existing more direct alignment of Deer Springs Road; (3) the road alternatives each climbed up the project Site and then back down compared to the existing Deer Springs Road, which travels along and through a valley with a relatively flat grade for its entire length; (4) the road alternatives did not sufficiently divert either project or existing and future pass-through traffic off of Deer Springs Road to avoid the need to improve Deer Springs Road; and (5) the Newland Sierra Parkway Alternatives involved significantly greater environmental impacts compared to the project’s proposed improvements to Deer Springs Road. Due to the topographic constraints on the project Site, there are no alternatives through the project Site that are more direct and involves less environmental impacts compared to the project’s proposed improvements to Deer

Springs Road along its existing alignment. Finally, Deer Springs Road serves as County Route S12, is designated as a truck route, and is part of the Regional Arterial System and the National Highway System, relevant designations that add to the significance of the road as part of the County's Mobility Element.

Therefore, the County does not concur with the comment that the proposed project should have designed a new road prior to utilizing Deer Springs Road. The suggestion that the proposed project not utilize an approved County Mobility Element Road would be inconsistent with the General Plan, and would still result in the need to widen Deer Springs Road.

**O-1.12-11** The comment states that options to Deer Springs Road should have been studied independently to identify the best road alignment that avoids environment impacts. Please see the Response to **Comment O-1.12-10** above. The Newland Sierra Parkway Feasibility Study (Appendix HH to the EIR) concluded that even with the addition of a new Newland Sierra Parkway, the proposed project would trigger widening of Deer Springs Road due to the existing deficient Level of Service (LOS) on Deer Springs Road and the impacts to roads that would occur under the Newland Sierra Parkway Alternatives. As noted throughout EIR Chapter 4.0, Project Alternatives (*emphasis added*):

“Even with the addition of Newland Sierra Parkway to the County's Mobility Element, the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road continues to support enough traffic to cause the road to fall to an LOS E. *As the project would contribute more than 200 ADTs to this road segment under this alternative, the project would be required to widen the road (refer to the Transportation and Traffic section below). Thus, despite the stated intent of the Newland Sierra Parkway Alternatives to serve as an alternative to the project's proposed widening of Deer Springs Road, Deer Springs Road would still need to be widened.* Deer Springs Road would remain a public road open to local and regional pass-through traffic, however, Newland Sierra Parkway would replace Deer Springs Road as County Route S12 and be added to the County's Mobility Element, which would require a County General Plan Amendment. This alternative also would require the acquisition of additional properties along its depicted alignment to accommodate the grading and right-of-way required for this alternative, as shown in Figure 4-4.”

Deer Springs Road Options A and B respect the adopted alignment of Deer Springs Road, consistent with the General Plan Mobility Element. In combination with the findings that construction of Newland Sierra Parkway would still trigger the same

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requirements to widen Deer Springs Road as the proposed project, even with the addition of Newland Sierra Parkway, EIR Chapter 4.0, Project Alternatives concludes that the environmental impacts of the proposed project would be less than those that would result under the Newland Sierra Parkway Alternatives proposed by Golden Door Properties, LLC.

**O-1.12-12** The comment states that “further inconsistencies” within the “Newland Sierra Parkway Feasibility Study” are raised by the August 14, 2017, letter by STC Traffic, Inc. The County disagrees with this comment and notes that it does not raise an issue related to the environmental analysis conducted in the Draft EIR or within the meaning of CEQA. Please see **Response to Comments O-1.16-1** and **O-1.16-5**.

**O-1.12-13** The comment notes that traffic calming measures for Deer Springs Road were not proposed as a way to encourage more traffic to use Newland Sierra Parkway when modeling the effectiveness of Newland Sierra Parkway. In response, Deer Springs Road is a Mobility Element Road and would require a design exception for the incorporation of traffic calming measures. With respect to “other improvements” to help encourage traffic to utilize Newland Sierra Parkway, the comment does not specifically identify an impact to Deer Springs Road that is not adequately analyzed, nor does it identify any specific improvement or traffic calming measure to direct traffic to Newland Sierra Parkway. The comment does not raise an environmental issue within the meaning of CEQA. No further response is required or necessary.

**O-1.12-14** The comment states that page of 5 of the Newland Sierra Parkway Feasibility Study states that the project is grading Deer Springs Road based on forecasted traffic volumes. In response, under Deer Springs Road Option B, the project proposes to improve Deer Springs Road to four lanes to accommodate the Existing + Project + Cumulative Projects traffic volume. As a four-lane road, Deer Springs Road would operate at an acceptable level of service (LOS D) with the Existing Plus Project Plus Cumulative Projects traffic volumes and could accommodate an additional 9,400 Average Daily Trips (ADT) above this volume (for the segment between Sarver Lane and Mesa Rock Road) before the road would operate at LOS E (refer to Table 2.13-42 of the EIR). As it pertains to widening and improving Deer Springs Road to six lanes, please see **Response to Comment O-1.12-1** above.

The comment also states that page 32 of the Newland Sierra Parkway Feasibility Study incorrectly states that Deer Springs Road at 4 lanes would accommodate future volumes “as there is no analysis of the 4-lane condition in the TIA...” The County does not agree with this comment. Please see **Responses to Comments O-1.16-4** through **O-1.16-6** and **Responses to Comments O-1-239** and **O-1-240**.

Relying on statements included on page 32 of the Newland Sierra Parkway Feasibility Study, the comment further states the Newland Sierra Parkway Alternative should include six lanes or at least be graded to six lanes. To clarify, the Newland Sierra Parkway Feasibility Study at the referenced page states that “it is possible that the County will still proceed with widening Deer Springs Road to...a six-lane Prime Arterial.” Later on that page, the Study states that “Likewise...it is possible that the County would require Newland Sierra Parkway to be built or at least graded to a ...6-lane Prime Arterial.” The point of the paragraph is that whether it is Newland Sierra Parkway or Deer Springs Road that is ultimately built to accommodate General Plan buildout volumes, the County could proceed with a 6-lane roadway with the significant impacts noted. In the case where one of the Newland Sierra Parkway Alternatives became the preferred alignment, it is possible the County would proceed with building Newland Sierra Parkway to six lanes in the future as part of the buildout of the General Plan, or, because Newland Sierra Parkway would be a project design element as opposed to just mitigation for project impacts and future widening may otherwise be precluded due to significant grading and topographic constraints, the County may require that the project provide the necessary graded width for Newland Sierra Parkway to accommodate six lanes.

**O-1.12-15** The comment states that while the Newland Sierra Parkway Alternatives would require the acquisition of additional properties, the same is true regarding the Project’s proposed improvements to Deer Springs Road, Sarver Lane, and Camino Mayor. The project’s EIR has identified the Right-of-Way needed for the widening of Deer Springs Road for both Option A and Option B. Consideration of the impacts to these properties due to road widening has been included in the EIR. The concept of a new alignment to bypass Deer Springs Road by routing the alignment through property owned by the project applicant is what was proposed by Latham and Watkins and DELANE Engineering. The last paragraph on page 17 of the Newland Sierra Parkway Feasibility Study states that part of the alignment for Newland Sierra Parkway is through land not presently owned or controlled by the project applicant. Further, the scale of acquisitions for Newland Sierra Parkway is not comparable to the Deer Springs Road acquisitions. Deer Springs Road Option B requires a total of 13.5 acres of offsite Right of Way, Slope, Drainage and Temporary Construction Easements from a total of 30 parcels. The acquisitions required are typically linear strips along the existing Mobility Element road alignment. The Newland Sierra Parkway alternatives require acquisitions of 27 to 39 acres from 14 parcels. And for Alternative C, the complete taking of 3 parcels with existing residences would be required.

**O-1.12-16** The comment states that truck trips included in the analysis of Newland Sierra Parkway Alternatives should have been based on volumes generated from 1:1 cut slopes. The Newland Sierra Parkway 1.5:1 slope grading criteria used for the analysis

in the EIR was proposed by DELANE Engineering in its Technical Memorandum on this topic dated April 5, 2016. The steeper cut slope gradient of 1:1 may be possible in certain areas that are all or substantially rock, but the incremental reduction in export volume by changing from 1.5:1 cut slopes to 1:1 cut slopes would not change the conclusion that this alternative is impractical and counterproductive as a transportation solution (refer to Section VI of the Newland Sierra Parkway Feasibility Study, Appendix HH of the EIR). The comment further contends that the analysis should have considered incorporating the excess 3.88 million cubic yards of cut into the project and the project be redesigned to balance cut and fill quantities. This volume represents a 36 percent increase in total project earthwork. Incorporation of an additional 3.88 million cubic yards of fill within the project would negatively impact project features, including open space dedication and the duration of grading operations. Finally, the comment suggests that only Deer Springs Road east of Mesa Rock Road would be impacted by the truck trips to export 3.88 million cubic yards. Available receptor sites for this volume are unknown at this time and it is premature to assume that only Deer Springs Road east of Mesa Rock Road would be impacted by truck trips. Further, the commenter provides no evidence that only Deer Springs Road east of Mesa Rock Road would be impacted by truck trips.

**O-1.12-17** The comment contends that “...it is not possible to fully evaluate the scenarios and impacts” of Deer Springs Road/Newland Sierra Parkway without additional information on the proposed I-15/Deer Springs Road interchange design. The County does not agree with this comment. The traffic modeling performed for the Newland Sierra Parkway Feasibility Study assumed a four-lane diamond interchange to forecast traffic volumes, which is the same assumption used to forecast traffic volumes in the project’s Traffic Impact Analysis (Appendix R1 to the EIR). This is a reasonable model input for forecasting purposes. Assuming a higher or lower capacity interchange would not significantly alter the results or the conclusions on the feasibility and practicality of the Newland Sierra Parkway Alternatives as presented in Appendix HH to the EIR and as addressed in **Response to Comment O-1.12-10** above.

**O-1.12-18** The comment references two attachments to the comment letter, the Concept Alternative Alignment Study for Deer Springs Road (NSP, Option C), dated April 5, 2016 (prepared by DELANE Engineering) and the Impact Analysis for Newland’s Proposed Deer Springs Road Widening, dated August 29, 2016 (prepared by DELANE Engineering). The two documents were used in the preparation of this comment letter, and responses to comments relying on these two documents are provided above. The comment does not raise any environmental issue in the context of CEQA. No further response is required or necessary.

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### **O-1.13 L&W Attachment 13**

- O-1.13-1** The comment introduces the author and provides a brief background. The County acknowledges the comment as an introduction to comments that follow. 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-1.13-2** The comment restates information contained in the Draft EIR's Wildland Fire Evacuation Plan (Appendix N-2) and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.
- O-1.13-3** The comment indicates an issue with defining "safely clearing the Newland Sierra Community" and the potential for downstream bottlenecks. The comment suggests that a bottleneck not listed in the report is located at North Twin Oak Valley Road and the Deer Springs Road merge heading south. The comment further suggests that there are only two independent means of egress, Deer Springs Road east to the I-15 and N. Twin Oaks Valley Road south to SR-78.

The County acknowledges the comment and notes that it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The Newland Sierra Wildland Fire Evacuation Plan (Appendix N-2 to the Draft EIR) anticipates the potential for bottlenecks, accidents, and other issues on roadways. On page 20, the plan indicates that the estimated evacuation times may be up to 2 hours, double that (4 hours), or more, if the wildfire scenario did not "enable pre-planned traffic management measures". Should this situation be realized, the Wildland Fire Evacuation Plan offers descriptions of contingency options that would enable evacuations to cease or be partially implemented, while residents are directed to remain in their ignition resistant, defensible homes for the short duration that wildfire would burn in the fuels at the outer edges of the Project's code exceeding, wide fuel modification zones.

As indicated in Sections 1.0, 2.0, and 6.0, of the Newland Sierra Wildland Fire Evacuation Plan, wildfires are fluid events that require situational awareness, scenario pre-planning, and contingencies. It is anticipated that the worst-case Newland Sierra evacuation would occur in a similar manner to many other San Diego County planning areas. In the event of a wildland fire in the area, evacuation and contingency plans are an early part of a wildfire's tactical planning process by an Incident Command team. A contingency plan is one of the immediate priorities for development by Incident Command when a wildfire event occurs in a wildland-urban

interface area. Community evacuation plans, like the Newland Sierra plan, will be integrated into the contingency planning process to assist and coordinate evacuation planning for all residents requiring evacuation. It must be recognized that wildfire and other emergencies are often fluid events and that the need for evacuations are typically determined by on-scene first responders or by a collaboration between first responders and designated emergency response teams, including Office of Emergency Services and the Incident Command established for larger emergency events. As such, and consistent with all emergency evacuation plans, this Emergency Evacuation plan is to be considered a tool that supports existing pre-plans and provides for citizens who are familiar with the evacuation protocol, but is subservient to emergency event-specific directives provided by agencies managing the event.

Please refer to Appendix N-1, Newland Sierra Fire Protection Plan (Dudek 2017, at Sections 4.1 through 4.6 and Section 6) for details on the Proposed Project's redundant, layered fire protection system, that is consistent with designated shelter in place communities.

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-1.13-4** The comment purports that Camino Mayor is a gated private road and may not be available for fire-fighter ingress or evacuee egress during a wildfire, depending on whether existing Camino Mayor residents are home at the time of a fire. The comment suggests that if Camino Mayor is not available, it would limit the number of ways to reach Twin Oaks Valley Road from the Project solely to Sarver Lane. The County disagrees that Camino Mayor would be a gated roadway that would potentially impede evacuations. As indicated in Appendix N-1, Fire Protection Plan, there are three options available for Camino Mayor, and none of them include gating the roadway:

1. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard predominantly within the existing 40-foot easement but deviate from the easement to meet the County's horizontal curve radius standard in minor locations. The road would be a private ungated road under this option. This is the option that is shown on the Tentative Map.
2. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard entirely within the existing easement but get a design exception from the County's horizontal curve radius standard. The road would be a private ungated road under this option.



3. Build Camino Mayor to the County's Public Road Hillside Residential Road Standard through an adjacent property (to the north, i.e., the "northern alignment" as described in the Project's FPP) but form a t-intersection with the existing paved portion of Camino Mayor (approximately across from the Walkers' driveway). The road would be ungated in this option.

Camino Mayor is not planned to be gated. This results in unimpeded fire department access and resident egress. Should the road be gated at some future point, it would be required by the Deer Springs Fire Protection District (DSFPD) and San Diego County Fire Authority (SDCFA) Fire Code (Section 503.6) to include a code consistent automatic gate opening device. Gates are automatically opened via an Opticom system or equivalent and are on a magnetic loop to automatically open from the inside when a vehicle approaches. This situation also results in unimpeded ingress and egress.

Regarding when Camino Mayor may not be available or advisable as an evacuation route would be if a wildfire ignited west of the proposed project, as mentioned in Section 6.1 of the Wildland Fire Evacuation Plan that states "*evacuations would proceed according to known available routes away from the encroaching fire*". In this case, residents would evacuate to the south via Mesa Rock Road or Sarver Lane, or would be directed to temporarily refuge in their homes or another location within the Newland Community, if determined to be safer than evacuating.

- O-1.13-5** The comment provides a comparison of wildland urban interface communities utilizing a calculation of households-per-exit (HPE) ratio, which is a concept co-developed by the comment's author. The comment discusses calculations of an HPE for the Proposed Project and establishes an HPE considered by the comment, to indicate that the project would be one of the most difficult communities in the West to evacuate in a wildfire. The calculation assumes two potential exits, when in fact, there are three as explained above. The County disagrees that the HPE model is a valid assessment method for the Proposed Project. The HPE is a hypothetical model that has not been vigorously vetted and provides no context for community comparisons. The referenced article, at page 6 indicates the fragile nature of its findings in the Discussion section "*...the results of the search can only be considered an initial step toward enumerating and ranking fire-prone, low-egress communities in the U.S. We caution that there are many hurdles in terms of data quality, methods, and validation that stand in the way of strong statements regarding the completeness or quality of the resulting list*". It further notes many sources of error spanning various levels of the research, including in the search algorithm.

Wildland urban interface environments and communities vary in the types of wildfires that occur and the protections that are provided. The HPE method assumes that all residents would need to evacuate in a short time period, such as when a wildfire is within close proximity to a community. The referenced study indicates in the Introduction that *“there is growing concern that the fuel to support an intense wildfire in many communities is accumulating from the addition of wood structures....”* The paragraph goes on to note that, *“strengthening evacuation planning is needed in the WUI, as well as assisting public agencies in coordinating fuel-reduction treatments”*. These statements support, rather than conflict with the proposed project Community.

As discussed in Section 4.0 of Appendix N-1, the proposed project is planned and would be built to an extremely high level of ignition resistance, not including structures with wood exterior finishes. The Project would include application of stringent fire and building codes that provide for water, access, wide fuel modification buffers, and fast fire response, amongst other important fire safety requirements. As detailed in Section 4.6 of the Newland Sierra Fire Protection Plan, the Project will include fuel modification zones that are 250 feet wide, 2.5 times the standard 100 feet wide zone. Additionally, the Project includes 250 feet wide fuel modification zones along Mesa Rock Road and 100 feet wide zones along secondary access roadways. This is 5 to 12.5 times as wide as the required 20 feet wide zones. The ongoing, funded maintenance of the site’s wide fuel modification zones, along with its footprint, *effectively assists public agencies in coordinating fuel reduction treatments* in an area that has not been treated.

The comment and the referenced research paper assume a late-notice evacuation would be implemented. However, in San Diego County and elsewhere, late evacuations have been shown to be more dangerous, in many cases, than temporarily seeking refuge in a protected structure. The structures within the Proposed Project would be built and maintained to the same standards as shelter in place communities in Rancho Santa Fe, enabling first responders and emergency management personnel with options other than a late evacuation, as discussed in the Project’s Wildland Fire Evacuation Plan.

The referenced research paper again supports the Proposed Project’s temporarily sheltering option, as was implemented on the Westmont campus in Santa Barbara *“The Tea Fire, which started just north of the town of Montecito, allowed proximal households less than an hour to evacuate, leading to the extreme case where Westmont College chose to recommend shelter-in-place in a gymnasium for an estimated 800 students, as there was not enough time to ensure that all students could safely leave on the campus roads before the fire arrived.”* The Westmont example is a

successful sheltering scenario in a structure that was not built to the same ignition resistant standards and that did not have the same level of defensible space as the Proposed Project's structures would.

The referenced research study further supports the Proposed Project's Wildland Fire Evacuation Plan stating "*While egress is rarely the binding constraint in evacuations as most events allow sufficient lead time to clear an area safely, it can represent a bottleneck in urgent scenarios when travel demand exceeds the capacity of the roads (Cova and Johnson 2002)*". The Proposed Project is designed to follow the "Ready, Set, Go!" model for evacuation, as described in Section 5 of the Evacuation Plan. Accordingly, leaving early would be promoted. However, as discussed throughout the Wildland Fire Evacuation Plan and Fire Protection Plan, the Proposed Project offers contingency options to help responders manage short-notice or late evacuations.

Based on the author-highlighted data quality and other issues, and the blanket approach the HPE model uses to rank wildland urban interface communities, while ignoring site-specific factors that affect community safety, the HPE model is considered inappropriate for evaluating the Proposed Project.

- O-1.13-6** The comment suggests that the roadway capacities in the Evacuation Plan seem high and that they have a significant impact on the estimated evacuation times for the Proposed Project. The comment further states that the table titled Newland Sierra Post Mitigation Estimated Roadway Capacity (Evacuation) indicates 4-lanes available for evacuation on Mesa Road, and indicates that if 4 lanes were used, such as through lane reversal, it would create a greater problem downstream, creating a bottleneck at Mesa Rock Road and Deer Springs Road.

The County disagrees with the comment's suggestion that the Wildland Fire Evacuation Plan's Roadway Capacity Table indicates Mesa Rock Road would have four lanes designated for evacuation (egress). The referenced table lists Mesa Rock Road as a 4-Lane Major Arterial road for the portion nearest Deer Springs Road. This section of the road was determined by the Project's Traffic Engineers to be capable of handling up to 2,400 vehicles per hour, per lane. Thus, with two outgoing lanes from the Town Center to Deer Springs Road, there would be capacity for up to 4,800 vehicles per hour. This number is independent of potential bottlenecks and is provided to illustrate the various potential road capacities of the Project site and its primary off-site evacuation routes.

Note that the evacuation plan did not rely on the maximum vehicles per hour for determining evacuation time estimates. If it had, then the evacuation time would have been estimated to be around one hour maximum for the conservatively calculated 4,697 vehicles that could be evacuating. In fact, the evacuation plan used the most

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restrictive vehicle per hour segment from each segment (as discussed in Section 4.2 of the Wildland Fire Evacuation Plan) to estimate the amount of time it would take to move all residents out of the Project to areas away from the wildlands.

The comment's reference to managing four lanes turning left is noted, but is not accurate based on the preceding correction to the comment's assumptions and requires no further response.

**O-1.13-7** The comment indicates that the evacuation time estimates in the evacuation plan appear very optimistic. The comment summarizes estimates of vehicle traffic on Deer Springs Road, left hand turn off Mesa Rock Road onto Deer Springs Road, Deer Springs Road to Buena Creek Road, and how the Wildland Fire Evacuation Plan estimates appear high. The comment provides an estimate that it considers conservative with a best case timing of three hours or longer for 2,820 vehicles. The comment further suggests that a more conservative analysis should be performed so the public can assess the potential fire hazard and evacuation risk of the project.

The County respectfully disagrees with the comment's recommendation that a more conservative analysis should be performed. Please refer to **Response to Comment O-1.13-3** for more discussion regarding the Project's Wildland Fire Evacuation Plan's conservative approach to evacuation planning, including considerations for delays and bottlenecks, and the contingency plan that is available should an early evacuation not be possible.

As discussed in the Project's Wildland Fire Evacuation Plan, evacuations that occur as part of a pre-planned, early evacuation would be provided resources for phased noticing, traffic control at intersections, and potentially, additional traffic control measures. These types of evacuations are more controllable due to the time available before a wildfire encroaches on the community or its evacuation routes. The Evacuation Plan further discusses the potential wildfire evacuation where there is less time and traffic control measures are not possible. In these cases, with an aware community that receives regular communication on evacuation procedures as would be the case the Proposed Project (as committed to in the Project's Fire Protection Plan and Wildland Fire Evacuation Plan, and which would be implemented through Conditions of Approval to be incorporated into CC&Rs), informed residents would know their evacuation routes and contingency options. This type of short-notice event is fluid and can require changes to the evacuation plan, potentially requiring residents to use a different exit than they normally would or following notifications to remain in their homes.

The County agrees with the comment that attempting to determine precisely how many vehicles will exit each available exit and what direction they will go from there,

under short-notice events is challenging. The Proposed Project's Wildland Fire Evacuation Plan utilized a conservative approach that relied on traffic engineering data, used the most restrictive of the vehicles per hour on an evacuation route, and then added a contingency buffer (Appendix N-2, Section 4.2). The results are similar to those presented in the comment, which indicates a best case of three hours for evacuating the estimated 60% of vehicles from the Project. The Wildland Fire Evacuation Plan notes a best case scenario of up two hours for the full community, but up to four hours or more if traffic flow is not maintained at these levels.

The County acknowledges the comment and notes it expresses the opinion of the commentator for a more conservative analysis. Based on the similarity of the conservative analysis provided in the comment and the analysis provided in the Proposed Project's Wildland Fire Evacuation Plan, indicating that four hours, or more may be necessary to evacuate the Project site, and the fact that the Proposed Project would not necessarily have to rely on evacuating all residents to keep them safe, additional analysis is unwarranted. 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-1.13-8** The comment discusses a range of scenarios regarding number of evacuating vehicles from the Proposed Project. The comment propositions that all Proposed-Project residents would prefer exiting via Mesa Rock Road rather than using other exits. The comment provides calculations of hypothetical vehicle volumes based on 60% to 100% of all vehicles exiting Mesa Rock Road. The comment further suggests that emergency managers will not necessarily be able to control the traffic flow of evacuating future residents. Lastly, the comment considers a wildfire approaching from the west with Camino Mayor and Sarver Lane unavailable, forcing all residents to evacuate via Mesa Rock Road. It recommends that additional analysis of evacuation scenarios be evaluated.

The County acknowledges the comment and notes it expresses the opinions of the commentator. The comment's calculation of the hypothetical number of residents that may utilize Mesa Rock Road instead of other exits is not supported by relevant data. The assumption that most or all residents would prefer Mesa Rock Road ignores the Proposed Project's Fire Protection Plan's and Wildland Fire Evacuation Plan's defined layered evacuation outreach approach to project residents. The educational outreach would be provided by the community HOA in coordination with DSFPD and SDCFA. A summary of research (FEMA 2013 and Sorensen and Vogt 2006) indicates that the public does not often impact successful evacuations in terms of their following officials' direction and orderly proceeding to designated safety zones. Further, the same research indicates that informed and aware people are more likely

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to follow direction, be cognizant of their options, and would have at least a baseline understanding of their responsibilities to ensure their safety and how the County and DSFPD will assist in that process.

Please refer to **Response to Comments O-1.13-3** and **O-1.13-5** through **O-1.13-7** for additional evacuation approach details, conservative analysis, and evacuation contingency options.

The “conservative” analysis provided in the comment includes a range of potential traffic flows along Mesa Rock Road and the commentator requests additional analysis to contemplate these various scenarios. Given that the Proposed Project’s Wildland Fire Evacuation Plan (Appendix N-2, Section 4.2) performed an analysis that resulted in an estimate of evacuation time needed for a mass-evacuation from the Project site that is consistent with the commentator’s various estimates, and provides for a contingency option if a late evacuation is considered unsafe, additional analysis is not warranted. 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-1.13-9** The comment continues description of the potential evacuation traffic on Mesa Rock Road and the possibility of a bottleneck at Deer Springs Road if two exiting lanes are turning left to gain access to I-15. The comment incorrectly states that the Proposed Project’s Wildland Fire Evacuation Plan assumes four lanes are exiting on Mesa Rock Road and all are turning left onto Deer Springs Road (see **Response to Comment O-1.13-6**). The comment suggests that the evacuation plan should assess whether evacuation in a regional wildfire emergency could safely occur within the commenter-calculated 1.5 to 5.3 hours timeframe and what emergency notification may be required to ensure that an evacuation can be successful.

The County appreciates the analysis provided in the comment. However, the Proposed Project’s Wildland Fire Evacuation Plan considered a conservative approach to evacuation, anticipated potential bottlenecks and other delays, and resulted in an evacuation time estimate that is considered consistent with similar communities. As discussed in **Response to Comments O-1.13-3** and **O-1.13-5 through O-1.13-8**, the Proposed Project would focus on early evacuations when ample time is available to safely move residents to designated safety zones, with a total evacuation time estimate consistent with that presented in the comment. When it is considered less safe to evacuate residents, such as when a wildfire is burning under extreme weather conditions near the community, all or portions of the Project will be directed to remain in their well-defended, ignition resistant homes.

For purposes of accuracy, the County corrects the comment as its analysis incorrectly states the Wildland Fire Evacuation Plan assumed that four Mesa Rock Road lanes would be used for egress, and all assumed to be used for left hand turns onto Deer Springs Road. The Wildland Fire Evacuation Plan utilized Traffic Engineer data which showed that each Mesa Rock Road lane could handle up to 2,400 vehicles per hour. Since there are two outbound lanes, that would provide up to 4,800 vehicles per hour. Note that this assumes free traffic flow and a best case condition. Traffic from this point was assumed to be entering Deer Springs Road with traffic control in place so that the right lane would turn right and the left lane would turn left. This example assumed there would not be a traffic flow issue to the south of the Project site, but also accounted for potential delays with its overall evacuation time estimate. For further discussion on this item, see **Response to Comment O-1.13-6**.

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.

**O-1.13-10** The comment discusses separation between exits, stating that exits that are remote from each other are inherently safer than two exits that are close. The comment states that safety is higher in the remote exit scenario because fire is less likely to block both exits. The comment ranks the remoteness of the Project site's exits and suggests that a wildfire in the vicinity of Mesa Rock Road/Deer Springs Road and Sarver Lane/Deer Springs Road would lead to long evacuation time requirements, as all would need to evacuate via Camino Mayor to North Twin Oaks Valley Road. The comment recommends that additional analysis regarding different exit availability scenarios be evaluated.

The County agrees that two exits are superior to one exit, and that comparing between projects with similar exits is difficult. The County further agrees that two exits that are close proximally are less desirable than two exits that are separated and provide egress in two separate directions. Wildfire would have a lower anticipated impact on a project with two or more separated exits. Accordingly, the Proposed Project includes three, separated exits as previously discussed in **Response to Comment O-1.13-3**.

Regarding the comment's second paragraph which introduces a figure and illustrated distances between the Proposed Project's exit points, the County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. No further response is required because the comment does not raise an environmental issue.

The County agrees that a wildfire in the vicinity of Mesa Rock Road at Deer Springs Road and Sarver Lane at Deer Springs Road could impact evacuations. However, the commentator assumes that in this scenario, an evacuation would be necessary and that it would be required to send all proposed project residents down Camino Mayor to North Twin Oaks Valley Road, then south on Twin Oaks Valley Road. This assumption is not accurate for the following reasons.

Fires igniting in the area described would receive a swift response from at least three fire stations from DSFPD and San Marcos Fire Department, along with the full complement of CAL FIRE and area fire-fighting resources, including aerial attack with helicopters and fixed wing aircraft, as necessary. If a fire ignited in this location during a typical summer weather day, it is not likely to behave in a manner that would include fast fire spread and the success rate for DSFPD on these types of fires is very high. Roads may be temporarily closed, traffic redirected, and targeted areas relocated to areas away from the fire, but there would not likely be a mass project-wide evacuation for this type of fire as it would not be expected to encroach upon the Project with its wide-fuel modification zones and ignition resistant structures.

As presented in the Project's Fire Protection Plan at Section 2, if a fire ignites in that area during a Santa Ana condition and wasn't extinguished quickly, it would spread primarily to the south and west, driven by the northeasterly winds with potential for runs up the Merriam Mountain drainages. In this scenario, it would likely not be prudent to evacuate residents via Twin Oaks Valley Road which is "downstream" of the wind-driven and terrain driven fire. This scenario may require use of the contingency option of temporarily directing residents to remain in their homes, which residents will be familiar with as part of the public outreach wildfire and evacuation awareness program. If considered safe and necessary to do so, some of the residents may be relocated off site via Mesa Rock Road to the I-15.

The Project's Evacuation Plan and Fire Protection Plan, as previously described in **Responses to Comments O-1.13-3 and O-1.13-5 through O-1.13-9**, have considered the types of wildfires that may affect the proposed project community and planned for early evacuation whenever safely possible and contingency options, such as temporary refuge in the fire hardened homes and commercial areas, which are surrounded on the Project perimeters by wide fuel modification zones that far exceed minimum width requirements, whenever it is considered safer than evacuating. Therefore, the County disagrees that additional analysis regarding different exit availability scenarios is warranted. 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.



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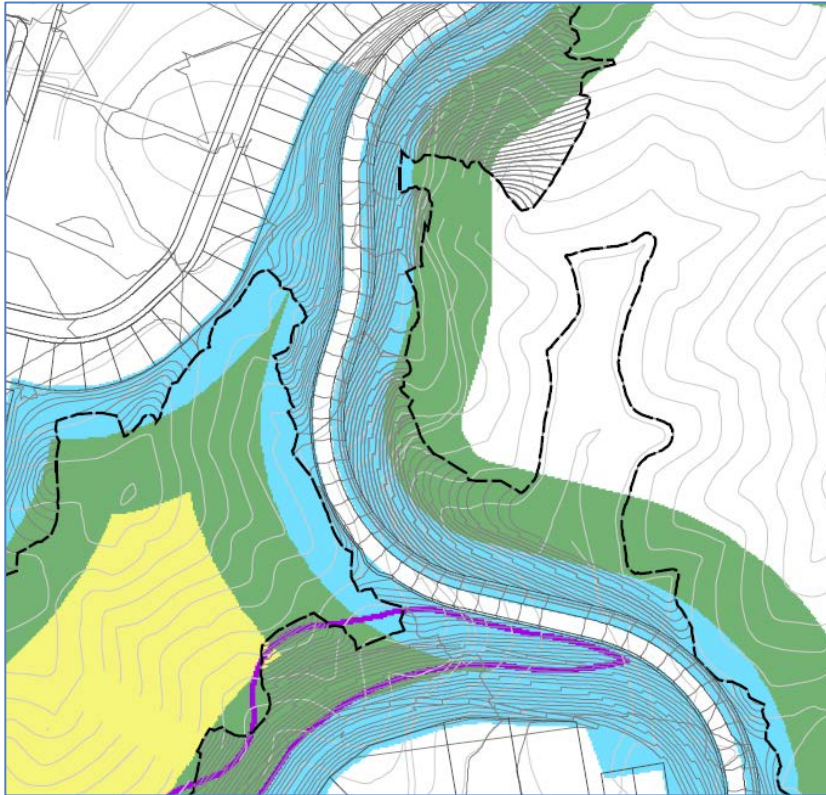
**O-1.13-11** The comment incorrectly states that some of the Proposed Project's exits are lined by fuel and could be blocked during a wildfire. It further suggests with an aerial image of Gist Road that residents would be required to evacuate through the pictured wildland fuels that could be burning, creating a dangerous evacuation scenario.

The County agrees that a major concern during an evacuation is the potential for exits to be blocked by a wildfire; however, the County disagrees with the commentator that this would be the case at the Project site. The commentator relies on current, undeveloped conditions to draw an unsubstantiated conclusion. The Proposed Project's Fire Protection Plan (Sections 2 through 6) includes a comprehensive terrain, fuel, and fire weather analysis and based on that analysis, required site-wide and roadside fuel modification zones that are 5 to 12.5 times as wide as the standard, code-required 20 foot zones.

The post-project condition realigns existing Gist Road/Sarver Lane and provides 100 feet wide fuel modification zones on either side as a buffer. Additionally, large areas are converted from native fuels to maintained landscape; further enhancing the protections provided vehicles on the roadways.

It is not anticipated that evacuations would be occurring if a fire is burning in the fuels adjacent to the community or its roads, as contingency options are provided that would likely be consider safer by emergency management personnel. Nonetheless, the fuel modification zones that will be maintained by the HOA and inspected annually would provide for use of the road during wildfire emergencies. Figures H-1 and H-2 from the Proposed Project's Fire Protection Plan provide graphics indicating the post-project conditions along Gist Road, which are fire hardened and buffered.

The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not accurately raise an issue related to the adequacy of the analysis 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. No further response is required or necessary.



Appendix H-1 from the Project's FPP indicates the realignment of existing Gist Road and the significant fuel modification that will be provided along with the converted fuels to maintained landscapes.



Appendix H-2 from the Project's FPP identifies the significant fuel modification that would occur throughout the community, including along the existing (realigned) Gist Road. The Gist road realignment is visible along with the 100 feet of fuel modification that would be provided.

**O-1.13-12** The comment states that real-world evacuations are more complicated than simple analyses predict. The comment discusses hypothetical decision patterns by emergency managers and residences that can delay evacuation. It further portends that route choice also can be problematic. Lastly, the comment discusses the assumptions of the evacuation plan and that some residents may not follow those assumptions, resulting in longer evacuation times.

The County agrees that real-world evacuations are complicated and fluid, as indicated in the Proposed Project's Evacuation Plan. The Proposed Project's Evacuation Plan provides a basis for estimating timeframes, noting that they may be four or more hours for a mass evacuation. Further, the Evacuation Plan provides an information source for future residents of the community and directs ongoing educational outreach efforts to minimize the likelihood of evacuation issues.

The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific

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section or analysis 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. No further response is required or necessary.

**O-1.13-13** The comment suggests that there may be ambient through traffic, particularly on Deer Springs Road, that may impede the ability of project residents evacuation.

The County appreciates the comment regarding ambient traffic on Deer Springs Road. Please refer to **Responses to Comments O-1.13-3** through **O-1.13-12** for details on the Newland Sierra Evacuation Plan's approach to wildfire evacuations. In summary, early evacuations would be the focus when time allows. When time does not allow, and evacuations were considered unsafe, such as if Deer Springs Road were already experiencing heavy ambient traffic, then contingency options are available to emergency decision makers that would enable the community's residents to remain in the community. Because evacuation impedances have been contemplated and evacuation contingency plans have been discussed in Appendix N-2, , the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.13-14** The comment propositions that in some wildfire scenarios, non-project residents may attempt to cut through the Project site.

The County agrees that there may be scenarios where non-project residents may seek refuge within the community or cut through the community during an evacuation. However, it is infeasible to predict with any certainty if this situation would occur or if it would have any impact on evacuations, particularly given the Proposed Project's evacuation approach detailed in the Evacuation Plan and the preceding responses to comments. Because evacuation impedances have been contemplated and evacuation contingency plans have been discussed in Appendix N-2,, the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.13-15** The comment suggests that the agricultural land uses near the project and equestrian uses within the open space to the north of the Project site, may complicate evacuations due to horse trailers and/or other oversized vehicles.

The County agrees that evacuations including large animals may occur in the area from existing home-owners and their properties. However, boarding of horses and

other farm animals will not be allowed within the Proposed Project. As indicated in Section 6.3.2 of the Appendix N-2, Wildland Fire Evacuation Plan, animal evacuations present a host of challenges that may affect the overall successful movement of people and their possessions out of harm's way.

The San Diego County Department of Animal Services (DAS) has plans in place to transport and shelter pets in a disaster under Annex O of the Operation Area Emergency Operation Plan, including the Animal Control Mutual Aid Agreement. Animal Control Officers, the San Diego Humane Society, and private animal care shelters assist in the rescue, transport, and sheltering of small and large animals. In addition, potential volunteer resources and private groups should be identified and tracked in WebEOC. Only non-emergency resources and personnel, such as public and private animal services agencies, will be used to rescue and transport animals during an evacuation effort. In most cases, DAS and the OA EOC will coordinate and attempt to co-locate animal shelters with people shelters.

Short-time frame wildfires may require an alternative approach and that approach requires animal owners in rural areas to plan for these events and create contingencies when evacuation may not be possible. This applies with or without development of larger communities.

The Project's approach (as presented in Section 6.3.2) includes noticing horse owners who utilize the project trailheads (no horses will be boarded on-site) of the fire dangers and encourage them through trailhead signage to register with DSFPDs' alert program as well as Alert San Diego. They will need to have appropriate horse trailers and would be strongly encouraged to evacuate when given notice.

Because evacuation impedances have been contemplated and evacuation contingency plans have been discussed in Appendix N-2,, the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.13-16** The comment recommends an in-depth traffic simulation study that considers factors that can reduce the estimated roadway exit vehicle capacities, or lead to gridlock in the worst case.

Please refer to **Responses to Comments O-1.13-12 through O-1.13-15**. The County disagrees with the suggestion that a more in-depth traffic simulation study would change the evacuation conclusions or approach. Because evacuation impedances have been contemplated and evacuation contingency plans have been discussed in

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Appendix N-2,, the comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.13-17** The comment re-states that the project is in a fire prone area and that evacuation egress is a critical public safety factor. It further suggest that the three proposed project exits are effectively two exits during large, regional wildfires as two exits merge into one on Twin Oaks Valley Road.

The County acknowledges the comment and provides a correction for inaccurate information provided in the comment. One exit from the Project (Camino Mayor) merges onto North Twin Oaks Valley Road and two additional exist intersect Twin Oaks Valley Road. The County notes that the remainder of the comment provides concluding remarks that re-state commentator opinions addressed in previous **Responses to Comments O-1.13-3 through O-1.13-5**. The summary remarks do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.13-18** The comment repeats its proposition that the ratio of households to exits for this proposed community would be very high. The County acknowledges the comment and notes it provides concluding remarks that re-state commentator opinions addressed in **Response to Comment O-1.13-5**. The summary remarks do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.13-19** The comment discusses the potential for traffic backup or gridlock on Deer Springs Road from project evacuations due to a stated bottleneck at the intersection of Mesa Rock Road and Deer Springs Road (left turn onto Deer Springs Road). The County acknowledges the comment and notes it provides concluding remarks that re-state commenter opinions addressed in **Response to Comments O-1.13-4 and O-1.13-6 through O-1.13-8**. The summary remarks do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.13-20** The comment repeats the author-calculated evacuation time requirement of between one and four or five hours. The comment indicates that a fire igniting 20 to 30 miles away, spreading at six miles per hour, could reach the site before all evacuations have occurred and provides the 2007 Witch Creek Fire as an example. It also describes a reduced margin of safety during an even faster moving fire and provides the 2003 Cedar Fire as an example.

The County and the Proposed Project's Evacuation Plan agree with the comment that a mass evacuation of the Project site could, under some scenarios, require as long as five hours. The County refers readers to **Response to Comments O-1.13-3 through O-1.13-8** regarding the evacuation timeframes and approach presented in the Project's Evacuation Plan.

Wildfire's burning under extreme conditions can travel at high rates, consuming thousands of acres. However, fire behavior depends on the fuel, terrain, and weather patterns across a landscape, which in Southern California, are highly interrupted and diverse. Fire spread rarely resembles a linear path. For example, the Cedar Fire referred to in the comment did spread at an unprecedented rate, but even this worst-case wildfire required over 15 hours to reach I-15 communities 22 miles to the west. Regardless of a wildfire's location, rate of spread, and its time of arrival, the Newland Sierra Evacuation Plan anticipates potential delays and impedances and provides mitigation through evacuation contingency options.

The comment does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required or necessary.

**O-1.13-21** The comment discusses exist separation and vulnerability and that the best case would be a wildfire approaching from the northeast where residents could evacuate south on I-15 or North Twin Oaks Valley Road and the worst case a fire that interfered with Deer Springs Road at Mesa Rock Road or Sarver Lane. The County acknowledges the comment and notes it expresses the opinions of the commenter, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR.

The County disagrees with the comment as stated. For example, a fire burning northeast of the Project under non-extreme fire weather conditions may have no effect on the Proposed Project, regardless of whether it is burning at the edge of the wide fuel modification zones or is 30 miles away. The same fire burning under extreme fire weather, may affect the Proposed Project and require a protective action, either early evacuation or one of the contingency options available to decision makers. Likewise, a fire burning near Deer Springs Road and Mesa Rock or Sarver Lane under a typical summer or fall day, would likely not trigger an evacuation and would be suppressed within a short time frame. The same fire burning under a strong on-shore or off-shore flow may trigger protective actions at the Project site, including relocating some residents to other areas within the community or offsite. The pre-planned, reactive measures would be determined by the wildfire event specifics.

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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-1.13-22** This comment is Attachment 1 to the comment letter, the author's curriculum vitae. The County acknowledges the comment and notes it does not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.

**O-1.13-23** This comment is Attachments 2 and 3, both technical papers authored by the commenter. The County has reviewed and considered the comment and the cited documents incorporated by reference. The first reference is titled "*Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure*". This research article and it was discussed at length in **Response to Comment O-1.13-5**.

Based on the author-highlighted data quality and other issues, and the blanket approach the HPE model uses to rank wildland urban interface communities, while ignoring site-specific factors that affect community safety, the HPE model is considered inappropriate for evaluating the Proposed Project.

The second reference (Attachment 3) is titled "Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy? This research article examines two communities, one in Santa Barbara and one in Oakland. The study focuses on comparing and applying concepts of building evacuation with that of communities. As with the other provided reference, the concepts are not suitable for widespread application. Variations in community fire resistance levels, design, construction, and marked differences between the communities studied compared to the proposed project result in an assessment that the reference is interesting, but not applicable in all situations, including the project site.

The County has reviewed the submitted references which do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.



### **O-1.14 L&W Attachment 14**

- O-1.14-1** The comment introduces the following comments regarding water supply and hydromodification. The County acknowledges the comment as an introduction to comments that follow. 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-1.14-2** The comment restates information contained in the Draft EIR, specifically the Newland Sierra Hydromodification Management Study (Hydromodification Management Study, January 2015, Appendix AA to the EIR), and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required.
- O-1.14-3** The comment restates information contained in the project's Hydromodification Management Study (2015) 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.
- O-1.14-4** The comment questions the assumption that Points of Compliance (POCs) not analyzed would likely have similar results to the representative POCs due to the similarity in topography, soil conditions, and vegetation, stating that this assumption "may or may not be correct." The comment further states that the Hydromodification Management Study does not present sufficient information to assess if such assumptions are reasonable. The County disagrees with the comment.

As it relates to the POCs that were not analyzed, those POCs are located in portions of the project Site that are physically inaccessible given the Site's present condition. Significant road grading and habitat impacts would be required to access these locations. Further, the project Site has undergone extensive geotechnical analysis over the last 17 years. Between 2000 and 2015, ten separate preliminary geotechnical feasibility studies, preliminary geotechnical investigations, and related reports were prepared pertaining to the Site's geology, mineral resources, general earthwork and rippability. The most recent of those studies is the Preliminary Geotechnical Investigation, June 2015, Appendix J-1 to the EIR; the other nine studies are referenced in Appendix A, References, to the Preliminary Geotechnical Investigation (2015), are all publicly available at the County of San Diego, and include the following:

1. Leighton and Associates Inc. 2000. *Preliminary Geotechnical Feasibility Study, Proposed Residential Development of the Merriam Mountains Property, San Diego County, California.*

2. Leighton and Associates Inc. 2002. *Preliminary Geotechnical Investigation, Merriam Mountains Property, San Diego County, California*. Project No. 040084-002. September 27, 2002.
3. Leighton and Associates Inc. 2003. *Geotechnical Review of Preliminary Site Development Plans, Proposed Merriam Mountains, San Diego County, California*. Project No. 040084-002. September 29, 2003.
4. Leighton and Associates Inc. 2004. *Preliminary Geotechnical Investigation, Merriam Mountains Property, San Diego County, California*. Project No. 040084-003. April 29, 2004.
5. Leighton and Associates Inc. 2005a. *Preliminary Geotechnical Investigation, Merriam Mountains Property, San Diego County, California*. Project No. 040084-003. January 12, 2005.
6. Leighton and Associates Inc. 2005b. *Mineral Resources Report, Merriam Mountains Property, San Diego County, California*. Project No. 040084-003. January 12, 2005.
7. Leighton and Associates Inc. 2006. *Preliminary Geotechnical Investigation, Merriam Mountains Property, San Diego County, California*. Project No. 040084-003. November 9, 2006.
8. Leighton and Associates Inc. 2007. *General Earthwork Rippability Evaluation Report, Merriam Mountains Development, San Diego County, California*. Project No. 040084-013. November 7, 2007.
9. Leighton and Associates Inc. 2008. *Addendum to Preliminary Geotechnical Report, Merriam Mountains Development, San Diego County, California*. Project No. 040084-014. June 24, 2008.

In addition to the 10 geotechnical feasibility studies, preliminary geotechnical investigations, and related reports, 12 additional references were used in the preparation of the Preliminary Geotechnical Investigation (2015), including the California Building Code, the California Probabilistic Seismic Hazard Assessment Maps, and Fault Activity Maps of California and Adjacent Areas.

Therefore, the geologic conditions on Site are well documented and considered highly uniform across the project Site. The dominant geologic unit on site is Cretaceous-aged Granitic rocks (monzogranite), and, thus, there is a sound basis for using the results of the representative POCs to model the susceptibility of the balance of the project Site's POCs.

In summary, the project's Hydromodification Management Study (2015) was prepared in compliance with the County of San Diego Hydromodification Management Plan (County HMP, March 2011). During final engineering, the results therein will be refined based on the final design and additional field surveys and testing. All of the project's POCs will be reanalyzed at final engineering; any corresponding required revisions to the project's hydromodification basin sizing and design as required by the County's BMP Design Manual will be addressed at that time, and no increase in the project's development footprint to accommodate larger basins would be permitted. The adjustments to basins would necessarily be confined to the approved development footprint of the project.

**O-1.14-5** The comment restates information contained in the project's Hydromodification Management Study (2015) and does not raise an environmental issue within the meaning of CEQA. The language from the project's Hydromodification Management Study (2015) cited in this comment is a summary of the full text from Section 5.2 of the HMP. The complete text from Section 5.2 of the HMP is provided for informational purposes as follows:

For purposes of this HMP, the extents of the downstream and upstream domain of analyses are defined as follows:

- Proceed downstream until reaching one of the following:
  - At least one reach downstream of the first grade control point (preferably second downstream grade control location)
  - Tidal backwater/lentic (still water) waterbody
  - Equal order tributary (Strahler 1952)
  - Accumulation of 50 percent drainage area for stream systems (note that SCCWRP is still determining specific flow accumulation percentage)
  - Accumulation of 100 percent drainage area for urban conveyance systems (storm drains, hardened channels, etc.)

OR demonstrate sufficient flow attenuation through existing hydrologic modeling.

- Proceed upstream for 20 channel top widths OR to the first grade control point, whichever comes first. Identify hard points that can check headward migration and evidence of active headcutting.

If the screening analysis is conducted on a project-specific basis, there may be instances in which a high susceptibility rating is obtained at the first point of

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field observation. In these cases, it may be sufficient to limit the analysis to the point/property of impact.

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-1.14-6** The comment states that the project's Hydromodification Management Study (2015) does not appear to consider the potential channel instability when several hydromodification channels join downstream of the POCs and states that there does not seem to be an appropriate justification for use of the Southern California Coastal Water Research Project (SCCWRP) protocol for establishing the downstream end of analysis. The County does not concur with the comment.

The domain of analysis for the project's Hydromodification Management Study (2015) was determined by following the five criteria outlined in Section 5.2 of the County's Hydromodification Management Plan (March 2011). Those five criteria are presented above in the **Response to Comment O-1.14-5** and also discussed in Appendix B of the County's HMP, which is the SCCWRP's Hydromodification Screening Tools: Field Manual for Assessing Channel Susceptibility. Therefore, the County's HMP establishes the justification for the use of the SCCWRP protocol. The HMP was developed by the San Diego Storm Water Copermittees (i.e., the Cities of San Diego, Chula Vista, and Carlsbad; 15 other cities in San Diego County; and the County of San Diego) in response to Order R9-2007-0001 from the San Diego Regional Water Quality Control Board (SDRWQCB). Accordingly, the HMP establishes the guidelines to be followed for hydromodification assessments in the County of San Diego, and the project's Hydromodification Management Study (2015) used the five criteria presented above for establishing the domain of analysis for each POC.

- O-1.14-7** The comment states that it is essential to consider the stability of downstream receiving channels and speculates that Moosa Canyon may already be impacted by hydromodification or may be near a threshold of instability. Please refer to the **Response to Comment O-1.14-6** above. Specifically related to Moosa Canyon, flows from the project Site that reach Moosa Canyon must first pass through culverts that travel underneath the I-15 freeway. As these culverts constitute grade control structures, in accordance with the criteria outlined in Section 5.2 of the County's HMP, the domain of analysis is necessarily terminated at or before the inlet side of the culverts. Therefore, the domain of analysis does not extend into Moosa Canyon.

- O-1.14-8** The comment states that there is no reference to channel monitoring or adaptive management in the Hydromodification Management Study, and recommends a comprehensive channel monitoring program be established and that the monitoring

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area include all hydromodification channels and extend downstream past confluences with other hydromodification channels. Consistent with the requirements of SDRWQCB Order No. R9-2007-0001, Section 8 of the County's HMP outlines comprehensive monitoring requirements that the County and the other Copermittees are required to implement. In the case of the project Site, the study reaches are primarily rock, so long-term geomorphic changes would not be expected to occur. Please further refer to **Responses to Comments O-1.14-10** and **O-1.14-11** below which expand on this point.

**O-1.14-9** The comment is just the title of the project's Analysis of PCCSYAs [Potential Critical Coarse Sediment Yield Areas] for Newland Sierra (Appendix BB of the EIR). The comment does not raise a specific issue with the analysis or question the adequacy of the EIR.

**O-1.14-10** The comment states that "a bedrock channel or infrequently-mobile bed does not always indicate that upstream sediment sources are not passing through the channel and contributing to downstream channel habitat and stability." Citing the definition of "bedrock river" from Whipple and others (2013), the comment goes on to state that "while bedrock channels may indicate future channel stability at the site, the presence of bedrock does not imply the absence of sediment transport through a reach, but rather, indicates that the transport capacity of a reach is capable of transporting all sediment delivered from upstream sources." The comment recommends a "well-documented channel assessment with direct observations (not predicted grain size or air photos) ... at the POC as well as reaches upstream and downstream of the POC, and banks and hillslopes connected to the channel." Finally, the comment mentions potential considerations due to episodic transport resulting from fire, drought, earthquakes, debris flows, infrequent rain events or a combination of those factors. The County has reviewed and considered these comments and the cited definition for "bedrock river" and provides the following response.

The first part of the comment suggests that application of the "immobile bed" designation (as defined by Appendix H of the County of San Diego Best Management Practices [BMP] Design Manual) to a receiving channel may not imply the absence of sediment transport through a reach, but instead, that the channel is capable of transporting all sediment delivered from upstream sources. The specific conditions upstream and around the channels on the project Site do not fit the scenario outlined in the comment. As explained in **Response to Comment O-1.14-4** above, the dominant geologic feature of the project Site is Cretaceous-aged Granitic rocks (monzogranite), and the project Site is part of the Merriam Mountains range. The higher elevations of the project Site and the banks and hillsides around receiving channels (i.e., those areas of the project Site that would theoretically supply sediment

to receiving channels) are predominantly exposed rock outcroppings and boulders with very thin to non-existent veneers of surficial soils. As would be expected, some of the less inclined, lower elevations of the project Site, substantial portions of which are proposed for permanent preservation, harbor more significant deposits. Therefore, in the case of the project Site, the upstream sources of sediment are very limited or lacking completely in this case. Further, the channel banks and hillsides surrounding the receiving channels are substantially vegetated with granitic southern mixed chaparral habitat, a habitat that “often occurs on dry, rocky, often steep slopes with little soil” (refer to EIR - Appendix H-1, Biological Resources Technical Report, Section 1.4.2). The dominant presence of the mixed chaparral habitat reinforces the findings of the Preliminary Geotechnical Investigation (Appendix J to the EIR) that the project Site lacks a substantial supply of sediment but instead is dominated by granitic rock overlain by surficial units consisting of shallow veneers of colluvium, alluvium, slopewash, and minor undocumented fill soils. Therefore, in light of the specific geologic conditions present on site, particularly upstream of receiving channels, the bedrock channel designation is applicable in this case.

As it relates to the recommendation to perform a “well-documented channel assessment with direct observations (not predicted grain size or air photos) ... at the POC as well as reaches upstream and downstream of the POC, and banks and hillslopes connected to the channel,” the Newland Sierra PCCSYA study (EIR, Appendix BB) complies with the conditions of the BMP Manual as the ultimate guidance. The BMP Manual was developed in cooperation with the HMP Technical Advisory Committee and the Copermittees (the County and the 18 cities in San Diego County) and formally approved by the SDRWQCB, as well as the County Board of Supervisors. The BMP Manual serves as the accepted standards for the San Diego Region for defining Critical Coarse Sediment Areas, assessing the potential impact development could have on these areas, and developing BMPs tailored to site specific conditions. Appendix BB was prepared in full conformance with the approved refinement option explained within the “Threshold Channel” definition based on the BMP Design Manual. The intent of the threshold channel methodology is not to imply the absence of critical coarse sediment, but to define reaches in which those sediments are not necessary as not all downstream systems warrant preservation of coarse sediment supply, nor do all sources need to be protected. Further analysis once a reach is defined as a threshold channel is not required according to the BMP Design Manual.

Finally, the comment concludes by stating that “The PCCSYA Analysis Report ... does not directly assess sediment transport through these threshold channels and does not consider episodic transport due to fire, drought, earthquakes, debris flows, infrequent rain events, or the combination of those factors.” These events are not expected to be significant contributors to sediment generation and transport compared

to the dominant and more consistent driver of geomorphic effects, which is some fraction of the 2-year rainfall event (i.e., the “Low Flow Threshold for Hydromodification Flow Control”) up to the 10-year rainfall event. More specifically, the BMP Design Manual does not require assessment of episodic events such as earthquakes, wildfires, infrequent rainfall events, etc. The BMP Design Manual is focused on how a developed site minimizes and mitigates water quality and hydromodification impacts on undeveloped areas, not how rare and, in terms of location, extent, and duration, unpredictable natural events (“episodic events”) affect undeveloped areas compared to how they would affect developed areas because the underlying assumption of the manual is that those rare events have the same or less of an influence before and after development.

In the context of CEQA, these episodic events would not be relevant issues related to the analysis of a project’s impacts on the environment unless there was somehow sufficient evidence to suggest that the project would in some way make the environmental effects, in this case geomorphic effects, more pronounced in the event of a wildlife or earthquake or other rare/episodic natural event. In this case, the commenters present no such evidence but instead just assert that the PCCSYA Report should consider them.

The effects a wildfire could have on the geomorphology of the Site in a pre-development versus a post-development condition illustrate this point. In a situation where the project Site burned, if a wildfire were to have geomorphic effects, notwithstanding their temporary nature (because a burned site recovers within a couple of seasons in terms of revegetation to substantially curtail erosion), the more of the Site that burned, the greater the geomorphic effects there would theoretically be. The developed portions of the Site are protected by fuel modification zones, limited building zones, rigorous building and fire code protection requirements, and stringent landscape restrictions to prevent the spread of wildfire into the developed area, and a network of roads for evacuation and fire apparatus response. Therefore, the developed areas would remain largely unaffected if the project’s suite of fire mitigation and other building and project design measures are properly implemented. Thus, the developed portions of the Site would remain self-mitigating because the drainage system, detention basins, and other BMPs for water quality, hydromodification, and flood control would remain functioning. Therefore, comparing a condition where the entire Site is burned versus only the undeveloped portions of the Site would result in a reduced potential for geomorphic effects under the developed condition because the developed site would have a smaller area that could potentially contribute to geomorphic effects compared to the Site in a completely undeveloped condition.

As it relates specifically to the project Site, the Site's habitat types are very fire adapted and even rely in part on fire for germination and rejuvenation of the habitat. While the chaparral plant species are susceptible to fire, they often remain rooted after the fire and are able to regrow out of the same root system. Chaparral shrubs have four different survival strategies to respond to a fire, including obligate resprouters, obligate seeders, fire followers, and facultative seeders. Obligate resprouters include species such as toyon, scrub oak, chamise, and manzanita. Some 91% of the project Site (1,803.8 acres) is covered in granitic and southern mixed chaparral and scrub oak chaparral species and the dominant species in the Site's chaparral habitat include the chamise, manzanita, and scrub oak species (refer to Table 1-2 and Sections 1.4.2.4 and 1.4.2.6 of the Biological Resources Technical Report, Appendix H-1 to the EIR). These three species are all obligate resprouters, meaning their root system stays alive and resprouts after a fire. Therefore, although a wildfire would have the potential to burn significant portions of the Site and expose soil that could potentially contribute to sediment supply, the fact that much of the Site's plant species would remain alive and rooted would limit the erosion potential of the Site in a post-fire condition. Annuals and resprouting would be expected to occur within the first two seasons resulting in significant revegetation of exposed burn areas. Any geomorphic effects resulting from the Site being burned would be temporary, and the drainage system, detention basins, and other BMPs for water quality, hydromodification, and flood control would remain functioning while the Site's burn areas recovered. In consideration that even a post-fire condition is a temporary state, fire would not be expected to be a significant contributor to sediment supply over the long-term.

As it relates to earthquakes, as explained above, the commenter has not presented any evidence to suggest that the project would somehow make the potential geomorphic effects associated with an earthquake more pronounced relative to the Site remaining undeveloped. Nor has the commenter explained how exactly an earthquake could contribute to accelerated, abnormal, or acute geomorphic effects at the project Site. Further, the specific geologic conditions on Site make significant geomorphic effects as a result of an earthquake unlikely. The Site is dominated by Cretaceous-aged granitic rock. No presence of historical landslides, substantial sluffing, or liquefaction was observed on site or immediately off site. This finding is consistent with the Site's geology, which is predominantly characterized by uniform layers of granitic rock with no observed presence of bedding planes and very low potential for liquefaction. The Site is also not located within a state-mapped Earthquake Fault Zone and is not underlain by known active or potentially active faults. Therefore, in light of the dominant geologic condition on site and the lack of known active earthquake faults on or within the vicinity of the project Site, the potential for major earthquakes to contribute significantly to sediment supply is considered very low. For additional



information on the Site's geologic conditions, refer to the Preliminary Geotechnical Investigation, June 2015, Appendix J-1 to the EIR, and Appendix A to Appendix J-1.

Finally, as is the case related to wildfire, the developed portions of the Site would be designed to the latest building codes, construction standards, and other applicable seismic design requirements for every structural component of the project, including but not limited to the graded areas, roads, storm drain infrastructure, basins, BMPs, and the homes. Just as is the case with wildfire, the developed portions of the Site would be "self-mitigating" against earthquakes, and a developed site would, therefore, inherently present a lower risk to geomorphic effects compared to the same site undeveloped in a situation where an earthquake occurred that could potentially alter geomorphology of the Site. Thus, any potential geomorphic effects that could result from an earthquake would likely be less under the proposed project compared to the Site remaining in its existing undeveloped condition.

As with fire and earthquake events, drought, major infrequent rain events, and other natural events that could influence sediment supply would also not be expected to be significant factors in sediment supply over the long term. Any temporary geomorphic effects from these other episodic events would likely be less with the project Site developed versus undeveloped, and the commenters present no evidence to suggest otherwise. Specifically related to the project Site, chaparral habitat is particularly adapted to withstanding prolonged drought and fire. Major infrequent rainfall events are not significant contributors to sediment supply and transport in comparison to the much more frequent 2-year to 10-year rainfall events. Finally, as stated above, as it relates to the County's guidance document (BMP Design Manual) used for this analysis, consideration of these natural event factors (fire, drought, etc.) is out of the scope of the BMP Design Manual, and they are not required to be addressed separately in a PCCSYA report.

**O-1.14-11** Through the use of statements in studies published by others, the commenters challenge the use of the continuous 10-year peak flow to assess sediment transport, and the comment references, among others, data from the Santa Clara River in California. The commenters also conflate their justification for using a different range of analysis (beyond the 10-year peak discharge) with the wildfire scenario they recommend be accounted for in the PCCSYA.

The comment states that "in the Newland Sierra PCCSYA Analysis, the authors adopt a 10-year peak discharge as a design flow but do not articulate why a 10-year peak flow is appropriate at these sites." The use of the 10-year peak flow as an upper threshold was established in 2008 and comes from a very extensive discussion among experts in the County of San Diego's Technical Advisory Committee when the HMP

was established and the range of analysis for hydromodification was determined to be between 10% of  $Q_2$  up to  $Q_{10}$  (refers to the flow rate of the rainfall event:  $Q_2$  means once every 2 years and  $Q_{10}$  means once every 10 years). This range of analysis has been the standard in San Diego County for over 8 years and is the basic standard of design. Consequently, the current County standard does not require analysis beyond the 10-year peak flow.

However, as an additional safety factor, the PCCSYA extended the analysis of the detailed erosion potential/sediment production (Ep/Sp) methodology beyond the 10-year peak flow up to the largest hourly peak flow obtained in the continuous simulation modeling. As a result, the Ep/Sp portion of the study included peak flows up to the 60–80 year peak flow (the largest peak that can be obtained with certainty from an hourly rainfall data set), and demonstrated that the project's system of stormwater BMPs effectively detained and regulated even those much higher peak flows in a manner that maintained equilibrium conditions of receiving creek downstream.

In regard to the addition of a statistical analysis of the influence of the fire in pre- and post-development sediment transport comparison, as stated above, such analysis is not required by the permit and is not regulated by the BMP Design Manual, and the commenters present no evidence to suggest that the Site in a developed condition would potentially result in greater geomorphic effects as a result of a fire compared to the Site in a natural condition. More importantly, the main focus of critical sediment analysis is not an accurate determination of the sediment yield in a period of time; rather, the main objective is to establish a relative difference between a hypothetical sediment yield when the existing conditions remain versus after development occurs. The **Response to Comment O-1.14-10** above addresses this issue related to fire in more detail.

**O-1.14-12** The County acknowledges the comment which erroneously references **Section 2.4.2.2** and then proceeds to copy a portion of **Section 2.4.2.1**. The comment is unclear because although vegetation is mentioned in the initial portion of **Section 2.4.2.1**, there are many factors that converge to include POCs 13B, 19, and 26 as threshold channels:

- Photographic evidence is submitted.
- Determination of an equivalent  $d_{50}$  based on methodology approved by the SDRWQCB in many studies, such as the River District Project in the City of San Marcos.
- Opinion of a geomorphologist that the stream channel has existing grade control structures (not related to vegetation but to the geometry of the channels that force critical control in many places). This opinion supersedes the approximate  $d_{50}$  calculation per the BMP Manual, as mentioned in **Section**

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**2.4.2.2**, and makes the calculation of  $d_{50}$  irrelevant, also mentioned in **Section 2.4.2.2** ( $d_{50}$  discussion is only include to complete submittal requirements)

- Inapplicability of jet testing methods in the area is explained and use of two different empirical methods (Fischenich and National Engineering Handbook, Chapter 8) corroborates the threshold channel designation, even if the shear stress results are different.

In regard to comment raised about fire, please refer to the previous **Responses to Comments O-1-14-10** and **O-1-14-11** above.

**O-1.14-13** The comment states that the report is somewhat unclear but does not appear to have assessed bed materials at POCs 13B, 19, and 26. The County does not concur with this comment. In addition to the 10 photos in PCCSYA Photo Exhibit in Appendix 2, the Hydromodification Screening for Newland Sierra (Supplemental 2016 Report) contains 18 photos (Figures 1 through 18). The PCCSYA's POC 13B correspond to Reaches 2 and 3; POC 19 corresponds to Reach 1; and POC 26 corresponds to Reach 4 in the Supplemental 2016 Report. Figures 15 through 18 are photo documentation of the bed material for each of the four reaches. A discussion of armoring potential of the channel bed for all four reaches can be found on page 8, last paragraph, in the Supplemental 2016 Report. The paragraph concludes, "Since the reaches contain bedrock, a pebble count is not required and Category A applies." In addition, the Supplemental 2016 Report contains a June 10, 2016, letter from Leighton and Associates Inc., in which Leighton and Associates indicates that they "have confirmed through our geologic reconnaissance of POC Areas 13B, 19 and 26, that the existing channel bottoms are comprised of hard rock covered in some areas with a very thin veneer of alluvial soil that consists of fine to coarse rock fragments and boulders."

**O-1.14-14** The comment states the methods described in Appendix 2 to the PCCSYA Analysis Report are confusing, and potentially misleading. In regard to the discussion of  $d_{50}$ , the County acknowledges the comment. However, it should be clear that the importance of indirect methods to determine  $d_{50}$  has been overestimated by the comment as the definition of threshold channel is tied to more than one methodology. The comment only highlights one bullet point out of seven that are included in **Section 2.4.2**, and the threshold section is the most extensively explained in the report. Please refer to the detailed **Response to Comment O-1-14-12** above for further clarification as of why a threshold channel designation for POCs 13B, 19, and 26 is properly justified.

**O-1.14-15** The County acknowledges the comment as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the

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decision-makers prior to a final decision on the project. No further response is required.

**O-1.14-16** The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required.

The County acknowledges the footnote 1 comment and notes it does not raise an issue related to the adequacy of any specific section or analysis 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. No further response is required.

The County notes the footnote 2 comment provides factual background information concerning the Water Supply Assessment's (WSA) use of the term "No Project Alternative," and clarifies that the WSA's use of that term should not be confused with another "no project alternative," whereby the current land uses at the project site continue without any additional development at the site. The County acknowledges this clarification.

The County also points out that the WSA's use of the term "No Project Alternative" is defined in the WSA on page 42. Specifically, the UWMP states that the "No Project Alternative refers to the 2011 General Plan land use for the property, given that the proposed Newland Sierra Specific Plan is not yet adopted." (WSA, p. 42.) The WSA provides that the "No Project Alternative was included in the District's 2014 Draft Master Plan future demand forecast for the project study area," and that the "projected water demand of 1,825 [acre-feet per year] for the No Project Alternative ... study area was accounted for in projecting future supply requirements in the 2015 UWMP[] for the District, the Water Authority, and Metropolitan."

The WSA also finds that:

"The District's 2015 UWMP demonstrates that if Metropolitan, Water Authority and District supplies are developed as planned, along with achievement of conservation targets, then no shortages are anticipated within the District's service area in a normal, single dry or multiple dry-year through 2035." (WSA, p. 42.)

The WSA also provides a detailed description of the referenced "No Project Alternative" on pages 48 through 50.

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With that clarification, the comment does not raise an environmental issue within the meaning of CEQA. Nonetheless, 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 over the adequacy of the Draft EIR.

**O-1.14-17** The County acknowledges the comment and notes it expresses the view that the Vallecitos Water District's 2015 Urban Water Management Plan (UWMP) only generally describes how water savings through water conservation might be achieved. The comment further states that "conservation" is invoked in the 2015 UWMP as a way to balance the supply/demand deficiency, but it is not clear how water conservation alone could resolve the anticipated water shortage. The comment also states that it is not clear in the project's WSA that if the project alone provides for such a reduction that "similar reductions elsewhere (for other new projects and for existing users) would be feasible." The County does not concur with the comments.

First, the 2015 UWMP is an adopted planning document completed by the Vallecitos Water District. It also represents just one of several water planning documents that the County relied on in independently determining whether projected water supplies will be sufficient to satisfy project demand, in addition to the demand associated with the existing and other planned future land uses within the Vallecitos Water District's potable water service area. (See EIR, Section 2.14, p. 2.14-2.)

Second, as reported in Section 7 of the 2015 UWMP, there are potential water supply shortages for the Vallecitos Water District over the 20-year planning horizon in normal, dry-year, and multiple dry-years; and those shortages are shown in UWMP Tables 7-2 through 7-4; at the same time, however, for each water year scenario, Section 7 also makes clear:

"To mitigate for these projected water supply shortages, VWD will need to implement demand-reduction actions and conservation measures." These actions are further described in Sections 8 and 9." (EIR, Appendix V-1 [2015 UWMP, p. 7-3.]

...

"Sections 8 and 9 further describe the demand-reduction actions and conservation measures that VWD plans on implementing to balance supplies and demands." (*Id.*, 2015 UWMP, p. 7-5.)

...

“The [San Diego County Water Authority’s] assessment includes existing and planned supplies from the Imperial Irrigation District transfer, canal lining projects and seawater desalination, which are considered ‘drought proof’ supplies. With the previous years leading up to the single dry-year being wet or average hydrologic conditions, [the San Diego County Water Authority] should have adequate supplies in storage to cover potential shortfalls in core supplies to its member agencies.” (*Id.*, 2015 UWMP, p. 7-3.)

Further, the 2015 UWMP reflects its plans to “balance” supplies and demand primarily through (a) conservation actions by the District, and (b) the actions taken by San Diego’s wholesale water agency — the San Diego County Water Authority (of which Vallecitos Water District is a member agency) — to balance water supply and demand projections for the San Diego region. In fact, Section 7 shows that the District has implemented conservation plans and anticipates implementing such plans in the future. Additionally, as a member agency, the District will continue to rely on and support the regional efforts of the San Diego County Water Authority.<sup>170</sup> The 2015 UWMP describes those actions in more detail in the 2015 UWMP, Section 8 (Water Shortage Contingency Planning) and Section 9 (Demand Management Measures).

In addition, at an earlier October 2016 Vallecitos Water District Board public meeting addressing WSA issues, the District’s engineering staff refuted claims regarding “infeasible” conservation measures, stating:

“So, what is happening here ... some of this information that you’re getting is ... stopping at ... Section 7 [of the 2015 UWMP]. It’s not getting into the conservation, which is going to basically balance the projected demands with what was being proposed by our wholesaler for supply....

Now we know what happened in 2015 – the District conserved over 25 percent ..., nearly 26 percent – so, taking that 26 percent here, that we’ve conserved district wide, and then also ... you see that the Newland Sierra project is proposing 11 percent less than what our drought 2014 master plan has assumed for that same land ... here. You can get to 35 percent here pretty simply actually. Not that difficult.

...

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<sup>170</sup> The EIR describes the relationships between Metropolitan and its member agencies, and the San Diego County Water Authority and its member agencies “because those relationships define and establish the water supplies available to the Vallecitos Water District.” (See EIR, p. 2.14-15; and see pp. 2.14-15 through 2.14-23.)

What this is trying to do in the water supply assessment is show a range of conservation that needs to be met there. [T]his 26 to 36 percent range needs to be met in order to basically balance our supply and demand here.” (Vallecitos Water District Transcript, Oct. 5, 2016, pp. 18.)<sup>171</sup>

Additionally, the project’s professional engineer clarified the enforceability concerns over the water conservation measures, noting:

“Those conservation measures come right out of the State law – the Cal-Green code and the Model Water Landscape Efficiency Ordinance, which were updated in 2015. We’re talking about those ordinances and applying them to a modern home with efficient appliances and efficient fixtures and efficient outdoor landscaping and further prohibiting front yard turf in the [Newland Sierra] development.

Plus, I’d just like to point out there is SBX 7-7, which is a separate state ordinance on all the water districts that by 2020, [they must] achieve a 20 percent reduction [in urban per capita [per person] water use.” (VWD Transcript, Oct. 5, 2016, p. 23.)<sup>172</sup>

In addition, the WSA is responsive to the above comments. The “WSA Report evaluates water supplies that are or will be available during normal, single-dry, and multiple-dry water years during a 20-year projection to meet existing demands, expected demands of the Project, and reasonably foreseeable planned future water demands served by the District.” (WSA, page 1.) The WSA states that the Newland Sierra project would provide a 35% reduction in water use from the “No Project Alternative” that is currently planned for in Vallecitos Water District’s water planning documents.

The WSA also relied on a report by the California Homebuilding Foundation, prepared in 2010, to show the *feasibility* of current water conservation efforts. Based on the cited report, “a new three-bedroom single-family home in California with four occupants uses *38% less* indoor water than a similar-sized home built in 2005 and more than *50% less* water than a home built in 1980 (assuming no retrofitting). (EIR, Appendix S [WSA, p. 44.], italics added.) These dramatic reductions in indoor water

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<sup>171</sup> The Vallecitos Water District Board of Directors’ meeting transcript, dated October 5, 2016, is part of the project’s record of proceedings and incorporated by reference. It is available for public review upon request to the County.

<sup>172</sup> Both the 2015 UWMP, page 1-7, which is found in Appendix V-1 of the EIR, and the EIR itself, page 2.14-42, describe the mandatory SBX 7-7 water conservation measures.

usage are “primarily due to the availability of residential grade water saving devices and state-wide required plumbing code changes.” (*Ibid.*)

In addition, the WSA cited the project’s GSI Conservation Demand Study. The GSI Conservation Demand Study was specifically prepared for the Newland Sierra Specific Plan and EIR; it was appended to the EIR as Appendix T; and it provides a detailed description of the new state and local regulatory water conservation measures. The description is found in Section 2.0 of the GSI study, which was part of the EIR. These additional mandatory water conservation requirements further substantiate that the project’s projected water savings can be feasibly achieved.

The WSA and EIR also document *how* that water demand reduction range (i.e., 26%-36%) can be achieved through water conservation requirements. First, as stated in the WSA, the proposed project is projected to have a water demand of 1,624 afy, without 2015/2016-era conservation, and 1,196 afy under the more current (2015/2016) water conservation standards. This project demand, with conservation savings, represents a 35% reduction in demand from that currently planned for, and incorporated into, the District’s water planning documents (i.e., the 2014 draft Master Plan and the 2015 UWMP). (See WSA, p. 43, Appendix S to the EIR.)<sup>173</sup>

Therefore, per the WSA, with implementation of the project’s current water conservation measures, the project “will sufficiently contribute toward the District’s intent to use water conservation to meet 26% to 36% of its future demand projections under multi-year conditions through 2035.” (See WSA, p. 43, Appendix S to the EIR.)

Furthermore, the County used the Draft EIR to conduct its own independent review of the project’s water demand. As stated in the EIR, page 2.14-47, the County’s assessed demand for the project is *less* than shown in the WSA.

Based on the EIR water supply and demand analysis, the County has determined that, with the current water conservation requirements applicable to the project and the “land use deductions” made enforceable by mitigation imposed by the County, the total water demand to be used for the proposed project is 870 afy (or 776,980 gpd).<sup>174</sup>

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<sup>173</sup> The GSI Water Conservation Demand Study (Appendix T to the EIR) substantiates the water conservation requirements that will achieve these percentage reductions in the project’s water usage (i.e., demand). Please see Response O-1-312 for information regarding the GSI report’s specific substantiation of the water conservation requirements applicable to the proposed project.

<sup>174</sup> The “land use deductions” refer to County-imposed requirements on the project applicant or its designee. Specifically, with project approval, pursuant to the EIR’s mitigation measure (M-UT-2), the project applicant or designee would be *prohibited* from installing irrigation in any of the project’s dedicated open space (approximately 1.209 acres) and the non-irrigated fuel modification zones (approximately 272.2 acres) within the project site. (See EIR, pp. 2.14-45-2.14-46; and see Mitigation Measure M-UT-2, p. 2.14-52.)



This water demand is 46 percent lower than the demand estimate presented in the [WSA], and 52 percent lower than the demand estimate used [by the District] in the County's 2011 General Plan, and Vallecitos Water District's draft 2014 master plan and 2015 UWMP.

Accordingly, the EIR confirms that the County, in coordination with Vallecitos Water District, can feasibly achieve 35 percent and 52 percent reductions in water demand through the identified water conservation requirements and the "land use deduction" identified in the EIR (page 2.14-48) and the GSI Water Conservation Demand Study (Appendix T to the EIR). As a result, the EIR confirms that the project can feasibly and reasonably achieve the water demand reduction range (i.e., 26% - 36%) identified in the WSA and the 2015 UWMP through water conservation requirements – and without "mandatory rationing."

Further, as stated in the EIR, the Vallecitos Water District "continues to make programmed investments in both its operations and water capacity in the future as needed," and at the same time, the San Diego Water Authority and the retail water agencies in San Diego (including the District) "benefit from regularly issued annual water reports and the five-year updates to UWMPs, which allow the Water Authority and the retail water agencies in the San Diego region to regularly monitor supplies, demands, and the reliability of those supplies...." (See EIR, p. 2.14-48.)

Lastly, the County has confirmed with Vallecitos Water District personnel (Robert Scholl, P.E. and Senior Engineer, Dec. 2017) that the public and the District's customers are not required to: (i) ration existing water supplies or conserve by fallowing agricultural lands, (ii) permanently restrict outdoor watering, (iii) limit showers, or (iv) any other water use restriction in order to serve the proposed project or meet the District's water conservation requirements.

**O-1.14-18** The comment summarizes information taken from the project's WSA and Draft EIR. It acknowledges that water use reductions due to conservation can be achieved within Vallecitos Water District's service area in response to drought conditions in the short-term; however, such reductions do "not necessarily indicate a capacity to maintain efficiency gains at that level during non-drought conditions and/or on a long-term basis." The comment questions the EIR's evidentiary basis for supporting additional reductions to achieve up to 36 percent water savings due to water conservation requirements. The comment concludes that Vallecitos Water District is "acknowledging" it must enforce its "Level 3 Drought Critical Alert on an on-going basis (even in normal water supply years) in order to address predicted water supply limitations in future years." The County does not concur with the comments.

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First, the project's WSA and the EIR document how that water demand reduction range (i.e., 26% - 36%) can be achieved through water conservation requirements. As stated in the WSA, the project is projected to have a water demand of 1,624 afy, without 2015/2016-era conservation, and 1,196 afy under the more current (2015/2016) water conservation standards. This project demand, with conservation savings, represents a 35% reduction in demand from that currently planned for, and incorporated into, the District's water planning documents (i.e., the 2014 draft Master Plan and the 2015 UWMP). (See WSA, p. 43, Appendix S to the EIR.)<sup>175</sup>

Therefore, per the WSA, with implementation of the project's current water conservation measures, the project "will sufficiently contribute toward the District's intent to use water conservation to meet 26% to 36% of its future demand projections under multi-year conditions through 2035." (See WSA, p. 43, Appendix S to the EIR.)

Further, the County used the EIR to conduct its own independent review of the project's water demand. As stated in the EIR, page 2.14-47, the County's assessed demand for the project is less than shown in the WSA.

Based on the EIR water supply and demand analysis, the County has determined that, with the current water conservation requirements applicable to the project and the "land use deductions" made enforceable by mitigation imposed by the County, the total water demand to be used for the proposed project is 870 afy (or 776,980 gpd).<sup>176</sup> This water demand is 46 percent lower than the demand estimate presented in the [WSA], and 52 percent lower than the demand estimate used [by the District] in the County's 2011 General Plan, and in Vallecitos Water District's draft 2014 master plan and 2015 UWMP.

Accordingly, the EIR confirms that the County, in coordination with Vallecitos Water District, can feasibly achieve 35 percent and 52 percent reductions in water demand through the identified water conservation requirements and the "land use deduction" identified in the EIR (page 2.14-48) and the GSI Water Conservation Demand Study (Appendix T to the EIR). As a result, the EIR confirms that the project can feasibly

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<sup>175</sup> The GSI Water Conservation Demand Study (Appendix T to the Final EIR) substantiates the water conservation requirements that will achieve these percentage reductions in the project's water usage (i.e., demand). Please see Response O-1-312 for information regarding the GSI report's specific substantiation of the water conservation requirements applicable to the proposed project.

<sup>176</sup> The "land use deductions" refer to County-imposed requirements on the project applicant or its designee. Specifically, with project approval, pursuant to the EIR's mitigation measure (M-UT-2), the project applicant or designee would be *prohibited* from installing irrigation in any of the project's dedicated open space (approximately 1.209 acres) and the non-irrigated fuel modification zones (approximately 272.2 acres) within the project site. (See EIR, pp. 2.14-45-2.14-46; and see Mitigation Measure M-UT-2, p. 2.14-52.)

and reasonably achieve the water demand reduction range (i.e., 26% - 36%) identified in the WSA and the 2015 UWMP through water conservation requirements – and without “mandatory rationing.”

Further, as stated in the EIR, the Vallecitos Water District “continues to make programmed investments in both its operations and water capacity in the future as needed,” and at the same time, the San Diego Water Authority and the retail water agencies in San Diego (including the District) “benefit from regularly issued annual water reports and the five-year updates to UWMPs, which allow the Water Authority and the retail water agencies in the San Diego region to regularly monitor supplies, demands, and the reliability of those supplies....” (See EIR, p. 2.14-48.)

Second, as to short-term versus long-term drought conditions, Vallecitos Water District’s 2015 UWMP notes that its customers already have demonstrated a “strong propensity” to “respond to calls for water conservation whether as part of a long term commitment to water efficiency during times of adequate supply availability or when extraordinary conservation measures are required, as experienced during the current 5-year drought and just prior during 2008 through 2011.” (See 2015 UWMP, Section 9, p. 9-1.) The 2015 UWMP also noted that since 2007, there has been a steady reduction in water use and per-capita (per person) consumption, *despite population, employment and housing growth within the District. (Ibid.)* Thus, the evidentiary basis is found in the District’s 2015 UWMP, which is Appendix V-1 to the EIR.

Third, as to short-term versus long-term droughts, the Vallecitos Water District has made clear that regardless of development within its service area, all residents are encouraged to continue to make water conservation a permanent way of life. (See the District’s “Correction of Misinformation,” which is incorporated by reference and available for public review upon request to the County. It is also available for review at the District’s website: <http://www.vwd.org/Home/Components/News/News/2358/18> (last accessed March 2, 2018.)

Relatedly, the EIR provides that “the San Diego region has continued to embrace water-use efficiency since the state’s mandatory water-saving targets effectively ended for the region in May 2016. Regional water use from June 2016 through January 2017 was 18 percent below 2013 levels. Even before the state emergency water-use mandates, per capita water use in the San Diego region had decreased nearly 40 percent between 1990 and 2015.” (*Ibid.*) At the same time, as reported in the EIR, page 2.14-7:

“[T]he Water Authority committed to continuing its long-running efforts to *promote water-use efficiency as a way of life in San Diego County* though its “Live WaterSmart” campaign. *For decades*, the Water Authority and its

member agencies (including the Vallecitos Water District) have *promoted long-term water-use efficiency* through education and outreach efforts such as home water-use checkups and rebate programs, and the Water Authority launched its “Live WaterSmart” campaign in July 2016 to *provide the public with resources for living a water-efficient lifestyle no matter the weather.*” (*Ibid.*, italics added.)

State agencies, including the State Water Board, also released a public draft of *Making Water Conservation A California Way of Life*, which addresses elements of Executive Order B-37-16 that require state agencies to develop a framework for using water more wisely, eliminating water waste, strengthening local drought resilience, and improving agricultural water use efficiency and drought planning.<sup>177</sup>

Additionally, Governor Brown’s Executive Order B-40-17, which lifted drought conditions and mandates, directs the State Water Board to maintain urban water use reporting requirements and prohibitions on wasteful practices. Water agencies will continue to strengthen drought readiness and water use efficiency.<sup>178</sup> Importantly, the regulatory requirements resulting from the existing executive orders also have been codified in California Code of Regulations Article 22.5, Drought Emergency Water Conservation.

Notably, the project applicant is emphasizing the use of built systems to hardwire efficient water use into all of its residential and non-residential development. In other words, the project relies on the design of built systems, rather than solely relying on human behavior, to achieve water conservation. Further, this reliance on built systems more readily allows actual water usage rates to sustain a high degree of water-use efficiency on a sustained (i.e., year-after-year) basis, which reduces the chance of efficient water use occurring only during drought years (as would be more likely to occur in developments that rely heavily on human behavior, rather than built systems, to achieve water efficiency targets). This approach is expected to set an example for future development in Vallecitos Water District’s service area, which in turn should facilitate the District’s ability to meet its conservation goals even more readily than would occur solely through the actions described in Sections 8 and 9 of the District’s 2015 UWMP.

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<sup>177</sup> California State Water Resources Control Board, Water Conservation Portal—Emergency Conservation Regulation, State Plan Seeks to Make Water Conservation A Way of Life, November 30, 2016, [www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/docs/2016nov/pr113016\\_water\\_efficiency\\_report.pdf](http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2016nov/pr113016_water_efficiency_report.pdf).

<sup>178</sup> Governor Brown Lifts Drought Emergency, Retains Prohibition on Wasteful Practices, Executive Order B-40-17.

The County has also confirmed that the Vallecitos Water District is not currently implementing any drought-level response actions at this time.

**O-1.14-19** The comment states that the WSA “assumes that the [Vallecitos Water District’s 2015] UWMP intends to achieve the system demand reductions through equal sharing among all existing and future users;” however, the UWMP “provides no such statement or evidence that equal sharing among all existing and future users is feasible or practical.” The comment also cites a different project (i.e., the “University District Specific Plan”) as an example that the District “does not appear” to have “a consistent policy in place that would require other new developments to show water-use reduction to meet the District-wide efficiency gains, calling into question whether the Project’s ‘equal burden’ assumption is appropriate even for new developments.” The County does not concur with the comments.

First, the comment provides no citation to any page in the WSA where it makes the “assumption” about a 2015 UWMP policy of having existing and new users share in the “burden” of water savings through conservation. The comment also provides no citation to any page in the UWMP reflecting this policy.

Second, the project’s WSA demonstrates that the project will achieve its share of required reductions in water use. The project is not required by law to show how reductions will be achieved on a district-wide basis.

Third, the comment does not raise any environmental issue with regard to the adequacy of the Draft EIR’s analysis of the project’s water supply impacts; and, thus, no further response is required or needed.

Fourth, for information purposes, the County points out that Vallecitos Water District, working in conjunction with the San Diego County Water Authority, is responsible for ensuring implementation of water savings that meet all current, mandatory water conservation requirements. It is beyond the scope of this project EIR to conduct an in-depth evaluation of the District’s efforts in this regard — except to state that the 2015 UWMP (Sections 8 and 9) summarize the District’s water shortage contingency planning and water conservation programs (i.e., demand management programs) applicable to all users (i.e., ratepayers) within the District’s potable water service area.

Finally, the comment’s reference to another project is insufficient to enable the County to provide any further response. In any event, the County notes that the project reference dates back to 2009; and, thus, appears to be inapplicable. Further, the Vallecitos Water District is best situated to offer a further explanation about how different projects over different timeframes are addressed by the District.

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**O-1.14-20** The comment conducts a review of the GSI Water Conservation Demand Study for the Newland Sierra Specific Plan and EIR. The first bulleted comment incorrectly states that the pre-conservation per capita indoor water usage rate for the region is based on survey data from 1997/1998. The rates used for the water saving calculations were the water duty factors from Vallecitos Water District's 2014 Master Plan update.

The second bulleted comment states that Table 7 “[u]sed the 1997/1998 pre-conservation rates to estimate base ‘with conservation’ rates, applying fixture-specific water usage data and conservation requirements for modern plumbing and appliances (WCDS Table 7).” It would be more accurate to state that Table 7 uses the 1997/1998 (WWARF (1999)) frequency of use patterns together with the CALGreen Code to estimate the reductions from 1997/1998 rates that arise from the CALGreen Plumbing Code.

The third bulleted comment states that the “with conservation” rates from Table 7 were subtracted from Vallecitos Water District's 2014 sewer generation rates to produce the water savings estimates shown in Table 8. This is incorrect. The water use reductions in the last column of Table 7 were not used to calculate water use savings. Instead, the “comparison” information in the last three columns of Table 8 use the District's 2014 sewer generation rates as the “without conservation measures” condition, while displaying the 1997/1998 rates for convenience sake (so that the reader can compare these two sets of rates). The calculations of water savings are based on using the District's 2014 sewer generation rates as the baseline condition representing “without conservation measures,” rather than using the 1997/1998 rates. See Response O-1.14.23 for more details.

The balance of the comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.14-21** The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The intent behind the design and preparation of these and all tables in the GSI Water Conservation Demand Study (see Appendix T to EIR) was to show all of the work that went into the analysis, which accordingly required that a high level of detail was therefore needed in both the text and the tables to meet that intent. The County will include the comment as part of the Final EIR for

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review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

**O-1.14-22** The County has reviewed and considered the comment and the cited document, and offers the following response.

The comment quotes a sentence from the GSI Water Conservation Demand Study (see Appendix T of the EIR) that appears in Section 4.5 and is written as follows: “As shown in the third column of Table 8, the sewer generation rates in the WSA are equivalent to per-capita indoor water use rates ranging from 74.2 gpcpd to 94.7 gpcpd.” The comment states that this sentence is incorrect because the District’s 2014 sewer generation rates are generally higher than the 1997/1998 per capita water usage rates listed in the second column of Table 8. It appears the comment misunderstood what the sentence was intending to state, which was that the WSA rates listed in the fourth column of Table 8 (which are presented in the WSA in units of gpd/acre) are equivalent to per-capita rates (in units of gpcpd) that range in magnitude from 74.2 gpcpd to 94.7 gpcpd. In other words, the intent of the sentence quoted in the comment was to help the reader understand the meaning of the per-acre based WSA rates when converted to a per-capita basis.

Additionally, contrary to the concern in the comment, the discussions and calculations in the GSI Water Conservation Demand Study do not make direct use of, nor rely on, a comparison of the gpcpd WSA rates (listed in the third column of Table 8) with the 1997/1998 rates (listed in the second column of Table 8) that come from a literature study by AWWARF of other southern California water districts. The 1997/1998 literature rates are displayed in Table 8 for those readers who might be interested in how those rates compare with the 2014 WSA rates. Additionally, the 1997/1998 literature rates are listed in Table 8 so that the reader does not need to flip back to Table 7 to make the comparison between the 1997/1998 literature rates and the District’s 2014 WSA rates.

Here and throughout the water conservation study, the 1997/1998 literature rates from the AWWARF study were not used to conduct any of the calculations of indoor water use rates or indoor water use savings inside the project. The AWWARF literature rates are simply presented in the study to provide context for the general amount of water use that one might have expected to occur in the past (i.e., without modern-day conservation methods) when consulting a general literature survey, and before considering the actual rates of water use that have been adopted in recent years for planning purposes by the District (and which do not account for the state’s most current water conservation requirements). The 1997/1998 AWWARF literature rates are not intended to reflect past, present, or future water usage in the District. Instead,

the GSI Water Conservation Demand Study's use of the District's 2014 rates (after conversion from units of gpm/acre to units of gpcpd) prevents inconsistencies from arising between the WSA, the 2015 UWMP, and the Newland-specific planning documents (the water and sewer master plans) that are directly used in the GSI Water Conservation Demand Study.

The County also notes that the GSI Water Conservation Demand Study (i) accounts for differences in indoor water use rates for single-family versus multi-family residences (as discussed in Section 4.3 of the study); (ii) accounts for the inevitable aging of pipes and fixtures that will occur over time after the project is built (through the addition of a 3.6 percent leakage rate as discussed in Section 4.5 of the study); and (iii) does not include consideration of how the applicant's plans to install gray water systems should further reduce outdoor water use rates below those that are presented in the study and the EIR (see GSI study, Section 5.2).

The comment therefore does not raise an issue related to the adequacy of the GSI Water Conservation Demand Study contained in the EIR (Appendix T). No further response is required or necessary.

**O-1.14-23** It is beyond the scope of the GSI Water Conservation Demand Study to predict human behavior in response to water conservation features built into their homes. Tracking of water use is already performed by Vallecitos Water District with the monthly water bills. The District commodity rates for water are tiered with significant penalties in the form of higher fees to discourage, even penalize overuse. Additionally, Division 4.3 of Chapter 4 of the 2016 California Green Building Standards Code (Part 11) identifies mandatory requirements for indoor water use fixtures in residences, and also specifies that plumbing fixtures and fittings in residences must be installed in accordance with the California Plumbing Code. Low-flow fixtures are required in all new construction and with any remodel work and the large variety of fixtures available at stores like Home Depot, Lowes, Ace Hardware, etc. are all in compliance with state law. Finding older, higher-flow fixtures is very difficult. This makes it very unlikely that people will replace low-flow fixtures with higher-flow fixtures in the future. Instead, just the opposite is happening in the existing housing stock.

**O-1.14-24** The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.



### O-1.15 L&W Attachment 15

**O-1.15-1** The comment introduces the author and provides a brief background. The County of San Diego (County) acknowledges the comment as an introduction to the comments that follow. This comment is included in the Final Environmental Impact Report (EIR) for review and consideration by the decision-makers prior to a final decision on the Newland Sierra Project (project or proposed project). No further response is required or necessary.

**O-1.15-2** The comment states that the Noise Report, Appendix Q to the Draft EIR, did not provide adequate information regarding the roadway configurations of Options A and B for Deer Springs Road, such as roadway elevations, travel lane locations, ground type, distances to receivers, or receiver location elevations, to “verify the accuracy of the noise analysis.”

First, the Preliminary Grading Plans for the project were submitted to the County for review and disclosed to the public. The Preliminary Grading Plans incorporate the grading plans for widening off-site roadways, including Deer Springs Road. As shown in the Preliminary Grading Plans, the footprints for Deer Springs Road, under Options A and B, have been identified. The Draft EIR’s evaluation of project roadway noise impacts was prepared based on these plans and details provided concerning potential roadway configurations. The Tentative Map and Preliminary Grading Plans are available on the County’s website<sup>179</sup> and were made available during public review of the Draft EIR.

Second, details regarding inputs to the Traffic Noise Model are also provided in Sections 1.3.2, Noise Modeling Software, and 1.3.3, Noise Formulas and Calculations, in Appendix Q of the Draft EIR. Future traffic noise levels were calculated for two scenarios: Option A, with Deer Springs Road widened to four lanes; and Option B, with Deer Springs Road widened to six lanes (per the proposed Mobility Element classifications) (Draft EIR Appendix Q, page 21). The traffic levels were taken from Appendix R-1, Traffic Impact Analysis, of the Draft EIR. Appendix Q (page 21) states that default ground absorption characteristics were used per Federal Highway Administration guidance. Off-site noise receivers are shown in the Draft EIR on Figure 2.10-4 and on Figure 8, Off-site Noise Receiver Locations, of Appendix Q.

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<sup>179</sup> County of San Diego. n.d. “Newland Sierra Previous Project Documents.” Accessed April 2018. [http://www.sandiegocounty.gov/content/sdc/pds/Current\\_Projects/newlandsierra/PreviousProjectDocuments.html](http://www.sandiegocounty.gov/content/sdc/pds/Current_Projects/newlandsierra/PreviousProjectDocuments.html).

Third, detailed geometric input data, in the form of the coordinate system x, y, and z data for all modeled roadways, receivers, and barriers (i.e., intervening terrain or structures), are included for all modeled roadway configurations in Appendix B, Off-Site Traffic Modeling Input/Output Data, of Appendix Q, which was taken from the digital files referenced above for the Preliminary Grading Plans. These data points were used to generate the Community Noise Equivalent Level (CNEL) contours in Appendix Q, Figures 9a and 9b, Off-Site Traffic Noise Contours, Option A: Four-Lane Deer Springs Road, and Figures 10a and 10b, Off-Site Traffic Noise Contours, Option B: Six-Lane Deer Springs Road. These figures are reproduced in the body of the Draft EIR at Figures 2.10-5a, 2.10-5b, 2.10-6a, and 2.10-6b.

Distances to CNEL noise contours using these inputs are summarized in Tables 2.10-11, Off-Site Future Noise Contours, in the Draft EIR. Impacts to off-site receivers are analyzed in Table 2.10-12, Changes in Off-Site Traffic Noise Levels (dBA CNEL), and Table 2.10-19, Cumulative Changes in Off-Site Traffic Noise Levels (dBA CNEL), “which presents the future noise levels for the cumulative condition without the project (i.e., no project) and for the future cumulative condition with the proposed project for affected roadways” (Draft EIR page 2.10-26). As shown in Table 2.10-12, the increase in noise level attributable to project traffic would be less than significant individually. However, as shown in Table 2.10-19, the increase in noise level attributable to project traffic would be cumulatively considerable under the County’s Guidelines<sup>180</sup> (i.e., 2 A-weighted decibels [dBA] CNEL or greater) at Receivers O5, O11, and O12. This increase was identified as a significant and unavoidable impact (Impact CUM-N-1) in Section 2.10, Noise, of the Draft EIR. Thus, the proposed project would model the roadway configuration (both Options A and B), and the noise level outputs would reflect the proposed geometry and traffic volumes of Deer Springs Road.

The comment also states that the General Plan requires noise to be assessed at outdoor living areas that meet specified minimum area requirements for single-family detached dwelling projects and for multi-family residential projects. In response, the Draft EIR evaluated noise at outdoor living areas, stating that the CNEL contours depict exterior noise levels and apply to outdoor areas (Draft EIR pages 2.10-8 through 2.10-9). Further, unlike the analyses for representative noise-sensitive receivers, the CNEL contours did not account for shielding effects from intervening terrain or structures, as shown on Draft EIR Figures 2.10-2, 2.10-5a, 2.10-5b, 2.10-6a, and 2.10-6b and on pages 21 and 28 of Appendix Q. Therefore, the Draft EIR provided a conservative estimate of noise at outdoor living areas; noise levels at

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<sup>180</sup> Refer to Draft EIR pages 2.10-10 and 2.10-26 for the County’s Noise Guidelines.

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outdoor areas may be less than those disclosed in the Draft EIR due to terrain and/or structure shielding.

**O-1.15-3** The comment states that the Noise Report's (Appendix Q) traffic noise analysis does not consider the expansion of Deer Springs Road to six lanes per the Mobility Element of the General Plan. The County does not concur with this statement. The potential future expansion of Deer Springs Road to six lanes was discussed in Appendix Q (Section 1.3.3) and the Draft EIR as "Option B" (pages 2.10-8 through 2.10-9). As stated in the Draft EIR, "Option B would not reclassify Deer Springs Road; the roadway would remain as shown in the Mobility Element of the General Plan, as a 6.2 Prime Arterial (six-lane) (County of San Diego 2011a)" (Draft EIR pages 2.10-8 through 2.10-9). However, based on the traffic modeling data, even under cumulative conditions, it is demonstrated in Appendix R-1 that six lanes are not required as mitigation for project impacts to Deer Springs Road. The project proposes to grade and construct the segment of Deer Springs Road from Interstate 15 to just south of Sarver Lane as a 4.1B Major Road (four-lane road with continuous turn lane), and the Draft EIR appropriately evaluated the impacts of these improvements under Option B (Draft EIR page 2.10-9). Because a six-lane expansion of Deer Springs Road is not proposed for the project, the requested analysis is not justified or required.<sup>181</sup>

Nevertheless, it should be noted that the traffic volumes in Appendix R-1 were based on traffic from a six-lane Deer Springs Road. Thus, the noise level outputs reflect both the proposed geometry and traffic volumes of a six-lane expansion. Vehicular traffic noise from Option B is illustrated on Figures 10a and 10b in Appendix Q and in Table 2.10-11 and on Figures 2.10-6a and 2.10-6b in the Draft EIR. Appendix Q, Table 14, Cumulative Changes in Off-Site Traffic Noise Levels (dBA CNEL), reproduced as Table 2.10-19 in the Draft EIR, shows that the increase in noise level attributable to project traffic, including with the implementation of Option B, would be cumulatively considerable under the County's Guidelines (i.e., 2 dBA CNEL or greater) at Receivers O5, O11, and O12. This increase was identified as a significant and unavoidable impact (CUM-N-1) in Section 2.10 of the Draft EIR.

**O-1.15-4** The comment restates that "the Noise Report does not provide any information regarding roadway configurations, [and] it is unclear whether this methodology is valid." As explained in the **Responses to Comments O-1.15-2 and O-1.15-3**, information regarding roadway configurations was provided in the Noise Report and is based on the Preliminary Grading Plans and traffic modeling results from Appendix

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<sup>181</sup> Friends of the Eel River v. Sonoma County Water Agency, 108 Cal.App.4th 859, 875.

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R to the Draft EIR. Please see **Responses to Comments O-1.15-2 and O-1.15-3**. Because the model is based on future roadway geometry and forecasted traffic volumes, the methodology conforms to the County's requirements for modeling roadway noise. Future speculative actions not proposed with the project and that may or may not occur are beyond the scope of the EIR. Neither revisions to the Draft EIR nor any further responses to this comment are required.

**O-1.15-5** The comment refers to Table 12 of the Noise Report (Appendix Q), which provides distances to off-site future roadway noise contours. The comment states that existing and future average daily traffic (ADT) volumes with and without the project are not provided in the text of the Noise Report and, therefore, concludes that "there is insufficient information to verify the accuracy of the noise analysis." While traffic volumes may not be in the text of Appendix Q, the County disagrees that traffic volumes are not provided. ADT volumes are provided in Appendix R-1. As stated in Appendix Q, Section 2.2, Potential On-Site Noise Impacts, "traffic noise impacts were evaluated based on a review of the data presented in the proposed project's traffic report (LLG 2017)." These volumes were imported into the noise model to generate the future noise levels, which are presented throughout Appendix Q, including Table 12. The traffic volumes used for the noise modeling are included in the Noise Impact Report's Appendix B.

**O-1.15-6** The comment states that Sarver Lane is omitted from the off-site operational analysis, with the exception of the Deer Springs Road/Sarver Lane intersection. The comment provides background information on the approximate existing traffic volumes and roadway configuration of Sarver Lane, as well as an estimate of traffic volumes along Sarver Lane in the Future with Project scenario. Using this information, the commenter provides supposed estimates of potential noise level increases along Sarver Lane. The comment also summarizes the definition of a substantial increase used in the Draft EIR.

The County does not concur with this comment because the Draft EIR included Sarver Lane in the off-site noise analysis. First, a receiver location (O9) is located at a church on Sarver Lane. Section 2.10.3.1, of the Draft EIR stated the following (see Figure 2.10-4):

At the church on Sarver Lane (Receiver O9), the traffic noise level is predicted to increase by 3 dBA from 54 dBA CNEL to 57 dBA CNEL with the proposed project. However, as noted above, an increase of 3 dBA or greater is considered a significant impact only if the site is a 'documented noisy site.' In this case, both the existing and existing with project noise levels

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(54 and 57 dBA CNEL, respectively) would not exceed the County noise standard for churches of 65 dBA CNEL....

Second, off-site future noise contours include Sarver Lane (see Draft EIR Table 2.10-11, Figure 2.10-5a, and Figure 2.10-6a). Thus, the Draft EIR evaluated traffic noise impacts to Sarver Lane.

Nonetheless, in response to the comment, the County has prepared a supplemental analysis that further demonstrates that noise impacts from traffic on Sarver Lane to existing noise-sensitive land uses (NSLUs) would be less than significant. To conservatively model project-related traffic noise increases on Sarver Lane, the supplemental analysis shows the noise levels at receivers without the influence of traffic from Deer Springs Road and, thus, presents a greater increase than what may be perceived.

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

Db = decibel; CNEL = Community Noise Equivalent Level

As shown in this table, the predicted noise level increases are below the County's threshold of 10 dBA. While these noise level increases are greater than 3 dBA, they would not equal or exceed the County's Noise Compatibility Guidelines and Standards for the underlying land uses; thus, the impact remains less than significant, as concluded in the Draft EIR.

**O-1.15-7** The comment states that because Sarver Lane is omitted from the off-site traffic analysis, it is not possible to determine the significance of noise impacts to adjacent land uses. The County does not concur that Sarver Lane was omitted from the off-site traffic operational analysis in the Traffic Impact Assessment (Appendix R-1 of the Draft EIR). Although ADTs were not included in the Traffic Impact Assessment for Sarver Lane, peak-hour turn movements at the Deer Springs Road/Sarver Lane intersection were included. The volumes from these turn movements were used in the noise analysis to find the traffic volume inputs along Sarver Lane (see Noise Impact Report, Appendix B).

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The comment states that Appendix R-1 should provide existing and future ADT volumes on Sarver Lane with and without the project and that the Draft EIR should include a detailed traffic noise analysis for the residential land uses and the Zen Center along Sarver Lane. Although the noise analysis did not identify the Zen Center specifically, the noise analysis and Draft EIR assessed traffic noise at the nearby church, located on the eastern side of Sarver Lane. Significant noise impacts were not identified at this location, as discussed in **Response to Comment O-1.15-6**.

Further, as explained in **Response to Comment O-1.15-6**, a supplemental analysis was prepared for additional NSLUs farther north on Sarver Lane, away from Deer Springs Road. The analysis presented in the table above demonstrates that the increase in traffic on Sarver Lane, and corresponding increase in noise levels, would be less than significant because they are less than 10 dBA, and existing or future noise levels would not equal or exceed the County's Noise Compatibility Guidelines and Standards for underlying land uses.

- O-1.15-8** The comment states that while the Draft EIR relies on Project Design Features (PDF) 33 through 38 to reduce noise levels to below 75 dBA  $L_{eq}$  at the property lines of existing residences, neither the Draft EIR nor the Noise Report (Appendix Q) evaluated the feasibility and effectiveness of the proposed construction noise mitigation; thus, there is insufficient information to verify the adequacy of the proposed noise mitigation.

The County disagrees with this statement. The fact that there are significant variations in elevation between noise sources and receivers is not relevant to the requirement, incorporated into the PDFs, that the applicant or its designee take the steps necessary to ensure that construction noise levels comply with the County's noise standards for construction and reduce noise levels below 75 dBA  $L_{eq}$  at existing residences. If variations in elevation impact or inhibit the use of temporary sound barriers adjacent to construction sites between affected uses, it would be the responsibility of the applicant or its designee to implement these PDFs and to employ effective techniques and strategies to reduce noise levels to below 75 dBA  $L_{eq}$  at the property lines of existing residences. The implementation of PDFs and satisfaction of this performance standard would be monitored by the County as part of the conditions of approval and the mitigation monitoring and reporting program, because these PDFs have been incorporated into Mitigation Measure (M-) N-6.

- O-1.15-9** The comment states that material laydown locations and equipment maintenance areas are not identified or assessed, and information regarding how these areas would be accessed is not provided; thus, there is insufficient information to verify noise ordinance compliance.

The County does not concur with this comment. Noise from construction staging areas is addressed in Appendix Q, Section 3.3.1, Potential On-Site Temporary Construction Noise Impacts, and in Draft EIR, Section 2.10.3.2. The Draft EIR also detailed 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 proposed project would implement PDFs 33 through 38, which would require properly maintained construction equipment with noise-reduction features (e.g., intake, exhaust mufflers, engine shrouds), the use of electrical power tools, locating of construction equipment staging areas away from residences and schools, and the use of noise attenuation techniques to reduce noise levels below 75 dBA  $L_{eq}$  at the property lines of existing residences (e.g., noise blankets and temporary barriers). With implementation of these PDFs, construction would be compliant with the noise ordinance, and impacts from construction equipment noise would be less than significant. As explained in **Response to Comment O-1.15-8**, the County would monitor compliance with these PDFs through conditions of approval and the mitigation monitoring and reporting program because these PDFs have been incorporated into M-N-6.

**O-1.15-10** The comment states that potential airborne and groundborne vibration impacts were generally assessed at residential land uses, but impacts to non-residential land uses were not assessed and should be considered to prevent significant impacts. The County does not concur with this comment for the following reasons:

Guidelines for determining the significance of airborne vibration (i.e., noise) and groundborne vibration impacts in the County have been adopted and are provided in the County's *Guidelines for Determining Significance – Noise*,<sup>182</sup> and the County's *Report Format and Content Requirements – Noise*.<sup>183</sup> In both documents, the County has formulated standards focused primarily on identifying potential impacts to noise- or vibration-sensitive land uses (e.g., residential, research) for which vibration is of particular concern. The County's *Guidelines for Determining Significance* states the following in Section 4.3:<sup>184</sup>

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<sup>182</sup> County of San Diego. 2009a. *Guidelines for Determining Significance – Noise*. Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. San Diego, California: County of San Diego.

<sup>183</sup> County of San Diego. 2009b. *Report Format and Content Requirements – Noise*. January 27, 2009. Accessed April 2018. <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Noise-Report-Format.pdf>.

<sup>184</sup> County of San Diego. 2009a. *Guidelines for Determining Significance – Noise*. Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. San Diego, California: County of San Diego.

Exposure of NSLUs and other vibration-sensitive uses (i.e., research and manufacturing) to existing and future ground-borne vibration and noise arising from operations related to, but not limited by, materials handling, blasting, transportation corridors, railroads, and extractive industries is another typical adverse effect of development.

Both documents provide tables that establish significance standards for groundborne vibration impact levels generally limiting such effects to land uses including research and manufacturing facilities with special vibration constraints and NSLUs, such as residences and other buildings where people normally sleep; institutional land uses with primarily daytime uses, such as schools, churches, libraries, and quiet offices; and concert halls, television and recording studios, and the like. Because the nearest noise- and vibration-sensitive land uses are residential, these land uses were analyzed. No land uses such as medical or research facilities with sensitive instrumentation or recording studios exist in proximity to the project Site. Therefore, the Draft EIR disclosed groundborne vibration impacts based on the County's significance standards to the closest vibration-sensitive receptors: residential land uses.

Similarly, the County's Guidelines for Determining Significance<sup>185</sup> and the County's Report Format and Content Requirements,<sup>186</sup> establish significance standards for airborne noise impacts that limit such effects to NSLUs (Draft EIR pages 2.10-6 through 2.10-7). Because the nearest NSLUs are residential, these land uses were analyzed. The County's Noise Element Compatibility Guidelines and Noise Standards also establish the lowest acceptable noise levels for residential uses, as detailed in Table 2.10-3, Noise Compatibility Guidelines, and Table 2.10-4, Noise Standards, of the Draft EIR.

Nonetheless, non-residential land uses were considered in Table 2.10-12 and Table 2.10-19, including Receivers O8, Golden Door Properties LLC, and O9, Saint Mark's Church. Further, Table 2.10-11 and Figures 2.10-5a, 2.10-5b, 2.10-6a, and 2.10-6b in the Draft EIR considered future CNEL contours on non-residential properties.

Thus, evaluation of noise impacts at the nearest residential receptors provides a conservative analysis of noise impacts, because higher noise levels would be acceptable at non-residential locations.

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<sup>185</sup> County of San Diego. 2009a. *Guidelines for Determining Significance – Noise*. Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. San Diego, California: County of San Diego.

<sup>186</sup> County of San Diego. 2009b. *Report Format and Content Requirements – Noise*. January 27, 2009. Accessed April 2018. <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Noise-Report-Format.pdf>.



**O-1.15-11** The comment states that potential groundborne vibration impacts from blasting and pile driving to public and private subsurface water wells, septic systems, and other utilities were not assessed.

Guidance pertaining to groundborne vibration impacts in the County is provided in the County's Guidelines for Determining Significance<sup>187</sup> and the County's Format and Content Requirements.<sup>188</sup> In both documents, the potential impacts are focused primarily on noise- or vibration-sensitive land uses (i.e., residential or other uses for which vibration is of particular concern). Section 4.3 of the County's Guidelines for Determining Significance, Noise, states that "exposure of NSLUs and other vibration-sensitive uses (i.e., research and manufacturing) to existing and future ground-borne vibration and noise arising from operations related to, but not limited by, materials handling, blasting, transportation corridors, railroads, and extractive industries is another typical adverse effect of development."

Both of the referenced documents include tables that provide groundborne vibration impact levels for land uses including research and manufacturing facilities with special vibration constraints; residences and other buildings where people normally sleep; institutional land uses with primarily daytime uses, such as schools, churches, libraries, and quiet offices; and concert halls, television, recording studios, and the like. Because the nearest noise- and vibration-sensitive land uses are residential, these land uses were analyzed.

The County's guidance is drawn primarily from similar guidance promulgated by the U.S. Department of Transportation's Federal Transit Administration in their *Transit Noise and Vibration Impact Assessment*.<sup>189</sup> Additional guidance comes from the California Department of Transportation's *Transportation- and Construction-Induced Vibration Guidance Manual*.<sup>190</sup> Not specifically provided in these documents is the analysis of public and private subsurface water wells, septic systems, and other utilities, most likely because these are not as sensitive to vibration from such

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<sup>187</sup> County of San Diego. 2009a. *Guidelines for Determining Significance – Noise*. Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. San Diego, California: County of San Diego.

<sup>188</sup> County of San Diego. 2009b. *Report Format and Content Requirements – Noise*. January 27, 2009. Accessed April 2018. <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Noise-Report-Format.pdf>.

<sup>189</sup> FTA (Federal Transit Administration). 2006. *Transit Noise and Vibration Impact Assessment*. Prepared by Harris Miller Miller & Hanson Inc. Produced by Vanasse Hangen Brustlin Inc. May 2006. Accessed April 2018. [http://www.fta.dot.gov/documents/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf).

<sup>190</sup> Caltrans (California Department of Transportation). 2004. *Transportation- and Construction-Induced Vibration Guidance Manual*. Prepared by Jones & Stokes, Sacramento, California. June 2004. Accessed April 2018. <http://www.dot.ca.gov/hq/env/noise/pub/vibrationmanFINAL.pdf>.

activities as residential and other land uses are. The most recent guidance manual relating to construction vibration from the California Department of Transportation's *Transportation and Construction Vibration Guidance Manual*<sup>191</sup> lists vibration criteria for "Structures of Substantial Construction," "Industrial Buildings," and "Engineered Structures, without Plaster" that are substantially higher than residential or more vibration-sensitive structures. Furthermore, the 2013 California Department of Transportation Manual<sup>192</sup> states the following regarding water wells:

Homeowners with wells, especially in times of drought, can have major concerns over the effects of blast vibration on their water source, although vibration alone would not be expected to damage a well. If a blast was detonated in close enough proximity that rock-block movement pinched off a well, the well could sustain damage, but it would not have been caused by vibration (Robertson 1980; Rose 1991). In some situations, vibration is used by the oil industry to enhance permeability and well production.

In addition, in response to the comment, the County reviewed the location of off-site wells. All off-site wells near the project Site are also located farther from the Site than the nearest sensitive receptor. The nearest well to a developed portion of the project Site is located at 906 Deer Springs Road and is approximately 600 feet from the project Site, compared to the nearest residences analyzed in the Draft EIR, which "would be at the mobile home park south of Deer Springs Road, which is located approximately 150 feet from the nearest construction area associated with the proposed project" (Draft EIR page 2.10-24).

For each of these reasons, the County focused its analysis on potential impacts to the nearest noise- and vibration-sensitive receivers (i.e., residences) because such receptors are closer than off-site wells and are likely to be most sensitive to vibration. The Draft EIR found that with implementation of M-N-8, potential vibration impacts to those most impacted would be less than significant.

**O-1.15-12** The comment summarizes information provided in the Noise Report (Appendix Q) and the Draft EIR regarding potential traffic noise mitigation measures, including noise barriers, road surface improvements, regulatory measures (such as lower speed

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<sup>191</sup> Caltrans (California Department of Transportation). 2013a. *Transportation and Construction Vibration Guidance Manual*. September 2013. Accessed April 2018. <http://www.dot.ca.gov/env/noise/docs/tcvgm-sep2013.pdf>.

<sup>192</sup> Caltrans (California Department of Transportation). 2013a. *Transportation and Construction Vibration Guidance Manual*. September 2013. Accessed April 2018. <http://www.dot.ca.gov/env/noise/docs/tcvgm-sep2013.pdf>.

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limits), and traffic-calming devices (such as speed bumps). The following is stated in the comment:

The Draft EIR concludes that none of these measures are considered feasible, based on the assumptions that:

- Noise barriers would be constructed entirely within the County's right-of-way;
- Such barriers might not be effective due to the need to provide driveways and other access points which would limit their continuity and therefore effectiveness;
- Although constructing noise barriers on private property would be effective, residents might not approve of the barriers.

The comment asserts that the conclusion that cumulative off-site impacts from project-related traffic noise level increases along Deer Springs Road would be significant and unavoidable is incorrect because land uses such as the Golden Door Properties LLC, the Deer Springs Oaks Mobile Home Park, and other locations do not have driveways or other openings that would preclude the construction of noise barriers. The County does not concur with this comment.

As documented in Appendix Q and the Draft EIR, based on the results of noise modeling using applicable roadway geometry and ADT for Deer Springs Road (see **Response to Comment O-1.15-2**), it was determined that the land uses identified in the comment (specifically the Golden Door Properties LLC and the Deer Springs Oaks Mobile Home Park) would not be significantly impacted. Accordingly, no mitigation is required for these locations CEQA Guidelines, Section 15126.4 [a][3]).

As detailed in Section 2.3 and shown on Figure 8 in Appendix Q, every noise-sensitive receiver was modeled along Deer Springs Road between Mesa Rock Road and Sarver Lane. Of the 12 modeled receivers, 3 (receivers O5, O11, and O12) single-family residences were identified as being significantly impacted by traffic noise. All three single-family residences are located on the northern side of Deer Springs Road, are elevated relative to Deer Springs Road (and, thus, have a clear view of the roadway), and have driveways taking direct access from Deer Springs Road that would preclude construction of a continuous noise barrier without substantial design/engineering work (Draft EIR pages 2.10-36 through 2.10-37 and Figure 2.1-1d [which shows some of the driveways and raised elevations of residences and other properties along Deer Springs Road]). For a noise barrier to be effective, it must

block the direct line of sight between the noise source and the receiver.<sup>193</sup> Generally speaking, the more the sound path between the noise source and receiver is altered (i.e., the higher the barrier), the greater the noise reduction.<sup>194</sup> For the residences on the northern side of Deer Springs Road, construction of a noise barrier located between the residences and the roadway would require additional barrier height merely to block the line of sight to the near and far sides of the roadway because the intervening terrain generally slopes downward from north to south. Therefore, a barrier constructed along the westbound Deer Springs right-of-way would need to be very high (e.g., 16 feet or more, which would exceed County restrictions on wall heights) before effective noise attenuation would be achieved. Additionally, because many of the residences have relatively large setbacks (200 feet or more in most cases) from Deer Springs Road, the walls would need to be long to ensure that end-effects do not reduce noise barrier effectiveness. The resulting noise barriers would have adverse secondary impacts to aesthetics and cause shade and shadow.

Uses on the southern side of Deer Springs Road are generally at a lower elevation than the roadway and, thus, do not have a clear line of sight to the roadway. This lower elevation obscures noise and causes noise levels to dissipate more quickly. Accordingly, no significant noise impacts were identified on the southern side of Deer Springs Road at the locations noted in the comment. No further feasibility analysis is required or necessary because, as discussed, impacts were less than significant at these locations.

**O-1.15-13** The comment states that neither Appendix Q nor the Draft EIR provided supporting evidence that a noise barrier is not feasible because the surrounding community would not consent to proposed off-site mitigation. As discussed in **Response to Comment O-1.15-12**, a barrier is not feasible mitigation to reduce noise impacts along the northern side of Deer Springs Road for a variety of reasons, only one of which is the difficulty of constructing noise barriers on private property. A barrier constructed along the westbound Deer Springs right-of-way would need to be high (e.g., 16 feet or more) before effective noise attenuation would be achieved. Additionally, because many of the residences have relatively large setbacks (200 feet or more in most cases) from Deer Springs Road, the walls would need to be long to ensure that end-effects do not further reduce noise barrier effectiveness. The resulting

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<sup>193</sup> Caltrans (California Department of Transportation). 2013b. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September 2013. Accessed April 2018. [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf).

<sup>194</sup> Caltrans (California Department of Transportation). 2013b. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September 2013. Accessed April 2018. [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf).

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noise barriers would have adverse secondary impacts to aesthetics and cause shade and shadow. The County refers the commenter to **Response to Comment O-1.15-12** for further information regarding the location of identified noise impacts and feasibility of constructing noise barriers at these locations. No further response is required or necessary.

**O-1.15-14** The comment states that a re-analysis of direct and indirect vehicular traffic noise impacts and mitigation would be required for new and revised traffic volumes contained in a revised Traffic Impact Analysis. This comment is a general statement that does not raise or address a specific issue or inadequacy in 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-1.15-15** This comment states that the review comments are concluded and provides contact information. No response is required or necessary.

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### **O-1.16 L&W Attachment 16**

- O-1.16-1** The comment references Section 2.13, Transportation and Traffic, of the EIR; the technical appendices (Appendices R-1a, R-1b, R-2, R-3, and R-4) used to support the traffic impact analysis contained in the EIR; Appendix HH, Newland Sierra Parkway Feasibility Study; and Appendix II, Newland Sierra Project Alternatives Traffic Impact Analysis. The comment also generally describes the approach taken by the commenter to review the Newland Sierra Project's (project) EIR analysis and the referenced EIR appendices. The comment does not render an opinion or a conclusion, or raise a question or issue with the analysis contained in the EIR, and no further response is required.
- O-1.16-2** The comment states that the Traffic Impact Analysis (TIA) identifies two potential options for widening and improving Deer Springs Road: Option A and Option B. The comment also refers to statements made in two technical documents included as appendices to the EIR— Appendix HH, Newland Sierra Parkway Feasibility Study (Fusco and LLG, June 2017), and Appendix R-1, the TIA (LLG, May 2017). The statements pertain to the project's proposed improvements to Deer Springs Road to mitigate direct and cumulative impacts, and the County of San Diego's proposed buildout classification of Deer Springs Road, which is unrelated to the project's proposed impacts. The comment quotes language from the Newland Sierra Parkway Feasibility Study (Appendix HH to the EIR) and states that it "should be noted that in the TIA, future forecast volumes along Deer Springs Road were analyzed using the six-lane Prime Arterial (6.2) General Plan classification for Option B, not the four-lane major road (4.1B) proposed for Option B. The TIA determined that the six-lane prime arterial classification would provide sufficient capacity for the future forecast volumes along Deer Springs Road."

The County agrees with the referenced statements from these reports. The project proposes two options to widen and improve Deer Springs Road: Option A and Option B. Option A would reclassify Deer Springs Road in the County's General Plan Mobility Element from its current 6.2 Prime Arterial classification to the two different classifications proposed under Option A (4.1A Major Road and 2.1B Community Collector). Option A would result in the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road to continue to operate at a failing level of service (LOS). Accordingly, the Board of Supervisors would need to make findings to accept this failing LOS, consistent with County General Plan Policy M-2.1. Option B, however, in comparison, would not result in any segment of Deer Springs Road operating at a failing LOS, and would not require the reclassification of the road in the County's General Plan Mobility Element. The road would remain classified as a Six-Lane Prime Arterial. However, under Option B, the project only would be required to make improvements to the road necessary to mitigate its significant

impacts (i.e., to widen the road to four lanes), but the County can widen the road to six lanes in the future should the County determine that such improvements are warranted to accommodate General Plan buildout traffic volumes. Option B would not preclude the County from improving Deer Springs Road to six lanes at some time in the future.

As it pertains to the commenter's statement that "future forecast volumes along Deer Springs Road were analyzed using the Six-Lane Prime Arterial (6.2) General Plan classification for Option B, not the Four-Lane Major Road (4.1B) proposed for Option B," it is important to clarify the difference between the impact analysis conducted for the project's direct traffic and cumulative projects traffic volumes, and the General Plan consistency analysis conducted using the San Diego Association of Governments (SANDAG) Series 10 County General Plan buildout traffic volumes. The latter analysis is a General Plan Mobility Element consistency analysis, conducted based on the County's ultimate buildout classification of Deer Springs Road as a six-lane prime arterial and, separately, because the project would reclassify a segment of Deer Springs Road as a 2.1B Community Collector under Option A.

As explained in EIR Section 2.13.9.5, County General Plan Buildout Analysis (*emphasis added*):

The purpose of the General Plan Buildout Analysis is to determine whether the project's proposed land uses and alternate scenarios for Deer Springs Road are consistent with the buildout classification for the County's roadway network as established by the County's General Plan Mobility Element. *The analysis presented in this section is for the determination of General Plan Mobility Element consistency and is not used by the County for a determination of significant impacts under CEQA.* As such, no significance determinations are provided for these scenarios analyzing buildout of the County's General Plan with and without the project.

The Long-Term County General Plan Buildout analysis assumes complete buildout of the County's road network and complete implementation of the SANDAG 2015 RTP/SCS. Further, as the Long-Term General Plan Buildout analysis is not an impact analysis but a General Plan consistency analysis, the EIR is not relying on any of the ultimate road classifications, freeway mainline improvements, or other road improvements to assess or mitigate the project's impacts.

Thus, the purpose of the County General Plan Buildout analysis was not to determine significant project impacts and mitigation, but to confirm that the existing General Plan Mobility Element classification of Deer Springs Road was sufficient to



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accommodate General Plan buildout traffic volumes with the project's traffic and, in the case of Deer Springs Road Option A, to present the General Plan buildout traffic volumes with the project's traffic along Deer Springs Road and the resultant LOS if Deer Springs Road were to be reclassified in the General Plan as a 2.1B Community Collector (as proposed under Option A). The direct and cumulative traffic impact analysis and the General Plan Mobility Element consistency analysis should not be conflated. For additional information responsive to the comment, please also see Responses to Comments O-1-244 and O-1-268.

**O-1.16-3** The comment states that the project is not going to build Deer Springs Road to its ultimate classification as a 6.2 Prime Arterial and asks where the funding for the future widening would come from. The improvements proposed by the project would address the existing deficient (i.e., "failing") LOS and roadway capacity of Deer Springs Road, and these improvements would be funded by the project. Widening Deer Springs Road to its General Plan Mobility Element classification at some point in the future and unrelated to the addition of project traffic could be funded through a variety of sources, including gas tax funds, TransNet funds, and/or other state and federal road funding sources. As the project neither requires nor proposes the widening of Deer Springs Road to six lanes, it is not necessary for the project to analyze the potential impacts of such improvements or how the improvements would be funded.

**O-1.16-4** The comment summarizes information contained in the TIA (Appendix R-1 of the EIR) and states that the daily traffic volume for the four-lane configuration proposed under Deer Springs Road Option B is not modeled in the TIA, stating that this is inconsistent with other statements in the TIA and with fundamental principles of transportation planning. The comment asks why "was the 4.1B Major Road classification not evaluated in the TIA if it is presented as one of the two options on page of the TIA?" The County does not agree with this comment. The EIR analyzed the project's direct impacts and cumulative projects impacts to Deer Springs Road consistent with the County of San Diego Guidelines for Determining Significance and Report Format Content, Transportation and Traffic, August 2011 (County Traffic Guidelines). Consistent with these guidelines and long-standing traffic impact analysis practice, the project's direct and cumulative impacts were analyzed based on the existing road network (i.e., Deer Springs Road as a two-lane road) and not a future widened condition of the road. Nevertheless, to address the commenter's concern about the potential for the widening of Deer Springs Road to cause "induced traffic" along the roadway, and, relatedly, the adequacy of the project's impact analysis and proposed mitigation, separate modeling was performed comparing the traffic volumes of Deer Springs Road as a two-lane road and as a four-lane road to determine whether widening the road would create "induced traffic" (refer to

Appendix JJ-7, *Four-Lane Deer Springs Road Traffic Memo* prepared by LLG, to the EIR). That analysis showed that widening Deer Springs Road to four lanes resulted in an increase of 1,200 average daily trips (ADT) along the roadway and a corresponding decrease of 100 ADT along Interstate (I) 15 north of Deer Springs Road and 1,100 ADT along I-15 between Deer Springs Road and SR-78. In short, widening Deer Springs Road to four lanes would result in a diversion of 1,200 ADT from the freeway and onto the local road network. When these 1,200 ADT are added to the Existing Plus Project Plus Cumulative Projects traffic volumes, when the road is improved to the 4.1B Major Road classification (Option B), the roadway would operate at an acceptable LOS D. Therefore, the additional 1,200 ADT of induced/diverted trips would not affect the project's significance determinations, required mitigation, or the resultant level of service along the roadway following implementation of the project's mitigation.

- O-1.16-5** The comment is restating the opinion expressed in the preceding comment that the project failed to adequately model the traffic volume along Deer Springs Road when the road is widened to four lanes and cites information contained in the Newland Sierra Parkway Feasibility Study as evidence to support this opinion. The County does not agree with this comment. Please see the **Response to Comment O-1.16-4** for preliminary information responsive to the comment.

As it relates to the Newland Sierra Parkway Feasibility Study, the purpose of that study was to assess the effectiveness of building a bypass road (Newland Sierra Parkway) through the project Site. The modeling parameters established for the Newland Sierra Parkway Feasibility Study are different from those used for the EIR impacts analysis in at least two fundamental ways. First, the road network was modified with the addition of Newland Sierra Parkway and with Deer Springs Road to remain in its current configuration; Newland Sierra Parkway is a hypothetical roadway not addressed in the EIR analysis. Second, as Newland Sierra Parkway would represent a change to the County General Plan Mobility Element if the hypothetical road ever was constructed, the Newland Sierra Parkway Feasibility Study analyzed County General Plan buildout traffic volumes related to this modified road network as compared to the project buildout cumulative volumes that form the basis of the CEQA-required cumulative analysis presented in the EIR. As such, the traffic volume results of the Feasibility Study, including results related to induced traffic, bear no direct relation or hold any application to the traffic volume results contained in the project's EIR or TIA.

As it relates to the specific comment, the comment states that "Table 4 of the NSP Feasibility Study shows that if you widen Deer Springs from two lanes to four lanes, the amount of induced traffic attracted to Deer Springs increases by 11,500 trips per

day, when the available capacity along the Newland Sierra Parkway project remains the same.” This is not a correct interpretation of the information contained in Table 4. To begin with, Table 4 shows the forecasted traffic volume results under buildout of the County’s General Plan without any project traffic included and when both Newland Sierra Parkway and Deer Springs Road would accommodate traffic flow between I-15 and the hypothetical intersection of Newland Sierra Parkway and Deer Springs Road (effectively Sarver Lane today). The results in Table 4 contain volumes for four different scenarios: (1) existing Deer Springs Road without Newland Sierra Parkway added to the road network; (2) existing Deer Springs Road with a four-lane Newland Sierra Parkway added to the road network; (3) Deer Springs Road improved to a two-lane Community Collector classification with a four-lane Newland Sierra Parkway added to the road network; and (4) Deer Springs Road improved to a four-lane Major Road classification with a four-lane Newland Sierra Parkway added to the road network. None of these scenarios are applicable to the induced traffic that would be expected to occur by widening Deer Springs Road to four lanes as proposed by the project because the model forecast years and the network assumptions are fundamentally different.

**O-1.16-6** This comment is restating the opinion expressed in the preceding comment that the project failed to adequately model the traffic volume along Deer Springs Road under the near-term cumulative impact scenario because it did not model Deer Springs Road as a four-lane road. The County does not agree with the comment. Please see **Response to Comment O-1.16-4**.

**O-1.16-7** The comment states that the “TIA applies trip reduction factors and justification for the internal trip reduction as if the project had similar characteristics to a project in a Smart Growth Area,” that “comparing the project and the internal trip capture to Smart Growth Areas in San Diego is simply inaccurate,” that “the project’s rural location in an area with current low density is not consistent with a Smart Growth Area,” and that “this discussion and comparison should be removed from the TIA.” The County disagrees with the opinion that comparing the project and the internal trip capture to Smart Growth Areas is inaccurate and that the discussion and comparison should be removed from the TIA. While the project Site is currently undeveloped, the project Site is located in the North County Metropolitan Subregional Plan Area, which includes the communities of Twin Oaks and Hidden Meadows, and is less than a mile from the municipal boundaries of the Cities of San Marcos and Escondido, two cities that support a combined suburban and urban population of approximately 250,000 people. The project Site is also within the spheres of influence of both of these cities, within the sewer and water service boundaries of the Vallecitos Water District, within the boundaries of three school districts, and within 5 to 10 miles of employment centers along the Highway 78

Corridor supporting over 280,000 jobs (refer Innovate 78 Regional Profile, Appendix JJ-13 in the EIR). The project Site is also located along Deer Springs Road, a road designated as a six-lane prime arterial in the County's General Plan, a road that has been part of the Regional Arterial System since 1997, and a road that serves as a Principal Arterial in the National Highway System. The project is also bordered by Interstate 15 to the east, a major interstate highway from San Diego to Canada that carries 125,000 cars and trucks by the project Site every day.

As it relates to the project's internal capture rates used for its non-residential uses, the project used a different internal capture rate for each type of use. The project's parks were assumed to have an internal capture rate of 75 percent (i.e., 75 percent of the trips to/from the parks were assumed to originate from and return to the project's residential uses without leaving the project Site). Given that the project is a mixed-use planned Community with 36 acres of Community and neighborhood parks sized to meet the County's PLDO park requirements, and the fact that the project is not directly connected to any existing neighborhoods with park deficiencies that would be drawn/attractioned to the project's parks, this internal capture rate applied to the project's park uses is reasonable.

The project's school site was assumed to have an internal capture rate of 33 percent. The school site would accommodate a K–8 school of 555 students. The project is projected to generate 672 K–8 students (refer to Appendix FF in the EIR), greater than the capacity of the project's proposed school site. A school within a proposed project such as Newland Sierra generates three types of trips: internal trips (trips that stay within the project Site), diverted trips (trips from parents/guardians that live within the project, as well as from outside the project Site that drop off their student(s) on their way to another destination outside the project Site), and trips generated by the teachers and faculty of the school. The diverted trips are modeled as entirely new trips when in reality a significant amount of these trips are likely already on the road network or separately accounted for by the project's residential trip generation rates. As stated in Section 8.1.3 of Appendix R-1, Traffic Impact Analysis:

67% of the trips generated by the school site are modeled as new external trips. Given the Project's estimated student generation as referenced above and the types of trips the school would generate as described, the 33% internal capture rate/67% external trip rate for the school likely overstates the school's net external trip generation and understates the number of internal trips. Additionally, it is important to clarify that the highest trip generation rate for schools was used to estimate trip generation (the elementary school rate of 1.6 trips per student) even though the school would accommodate elementary and middle school

students and middle schools generate 1.4 trips per student (see “SANDAG Not So Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region”). This further contributes to the likelihood that the analysis overstates the school’s net external trip generation. As such, the school’s trip generation estimate likely results in overstating external vehicle trips.

The internal capture rate for the project’s neighborhood-serving retail uses (15 percent) was based on SANDAG’s studies and standard internal capture rates in use for projects that include a mix of land uses (e.g., retail with residential), as well as standard rates in use in the San Diego Region and across the state. While the project Site may not be within a defined Smart Growth Opportunity Area (SGOA), the project’s residential uses in proximity to the range of trip generating uses within the project (retail, school site, and neighborhood and community parks), the project includes a balanced range of uses that mimics a Smart Growth area. Therefore, the comparison of rates is justified for the Sierra project.

Additionally, the project’s Traffic Impact Analysis used an internal capture rate for its neighborhood-serving retail uses of 15 percent, which is lower than the lowest rate found for the 20 Smart Growth Opportunity Areas analyzed by SANDAG in their 2010 study entitled “Trip Generation for Smart Growth.” Further, the internal capture rate used for the project’s neighborhood-serving retail uses is consistent with SANDAG’s 2002 Trip Generation Guide entitled the “Not So Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region,” which allows the use of an internal capture rate of 15 percent for projects that include residential and retail uses. It is also consistent with internal capture rates used by other transportation planning agencies and cities in California for projects that include retail and residential uses on the same site.

Finally, while the project’s non-residential uses are analyzed as if they are creating new trips on the road network, in reality non-residential uses are predominantly trip attractors/trip destinations. For example, a new grocery store or other retail use does not generate significantly new trips on the broader road network. Instead, a new grocery store, for example, predominantly diverts existing trips already on the road network away from an existing grocery store (e.g., a grocery store farther away). Therefore, manually adding all of the project’s non-residential trips to the existing traffic on the road network as if they are all new trips to assess impacts overstates the project’s impacts on the road network.

In summary, while the project is not within an SGOA as defined by SANDAG, the use of internal capture rates that result in an average internal capture rate of 15.9

percent and which is less than the lowest calculated by SANDAG for 20 SGOAs is appropriate.

**O-1.16-8** The comment states that the retail and school site are in Phase 2 of the project and that any mixed-use credit should not apply until after the Town Center is completed, that the project is “hardly mixed use,” and that “the grades with the community will make walking and bicycling to and from the Town Center challenging.” The commenter also speculates that the majority of the trips within the Community will be auto trips and that these trips should be accounted for in the overall VMT, as well as considered when determining the internal circulation, intersection traffic control, and roadway classifications, adding that “if these trips were not included in the internal analysis, the level of service, selection of traffic control and roadway classifications may be incorrect and may not be adequate to provide the necessary capacity within the community.”

The comment correctly states that the retail and school are planned as part of Phase 2 of the project. Consistent with standard practice for conducting traffic impact analyses, the internal capture and pass-by trip reductions relative to the project’s total residential and non-residential trips are applied only to the project’s buildout trip generation, which is calculated to be 22,209 ADT (refer to Table 2.13-10 in Section 2.13 of the EIR). As the comment suggests, if up to 1,800 units are built before the school and the retail come online, those units would generate a maximum of approximately 16,150 ADT (875 single-family dwelling units [DUs] at 10 ADT/DU + 925 multifamily DUs at 8 ADT/DU = 16,150 ADT) and 1,967 EDUs (16,150 ADT / 8.2108 ADT/DU = 1,967 EDUs) (refer to Table 16-10), significantly less than the total external trip generation calculated for the project. Although the majority of internal capture reductions do not materialize until the project reaches buildout, that is also the point at which the project’s peak external trip generation occurs, and, likewise, the basis of the project’s analysis of traffic impacts on the external road network. Therefore, analyzing scenarios where the project is partially built-out and/or where the project’s retail and school are not yet online is not necessary because impacts on the external road network would be less compared to what was analyzed in the EIR. It is worth noting that all of the project’s mitigation measures for direct impacts to intersections and road segments would be implemented by the 1,730th EDU or sooner; in other words, all of the project’s mitigation measures for direct impacts would be implemented prior to occupancy of 1,800 units being permitted in the project (refer to Tables 16-11 and 16-12 of Appendix R1a and note that mitigation measure D-8 for the project’s direct impact to the Buena Creek Road/S. Santa Fe Ave. intersection, which is triggered at the 1,730th EDU, is also identified as the mitigation measure for the project’s direct impact to the S. Santa Fe Avenue segment between Robelini Drive and Buena Creek Road).

As it relates to the comment that there is no certainty that there would be a school built in the Town Center, there is a need for additional K–8 school capacity in the North County Metropolitan Subregion and projects are proposed, planned, and approved in the project vicinity that will generate new demand for a K–8 school. Therefore, there is established demand to support a school in the project. If the school is not built, while the project’s internal capture trips would be reduced by 293 ADT, the project’s net external trips would be reduced by 595 ADT, resulting in less impacts to the external road network.

As it pertains to the comment that the project is not mixed-use since the grades on some of the internal roadways make walking and biking to/from the town center challenging, the County does not agree with this comment. Mixed-use and walk/bike trips are two separate trip reduction concepts. Mixed-use refers to trips not needing to leave a site, since complementing uses are provided within the site. For example, if a resident needs a loaf of bread, they do not need to leave the site but can patronize the neighborhood center. The traffic study included no trip reductions for walk/bike trips. In addition, the project includes 81,000 square feet of neighborhood-serving retail and a 6-acre school site, both appropriately sized to serve the residential areas of the project. As it relates to the internal capture applied to the project’s retail uses, if the retail is undersized for the residential as the comment suggests, that would further substantiate the internal capture trips calculated for the project’s commercial land use component. Given that the project’s commercial areas are sized to support a medium-sized grocery store and other neighborhood-serving retail uses, including service-based retail, restaurant, and specialty stores, the project provides an appropriate amount of retail for its residential neighborhoods.

Although portions of the project Site have significant elevation changes, the project would include an electric bike-share program with kiosks throughout the Community. The project would also include an extensive network of multi-use pathways and trails in and between its various neighborhoods and to its internal parks. The Terraces and Town Center neighborhoods include 541 multifamily units (25 percent of the total units) with a K–8 student generation of approximately 117 students (refer to Exhibit A of Appendix FF in the EIR) within one-half mile of the school site and retail uses in the Town Center.

As to the nature of the project’s internal trips” and the comment that “these trips should be accounted for in the overall VMT as well as considered when determining the internal circulation intersection traffic control and roadway classifications,” the project includes a Transportation Demand Management (TDM) Program with measures shown to reduce and replace single-occupancy vehicle trips with walking, bicycling, and shuttle use. Further, the project’s TIA (Appendix R-1 to the EIR)

assumed all internal trips would be auto trips for the purposes of analyzing the level of service of the project's internal road network and intersections. This assumption about the project's internal trips was carried through with the project's VMT Analysis to Respond to SB 743 (Appendix R-2 to the EIR). Appendix R2 assumed that all internal trips would be auto trips with an average trip length of 0.75 miles, and applied an overall reduction of 6.1 percent to the project's home-based VMT based on the project's TDM Program. This reduction is reasonable. The project includes a mix of residential and non-residential uses in close proximity (Town Center and Terraces Neighborhoods) to the project's school site and retail uses. The project includes an electric bike share program and shuttle service, and 19 miles of new pathways and trails and 6 miles of new dedicated Class II bicycle lanes that will support viable alternatives to automobile-based trips.

As it relates to the project's internal circulation, Section 13, Access and Internal Circulation, of the TIA contains an AM/PM peak hour intersection analysis and daily roadway segment volumes for the project's internal road network. This analysis assumes that all of the trips generated by the project, whether they constitute internal capture trips or external trips, are in the form of automobile trips. Even based on this conservative assumption, virtually all of the project's internal intersections would operate at Level of Service B or better and no internal intersections fail during the peak hours. Further, the project's road network has been designed with sufficient capacity to accommodate the internal ADT as shown in Figure 13-2 of the TIA.

**O-1.16-9** The comment states that it is not clear in the internal circulation section of the TIA (Appendix R-1 of the EIR) if the peak-hour or daily traffic volumes within the Community were used to determine the roadway classifications and intersection traffic control because the traffic volumes at the study intersection are not provided. In response, the roadway classifications for the project's internal roads are based on daily traffic volumes. The intersection control analysis is based on an AM/PM peak-hour intersection delay analysis, which showed that virtually all of the project's internal intersections would operate at a LOS B or better; two intersections would operate at LOS C, and one intersection, the Mesa Rock Rock/Street TC-3 intersection in the Town Center neighborhood, would operate at LOS D. Please refer to Tables 2.13-20 and 2.13-21 of the EIR for internal circulation intersection and segment analyses.

**O-1.16-10** The comment states that the cumulative analysis appears to underestimate the volume of cumulative traffic in the region, stating that the appropriate method would be to use the 2008 model volume and subtract that volume from the 2020 model volume to determine the overall growth in the region, and add the adjusted growth to the existing conditions. The County does not agree with this



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recommended method. The following shows that it is not appropriate to use the method suggested by the reviewer:

- The volume on Deer Springs Road between Sarver Lane and Mesa Rock Road in the Year 2008 according to SANDAG was 19,900 ADT.
- The Year 2020 volume on Deer Springs Road based on the SANDAG model is 22,000 ADT. Using the 2008 volumes, this represents an increase of 2,100 in 12 years, or an average of 175 ADT per year.
- In comparison, the existing counted Year 2015 volume on this segment of Deer Springs Road is 19,400 (see Figure 4-2 in the TIA).
- Using the actual counts as the starting point, the increase in the forecasted 2020 volume to 22,000 ADT over existing (19,400) is 2,600 in a period of 5 years, or an average of 520 ADT per year.

From the above, it can be seen that using the method in the TIA, a higher annual growth has been applied (520 ADT per year) than using the method suggested by the reviewer (175 ADT per year), thereby resulting in a more conservative analysis because less capacity is available for the project traffic under the TIA method.

It should also be noted that the growth in traffic from 2008 to 2020 as included in the SANDAG model includes the actual growth in traffic between 2008 and 2015. Thus, this traffic is accounted for and it would be overstating the cumulative traffic volumes to use the method proposed by the comment. The actual growth in cumulative traffic to be considered by the analysis is the increase in traffic between 2015 and the Year 2020 model volumes and, thus, the TIA correctly estimates the cumulative traffic volumes in the cumulative analysis.

**O-1.16-11** The comment states that there is insufficient information in the TIA to determine which of the cumulative projects were included in the Model and which were manually added. The comment goes on to question why the cumulative volume on I-15 between Gopher Canyon Road and Deer Springs Road is less than the volume generated by the Lilac Hills Ranch Project volume along that same segment of I-15 (as reported in the Lilac Hills Ranch TIA). The County does not concur with the comment.

To begin with, it is not the standard of practice to include the trip generation amounts for each individual cumulative project when a traffic model is used as the basis for the cumulative traffic forecast. In any event, there is a description of each project that can be used to determine the amount of traffic each individual cumulative project generates. Section 9 of the TIA states that the traffic generated by projects in the

incorporated cities was manually added to the cumulative volumes obtained from the SANDAG Traffic Model

As stated above, the near term cumulative volumes on I-15 were obtained from a traffic model prepared by SANDAG with cumulative traffic generated by projects outside the County (i.e., projects in the incorporated cities) manually added. The Lilac Hills Ranch Project is a pending, not yet approved, mixed-use project located in the County of San Diego that was included as part of the cumulative traffic volumes. Specific to the comment, since the total cumulative traffic considered as part of the analysis includes both residential and non-residential traffic and there is substantial interaction between these two types of land uses as part of any analysis (i.e., the origin of a residential project typically has a non-residential destination), it would be inaccurate to simply add each cumulative project's trips individually to the street system as the comment suggests without accounting for the corresponding interaction between the two uses. That is, it would be inaccurate to add one project's residential trips and another project's non-residential trips without accounting for the interaction between the two land uses; if all of the traffic generated by each cumulative project was individually added to the road network, the results would include a certain percentage of double-counted trips, thereby resulting in an overstatement of the background cumulative traffic volumes.

In addition, a long term analysis of I-15 was conducted and the analysis results are included in Table 11-4 of the traffic study. This table analyzes volumes on I-15 south of Deer Springs Road of 249,420 ADT, an amount much greater than mentioned in the comment. Therefore, the analysis of I-15 is comprehensive and conservative.

Lastly, the EIR already concludes the project would contribute to significant cumulative impacts on I-15, and therefore, an increase in the cumulative volume amount would not change the conclusion of the EIR and would in fact lower the project's percentage contribution to the overall cumulative traffic volumes. Therefore, if cumulative volumes should be higher as the comment suggests, the analysis presented in the EIR overstates the project's percentage contribution to cumulative impacts.

**O-1.16-12** The comment states that it should be noted that the daily traffic volumes along I-15 for the 2020 condition as reported in the TIA are not consistent with information currently available on the SANDAG website for the Series 12 2020 conditions, adding that the variations in volume along I-15 by 2020 are not as high as those presented in the TIA. The County does not concur with the comment. The analysis presented in the EIR and TIA is based on a customized traffic model that was run with numerous cumulative projects. The referenced website model has not been customized and, therefore, a comparison between volumes in the EIR and the

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SANDAG website is a comparison of apples and oranges. Please also see **Response to Comment O-1.16-11** for additional information responsive to this comment.

**O-1.16-13** The comment states that, in light of **Comment O-1.16-12**, additional information should be provided in the TIA to clearly identify the location and trip generation of cumulative projects, and clearly identify which projects are included in the SANDAG model and which projects were manually added. Please see **Response to Comment O-1.16-11**.

**O-1.16-14** The comment states that the project's TIA has found cumulative impacts to I-15 between Old Highway 395 and Pomerado Road but the project does not propose any mitigation for this impact. The comment also states that as the freeway becomes less efficient, more vehicles will abandon the freeway in favor of surface streets. The County does not agree with this comment. Please see **Topical Response TR-1**, **Response to Comment O-1.10-1**, and **Response to Comment O-1.16-4**.

The project has provided an accurate assessment of the cumulative traffic volumes and the resultant cumulative impacts consistent with the County's Traffic Guidelines. As it relates to the concern about cut-through traffic, Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road are part of the Regional Arterial System, and use of these roads by commuters and more broadly for commerce should not be considered cut-through traffic. For certain commuters, these roads serve as more direct routes to employment centers along the State Route (SR) 78 corridor. Further, Deer Springs Road and Twin Oaks Valley Road are part of the National Highway System, a system whose primary purpose is to accommodate commerce and access to employment; therefore, use of these roads by commuters to access employment is appropriate. Moreover, the traffic study accounts for this occurrence since the existing baseline traffic volumes contain those vehicles that currently use Deer Springs Road, Buena Creek Road, and Twin Oaks Valley Road as alternate routes to SR-78 and I-15. In addition, future cumulative traffic was assigned to the street system consistent with existing travel patterns recognizing that some drivers from these cumulative projects will use the Deer Springs Road "cut through route" due to future congestion on I-15 and SR-78.

**O-1.16-15** The comment states that the Mountain Meadow Road traffic forecast is not reasonable, provides a summary of ADT volumes presented in the TIA, and questions the accuracy of the forecasted volumes presented in the TIA along Deer Springs Road and Mountain Meadow Road associated with this cumulative scenario.

The traffic volumes provided in the EIR for the Existing Plus Project Plus Cumulative Projects with the Mountain Meadow Road Connection were incorrectly derived from a model that did not include Mountain Meadow Road connected all the way to Valley

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Center. The volumes presented for this cumulative scenario in the TIA and EIR were, therefore, incorrect. A Series 12 model with Mountain Meadow Road connected to Valley Center was conducted and the correct volumes have been incorporated into the TIA (Appendix R-1 in the EIR) and Tables 2.13-26, 2.13-29, and 2.13-30 of the EIR. The table below shows the differences in the segment volumes presented in the EIR vs. the corrected segment volumes presented in the EIR. While the table shows that volumes on three of the segments would increase by amounts greater than 20 percent, the table also shows that the majority of the corrected volumes are less than what was presented in the EIR. Applying the modified volumes information to the impacts analysis, there are no changes to the significance determinations presented in the EIR related to either road segments or intersections, nor are there any changes necessary to the required mitigation.

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Existing + Cumulative Projects Traffic Volumes (with Mountain Meadow Road Connection)			
Street Segment	2020 Volumes (ADT)		Difference
	Draft EIR (Incorrect)	Final EIR (Correct)	
<b>Deer Springs Road</b>			
Twin Oaks Valley Rd to Sarver Ln	32,690	30,990	-1,700
Sarver to Mesa Rock Rd	30,100	29,100	-1,000
Mesa Rock Rd to I-15	38,350	37,350	-1,000
I-15 to Champagne Blvd	17,320	21,420	4,100
<b>Mountain Meadow Road</b>			
East of Champagne Blvd	10,740	16,340	5,600
<b>Twin Oaks Valley Road</b>			
Solar Ln to Deer Springs Rd	4,230	4,230	0
Deer Springs Rd to Buena Creek Rd	32,700	31,900	-800
Buena Creek Rd to Cassou Rd	24,040	23,840	-200
Cassou Rd to La Cienega Rd	22,980	23,480	500
La Cienega Rd to Windy Wy	28,440	27,840	-600
Windy Wy to Borden Rd	30,070	29,470	-600
Borden Rd to Richmar Ave	34,830	34,730	-100
Richmar Ave to San Marcos Blvd	37,560	36,760	-800
San Marcos Blvd to SR 78	45,120	44,620	-500
SR 78 to Barham Dr/Discovery St	61,660	61,660	0
<b>Buena Creek Road</b>			
S. Santa Fe Ave to Monte Vista Dr	19,490	19,290	-200
Monte Vista Dr to Deer Springs Rd	18,360	18,560	200
<b>Monte Vista Drive</b>			
Foothills Dr to Buena Creek Rd	11,620	11,620	0
<b>Mesa Rock Road</b>			
Deer Springs Rd to N. Centre City Pkwy	2,520	2,420	-100
<b>Gopher Canyon Road</b>			
Little Gopher Canyon Rd to I-15 Ramps	17,010	18,110	1,100
I-15 Ramps to Champagne Blvd	24,410	23,910	-500
<b>Champagne Boulevard</b>			
Old Castle Rd to Lawrence Welk Dr	7,990	8,390	400
Lawrence Welk Dr to Mountain Meadow Rd	9,680	8,880	-800
<b>North Centre City Parkway</b>			
Mountain Meadow Rd to I-15 Ramps	8,500	10,400	1,900
I-15 Ramps to Country Club Dr	14,020	12,320	-1,700
<b>Robelini Drive</b>			
Sycamore Ave to South Santa Fe Ave	19,680	19,380	-300
<b>South Santa Fe Avenue</b>			
Robelini Dr to Buena Creek Rd	18,480	20,580	2,100
<b>Sycamore Avenue</b>			
SR 78 WB Ramps to University Dr	39,780	40,580	800

**O-1.16-16** The comment states that the Horizon Year volumes are flawed and underestimate the volume on Deer Springs Road. The comment states that the General Plan Buildout analysis “should also consider development planned in the surrounding communities

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of Vista, San Marcos and Escondido.” The County does not concur with the comment.

As a point of clarification, the Horizon Year scenarios included in the EIR and Chapter 12 of the TIA were performed at the request of the City of San Marcos and relate to the project’s analysis of buildout traffic volumes in the City of San Marcos with and without the project. The County General Plan Buildout scenarios analyzed in the EIR and Chapter 11 of the TIA were performed to assess consistency with the County’s Mobility Element, not to analyze impacts. The CEQA required analyses are presented in EIR sections 2.13.9.3, Existing plus Project Impact Analysis, and 2.13.9.4, Cumulative Impact Analysis.

The General Plan Buildout scenario volumes were derived from the County’s Series 10 GPU Model, which assumed buildout of the County’s land uses under the updated General Plan (i.e., the County’s 2011 General Plan Update), as well as a 2030 buildout level of the general plans of the surrounding cities such as San Marcos, Vista, and Escondido. The County does not base impact analyses on this long-term/buildout scenario, but uses the results to validate or adjust its planning of the ultimate road network required to accommodate buildout of the General Plan. Notwithstanding the change in the classification of Deer Springs Road that would be required by Option A as proposed by the project and analyzed under certain General Plan Buildout scenarios, no roadway classification adjustments to the County’s road network would be required with the proposed project in the General Plan Buildout scenarios where Deer Springs Road Option B is implemented.

As to the lower forecasted volumes along Deer Springs Road under the General Plan Buildout Option A scenario compared to the Existing Plus Project Plus Cumulative Projects scenario, the volumes would be lower in the General Plan Buildout Option A scenario because the General Plan buildout scenario is based on a traffic model that more completely captures the trip interaction between the various land uses given its long-term (i.e., General Plan buildout nature), whereas the project buildout cumulative analysis is partly additive and, as a result, overstates forecasted volumes. In the project buildout cumulative analysis, the volumes are derived from a combination of modeled results along with the manual addition of traffic from cumulative San Marcos projects and the project’s traffic. Expressed differently, the non-residential trips associated with the project and the cumulative projects are associated with the residential trips generated by the existing land uses and the cumulative projects (in the County and San Marcos), but the manual addition of these trips that was done for the cumulative analysis ignores this relationship. Therefore, contrary to the comment that “these manual adjustments have clearly underestimated the volume of traffic along Deer Springs Road,” by treating them as entirely new,

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separate trips on the network, the manual addition of the residential and non-residential trips from the project and San Marcos cumulative projects instead actually overstates impacts.

As it relates to the volumes shown in the table in the comment above, the commenter is showing incorrect volumes for the segments compared to the volumes contained in the EIR. Please refer to Table 2.13-32 in Section 2.13 of the EIR for the correct volumes.

**O-1.16-17** The comment states that the County General Plan Buildout freeway analyses are missing segments included in the cumulative scenarios. The County does not concur with the comment. The primary intent of the General Plan Buildout scenario analysis is to demonstrate the project's consistency with buildout of the Mobility Element road network and also in this case to analyze the effect of Deer Springs Road Option A (two-lane Deer Springs Road) on the freeway volumes in the vicinity of the project Site. The effect of Option A on the freeway volumes farther away from Deer Springs Road and the project site would be minimal given the increasing distance. As stated previously, the County does not use the General Plan Buildout analysis to determine significant impacts under CEQA; the project's significant impacts, including those to the freeway system, are identified under the Existing plus Project, and Existing plus Project plus Cumulative Projects scenarios. Specific to freeways, the analyses determined that the project would result in significant impacts that are significant and unavoidable, although partial mitigation is provided. Please see **Topical Response TR-1** for information regarding the project's freeway impacts and related mitigation. Related to the forecasted buildout volumes on surface streets, those results are contained in **Table 2.13-32** of the EIR.

**O-1.16-18** The comment states that the General Plan Buildout freeway analysis incorrectly assumes improvements, including one managed lane in each direction on I-15, by 2050. The County does not concur with the comment. The project has not assumed any improvements to I-15 for either the direct or cumulative impact analysis in the EIR. Instead, the project identifies direct and cumulative impacts to I-15 as a result of the project, identifies the project's proposed improvements to the I-15/Deer Springs Road interchange as partial mitigation for the project's impacts to the mainline, presents evidence that the project's proposed improvements to Deer Springs Road and Twin Oaks Valley Road have the effect of reducing existing trips along I-15 and SR-78, states that there is no Caltrans program in place toward which the project could make a fair-share contribution to mitigate its impacts (refer to Appendix JJ-14 in the EIR), and treats the impacts as significant and unavoidable. Please see the **Topical Response TR-1** for additional information on this topic.

As it pertains to the improvements to I-15 assumed in the long-term General Plan Buildout scenarios, the purpose of including these scenarios in the TIA is not to evaluate direct or cumulative impacts. The purpose is to evaluate consistency with the County's General Plan Mobility Element. Therefore, whether Caltrans or SANDAG adds capacity to the freeway is not relevant to the evaluation of consistency with the County's Mobility Element. Nevertheless, it is reasonable to assume that capacity will be added to the freeways at buildout of the County's General Plan. SANDAG's most current Regional Transportation Plan, San Diego Forward, the Regional Plan (2050 RTP), identifies toll lane improvements along I-15 from SR-78 to the Riverside County line under the Revenue Constrained funding scenario and identifies these improvements as being completed by 2050. Specific to funding, the latest RTP was adopted in 2015, and the Revenue Constrained Funding Scenario relies on the existing Transnet sales tax in place until 2048 and did not specifically rely on additional funding from Measure A which did not pass in November 2016. Therefore, Measure A was not relied upon as a potential funding source for these improvements to I-15.

Given that the I-15 improvements are identified in the Revenue Constrained funding scenario under the 2050 RTP funded by the existing TransNet extension, it is reasonable to assume these improvements would be in place by 2050. Nevertheless, these improvements bare no relation to the project's direct and cumulative impact analysis done for County and state facilities.

**O-1.16-19** The comment regards the analysis of roads internal to the project site and is critical of the proposed side street stop controlled intersections. The County does not concur with the comments. The comments related to the project's internal circulation and intersection controls were addressed in **Response to Comment O-1.16-9**. As stated above, all internal intersections would function at acceptable levels of service during the peak hour periods consistent with the County's requirements for internal roads. Please refer to Table 2.13-20 in the EIR for the LOS at internal intersections analysis. The school site will have two points of access through the Town Center, as well as an internal parking lot and loop road.

The County also disagrees with the comment that the TIA provides "insufficient information to verify the geometry at the internal intersections" meets "forecasted traffic demands at those (internal project) intersections." Given the forecasted LOS at the specific internal intersections referenced in this comment, no additional turn lanes, special intersection controls, or turning movement prioritization is anticipated to be required.



Specifically related to school traffic and the concern regarding queuing extending to Deer Springs Road, schools tend to create brief 15- to 20-minute periods of traffic congestion in the immediate vicinity of the school, particularly in the morning peak period when the school site itself lacks sufficient internal circulation. The school site in this case would be designed with a parking lot and an internal drop-off area to mitigate this effect. Additionally, the proposed school site is designed to accommodate up to 555 students and has been modeled to generate 284 trips during the morning peak period. Under this scenario, no significant impact along the frontage road or nearby intersections providing access to the school is anticipated.

Specifically related to the concern about queuing extending to Deer Springs Road, the school site driveway would be approximately 0.5 miles by road from the intersection of Deer Springs Road and Mesa Rock Road. Accordingly, it is not reasonable to expect that school traffic in the morning peak period would create queuing conditions that would back up to this intersection.

**O-1.16-20** The comment states Sarver Lane is not adequately addressed in the EIR, that the TIA overstates the capacity of Sarver Lane, and that the analysis should be revised to reflect the appropriate classification or the roadway width should be revised to reflect County standards. The County does not agree with this comment. The language referenced in the comment (purportedly from page 4 of the TIA) is incorrect. The proposed minimum paved width of Sarver Lane is 34 feet, not 24 feet. This can be verified on Sheet 2 (of 14) of the Preliminary Grading Plan. The language on page 4 of the TIA is as follows:

The Sarver Lane intersection at Deer Springs Road will be signalized and is proposed to be 52 feet wide at the intersection to provide one northbound lane and two southbound lanes, transitioning to a width of 40 feet of pavement, then transitioning to a width of 34 feet with no parking within the Project.

As shown on Sheet 2 of the Preliminary Grading Plan, Sarver Lane is designed to meet the County's 2.2E and 2.2F Light Collector Public Road Standards. Therefore, the project's proposed improvements to Sarver Lane are consistent with the County's Public Road Standards.

Based on the project's trip distribution as outlined in the TIA, 37 percent of the project's net external residential trips (5,638 ADT, refer to Figure 8-1 of the TIA) would use Sarver Lane as access into and out of the project. As stated above, Sarver Lane would be designed to meet the County's Modified Light Collector 2.2E and 2.2F Road Classification with a LOS E capacity ranging between 9,700 ADT and 16,200 ADT (refer to Table 1 of the County's Public Road Standards). The segment north of the project's proposed Sierra Farms Park is proposed as a 2.2F Light

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Collector with Class II bike lanes, a 10-foot-wide pathway, and an enhanced parkway. Based on the LOS E capacity range of 9,700 to 16,200, the road as proposed by the project could accommodate an additional 4,062 to 10,562 ADT before reaching LOS E, which is sufficient capacity to accommodate the existing trips using the road today as well as future non-project related uses along the road which may generate more traffic. The project's trips in conjunction with the estimated 500 ADT using the road today would result in the road operating at LOS C or better. Therefore, the road is properly designed to accommodate existing traffic, project traffic, and potential future non-project traffic and is designed consistent with the County's Public Road Standards.

**O-1.16-21** The comment states that the TIA fails to address existing access points along Sarver Lane that may be impacted by widening of the corridor and that the forecasted volume of 6,300 ADT is a significant increase in daily traffic over the existing condition. The County does not agree with this comment. The project applicant has secured the necessary offers of dedication to widen Sarver Lane as proposed by the project and the County has verified that no existing access points would be negatively impacted by the proposed widening. While the County acknowledges the project would result in a significant increase in daily traffic using Sarver Lane, the existing uses in conjunction with the project would not generate enough traffic to cause the road to operate at a deficient level of service (see **Response to Comment O-1.16-20**). Therefore, there are no traffic impacts along Sarver Lane not otherwise addressed as part of the project's proposed widening and improvements to the road as a Project Design Feature. As it relates to the other impacts associated with the improvements to Sarver Lane referenced in this comment, including noise, air quality, GHG, and construction impacts, those impacts have been fully analyzed in the project's EIR. Please refer to EIR Section 2.3, Air Quality; Section 2.7, Greenhouse Gases; and Section 2.10, Noise.

**O-1.16-22** The comment states that the project's TDM Program overstates trip reduction credits, that the program cannot be relied upon to provide trip reduction benefits assumed in the TIA, that the TDM Program relies heavily on expenditures by the project's Homeowners Association, and the longevity of these programs is uncertain. The comment suggests that an electric bike share program would be too costly, not successful due to the "rural nature" of the Community, and not suitable for residents that are under 18; therefore, "(it) would serve a very small portion of the population." The comment also states that bike-share is most effective for first/last mile applications between transit and a user's final destination. The County does not agree with this comment.

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As addressed in **Response to Comment O-1.16-8**, from the standpoint of the project's traffic impacts on the external road network and internal circulation, no trip reductions were applied to the project's residential or non-residential trip generation based on the project's TDM Measures such as the electric bike-share program and the Community-sponsored shuttle service to offset vehicle trips. The project's trip reductions were based on internal capture and pass-by trips related to the project's non-residential uses.

The County also disagrees with the issues identified in the comment about the proposed electric bike share program, addressed as follows:

- The comment states that the cost to rent the bicycle would be a deterrent. The cost for a bicycle rental to the resident has not been determined; however, as described in the Newland Sierra TDM Program, the Community's transportation coordinator would be responsible for managing/monitoring the TDM measure to ensure that they are effective. The project proposes that the cost of bike rentals will be borne by the HOA and therefore free for individual users in the Community. Therefore, the bikes will not require renting.
- The comment asks why "would someone walk to a bike station to rent a bicycle to ride to their friend's house or to the market ... the cost/time required to rent a bike would exceed the time and cost to drive." There are many reasons someone may choose to bike, such as for recreation or health-related reasons, because they are a limited car family, or for environmental reasons. Therefore, it is speculative to suggest that residents will not use the system. Additionally, the project would commit to providing at least eight bike share kiosks throughout the Community free of charge for the project's residents, which means that there would be a kiosk convenient to most users.
- The comment states that "[m]ost bike share facilities require patrons to be 18 years or older to use the bicycle...coupled with a K-8 elementary school in the family, it is likely that many homes in the community would be family oriented... Therefore, bike share ... would serve a very small portion of the population." The project does not propose restricting the use of bicycles to patrons 18 years or older. For that matter, children are typically the largest users of bicycles in residential neighborhoods and while they cannot drive themselves, they otherwise may require driving to reach parks, retail, and their schools in community settings where these amenities and facilities are not as easily accessible.
- The comment states that due to the "rural nature" of the project, "bike share ... would serve a very small portion of the population." The County does not

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agree that the project is a rural project; the project will be suburban. See **Response to Comment O-1.16-7**.

**O-1.16-23** This comment suggests that there is not a benefit to providing car-share in the Town Center. Also, the comment indicates that the closest ZipCar location is Cal State San Marcos and there is not car-share at the Escondido Transit Center; therefore, the comment asks, “What is the benefit?” The County does not concur with the comment. The way most car-share systems operate (including ZipCar) is that each shared car “lives” in a particular parking space. Someone can rent the car, but must return it to the space that it was picked up from. Therefore, it is not relevant where other car share locations are. This concept is different than bike share, where the user picks up a bike from one station and can leave it at another one, making bike share station locations important. The benefit to having car share at the Town Center is that it can make owning fewer cars possible for residents. Encouraging reduced auto ownership results in VMT reductions because households with fewer vehicles make less vehicle trips and utilize other transportation options.

**O-1.16-24** The comment suggests that the California Air Pollution Control Officers Association (CAPCOA) method/research for determining TDM effectiveness are “based on more urban environments and many of the fact sheets provided in the CAPCOA GHG Mitigation Measures report clearly state marginal or uncertain benefits in a rural community.” While the CAPCOA report does address urban environments, the methodology and research is not limited to the urban environment and also addresses rural and suburban environments, with each TDM strategy receiving appropriate consideration in this context. Thus, the County does not agree with the comment because the CAPCOA Quantifying Greenhouse Gas Emissions Reductions report does not provide research for only urban areas, and, as described in **Response to Comment O-1.16-7**, the project Site is not located in a rural community but, instead, is more appropriately described as suburban in nature. The project Site is located in the North County Metropolitan Subregional Plan Area that includes the communities of Twin Oaks and Hidden Meadows and is less than 1 mile from the municipal boundaries of the cities of San Marcos and Escondido, two cities that support a combined population of approximately 250,000 people. Additionally, the project Site is within 6 to 10 miles of the SR-78 corridor, which supports more than 280,000 jobs (refer to Innovate 78 Regional Profile, Appendix JJ-13 in the EIR). Accordingly, the proposed project is not located in a rural community and the CAPCOA based TDM effectiveness calculations were properly conducted.

The second issue identified in the comment has to do with the potential overlap in the “Land Use and Diversity” TDM measure and the internal capture described in the Traffic Impact Analysis. The Newland Sierra TDM Program technical memorandum

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analyzes the TDM effectiveness relative to vehicle miles traveled (VMT) based on the research presented in the CAPCOA Quantifying Greenhouse Gas Mitigation Measures report. Within this context, the Land Use Diversity calculation provides the overall percent reduction in VMT due to the mix of land uses proposed within the project. To be distinguished, the internal trips calculation presented in the Traffic Impact Analysis applies to the number of vehicle trips, not VMT. Also, the comment suggests that VMT be developed based on the ITE 8th Edition Trip Generation Manual and trip distances for each land use. However, based on professional judgment and experience, the project's transportation engineer determined to calculate the VMT estimates for the project using the SANDAG Series 12 Travel Demand Model, which is specific to the San Diego region.

**O-1.16-25** The comment suggests that the “TDM measures do not commit to the operation of a shuttle program either within the community or connecting to the Escondido Transit Center.” The Newland Sierra TDM Program technical memorandum, Table 2, TDM Program Performance Metrics and Targets, identifies the specific performance measures that the project is committing to that would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for coordinating a ride share or shuttle system that connects the project to the park-and-ride facilities and the Escondido transit center. The project has committed to providing the system (whether in partnership with others such as North County Transit District or run by the Community). The project understands the financial obligations to support the performance measures in Table 2.

**O-1.16-26** The comment is a closing statement to conclude the letter but renders no additional opinions or comments on the EIR. No response is required.

**O-1.16-27** The commenter has provided her resume as backup. The County notes that the commenter has over 20 years of experience as a traffic engineer working on traffic impact analyses for development projects throughout San Diego County. No response is required.

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