

Topical Response AQ-1: Blasting Impacts

Comments: *Comments on the Draft EIR state the EIR does not address the project's air quality emissions impacts of construction or blasting. For the reasons identified below, the County does not concur with the comments.*

Response: The Draft EIR's Air Quality chapter, and particularly Section 2.3.5, Impact Analysis therein, evaluates the project's construction-related air quality impacts, including those attributable to blasting.

Construction-related impacts are evaluated based on the anticipated construction schedule, equipment mix, and vehicle trips provided in the detailed construction schedule in the Draft EIR, Appendix A to the Air Quality Technical Report. (For Appendix A, please see Draft EIR, Appendix G, to the Air Quality Technical Report.) 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_x, CO, and SO_x from explosives used for on-site blasting were determined using emission factors in Section 13.3 (Explosives Detonation) of AP-42¹ (EPA 1980); and PM₁₀ and PM_{2.5} emissions were determined using Section 11.9 of AP-42 (EPA 1998)." (Draft EIR, p. 2.3-23.) The maximum amount of explosive used per day was estimated at between 17 and 19 tons. (See 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.*)

¹ AP-42, Compilation of Air Pollutant Emissions Factors, is a publication of the EPA's emission factor information based on source test data, material balance studies, and engineering estimates. (<https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emission-factors>).

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The Draft EIR also analyzes construction-related air quality impacts relative to federal and state ambient air quality standards, crystalline silica, CO hotspots, and toxic air contaminants (TACs); and 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_x, CO, PM₁₀ and PM_{2.5}. 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_x, CO, PM₁₀, and PM_{2.5} following implementation of M-AQ-2 through M-AQ-4.² However, upon completion of grading, blasting, and rock crushing activities, daily emissions from the remainder of construction period (2023–2027) would be below applicable thresholds.

Crystalline Silica

Analyzing the project's potential impacts attributable to crystalline silica exposure, the Draft EIR determined that "[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/m³ or six times less than the reference exposure level (REL). This concentration included emissions from blasting and other construction emission sources on-site. Accordingly, concentrations that nearby receptors would be exposed to [with this project] would be considered acceptable." (Draft EIR, 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

² 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 2.3-12, the emissions totals shown in Table 2.3-12 likely overstate mitigated project emissions because daily emissions would be further reduced by the unquantified elements of the mitigation measures.

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 the 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, nonetheless, 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 would have a less-than-significant impact to CO hotspots because the maximum CO concentration predicted for the 1-hour and 8-hour periods are below standards. Specifically, the Draft EIR concludes that the project would result in less-than-significant impacts to CO 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 [i.e., California Ambient Air Quality Standards] 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, the Draft EIR found that “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 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 non-carcinogenic 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 (for Appendix D, please see Draft EIR,

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Appendix G to Air Quality Technical Report). Based on this modeling, the Draft EIR concluded 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 summary, the Draft EIR's Air Quality chapter analyzed 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 Draft EIR also found, based on substantial evidence, that the project's construction-related activities would not result in significant impacts attributable to crystalline silica exposure, CO hotspots, or TACs.

Topical Response AQ-2: Blasting Schedule

Comments: *Comments on the Draft EIR state that the EIR does not provide sufficient information regarding the schedule and location of blasting activities. For the reasons identified below, the County does not concur with these comments.*

Response: As to timing, 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, 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 five years (2018 through 2022). (Draft EIR, p. 1-20.) Further, "[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 to the Air Quality Technical Report provides a more detailed construction schedule (for Appendix A, please see Draft EIR, Appendix G, to Air Quality Technical Report). This construction schedule, 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 (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, 2022.³ 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.) 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 p. 1-20.)

³ 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 start date of 2018, the Draft EIR's estimated emissions likely overstate actual emissions levels.

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As to location, while blasting is anticipated to be needed to break up bedrock at the project, it is presently infeasible to determine the exact locations and timelines for blasting as the bedrock is located below ground surface. (Draft EIR, p. 2.10-17.) For this reason, at the current stage of project design, no specific blasting timelines, blast numbers, or exact locations are proposed or available. (Draft EIR, p. 2.10-24.) However, the Draft EIR explains that blasting (and the associated drilling that precedes blasting) would only occur between 7:00 a.m. and 7:00 p.m. (Draft EIR, p. 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, 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.)

In further response to comments, however, the County has required the applicant to make best efforts to identify *potential* blasting areas within the project — though it remains infeasible to determine *exact* locations because the bedrock requiring blasting is located below ground surface and will only be exposed during grading operations. In response to the County's direction, Final EIR Figure 2.10-11, Potential Blasting Areas, depicts the *potential* blasting area locations in blue based on the criterion that blasting may be required in grading cut areas of 10 feet or more. The County considers Figure 2.10-11 to be a reasonable attempt to approximate *potential* below surface bedrock blasting area locations within the project. As such, Figure 2.10-11 provides a visual representation of information already presented in the Draft EIR. It does not identify any new or more severe significant environmental impacts and, thus, recirculation is not required. To further substantiate no new or more severe significant impacts, Figure 2.10-11 also depicts the estimated proximity of the potential blasting area locations to existing homes within the vicinity of the project Site.

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

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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.

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. Broadly speaking, blasting as part the construction process is a relatively common construction activity with standard protocols and procedures based on an established history of blasting activities spanning many centuries and covering a wide range of construction projects and mining and excavation activities with various unique geological, spatial, and other environmental conditions.

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Topical Response AQ-3: Construction Period

Comment: *Comments on the Draft EIR state the project would require up to 10 years of on-site rock crushing, grading, and haul truck noise and traffic. The County does not concur with these comments for the reasons specified below.*

Response: 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, contrary to the comments, the Draft EIR makes clear there would not be 10 years of on-site rock crushing. For example, the Draft EIR states that the type of heavy construction activities (e.g., grading, blasting and rock crushing) referenced in the comment "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 as stated in the comment. (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 to the Air Quality Technical Report provides a more detailed construction schedule (for Appendix A, please see Draft EIR, Appendix G, Air Quality Technical Report). 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 2018 to December 2020.

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For construction of Phase 2, heavy construction activities are anticipated to occur from December 2020 to November 2022.⁴ (For more information on the project's two construction phases, please see the Draft EIR's Project Description and Air Quality chapters, and **Figure 1-32** therein.)

In summary, contrary to the comment, on-site rock crushing, and the related grading and haul truck noise and traffic, would occur over a forecasted five-year period, and not a ten-year period.

⁴ 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 start date of 2018, the Draft EIR's estimated emissions likely overstate actual emissions levels.

Topical Response BIO-1: North County MSCP

Comment: *Comments on the Draft EIR state that the proposed project has sought special treatment under the draft North County Multiple Species Conservation Plan (MSCP) before the plan has been adopted by the County and the federal and state wildlife agencies.* The County does not concur with this comment for the reasons set forth below.

Response: As a threshold matter, the comments do not raise an issue related to the adequacy of any specific section of the Draft EIR or its analyses; and, thus, no further response is required or needed. However, for information purposes, the County provides the following additional responsive information.

As summarized in the Draft EIR, “the proposed project would not preclude or prevent the preparation of the subregional NCCP because the project has been planned in accordance with the planning principles of the draft North County Plan.” (Draft EIR, p. 2.4-82.) Thus, contrary to the comment, the project has not received “special treatment” under the draft North County MSCP. Instead, and though not required by law, the Draft EIR evaluated the project in terms of whether it would preclude or prevent preparation of the draft North County MSCP, and determined that the project would not do so.

For example, as detailed in the Draft EIR, the project has been identified as a proposed hardline area in the draft North County MSCP, which means both the project’s development areas and biological open space areas have been incorporated into the overall conservation strategy of the draft plan. (Draft EIR, pp. 2.4-82, 2.4-6.) Based on the proposed hardline area as shown for the draft North County MSCP, the Draft EIR states that the proposed biological open space 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 in perpetuity from future encroachment through habitat management and land stewardship. (Draft EIR Figure 2.4-4; and Draft EIR, p. 2.4-82.) The Draft EIR also states that the project has been designed in accordance with this proposed hardline area (*ibid.*) and that it has been designed in accordance with objectives, and principles, and conservation goals established in the draft North County MSCP (Draft EIR, p. 2.4-82). The Draft EIR also evaluates the project’s consistency against the eight preliminary conservation objectives from the draft plan. (Draft EIR, p. 2.4-83, Table 2.4-26), and finds that the project would be consistent with these preliminary conservation objectives. (*Ibid.*) Thus, the Draft EIR shows no conflict between the project and the draft version of the North County MSCP.

Nonetheless, the Draft EIR evaluates the project against, and finds the project consistent with, “preserve design principles” established for interim project review while the draft plan is being prepared. (Draft EIR, pp. 2.4-83 – 2.4-87.) These principles include providing long-term biological benefit through on-site open space preservation, protecting on-site open space habitat of equal or greater value as that habitat being impacted, contributing on-site open space to

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regional conservation efforts, maintaining biological diversity through open space design, maintaining habitat connective between areas of high quality habitat through open space design, protecting the most sensitive resources to maximize long-term viability, and minimizing edge effects and habitat fragmentation. (*Ibid.*) Consistency with each preserve design principle is addressed in the Draft EIR at pages 2.4-83 through 2.4-87. (*Ibid.*)

Moreover, the Draft EIR evaluates the project for inconsistencies with the draft North County MSCP plan's proposed conservation goals for the area applicable to the project site (the San Marcos-Merriam Mountains Core Area). (Draft EIR, pp. 2.4-88- 2.4-89.) Conservation goals for this area include:

- a) Conserve oak woodlands, coastal sage scrub (particularly in Twin Oaks) to maintain populations and connectivity of coastal California gnatcatcher and other coastal sage scrub-dependent species, and chaparral on mafic or gabbro soils that support sensitive plant species, such as chaparral beargrass and Parry's tetracoccus, San Diego thornmint (particularly in San Marcos Mountains), or California adolphia;
- b) Ensure that a core community of coastal California gnatcatcher and other coastal sage scrub-dependent species remains in the coastal sage scrub block in Twin Oaks;
- c) Conserve the north-south connectivity of coastal California gnatcatcher habitat along I-15 between the Riverside County line and the City of Escondido. Maintain the east-west connectivity of natural habitats on either side of I-15 for dispersal of coastal sage scrub community birds;
- d) Conserve the riparian and upland habitats of Gopher Canyon Creek for water quality and sensitive species, such as southwestern pond turtle and least Bell's vireo; and
- e) Ensure the San Diego thornmint population in the Palisades open space preserve is maintained and enhanced, if practicable. (Draft EIR, p. 2.4-88 – 2.4-90, 2.4-6.)

The Draft EIR finds that the project would be consistent with each of these draft conservation goals. (Draft EIR, p. 2.4-90.)

In addition, the draft North County MSCP is not an approved, adopted plan. Instead, it is a draft document and CEQA does not require the lead agency to speculate on the future environmental consequences of a project where an environmental plan is still in draft form, and not yet adopted. In *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1144, the Court of Appeal rejected the contention that the City of Chula Vista had violated CEQA by failing to include in its Program EIR an analysis of the project's impacts on regional goals for preservation of multiple species, as reflected in the South County MSCP draft materials. The Court of Appeal held that agencies are not required to engage in speculation as to future environmental consequences of a project and that in the case of draft or proposed regional conservation plans, "there is no express legislative or regulatory requirement under CEQA that a public agency

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speculate as to or rely on proposed or draft regional plans in evaluating a project.” (*Id.*, p. 1145.) Instead, the Court of Appeal held that where regional planning processes have not resulted in the *adoption* of plans or regulations relating to the environment, CEQA requires applicants and public agencies to only engage in an analysis of project impacts on the environment. The above legal principles apply here because the North County MSCP is still in draft form; subject to change; and, in any case, the Draft EIR evaluated the project for inconsistencies even with the draft plan. The Draft EIR found no inconsistencies — though the North County MSCP remains in draft form.

Specifically, the Draft EIR made good-faith efforts to incorporate the project’s preserve design into the draft North County MSCP planning principles. The project’s open space preserve system would thus be consistent with the draft North County MSCP, serve as open space for the future establishment of an adopted regional North County habitat preserve, and comply with regional open space planning efforts. Based on the analysis in the Draft EIR’s Biological Resources chapter, the project would consequently result in a less-than-significant impact because the project would not preclude or prevent completion of the *draft* North County MSCP.

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Topical Response BIO-2: Wildlife Corridors

Comment: Comments on the Draft EIR state that the project sits on one of only two remaining large blocks of natural habitat west of I-15, and would sever wildlife corridors in a sensitive area if developed. This project would sever important regional wildlife corridors. The County does not concur with the comment for the reasons set forth below.

Response: The Draft EIR describes existing conditions on the project site with respect to wildlife corridors, and explains how the project's proposed open space maintains connections between blocks of habitat at EIR Section 2.4.1, Proposed Open Space Design; Section 2.4.3, Existing Conditions; and Section 2.4.10, Habitat Connectivity and Wildlife Corridors. (Draft EIR, pp. 2.4-1 – 2.4-5; pp. 2.4-50 – 2.4-54.) As described in the Draft EIR, the project would preserve three blocks of habitat, including an 870-acre Block 1, 153.9-acre Block 2, and 185-acre Block 3. (Draft EIR, p. 2.4-2.) The blocks would be situated within the northern half and along the eastern boundary of the project, with a third large block in the center of the site that connects the above mentioned blocks to open space east and south. (See Draft EIR, pp. 2.4-2 – 2.4-3, Figure 2.4-1, Proposed Open Space Design and MSCP Preserves.) Block 3, in the south-central portion of the project site, is particularly unique as it provides a diversity of topography and microhabitat features that few, if any, preserves in the vicinity provide; it is directly connected to adjacent pre-approved mitigation area (PAMA) lands; and it is larger than nearly all of the other preserves in the vicinity. (Draft EIR, pp. 2.4-76 – 2.4-77.)

These blocks would provide live-in habitat as well as movement habitat for species. (Draft EIR, p. 2.4-2.) Block 2 and 3 would be directly connected by a 1,600-foot wide connection, which wildlife would be able to use for movement. (Draft EIR, p. 2.4-77.) These open space blocks of habitat would be “internally linked through Corridors A through D.” (Draft EIR, p. 2.4-51), as shown in Figure 2.4-8, Wildlife Connectivity, and described as follows:

“Corridor A would include an approximately 1,000-foot by 400-foot linkage. Corridor B would include an approximately 700-foot by 750-foot area. Corridor C would include an approximately 1,500-foot by 800-foot linkage. Corridor D would include an approximately 2,250-foot by 200-foot linkage.” (Draft EIR p. 2.4-51.)

The Draft EIR analyzes the project's potential impacts with respect to wildlife corridors in Section 2.4.12.4, Wildlife Movement and Nursery Sites. Despite incorporating preservation of the above-described habitat blocks and internal corridors, the Draft EIR identifies the following significant impacts to wildlife movement and nursery sites: WM-1 (short-term direct impacts to potential foraging and nesting habitat), WM-2 (permanent, direct impacts to the loss of potential foraging and nesting habitat), WM-3 (impact to movement of large mammals from loss of wildlife corridors), WM-4 (impacts to habitat connectivity for larger wildlife species), and WM-5 (impacts to wildlife behavior resulting from noise and/or nighttime lighting in a wildlife corridor). (See Draft EIR, pp. 2.4-72 — 2.4- 80, 2.4-105.) Sections 6.2.2 and 6.2.3 of the Draft EIR Technical Appendix H, Biological Resources Technical Report, pages 6-4 through 6-10,

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further detail anticipated project effects to connectivity between blocks of habitat and the creation of non-natural movement corridors.

To reduce project impacts to less-than-significant levels relative to wildlife movement and nursery sites, the Draft EIR identifies the following mitigation measures, including M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-6, M-BIO-7 and M-BIO-8A through M-BIO-8E. (Draft EIR, pp. 2.4-106 – 2.1-119.) With incorporation of these mitigation measures, the Draft EIR determines that the identified impacts would be reduced to less-than-significant levels. (Draft EIR pp. 2.4-125 — 2.4-127.) The County relies on the Draft EIR, technical appendices, and record to substantiate the EIR's wildlife corridor impact analysis and recommended mitigation measures.

Topical Response BIO-3: Resource Protection Ordinance

Comment: Comments on the Draft EIR state that the project is not consistent with the County's Resource Protection Ordinance (RPO) and requires an Amendment to RPO, that the project's proposed amendment to RPO could impede the conservation goals and objectives of the North County MSCP Plan, and that the project should provide additional mitigation for impacts to wetland resources.

Response: The project would impact Environmentally Sensitive Lands as defined by the County's Resource Protection Ordinance (RPO), including steep slope lands, wetlands, floodplains, sensitive habitat lands, and lands containing significant historic sites. The project includes impacts to these resources on and off-site of the project. The off-site improvements are associated with road improvements, including improvements to Deer Springs Road which is a Mobility Element Road in the County's General Plan.

The project development areas have been planned to minimize impacts to the Environmentally Sensitive Lands, both on and off-site. The project's grading footprint onsite would be limited to approximately 540 acres of the 1,985-acre Site (27% of the Site). The project would create a 1,209-acre open space preserve and set aside an additional approximately 235 acres of native habitat that would not be graded or irrigated but selectively thinned for fuel management purposes. The project's neighborhoods have been designed to minimize impacts to the Site's natural topography and preserve prominent ridgelines and rock outcroppings.

ONSITE ANALYSIS

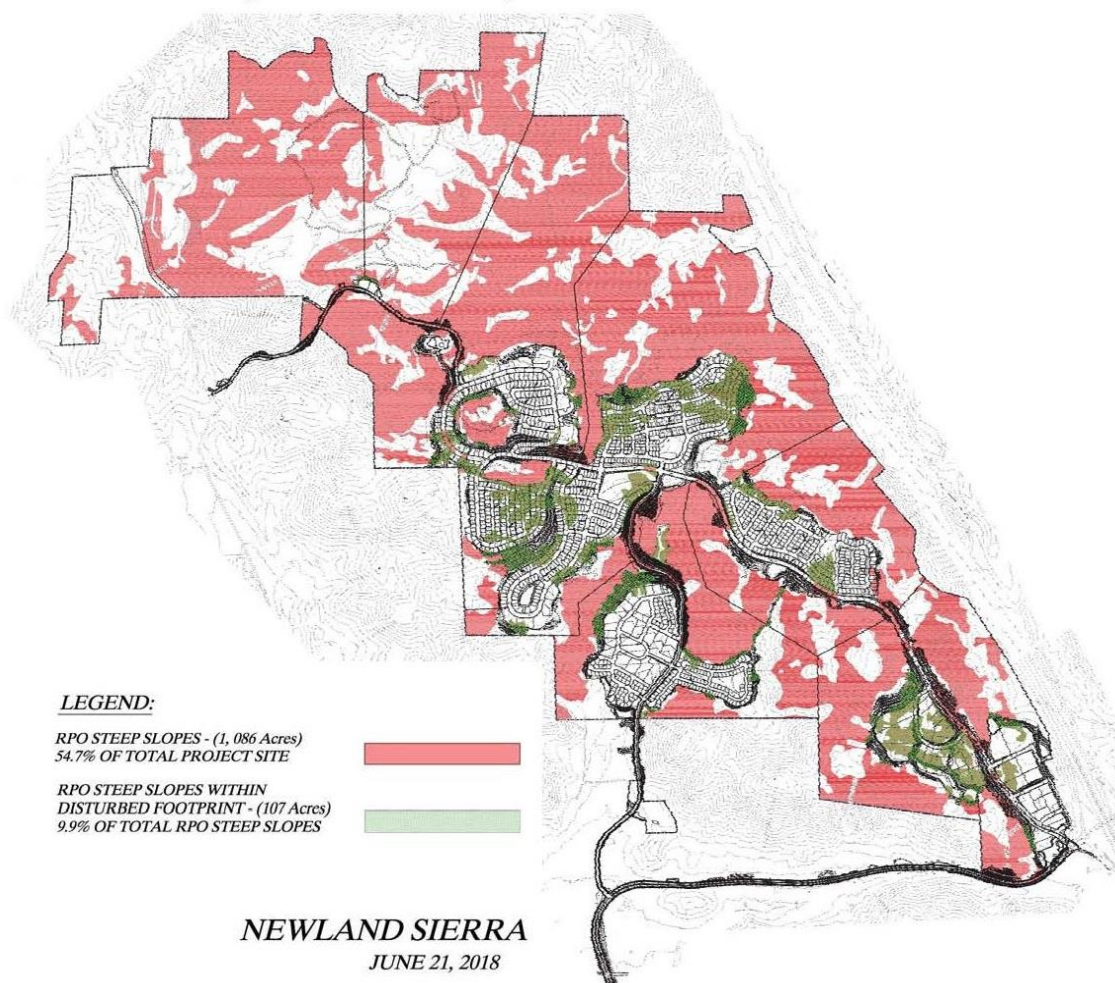
Steep Slopes

The project Site contains 1,086 acres of steep slope lands. The project would impact 148 acres (14% of the project Site) and preserve 938 acres (86% of the project Site) of the steep slope lands onsite. In accordance with Section 86.604(e)(2)(bb), impacts to steep slopes exceeding the encroachment limits outlined in Section 86.604(e)(2)(aa) are conditionally allowed for public roads identified in the Mobility Element of the County General Plan, local public streets or private roads which are necessary for primary or secondary access, public or private utility systems, and areas with native vegetation which are cleared or trimmed to protect structures in potential danger from fire. When these areas are removed from the calculation of the project's impacts to steep slopes, the project's net impact to steep slopes is reduced by 41 acres to 107 acres (9.9% of the project Site). **Figure 7** from the Resource Protection Plan (**Appendix H-2** to the Final EIR) has been updated to remove these areas from the calculation of impacts to steep slope lands and is included below. Nevertheless, as the steep slope encroachment limitations apply on a lot by lot basis (including individual proposed lots within a proposed subdivision), the project's impacts to steep slope lands would exceed the "Maximum Encroachment Allowance" as defined in Section 86.604(e)(2)(aa) of RPO. However, the project would meet the provisions of Section 86.604(e)(2)(cc) which allows for additional encroachment into steep slope lands "when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means." Consistent with

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Section 86.604(e)(2)(cc), the project would avoid impacts to significant environmental resources by:

- 1) creating a 1,209-acre preserve onsite, including 1,024 acres of preservation in the project's northern and eastern areas which support the majority of the project Site's RPO wetlands, a wildlife corridor that supports the primary wildlife movement onsite, and over 500 acres of critical habitat for the California gnatcatcher, and other environmentally sensitive lands as defined by RPO;
- 2) avoiding grading and irrigating of an additional 235 acres of Fuel Modification Zone 2 and Special Management Areas; and
- 3) preserving 212 acres of high quality native habitat in a Biological Resource Core Area of the Draft North County MSCP Subarea Plan offsite.
- 4) implementing mitigation measures **M-BIO-1** through **M-BIO-12**.



RESOURCE PROTECTION PLAN FIGURE 7
**REVISED TO REMOVE STEEP SLOPE IMPACTS RESULTING FROM PRIMARY
AND SECONDARY ACCESS ROADS, MOBILITY ELEMENT ROAD
IMPROVEMENTS, AND PUBLIC UTILITIES**

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The project has been designed to minimize encroachment into steep slopes, however individual proposed lots within the project would exceed the “Maximum Encroachment Allowance” as defined in Section 86.604(e)(2)(aa). The project’s avoidance of biological resources in the northern, eastern, and southern portions of the project Site with the consolidation of projects proposed development areas and the creation of a 1,209 acre onsite preserve in conjunction with avoidance of grading and irrigation impacts to an additional 235 acres onsite and the project’s proposed 212-acre offsite mitigation site are consistent with the provisions of Section 86.604(e)(2)(cc) to allow the additional encroachment into steep slope lands.

RPO Wetlands

The project Site contains 8.22 acres of RPO wetlands. The project would result in temporary and permanent impacts to 2.13 acres and preserve 6.08 acres (74%) of RPO wetlands onsite. Of the 2.13 acres of onsite impacts, 0.22 acre would be permanently impacted by grading, including Fuel Modification Zone 1 areas. The other 1.91 acres would be located in non-irrigated the Fuel Modification Zone 2 and Special Management Areas (SMAs) of the project which would only be subject to selective thinning activities. The specific RPO wetland resources comprising the 1.91 acres are oak riparian forest are allowed plant species in these Zones and would not be permanently impacted in the same way that RPO wetlands within development areas and FMZ Zone 1 areas would be impacted. Instead, RPO wetland resources in Zone 2 and SMAs would be subject only to removal of exotic/invasive plant species and thinning of the understory to prevent wildfire from ladder into the canopy of the oaks. A weedy understory in oak woodlands can arrest the growth of young oak trees/saplings. The specific fuel modification approach to these RPO resources would aid in protecting them from destruction or loss by wildfire and would result in temporary impacts associated with fuel modification, however the project’s EIR has treated these 1.91 acres of oak woodlands as permanently impacted by the project. By treating these impacts as permanent, the project’s onsite impacts to these RPO wetlands do not meet the permitted uses in RPO wetlands as defined in Section 86.604(a).

Sensitive Habitat Lands

Sensitive Habitat Lands are defined in RPO as “[l]and which supports unique vegetation communities, or the habitats of rare and endangered species or sub-species of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.), including the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor.” The project would impact 54.5 acres of the 79.7 acres of coastal sage scrub habitat within the project Site. Previous biological surveys have detected the presence of the Coastal California gnatcatcher in the coastal sage scrub habitat found in the southeastern portion of the project Site near the Town Center and adjacent to the I-15 freeway.

Section 86.604(f) of RPO allows impacts to Sensitive Habitat Lands when mitigation would provide an equal or greater benefit to the affected species, stating (*emphasis added*):

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“Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. *The authority considering an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.*”

Section 2.4.16.1.2 of the Final EIR identifies the project’s direct and long-term direct impacts to the Coastal California gnatcatcher as significant (**Impacts W-1 and W-2**) and identifies Mitigation Measures **M-BIO-1 through M-BIO-8(A through E)** as reducing the project’s impacts to less than significant. To mitigate for the loss of coastal sage scrub habitat due to the project, the proposed project would preserve 25.2 acres of on-site open space and known individuals (**M-BIO- 8A**). A portion of the existing southeastern territory where California gnatcatcher was observed in 2002-2003 would be in open space. In addition, a California gnatcatcher location identified in 2013 and 2014 in the central portion of the project’s open space, which is also designated as Critical Habitat for the California gnatcatcher, would be preserved. Additionally, the proposed project would preserve 106.4 acres of coastal sage scrub habitat on an off-site mitigation parcel in Ramona that has been designated as a PAMA by the draft North County Plan. The on-site and off-site habitat preserves would provide for long-term viability of suitable habitat that connects to high-value districts and potential to support listed species. Other areas adjacent to the project Site, within the I-15 right-of-way and historically occupied by California gnatcatchers, would be buffered from any project effects through project design and would continue to support the species. Finally, if the project does not receive take authorization through the North County MSCP Plan, the project would need to obtain a habitat loss permit from the County of San Diego with written concurrence from the wildlife agencies.

OFFSITE ANALYSIS

RPO Wetlands

The Final EIR concludes that the project’s offsite road improvements to Deer Springs Road, Camino Mayor, the Buena Creek Road/Monte Vista Drive intersection, and the I-15/Deer Springs Road interchange would result in permanent impacts to 1.49 acres of RPO wetlands (refer to Table 3 of the Resource Protection Plan, Appendix H-2 to the Final EIR). After additional examination of impacts to RPO wetlands along Deer Springs Road, it was determined that these impacts could be reduced with extension of a retaining wall along the south side of Deer Springs Road. As it relates to the impacts associated with the interchange improvements, it was determined that those impacts likely would not occur because the improvements would be confined to the existing boundaries of the right of way in that area.

The offsite RPO wetland impacts are associated with improvements to Mobility Element roads (Deer Springs Road and Buena Creek Road), project access roads (Camino Mayor and Sarver Lane), and a state highway facility (the interchange). The improvements to Deer Springs Road, the Buena Creek Road/Monte Vista Drive intersection, and the I-15/Deer Springs Road interchange constitute “essential public facilities” as defined in Section 86.602 (d) of RPO and meet the five exemption criteria as defined in Section 86.605(c) of RPO.

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With extension of a retaining wall along the side south of Deer Springs Road and by confining the limits of work to the boundaries of the existing right of way along N. Centre City Parkway, the project's offsite impacts to RPO wetlands would be reduced by 0.60 acre down to 0.89 acre compared to what was analyzed in the Draft EIR and following the County Planning Commission recommendation to the Board of Supervisors that the project be approved.

Floodplains (Floodways and Floodplain Fringe)

The project's offsite improvements to Deer Springs Road and Sarver Lane would result in impacts to floodplains (i.e., floodways and floodplain fringes) as defined in Sections 86.602(h), (i), and (j) of RPO. The project's impacts are necessary to provide access to the project Site and to meet the County's Public Road standards for these improvements. The project's proposed offsite improvements meet the criteria outlined in Section 86.604(c) and (d) which conditionally allow modification of floodways and floodplain fringes.

In accordance with Section 86.604(c), the project's proposed modifications to the floodway would meet all of the following criteria (with the project's compliance shown in ***bold italics***):

- (1) Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after the enactment of this Ordinance shall not be the basis for permitting such channels. ***–The proposed channel for Stevenson Creek will be designed as a wetland-bottom earthen channel. Certain portions of the channel may require structural components such as drop structures and/or other structural features (e.g., plantable interlocking concrete blocks for portions of the channel bottom) as velocity control structures and to prevent scour and erosion. The use of these components will be minimized.***



**Example of a Wetland-Bottom Channel
(Figure 5-2, County of San Diego Hydraulic Design Manual, Sept. 2014)**

- (2) Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or

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riparian habitat. *–The channel will be designed to prevent erosive velocities within the channel or downstream of the improvements. Velocity control measures will be implemented as required, to be determined during final engineering.*

- (3) In high velocity streams where it is necessary to protect existing houses and other structures, minimize stream scour, or avoid an increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures, and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river, may be permitted. The use of rip-rap shall be allowed only when there is no other less environmentally damaging alternative feasible. *–Velocity control structures may be required, and will be designed in accordance with this section and the County's Hydraulic Design Manual.*

In accordance with Section 86.604(d), the project's proposed modifications to the floodplain fringe would meet all of the following criteria (with the project's compliance shown in ***bold italics***):

- (1) Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream. *–The project would not place any structures in a floodplain fringe or require the placement of fill to elevate a structure above the floodway or outside of the floodplain. Fill will be limited to that required to raise the proposed roadways out of the floodplain. The embankments and channel bottom of the new channel will be landscaped with suitable native vegetation.*
- (2) Any development below the elevation of the 100 year flood shall be capable of withstanding periodic flooding. *–No structures are proposed by the project below the elevation of the 100-year flood.*
- (3) The design of the development shall incorporate the findings and recommendation of a site-specific hydrologic study to assure that the development: (aa) will not cause significant adverse water resource impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (bb) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons or other sensitive habitat lands. *–A site specific Drainage Study has been prepared for the project (refer to Appendix Z of the EIR), and will be refined at the time of final engineering. The project will not cause significant adverse water resource impacts downstream, and will not increase or contribute to downstream erosion or sedimentation.*
- (4) Lot configurations shall be designed in such a manner as to minimize encroachment into the floodplain. The proposed development shall be set back from the floodway boundary a distance equal to 15% of the floodway width (but not to exceed 100 feet), in order to

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leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by subparagraph (6) below. ***–The project does not propose to create any lots within a floodplain. The project’s proposed offsite improvements to Sarver Lane and Deer Springs Road would improve Sarver Lane and Deer Springs Road to remove these road facilities from the floodplain.***

- (5) Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain. ***–The project does not propose any development in the floodplain. The project instead would improve Sarver Lane and Deer Springs Road to remove these road facilities from the floodplain.***
- (6) In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County floodplain maps. Development will only be allowed in the Erosion/Sedimentation Hazard Area when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river. ***–No Erosion/Sedimentation Hazard Area has been mapped along Sarver Lane or Deer Springs Road. This criterion does not apply.***
- (7) If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, steep slope lands, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply. ***–No RPO wetlands or steep slope lands exist within the mapped floodway or floodplain along Sarver Lane or the portion of Deer Springs Road south of Sarver Lane. The project’s offsite improvements to Sarver Lane and Deer Springs Road have been designed to minimize impacts sensitive habitat lands and state and federally regulated wetland and water resources (i.e., Army Corps of Engineers, California Department of Fish & Wildlife, and the Regional Water Quality Control Board regulated resources). Mitigation Measures BIO-1 through BIO-12 would ensure that impacts to sensitive habitat lands and state and federally regulated wetland and water resources are mitigated to less than significant.***

In summary, the project’s proposed impacts to existing floodway and floodplain fringe areas comply with the above criteria outlined in the Resource Protection Ordinance and are related to the improvements to Sarver Lane and Deer Springs Road. The project’s proposed improvements to these two road facilities would eliminate the existing flooding/overtopping condition that can occur during severe rainfall events and implement stormwater quality treatment and detention facilities where none exist today (improving the water quality of runoff from the roads compared to the existing condition). Finally, the project would effectively recreate Stephenson’s Creek as an approximately 70-to 80-foot wide natural drainage channel that is three plus (3+) acres in size vegetated with native wetland and riparian vegetation, providing a combination of additional water quality, wildlife, and flood control benefits and constituting a substantial improvement over the existing condition. **Figure TR-BIO-3** below shows the configuration and location of the proposed earthen/naturalized drainage channel (refer to Sheet 15 of the Preliminary Grading

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Plan for more details on the specific improvements) and provides an illustrative representation of how the new drainage channel would compare to the existing condition along Deer Springs Road.

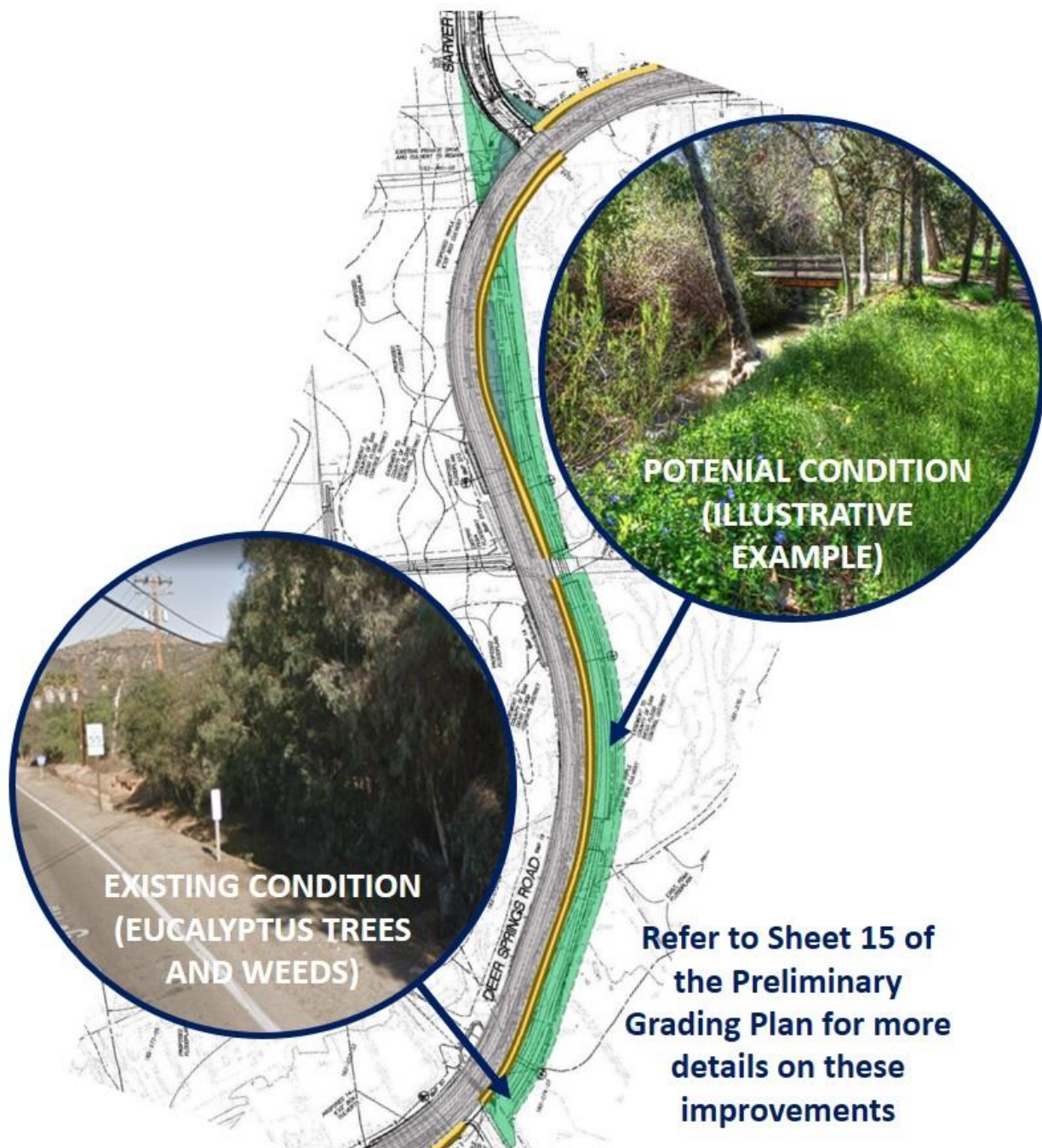


FIGURE TR-BIO-3
**ILLUSTRATION OF PROPOSED EARTHEN/NATURALIZED WETLAND/RIPARIAN
DRAINAGE CHANNEL COMPARED TO THE EXISTING CONDITION**

Topical Response HAZ-1: Evacuation

Comment: *Comment on the Draft EIR state that the proposed project is proposed in a “Very High Fire Hazard Severity Zone” and does not provide enough emergency access routes in the event of a fire and that gridlock during an evacuation would compromise the safety of the entire region. The County does not concur with these comments for the reasons described below.*

Response: The Draft EIR, Section 2.8, Hazards and Hazardous Materials, discloses that the project is located in a Very High Fire Hazard Severity Zone (VHFHSZ); specifically, page 2.8-17 states, “[t]he proposed project is situated in an area that, due to its steep terrain, heavy fuels, adjacent ignition sources, and fire history, is subject to periodic wildfire. The project Site and the nearby communities of Castle Creek, Hidden Meadows, and Lawrence Welk Resort are all located in a Very High Fire Hazard Severity Zone, as designated by CAL FIRE.” Based on its location in a VHFHSZ, the project is required to provide for a specified level of planning, ignition resistant construction, access, water availability, fuel modification, and construction materials and methods that have been developed specifically to allow safe development within these areas. As shown in the EIR and record, the project meets and exceeds these requirements.

As an example, the project includes two Fire Protection Plans, one for the portion of the project within the Deer Springs Fire Protection District (Draft EIR, Appendix N-1 [Fire Protection Plan for the Newland Sierra Project, May 2017] and N-2 [Wildland Fire Evacuation Plan, May 2017]), and one for the portion within the San Marcos Fire Protection District (which includes only the Sierra Farms portion of the project, Draft EIR, Appendix O [Fire Protection Plan for Sierra Farms, May 2017]). The project’s Fire Protection Plans have been approved by the following public agencies with responsibility over such plans: (a) the County approved the project’s Fire Protection Plan on May 15, 2015; and (b) the Deer Springs Fire Protection District approved the project’s Fire Protection Plan on May 18, 2015. (Draft EIR, p. 2.8-18.)

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

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

- Site access will comply with the requirements of the San Diego County Consolidated Fire Code (SDCCFC Sections 503.1 and 503.2) and [Deer Springs Fire Protection District].
- The project will provide roadways throughout each neighborhood and three potential ingress/egress ways.
- Interior circulation roads will include all roadways that are considered common or primary roadways for traffic flow through the project and for fire department access and serving in

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excess of two structures. Any dead-end roads serving new buildings that are longer than 150 feet will have approved provisions for fire apparatus turnaround.

- All new structures will be constructed to Deer Springs Fire Protection District and San Diego County standards. Each of the proposed buildings will comply with the enhanced ignition-resistant construction standards of the latest County Building Code (Chapter 7A). These requirements address roofs, eaves, exterior walls, vents, appendages, windows, and doors, and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires.
- All residential units will have electric-powered, hard-wired smoke detectors in compliance with County of San Diego Consolidated Fire Code. Hard-wired smoke alarms are to be equipped with battery backup.
- Provision of substantial fuel modification zones ... that are designed to gradually reduce fire intensity and flame lengths from advancing fire by placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other on the perimeter of all structures and adjacent open space areas, beyond what is typically required of projects.
- Vegetation management requirements will be implemented at commencement and throughout the construction phase.

In addition, the Draft EIR's Appendix N includes both the Fire Protection Plan for the Newland Sierra Project (May 2017), and the Wildland Fire Evacuation Plan (May 2017). The Fire Protection Plan, pages v and 51, requires approved automatic interior fire sprinkler systems to be installed in all new buildings (including residences). The Wildland Fire Evacuation Plan, page 31, also requires that the project's buildings be fitted with interior fire sprinklers per code requirements.

The Draft EIR also determines that even though the project is located within a VHFHSZ, "the proposed project would comply with all applicable fire codes ... [and] wildfire hazards would be less than significant." (Draft EIR p 2.8-21.)

As to emergency access, the Draft EIR, Appendix N-2 includes the Wildland Fire Evacuation Plan for Newland Sierra (May 2017), which was prepared in coordination with the Deer Springs Fire Protection District and County of San Diego, and does not conflict with existing evacuation and pre-plans. As stated on page 2.8-20 of the Draft EIR, "the intent of the evacuation plan is to guide implementation of an evacuation procedure such that the process of evacuating people from the Site is facilitated in an efficient manner and according to a pre-defined, practiced evacuation protocol."

Draft EIR Appendix N-2 (Wildland Fire Evacuation Plan, May 2017) identifies the project's evacuation road network, including internal roads which connect to three primary ingress/egress roads, and ultimately connect to major evacuation routes, including, Deer Springs Road, Sarver

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Lane, North Twin Oaks Valley Road, Buena Creek Road and Interstate 15 (I-15). The three primary ingress/egress routes are as follows:

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

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

In addition, the Draft EIR's Wildland Fire Evacuation Plan states that “the majority of the community traffic would exit the project via Mesa Rock Road or Sarver Lane” because, “[t]hese are the most direct routes for the Mesa, Town Center, Terraces, Hillside, and Valley neighborhoods” and that “Camino Mayor or the Camino Mayor alternative may be used by the Summit and portions of the Knolls neighborhoods, depending on the time available for evacuation and the need for additional movement via the northerly route.”

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

“Based on Newland Sierra's estimated 2,135 units, and assuming 2.2 cars per household (Cal Poly San Luis Obispo 2016), during an evacuation, it is calculated

that up to 4,697 vehicles could be evacuating in a major incident that required full evacuation of the community.⁵

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

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

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

Relative to traffic gridlock concerns, the Draft EIR notes that while prior evacuations within the project vicinity have experienced traffic congestion, the project includes improvements to Deer Springs Road, which would increase capacity of the main evacuation route compared to the existing condition. Further, when compared to the existing condition, improvements to North Twin Oaks Valley Road and Buena Creek Road, if implemented, would expand the traffic network capacity to assist evacuation efforts for the surrounding community because they would add roadway or intersection capacity.

⁵ This is a conservative estimate, as that number would likely be far lower, as many families would likely drive in one vehicle versus in multiple vehicles and depending on the time of day, many of these vehicles may already be off-site, such as if a fire occurred during typical work hours.

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

In short, based on the Draft EIR’s evaluation and technical reporting, 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.

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Topical Response LU-1: General Plan Consistency

Comments on the Draft EIR state that the County Board of Supervisors spent millions of dollars and 10 years developing a General Plan that protected, in fact down zoned, this area. The General Plan allows for 99 homes, the proposed project would increase this by 20 times, and the Board of Supervisors already denied a similar project on the site. The County does not concur with these comments for the reasons identified below.

Response: The comment restates information contained in the Draft EIR pertaining to development allowed on site under the General Plan and does not challenge the adequacy of the Draft EIR's disclosure of information or impact analysis. However, for information purposes, the General Plan and zoning designations for the project site allow more than 99 homes.

To clarify the record, as described in Section 1.6.1, General Plan and Zoning Amendment, and shown in the Draft EIR, Table 1-11, the existing General Plan land use designations would allow approximately 99 residential dwelling units and 2,008,116 square feet of commercial space on the project site. The project proposes to instead develop 2,135 single-family and multi-family residences and a Town Center (consisting of a maximum of 81,000 square feet of neighborhood-serving commercial uses, 95 multi-family housing units,⁶ a 6-acre school site, and park uses), while preserving approximately 1,209 acres on site and 212 acres off site as open space (for a total preserve acreage of 1,421 acres, or 72 percent of the project site) (Draft EIR, p. 1-2, 1.3.) The Draft EIR thus acknowledges the project would develop more residences than permitted by the existing General Plan land use designations, but would develop *substantially less* commercial space and *retain more* open space than existing General Plan designations.

The Draft EIR details that project development would require an amendment to the General Plan Land Use Element to amend the North County Metropolitan Subregional Plan Land Use Map (Figure LU-A-12) from existing General Commercial, Office Professional, Semi-Rural 10, and Rural Land 20 designations to Village Core Mixed Use, Semi-Rural 1, and Open Space Conservation. (See Draft EIR Section 1.6, Project Inconsistencies with Applicable Regional and General Plans, p. 1-29 – 1-32.)

With this General Plan Amendment and based on the consistency analysis provided in Appendix DD to the EIR, in conjunction with implementation of the project's Specific Plan, the Draft EIR finds the project would be consistent with the General Plan Guiding Principles, Goals, and Policies. The Draft EIR evaluates the project's consistency with the General Plan in Chapter 3.3, Land Use and Planning; and in Draft EIR Appendix DD. (See, Section 3.3.3.2, Conflict with Plans, Policies, and Regulations, p. 3.3-21.) In undertaking this consistency evaluation, the Draft EIR analyzes whether the project is consistent with each of the "Guiding Principles" and policies of the County of San Diego General Plan (2011) and Subregional Plan. Based on this detailed

⁶ The 95 multi-family units within the Town Center are included as part of the overall 2,135 units.

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review, the Draft EIR determines that impacts would be less than significant. (Draft EIR, p. 3.3-21 - 3.3-36, 3.3-38.)

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

Specific to transportation and traffic, while the Existing General Plan Alternative would generate 1,240 fewer average daily trips 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. Additionally, under this alternative, Sarver Lane would need to be improved to the County's Rural Residential Road standards with a 48-foot-wide right-of-way (ROW)." Further, "this alternative would require a new interchange at the I-15/Deer Springs Road interchange, and improvements to Camino Mayor," and, "impacts to Caltrans and San Marcos facilities (the I-15 interchange, freeway mainline, 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." (Draft EIR, p. 4-22.) The Existing General Plan Alternative would thus result in greater significant transportation and traffic impacts than the project.

As to biological resources, the Existing General Plan Alternative would result in a decrease of open space preserve area by approximately 273 acres, and a related increase in disturbed area by the same acreage, compared to the project. (Draft EIR, p. 4-16, 4-18.) Furthermore, only 2.4 acres of private parks would be provided under the Existing General Plan Alternative compared to over 30 acres proposed by the project. (Draft EIR, p. 4-16.) The Existing General Plan Alternative also would impact wildlife through development of commercial area on the southern portion of the project site. (Draft EIR, p. 18.)

Further, the Draft EIR finds that impacts to cultural resources would be greater with the Existing General Plan Alternative, as cultural resources sites which would be avoided by the proposed project, would be "fully impacted by commercial land uses." (Draft EIR, p. 18.)

The Draft EIR also notes that, while the Existing General Plan Alternative would be consistent with General Plan land use designations, it would "not provide for the same share of projected population growth (99 residential units compared to 2,135 residential units); create a range of housing types, promote health and sustainability through a mixed-use development pattern; or provide and support a multi-modal transportation network." (Draft EIR, p. 20.) The Existing

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General Plan Alternative would result in similar land use and planning impacts to the proposed project. (Draft EIR, p. 4-20.)

In summary, the Draft EIR's Project Description, Land Use and Planning, and Alternatives chapters considers and discloses amendments to the General Plan required by the project, and evaluates the potential impacts of the changes when compared to maintaining existing General Plan land use designations. Based on that analyses, the Draft EIR determines that the project would result in a less-than-significant impact to land use and planning. The Draft EIR also provides a detailed comparison of the project's impacts compared to development under existing General Plan land use designations, finding the project would result in fewer impacts to transportation and traffic, biological resources, cultural resources, aesthetics and mineral resources compared to existing General Plan land use designations.

Finally, as to the comment that a previous proposal on the project site was rejected, the previous project denial has no bearing on the current project or its environmental analysis because: (a) the prior project was considered and rejected more than seven years ago under different factual and legal circumstances, (b) the prior project was subject to different environmental analyses, and (c) the prior project involved different features, plans, and amenities. In addition, the Draft EIR for the proposed project represents a substantial size reduction when compared to the prior project, as it would develop approximately 20% fewer homes, preserve an additional 17 acres of open space onsite plus an additional 218 acres off-site, and generate approximately 7,000 fewer daily trips overall.

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 issue with regard to the adequacy of the Draft EIR's environmental analysis, which would require further response under CEQA.

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Topical Response LU-2: Specific Plan and General Plan Consistency

Comments: Comments on the Draft EIR state that the project, including the proposed General Plan Amendments, conflict with the County's General Plan. The comments focus on perceived conflicts with the rural character of the area surrounding the proposed project, including claims that the proposed project is inconsistent with the County General Plan Elements and Guiding Principles. For the reasons identified below, the County does not concur with the comments.

Response: The San Diego County General Plan contains six elements, each with a series of goals supported by policies that address how each goal is to be accomplished. The General Plan goals and policies flow from the General Plan “Guiding Principles,” which are found in Chapter 2 of the General Plan. The General Plan directs future growth in the unincorporated areas of the County with a projected capacity that will accommodate more than 232,300 existing and future homes. This growth is targeted to occur primarily in the western portions of the unincorporated County where there is the opportunity for additional development. (General Plan, p. 1-2.)

The most developed communities in the unincorporated County are located at its westernmost boundaries within the San Diego County Water Authority (Water Authority) boundary; these areas have access to public services and infrastructure and have sustained growth at a more rapid rate than in other parts of the County. (General Plan, p. 1-25.) Though growth potential is more limited in portions of the North County Metro area, those portions west of I-15 and within the Water Authority service area have growth potential — though more limited compared to other areas in the San Diego region. (General Plan, p. 1-25.)

In evaluating growth potential, important factors are the presence of existing infrastructure, the proximity to other urban areas, and the ability to extend infrastructure and services cost effectively while also balancing terrain, sensitive habitat, and other interests. (*Ibid.*) The County's Guiding Principles are intended to guide the formulation of growth and development plans, environmental conservation, provision of infrastructure and services, and protection from environmental and man-induced hazards. The General Plan maps, goals and policies, and implementation programs are based on a set of ten interrelated principles that provide guidance for accommodating future growth while retaining or enhancing the County's rural character, its economy, its environmental resources, and its unique communities. (General Plan, p. 2-6.) The ten Guiding Principles are:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

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3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

Newland Sierra Specific Plan

In summary, the Guiding Principles provide for the development of land uses, investment in infrastructure and public services, and conservation of natural resources that enable the County's residents and businesses to enjoy a more sustainable environment, economy, and well-being and health. (General Plan, p. 2-6.)

The project includes a proposed Specific Plan — a plan intended to systematically implement the General Plan within all or a portion of a planning area. (Gov. Code, § 65450.)⁷ A specific plan is especially useful for large scale projects enabling a city or county to assemble, in one plan, a set of land use specifications, regulations, and implementation programs tailored to the unique characteristics of a particular site.⁸ California law requires a specific plan to be consistent with the General Plan, and to further the goals and policies of the General Plan and not obstruct their attainment. (Gov. Code, § 65454; *Corona-Norco Unified Sch. Dist. v. City of Corona* (1993) 17 Cal.App.4th 985, 994-997.)

The Newland Sierra Specific Plan (June 2017) provides a detailed analysis demonstrating how and why the Specific Plan is consistent with the County General Plan's Guiding Principles and goals and policies. (See, e.g., Specific Plan, Chap. 5, pp. 253-264.) The Specific Plan applies to the subject project site situated within the North County Metropolitan Plan area and the Bonsall

⁷ See also *State of California General Plan Guidelines* (2017), prepared by the Governor's Office of Planning and Research, Chapter 9, Implementation, pp. 239-240.

⁸ *Id.* at p. 239.

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Community Plan area. (Specific Plan, Fig. 4, pp. 8, 21.) The project's existing General Plan Regional Category is Village, Semi-Rural, and Rural Lands. (*Id.*) The 1,985 acre project site includes 1,888 acres in the North County Metropolitan Plan area and 97 acres in the Bonsall Community Plan area. (*Id.*)

The project site is uniquely situated in proximity to surrounding urban North San Diego County cities, including San Marcos, Escondido, Vista, Oceanside, and Carlsbad. The site is directly west of the Interstate 15 (I-15) transportation corridor, north of State Route 78 (SR-78), south of SR-76, and situated within the Water Authority's wholesale water service area, served by the Vallecitos Water District (VWD) and the Deer Springs Fire Protection District. (Specific Plan, pp. 1, 50-51.) Further, the project 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 County's Regional Arterial System and the National Highway System). (*Id.*, pp. 43-46, 50-53.)

The project includes an innovative Transportation Demand Management (TDM) program to reduce the project's vehicle miles traveled and adhere to the County's air quality and greenhouse gas emissions reduction goals. (*Id.*, pp. 47-49.) The project's design features and TDM program would achieve a 100 percent reduction in the project's construction and operational greenhouse gas emissions through the life of the project. (*Id.*, p. 1.)⁹

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 also is located near California State University, San Marcos (approximately 5.7 miles south) and Palomar College (approximately 6.4 miles south), and three Sprinter stations within six 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.

The Newland Sierra Specific Plan includes a framework to guide the project's land use, sustainability, circulation, open space, and infrastructure goals and policies. (Specific Plan, p. 37.) These goals and policies are structured around the County's General Plan goals and policies, which emphasize compact, sustainable development, conservation of natural resources, and provision of infrastructure and public services to meet the needs of the County. (*Ibid.*) Consistent with these goals and policies, the project is situated near existing and planned infrastructure, services, and jobs in a compact pattern of development that achieves conservation of the site's

⁹ The Final EIR includes a figure (refer to **Appendix JJ-11** 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.

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natural resources and implements a range of sustainable development features. Consistent with the County's Community Development Model, the project's Town Center consists of a range of uses, including residential, commercial, educational, park, and school uses, supported by a multi-modal transportation network, including bicycle lanes, pathways, and a shuttle service that connects the project's residential neighborhoods to its Town Center neighborhood and to the Escondido Transit Center. (*Id.*, p. 37.) The project's other neighborhoods contain medium- and low-density residential areas, along with a variety of pocket, neighborhood, and community parks structured around the project's multi-modal transportation network. Surrounding the project's neighborhoods are other rural lands supporting the project's open space, habitat conservation, trails, and fuel modification areas. (*Ibid.*)

The project site is comprised of seven neighborhoods that individually respond to their topographical settings. This framework respects prominent landforms and drainages found within the project site. Terraced vineyards are incorporated on perimeter slopes to provide a productive landscape that embraces the region's agricultural heritage. A community-wide network of vegetated swales will convey stormwater and support the water-quality treatment needs of the project. (*Ibid.*)

The Specific Plan provides for neighborhood-serving land uses that include a school site, parks, overlooks, trails, bikes lanes, pathways, 1,209 acres of on-site preserve areas, and 81,000 square feet of commercial and retail space. (*Ibid.*)

The Specific Plan's residential component includes 1,140 single-family dwelling units and 995 multi-family dwelling units for a total of 2,135 residential units. Of the total 2,135 residential units, 325 are located within the age-qualified Mesa neighborhood. (Specific Plan, p. 38.)

The project will construct its own on-site drainage facilities, including water quality treatment, hydro-modification basins and flood control facilities, to protect against sedimentation resulting from stormwater runoff. The system includes site design, source control and treatment, best management practices, and other low-impact-development measures. (*Ibid.*)

Grading is expected to take place in two phases. The Specific Plan includes a phasing plan for development of the community's component parts, which would be coordinated with the level of available services, including roads, water, wastewater, parks, and fire protection. (*Ibid.*)

Primary access to the community would be provided by Mesa Rock Road and Sarver Lane via Deer Springs Road, which connects to I-15 east of the project site. The circulation plan for the community includes on-site and off-site road improvements. A third point of access will be provided via Camino Mayor for emergency ingress and egress purposes. (*Ibid.*)

The project site also is within the San Marcos Unified School District, the Escondido Elementary School District, and the Escondido High School District. (*Ibid.*)

The Specific Plan framework also includes goals and policies consistent with the General Plan, innovative land use and circulation plans, open space and conservation plans, and infrastructure and public facilities plans. (Specific Plan, pp. 38-103.) Importantly, to ensure consistency with the General Plan, the Specific Plan features enforceable development standards and design guidelines. (Specific Plan, pp. 105-240.) These standards and design criteria incorporate natural, rustic materials and fundamental building forms that respect the agrarian character of the area, and existing significant landforms and geologic features within the site. (Specific Plan, pp. 118, 167, 169.)

To ensure General Plan consistency, the Specific Plan also incorporates plan implementation measures, including project phasing. (Specific Plan, pp. 241-251.) As stated, the Specific Plan devotes a separate chapter (Chap. 5) to the project's conformity with the County General Plan.

The Project's Requested General Plan Amendments

The Specific Plan describes the project applicant's requested General Plan Amendments. (Specific Plan, pp. 12-13.) 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 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 requested General Plan Amendments in place — the project, if approved, would not alter the overall intent of the General Plan, and thereby, be consistent with the General Plan Guiding Principles, goals and policies.

The existing General Plan designates a portion of the project site as a Village and allows 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.

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." This project is situated within the Water Authority's boundary. Further, the Land Use Element, page 3-2, provides that this strategy (i.e., siting new development within the Water Authority'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.

Further, as it pertains to the General Plan Community Development Model, the proposed project 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 site; (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.

The Draft EIR's Land Use Consistency Analysis (Appendix DD to the Draft EIR) also provides a detailed analysis of the project's consistency with the County General Plan. This consistency analysis is supported by the project's Specific Plan text and diagrams, standards and criteria, implementation program, and analysis of the project's conformity with the County's General Plan.

Existing and Projected Growth and the Need for Housing

In considering whether to approve a privately-initiated General Plan Amendment, the County also considers the need for housing in the San Diego region. As reported 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.) 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.)

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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.

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Topical Response NOI-1: Construction and Blasting Noise

Comments on the Draft EIR state that the EIR does not address the noise impacts of construction or blasting.

Response: The County does not concur with these comments for the reasons provided below.

Section 2.10.3.2 of the Draft EIR analyzes impacts due to project-generated airborne noise from all foreseeable sources of construction noise. The Draft EIR separately evaluates noise impacts from (a) construction equipment (p. 2.10-16), including construction staging areas; (b) portable rock-crushing/processing equipment (p. 2.10-18); (c) potential off-site temporary construction noise impacts (p. 2.10-19) from utility and roadway improvements and construction traffic; and (d) potential impulsive noise impacts (p. 2.10-21) associated with rock drilling, blasting, and pile driving. In addition, Section 2.10.3.3 evaluates potential impacts from ground-borne vibration, including vibration impacts as a result of blasting. (Draft EIR p. 2.10-24).

The Draft EIR also identifies the project's incorporated Project Design Features, listed in Section 1.2.1.9, which would reduce the project's construction-related noise effects:

- PDF 33** The project applicant, or its designee, shall take those steps necessary to require that all construction equipment shall be properly maintained and equipped with noise-reduction intake, exhaust mufflers, and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- PDF 34** The project applicant, or its designee, shall take those steps necessary to require that whenever feasible, electrical power shall be used to run air compressors and similar power tools.
- PDF 35** The project applicant, or its designee, shall take those steps necessary to require that equipment staging areas are located as far as feasible from occupied residences or schools.
- PDF 36** The project applicant, or its designee, shall take those steps necessary to require that for all construction activity (on-site and off-site improvement work), noise attenuation techniques shall be employed, as needed, to ensure that noise levels remain below 75 dBA L_{eq} 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.

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PDF 38 Maximum noise levels resulting from pile driving operations shall be limited to 20 percent of every hour.

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

As to construction equipment, the Draft EIR details the types of equipment considered, their noise levels at a reference distance of 50 feet, and any attenuation due to distance or intervening structures (Draft EIR p. 2.10-17 and Table 2.10-15). The Draft EIR also details potential noise impacts at construction staging areas within the project site. The Draft EIR determines that project construction noise may exceed the County's noise limit at the nearest existing residential property line 100 feet south of the project site (Draft EIR p. 2.10-18). However, with the implementation of Project Design Features 33 through 38 (required by mitigation measure M-N-6), which would require properly maintained construction equipment with noise-reduction features (e.g., intake, exhaust mufflers, engine shrouds), use of electrical power tools, locating construction equipment staging areas away from residences and schools, and use of noise attenuation techniques (e.g., noise blankets and temporary barriers) to reduce noise levels to below 75 dBA Leq at the property lines of existing residences, impacts would be less than significant. (Draft EIR pp. 2.10-18, 2.10-33.)

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

The Draft EIR also evaluates temporary, off-site construction noise from roadway and utility improvements to the I-15 and Deer Springs Road interchange, Deer Springs Road, Twin Oaks Valley Road, Sarver Lane, and Camino Mayor. (Draft EIR p. 2.10-19.) Because in some instances the property lines of the nearest occupied residences to off-site construction would be adjacent to the roadway, the County's noise limit of 75 dBA could be exceeded temporarily. (Draft EIR p. 2.10-19 – 2.10-20, Figure 2.10-9, Nearest Existing Residential Receiver: Off-Site Construction.) However, implementation of Project Design Features 33 through 38, discussed above, would serve to reduce off-site construction noise impacts to less-than-significant levels. (*Ibid.*)

As to construction traffic noise, the Draft EIR finds impacts would be less than significant because, while traffic volumes typically must double to create a perceptible (3 dBA) increase in

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traffic noise, the project would only increase traffic by at most 5 percent, and traffic noise by only 0.2 dBA. (Draft EIR p. 2.10-20.)

The Draft EIR also analyzes noise impacts from impulsive noise sources including rock drilling, blasting, and pile driving. As to 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 p. 2.10-22.) However, Project Design Feature 38, which would limit the duration of pile driving to generate maximum noise levels 20 percent of an hour, maximum noise levels would not exceed the County’s impulsive threshold for 25 percent or more of an hour. Thus, impacts from pile driving noise would be less than significant. (Draft EIR p. 2.10-22.)

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

“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 Lmax at a distance of 50 feet (Appendix Q). Given a typical work cycle, this would equate to 78 dBA Leq 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, although “[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 that modern blasting practices mean “air-blast overpressure” rarely reaches damaging levels; there is a risk air-blast overpressure levels can reach levels that could feasibly cause some damage to nearby structures. (Draft EIR, p. 2.10-22.) Because specific details necessary to determine whether such impacts may occur are not yet known, such as the exact location of blasting and blast-charge weights, the Draft EIR conservatively concludes that noise impacts/airblast impacts from blasting are potentially significant.

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

As to blasting effects attributable to ground-borne vibration, the Draft EIR reasons 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." Further, the Draft EIR states that regulatory agencies can "control blasting operations by means of relationships between distance and explosive quantity," however, because the exact blasting locations, necessary geotechnical data, and blasting and materials handling plans are not capable of being known at this time because the bedrock requiring blasting is located below ground surface and will only be exposed during grading operations, it is not reasonable or feasible to require a noise analysis assessing the proposed blasting and materials handling associated with the project. Therefore, for purposes of this analysis, the Draft EIR takes a conservative approach and finds that "impacts would be potentially significant (Impact N-9)." (Draft EIR p. 2.10-24.)

Further, the Draft EIR incorporates mitigation measure M-N-5 to reduce to a less-than-significant level these potentially significant construction noise/airblast and vibration impacts from blasting activities. (Draft EIR p. 2.10-32 – 2.10-33.) Mitigation measure M-N-5 also 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, mitigation measure 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 adequate reductions below limits are achieved. The Draft EIR concludes blasting impacts will be reduced to less-than-significant levels with this mitigation incorporated. (*Ibid.*)

In closing, the Draft EIR's Noise chapter 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 Project Design Features to reduce such impacts to less-than-significant levels.

Topical Response TR-1: I-15/SR-78 LOS

Comment: Comments submitted on the Draft EIR state that the project would add 28,000 new trips per day to our already crowded local roads and that the project would bring Interstate 15 (I-15) traffic to level of service (LOS) “F” since no new freeway lanes and no new transit infrastructure are proposed. Further, comments state that the project’s additional trips on I-15 should require a fair-share contribution to freeway mainline improvements to mitigate project impacts. The County does not concur with these comments for the reasons stated below.

Response:

While it is correct that the proposed project would add additional cars to the I-15 freeway, the highest number of forecasted trips that the project would add during the important AM/PM peak hours (those hours when the road is most congested) would be 519 northbound trips during the PM peak hour to the segment between Deer Springs Road and SR-78. Based on the existing volumes, this means that the project would increase existing volumes by a maximum of and relatively limited seven percent. Moreover, the project would mitigate the identified significant impacts to the extent feasible. This mitigation includes construction of a new \$18-\$24 million interchange at I-15 / Deer Springs Road with acceleration and deceleration lanes, ramp meters, and park and ride improvements (“interchange improvements”), the net effect of which will be to improve performance on the I-15 mainline. Additionally, the project proposes improvements to Deer Springs Road/Twin Oaks Valley Road, which would have the effect of reducing 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 to destinations otherwise reached via I-15 (refer to *Four-Lane Deer Springs Road Traffic Results*, prepared by the project’s traffic engineer LLG, Appendix JJ-7 to the Final EIR).

In addition, the 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 contribute to a reduction in vehicle trips and, hence, reduce I-15 trips. 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 partially reduce the project’s impacts to I-15, thereby serving as partial mitigation for the project’s significant impacts to the mainline.

Further, Caltrans acknowledges that complete mitigation of the project’s impacts to I-15 is not feasible as I-15 mainline improvements that would add additional capacity to the freeway and fully mitigate the impacts are not planned until 2050, many years after build-out of the proposed project. (See October 22, 2014 letter, Jacob Armstrong, Caltrans, Chief, Development Review Branch, to County of San Diego, Mark Slovick, submitted on Lilac Hills Ranch project [“Caltrans recognizes that no mitigation program, which the EIR could rely upon, is currently in

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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.”].) This letter is included in Appendix JJ-14 to the Final EIR.)

Specifically, the SANDAG 2050 RTP, which is the long-range transportation plan for San Diego County, includes a revenue-constrained scenario that would provide for the addition of four toll lanes (two in each direction) on I-15 between SR-78 and the Riverside County boundary line (see 2050 RTP, http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf, Appendix A, pp. A-5 and A-9). However, such improvements are not planned to be built until sometime between 2040 and 2050. (See 2050 RTP, Appendix A, Table A.3, Phased Highway Projects for Revenue Constrained Plan, p. A-19.) Additionally, although the cost of the improvement has been estimated at \$1,005 million in 2010 dollars (i.e., \$1.005 billion), no specific secured funding sources are identified in the 2050 RTP.

Accordingly, even if funding were to be identified and available, the improvements would not be in place in time to mitigate the project’s identified impacts, which would occur under project build-out conditions, or approximately year 2027, some 13 to 23 years before the RTP I-15 improvements potentially would be in place. Moreover, Caltrans has no funding program in place for the necessary I-15 improvements into which the project could pay a fair-share amount. As such, any further mitigation that would assure construction of the improvements necessary to mitigate the identified significant impact is infeasible. (*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]).

The County further notes that Caltrans 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. (See, Caltrans letter, January 11, 2018, [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.”])

Aside from the above project mitigation, project impacts to I-15 must be placed in context. The project would primarily generate vehicle trips that affect the I-15 freeway segments from Deer Springs Road *south* towards San Diego. As o the I-15 mainline *north* of the I-15/Deer Springs Road interchange, a relatively small percentage of the project’s vehicle 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

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approximately 92 and 119 *residential* trips in the morning and evening peak periods, respectively (residential trips are trips generated by the project's residential uses, while non-residential trips are trips generated by the project's non-residential uses, including commercial uses). Further, approximately 60% of the non-residential trips (33 trips) would be driving into the project Site during the morning peak period, and approximately 51% (35 trips) would be leaving the project Site in the evening peak period. As to residential trips, approximately 20% (18 trips) would be driving into the project Site during the morning peak period, and 27% (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 constitute approximately 0.6 % (less than 1%) and slightly less than 0.9% of the existing morning and evening peak hour volumes on I-15 north of Deer Springs Road, respectively (see Table 2.13-18 in the Draft EIR).

As to the segment of I-15 south of Deer Springs Road, the highest number of daily trips that the project would add to the segments between Deer Springs Road and Pomerado Road during the AM/PM peak hours would be 519 northbound PM trips, which would be added to the segments between Deer Springs Road and SR-78. (See, Draft EIR Table 2.13-18; TIA Table 10-3.) Existing traffic levels on the segment during this time period range from 7,344 to 8,044 peak hour trips, which means the project would increase existing volumes by a maximum of approximately 7% (519/7,344). (*Id.*) Expressed in terms of volume-to-capacity (V/C) ratio, the project would increase the V/C ratio a maximum of 0.065 during the PM peak hour. (*Id.*) As to average daily trips (ADT), under cumulative conditions, this segment of I-15 is projected to carry between 170,400 and 184,130 ADT, including project traffic. (*Id.*) Of this total, the project would contribute 7,880 ADT of the overall traffic volume (approximately 4.6% 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 + project and cumulative freeway conditions.

Finally, it is important to distinguish the project's residential trips from its non-residential trips. The non-residential trips generated by the project should not be considered "new" trips in the same way that the residential trips are new trips. This is because many of the non-residential trips, which, in the case of the project, primarily would be generated by the project's commercial uses, are actually residential trips generated by existing development or other cumulative projects. Therefore, treatment of the project's non-residential trips as entirely new trips on the road network overstates the project's traffic generation. A good illustration of this is the project's non-residential traffic generation along N. Twin Oaks Valley Road. As shown in Figure 8-5 of the Traffic Impact Analysis (Appendix R1 to the EIR), the project would generate 280 non-residential trips along N. Twin Oaks Valley Road between Deer Springs Road and Solar Lane, however these are trips that are already on that road today (traveling to other

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commercial/non-residential uses) or are future residential trips generated by new housing projects constructed along that road.

Topical Response TR-2: Interchange Phasing

Comments submitted on the Draft EIR state that Newland Sierra proposes to widen Deer Springs Road and build a new I-15 interchange, drawing thousands of cut-through commuters; and yet, Newland plans to start building before Caltrans finishes its analysis and approval of a re-designed interchange at Deer Springs Road and I-15. The County does not concur with this comment for the reasons stated below.

Response: Preliminarily, the widening of Deer Springs Road and improvements to the I-15 interchange, both identified as project mitigation, are previously planned improvements identified in the County's Mobility Element. Additionally, Deer Springs Road is part of SANDAG's Regional Arterial System (RAS) under which surface streets act as parallel and/or complimentary network components to the regional highway system. Accordingly, the proposed project's improvements to both facilities would be consistent with previously approved plans.

Specific to the Deer Springs Road / I-15 interchange, the interchange improvements are within the jurisdiction and control of Caltrans, which has a detailed process in place assuring their timely completion.

As stated in Section 2.13.1 of the Draft EIR:

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

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

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

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

As shown below, implementation of the I-15 interchange improvements would be consistent with Caltrans' approval schedule.

Additionally, as to Deer Springs Road, the proposed project's mitigation measures require that the identified improvements to Deer Springs Road be in place prior to specified triggers related to the number of homes built, ensuring that the improvements would be constructed prior to project development resulting in potentially significant impacts.

For example, as a predicate step, the segment of Deer Springs Road between Mesa Rock Road and I-15 (i.e., the segment nearest the Deer Springs Road /I-15 interchange) must be widened as part of the I-15 interchange improvement process. In this regard, mitigation measure M-TR-8 requires that the improvements to this segment be in place prior to occupancy of the 24th equivalent dwelling unit:

M-TR-8 Prior to the issuance of the certificate of occupancy for the 24th equivalent dwelling unit, the project applicant, or its designee, shall widen the segment of Deer Springs Road between Mesa Rock Road and I-15 to San Diego County 4.1A Major Road standards, and to be consistent with the requirements set forth in the Caltrans Project Study Report prepared for the Deer Springs Road I-15 interchange improvements.

Thus, to mitigate the identified significant impacts, the Deer Springs Road improvements must be in place by a specific trigger related to equivalent dwelling units, and the improvements must be consistent with the Caltrans Project Study Report prepared for the interchange project.

As to the improvements specific to the I-15 interchange, 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.).

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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. Based on discussions with Caltrans, the mitigation measure has been revised to clarify the project's responsibilities relative to both implementation (i.e., construction of the improvements) and funding for the improvements:

M-TR-1 Prior to the issuance of the certificate of occupancy for the 370th EDU, the project applicant, or its designee, shall coordinate with the California Department of Transportation (Caltrans) to ~~implement~~ ~~improve~~ the Interstate 15/Deer Springs Road ~~Interchange improvements~~ ~~to implement the lane configuration~~ ultimately selected by Caltrans as part of the Caltrans subject to their PID, PA&ED, and PS&E processes required for the planning, environmental review, design, and construction of the upgraded or improved ~~Interchange~~.

Subject to Caltrans concurrence, the Interchange improvements would include ramp meters, acceleration/deceleration lanes, and improvements to the existing park-and-ride facility. Newland Sierra shall provide full funding for the construction of all Interchange improvements, including costs incurred by Caltrans with regard to the associated planning, environmental review, and design of such improvements, with Caltrans serving as the lead agency for the joint environmental documents required under CEQA and NEPA.

Accordingly, the project applicant is to coordinate with Caltrans to provide the necessary funding, as well as to implement the interchange improvements based on the lane configuration ultimately approved by Caltrans. Because implementation of the I-15 interchange improvements is ultimately 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 has been coordinating closely with Caltrans regarding the interchange improvements, the County has conditioned the project to complete the interchange improvements prior to the issuance of the certificate of occupancy for the 370th EDU, and, therefore, it is reasonable to conclude that the improvements will be in place prior to the triggering of a significant impact.

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Topical Response TR-3: Project Traffic Impacts and Mitigation

Comment: Comments submitted on the Draft EIR state that local roads impacted by the project already experience traffic congestion and traffic from the project would make traffic conditions on local roads and intersections, including the road segments and intersections of Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road, worse. The County does not concur with these comments for the reasons stated below.

Response:

The project's traffic impacts were analyzed in the Traffic Impact Analysis (TIA, Appendix R1 to the EIR) and the results of that analysis were presented in Section 2.13, Traffic and Transportation, of the EIR. The TIA and EIR Section 2.13 present the existing traffic conditions on the roads and freeway facilities impacted by project traffic (refer to Tables 2.13-1 and 2.13-2), the gross (onsite/internal, pass-by, and offsite) and the net (offsite) project traffic that would be generated by the project (refer to Project Trip Generation, Table 2.13-10), how this traffic would be distributed across the offsite road network (refer to Figure 8-7 in Appendix R1 to the EIR), how the traffic from other known planned and approved projects (cumulative projects—refer to Table 9-1 in Appendix R1 to the EIR) would be distributed across the road network, and the unmitigated and mitigated conditions on the road network with the project traffic and cumulative projects traffic added to the existing traffic volumes on the road network.

The project would have significant direct traffic impacts to Deer Springs Road, portions of Twin Oaks Valley Road (between Deer Springs Road and Cassou Road), Buena Creek Road, South Santa Fe Avenue (between Buena Creek Road and Robelini Drive), and Robelini Drive (between South Santa Fe Avenue and Sycamore Avenue). The project would also result in significant direct traffic impacts to the intersections along these same roads (refer to Section 2.13.9.3 of the EIR). In conjunction with the 199 cumulative projects (Table 9-1 of Appendix R1), the project would have significant cumulative impacts to these same roads and intersections as well as Monte Vista Drive (between Buena Creek Road and Foothill Drive) and Gopher Canyon Road (between Little Gopher Canyon Road and I-15). The project would also have significant direct impacts to the I-15 freeway between Deer Springs Road and Pomerado Road and, in conjunction with the 192 cumulative projects (Table 9-1 of Appendix R1), the project would have significant cumulative impacts to the I-15 freeway between Old Highway 395 and Pomerado Road and to the SR 78 freeway between Mar Vista Road and Sycamore Avenue. For more information on the project's impacts and mitigation for impacts to the I-15 freeway, please see **Topical Responses TR-1 and TR-2**.

Mitigation measures have been identified to reduce the project's significant direct and cumulative impacts to less than significant for the majority of the road segments and intersections impacted by the project, however the project would not be able to fully mitigate its impacts to the segment of South Santa Fe Avenue between Buena Creek Road and Robelini

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Drive and to the segment of Robelini Drive between South Santa Fe Avenue and Sycamore Avenue. The project's improvements to the Buena Creek Road/South Santa Fe Avenue intersection (Mitigation Measure **M-TR-7**) would serve as partial mitigation for the project's impacts.

The project's proposed road and intersection mitigation would improve the capacity and performance of the majority of the road segments and intersections impacted by the project, even with the addition of cumulative project traffic. For example, compared to the performance under existing conditions, after project mitigation is implemented, the project would improve the Level of Service (LOS) at five out of the eight County and San Marcos intersections shown in Table 16-5 (refer to Existing + Project + Cumulative Projects: Mitigated Operations—Intersections, Appendix R1 to the EIR), would maintain or improve the LOS along all five of the roads (eight road segments) shown in Table 16-6 (refer to Existing + Project + Cumulative Projects: Mitigated Operations—Segments, Appendix R1 to the EIR), and would improve or maintain an acceptable LOS for all four of the road segments shown in Table 16-7 (refer to Existing + Project + Cumulative Projects: Mitigated Arterial Operations, Appendix R1 to the EIR).

To mitigate its direct and cumulative traffic impacts to local road facilities, the project proposes over \$24 million in project-funded improvements to Deer Springs Road, Twin Oaks Valley Road, the Buena Creek Road/Monte Vista Drive intersection, and the Buena Creek Road/South Santa Fe Avenue intersection. The project would contribute an additional approximately \$11,000,000 in Transportation Impact Fees (TIF) to the County TIF Program to mitigate the project's cumulative impacts. Finally, the project would fund and construction a new interchange at Deer Springs Road and I-15 at an estimated cost of \$22 million. Refer to **Appendix JJ-23 to the Final EIR** for a complete breakdown of the project's contributions to public improvements and public services, and the project's other public benefits.

As discussed above, the project would not be able to fully mitigate its direct impacts to a segment of South Santa Fe Avenue and to Robelini Drive, however the County has previously prepared draft construction-level improvement plans (refer to "Plans for the Construction of South Santa Fe Avenue Improvements, R.S. 1874-2", 90% Submittal, June 2011, aka "S. Santa Fe Avenue CIP Project") for the feasible widening and realignment of S. Santa Fe Avenue and the related intersection improvements to directly connect Buena Creek Road and Sycamore Avenue as part of its Capital Improvement Program (CIP). S. Santa Fe Avenue is also a Traffic Impact Fee (TIF) Program Eligible Facility and the project's proposed improvements identified in Mitigation Measure **M-TR-7** in the EIR are consistent with the County's planned improvements to the Buena Creek Road/S. Santa Fe Avenue intersection (as shown in the Draft S. Santa Fe Avenue CIP improvement plans). Therefore, in conjunction with the project's payment of TIF, the payment of TIF by other cumulative projects, and the project's proposed improvements to the Buena Creek Road/S. Santa Fe intersection, in the cumulative scenario, these impacts would be mitigated to less than significant.

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In summary, the project proposes to fund and implement substantial mitigation for its direct and cumulative traffic impacts and the majority of the road facilities impacted by the project would perform at the same or higher (improved) level of service with project traffic and cumulative projects traffic added to existing conditions. The most heavily used local road facilities in the vicinity of the project (e.g., Deer Springs Road and Twin Oaks Valley Road) are currently experiencing failing levels of service today and but would experience significantly improved and what are considered acceptable levels of service (e.g., LOS D or better) following implementation of the project's mitigation. As part of its improvements to Deer Springs Road and Twin Oaks Valley Road, the project would also incorporate over two miles of pedestrian and bicycle facility improvements in the form of dedicated Class II bike lanes and a multi-use pathway and these facilities would connect to the same along the improved portions of Twin Oaks Valley Road inside the City of San Marcos.

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Topical Response TR-4: Deer Springs Road Improvements

Comment: Comments submitted on the Draft EIR state that the project would widen Deer Springs Road to six lanes. The County offers the following response.

Response:

The project does not propose or require widening Deer Springs Road to six lanes and is not required to analyze the environmental impacts of such widening. Instead, as stated on page 2.13-2 in **Section 2.13, Transportation and Traffic**, of the EIR, the project proposes two options for widening and improving Deer Springs Road (Option A and Option B) to the project's direct and cumulative impacts.

Option A would widening improve the segment of the road between Mesa Rock Road and Sarver Lane as a two-lane community collector (2.1B Community Collector) and widening and improve the remaining segments of the road as a four-lane major road (4.1A Major Road). Option A would require the reclassification of Deer Springs Road in the County's General Plan Mobility Element (County of San Diego 2011a) from a 6.2 Prime Arterial classification (six-lane) 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 the Twin Oaks Valley Road) and Sarver Lane; to 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 (SB) Ramps.

Option B would construct the entire length of the road from the I-15 SB 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-lane) in the County's General Plan Mobility Element (County of San Diego 2011a) from I-15 to the San Marcos City Limit.

Option A would not fully mitigate the project's direct and cumulative traffic impacts, but would result in reduced environmental impacts compared to Option B. Option B would fully mitigate the project's direct and cumulative traffic impacts and result in the road operating at an acceptable Level of Service D (LOS D) with project traffic and cumulative projects traffic added to the existing traffic on the road.

The General Plan Mobility Element classification of Deer Springs Road as a 6.2 Prime Arterial and potential need to widen Deer Springs Road to six lanes in the long-term is best understood in relation to buildout of County's 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

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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 the ultimate widening of 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 R1 to the EIR), the extension of Mountain Meadow Road alone does necessitate the widening of Deer Springs Road to six lanes. In other words, 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. It is the combination of buildout improvements to all of the roads that connect to Deer Springs Road in conjunction with buildout of the County’s General Plan Land Use Element that ultimately create the need from a traffic generation standpoint to widen the road to six lanes.

Topical Response UTL-1: Water Shortage/Drought

Comment: *Comments on the Draft EIR state that Southern California is currently in a drought and that the project's increase of residents within north San Diego County would make this problem worse. Further, comments state that drought conditions will require mandatory rationing imposed on Vallecitos Water District's existing customers in order to accommodate the proposed project. Further, comments object to the project moving forward during drought conditions and that the region lacks sufficient water supplies to support additional development. The County does not concur with the comments for the reasons stated below.*

Response: This topical response summarizes the Draft EIR's analysis of water supply, which takes into account drought conditions, the status of California's drought, and the actions taken in response to drought conditions. This topical response shows that: (a) there are sufficient, reliable water supplies to serve the water demands of the Newland Sierra project, in addition to existing and planned future water demands within the Vallecitos Water District's potable service area; (b) the project includes an important "water conservation demand study" supportive of the water conservation measures applicable to the project, as well as the project's required Water Supply Assessment; (c) numerous regulatory actions have been taken in response to drought conditions to ensure long-term water supplies remain available; and (d) new development provides increased water conservation and efficiency benefits in comparison to existing development.

EIR Water Supply Analysis

In the Draft EIR, the County has evaluated impacts associated with providing water to the project, and the impact analysis accounted for dry year and multiple-dry year conditions (i.e., drought conditions). Pursuant to CEQA and the State CEQA Guidelines, the Draft EIR also analyzed the adequacy of water supplies needed to serve the project's water demand, in addition to the existing and planned future water demands within the potable water service area of the Vallecitos Water District (where the project site is situated). (See Draft EIR, pp. 2.14-2 through 2.14-3.) This analysis relied, in part, on the project's Water Supply Assessment, or WSA.

Further, the EIR identified numerous existing conditions that affect water demand and sources of supply to meet demand, including climate/weather and drought response. (Draft EIR, pp. 2.14-3 through 2.14-8.) The analysis disclosed that drought conditions can adversely affect and reduce water supplies; however, agency drought responses, summarized in the EIR, have culminated in planning and actions taken by the state Department of Water Resources (DWR), the Metropolitan Water District (MWD), the San Diego County Water Authority (SDCWA or Water Authority), and its member retail agencies (including the Vallecitos Water District). Based on the Water Authority's analysis, such actions were effective in managing severe multi-year droughts, as described in the Draft EIR. (Draft EIR, pp. 2.14-4 through 2.14-8; pp. 2.14-13 through 2.14-19; pp. 2.14-22 through 2.14-25.)

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Based on the analysis, the Draft EIR concluded that Project-specific and cumulative impacts on water supplies and water delivery systems would be less than significant and no mitigation measures would be required. (Draft EIR, pp. 2.14-33 through 2.14-51.) The Draft EIR further concluded that the project's water supply analysis is consistent with the applicable plans, policies, and ordinances with regard to water supplies and related topics. (See Draft EIR, pp. 2.14-49 through 2.14-50.)

Though project and cumulative water service and supply impacts were less than significant, and, thus, no mitigation measures were required, the Draft EIR, nonetheless, recommended five mitigation measures “to ensure water supply impacts remain less than significant.” (Draft EIR, pp. 2.14-51 through 2.14-52.) The Draft EIR's analysis and significance determinations are supported by the information summarized in **Section 2.14**, Utilities and Service Systems — Water Supply and Service, the technical studies appended to the Draft EIR (see Appendices S through U, V-1 through V-8, W and X), and any updated information presented in **Section 2.14**, as revised as part of this Final EIR.

Water Shortage and Drought Response

In addition to the information provided in Section 2.14 of the Draft EIR, the Water Authority — the wholesale water supplier for the San Diego region — has plans in place to help manage demand during times of limited supply (e.g., droughts). The Water Authority's plans and programs, described below, are implemented working with other retail water districts or agencies in the San Diego region (including the Vallecitos Water District).

To assist the San Diego region manage water resources when supplies are limited (e.g., droughts), the Water Authority's Board, in August 2017, approved the Water Shortage Contingency Plan (WSCP) (<http://www.sdcwa.org/water-shortage-contingency-plan>). This comprehensive shortage planning document outlines a series of orderly, progressive steps for the Water Authority to take during shortages to minimize impacts to the region's economy and quality of life. The WSCP is consistent with the long-term framework contained in the April 2017 Final Report, *Making Water Conservation a California Way of Life, Implementing Executive Order B-37-16*. The WSCP (August 2017) is incorporated by reference and available upon request to the County. It is also available at the Water Authority's website (<http://www.sdcwa.org/sites/default/files/Water%20Shortage%20Contingency%20Plan%20August%202017.pdf>).

Another important tool to help the region manage water shortages is the Water Authority's Model Drought Response Ordinance (Ordinance) (<http://www.sdcwa.org/model-drought-response-ordinance>). Approved by the Water Authority's Board in March 2008, the Ordinance serves as a guide for the Water Authority's retail member agencies. It identifies four levels of drought response with progressive water-use restrictions that are designed to align demand with

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supply during water shortages. Retail member agencies (including the Vallecitos Water District) have used the model to create or update their own local ordinances.

While managing shortages is important, so is the wise use of water no matter the weather because California has mandated a 20 percent reduction in water use by 2020. Most residents, however, realize that they live in an arid climate where most of the water used must be imported, and they view water-use efficiency as a civic duty (see <https://www.sdcwa.org/water-shortage-and-drought-response>).

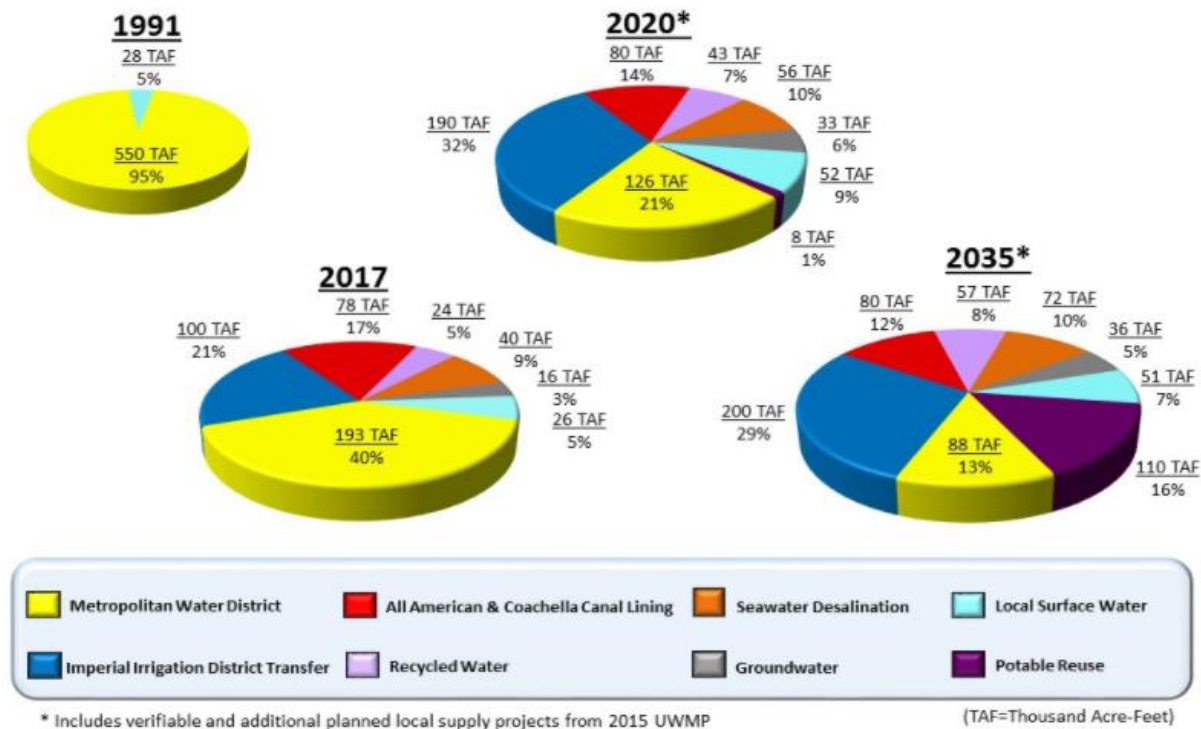
Supply Diversification

The Water Authority also has [diversified its portfolio of supplies](#) so that it is not dependent on any single source for the majority of its water. The Water Authority has worked diligently to reduce the potential for a major water shortage through a series of investments in new facilities that are part of its [Emergency Storage Project](#). In addition, the Water Authority [promotes ongoing efforts to improve water-use efficiency](#) in homes, businesses, and public places across the San Diego region.

Specifically, in 1991, the San Diego region was 95 percent reliant on a single supplier of imported water from the Metropolitan Water District of Southern California, or MWD. This made the region extremely vulnerable to water supply shortages. That year, an ongoing drought forced MWD to cut deliveries to the San Diego region by 30 percent.

Regional Water Supply Portfolio Diversification

Increasing San Diego County's Water Supply Reliability through Supply Diversification



As a result, the Water Authority Board approved a strategy to diversify its water supply portfolio by developing new local and imported water supplies. This strategy already is enhancing regional supply reliability. By fiscal year 2012, the San Diego region had reduced its reliance on MWD supplies to 45 percent.

The Water Authority is working with its 24 local member retail agencies (including the Vallecitos Water District) to develop local supplies such as groundwater, recycled water, seawater desalination, and conservation. By 2020, local water supplies are projected to meet 36 percent of the region's water demand.

The Water Authority has secured new imported water supplies through a long-term (45 to 75 years) water conservation and transfer agreement with the Imperial Irrigation District. The deal, reached in 2003, will provide 100,000 acre-feet of highly reliable Colorado River water in 2013 and increases to 200,000 acre-feet annually by 2021.

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The Water Authority also has a separate, 110-year agreement to receive Colorado River water conserved by lining parts of the Coachella and All-American canals. These projects provide 80,000 acre-feet of water to the region annually.

The Water Authority also is in the final stages of executing a \$3.1 billion Capital Improvement Program (<https://www.sdcwa.org/construction-projects>) to further improve regional water delivery and storage capacity. The program includes 50 different projects, including new reservoirs, pipelines, pumping stations and a regional water treatment facility. Major projects under way include raising San Vicente Dam (<https://www.sdcwa.org/san-vicente-dam-raise>) in East County by 117 feet to provide 152,100 acre-feet of additional local storage.

In addition to developing new water supplies, the Water Authority (and its retail member agencies) encourage the use of its existing water resources as wisely and efficiently as possible. This is why conservation has been a key component of the Water Authority's supply diversification strategy for the last two decades. The Water Authority works with its retail member agencies and other partners to offer programs that improve water use efficiency for residential, commercial, and agricultural users and help promote conservation as a way of life in the San Diego region.

This Water Authority is cost-effectively managing the region's water supply portfolio through:

- Collaborative planning with member agencies and regional partners on water supply issues and response to shortages
- Aggressively representing regional interests at MWD and other agencies
- Setting appropriate and fair rates and charges
- Monitoring current and historical water use trends
- Delivering high-quality treated water as cost-effectively as possible
- Building and operating regional facilities
- Planning and preparing for water reliability during emergencies

(See <https://www.sdcwa.org/water-supplies>.)

Future Planning

The Water Authority's future planning program focuses on long-term water resources planning. Through this program, the Water Authority works with other agencies to estimate future water demands and identify necessary facilities and supplies to meet these demands.

To assist in accomplishing this program, the Water Authority engages in a variety of supply planning efforts. Every five years, the Water Authority prepares an Urban Water Management

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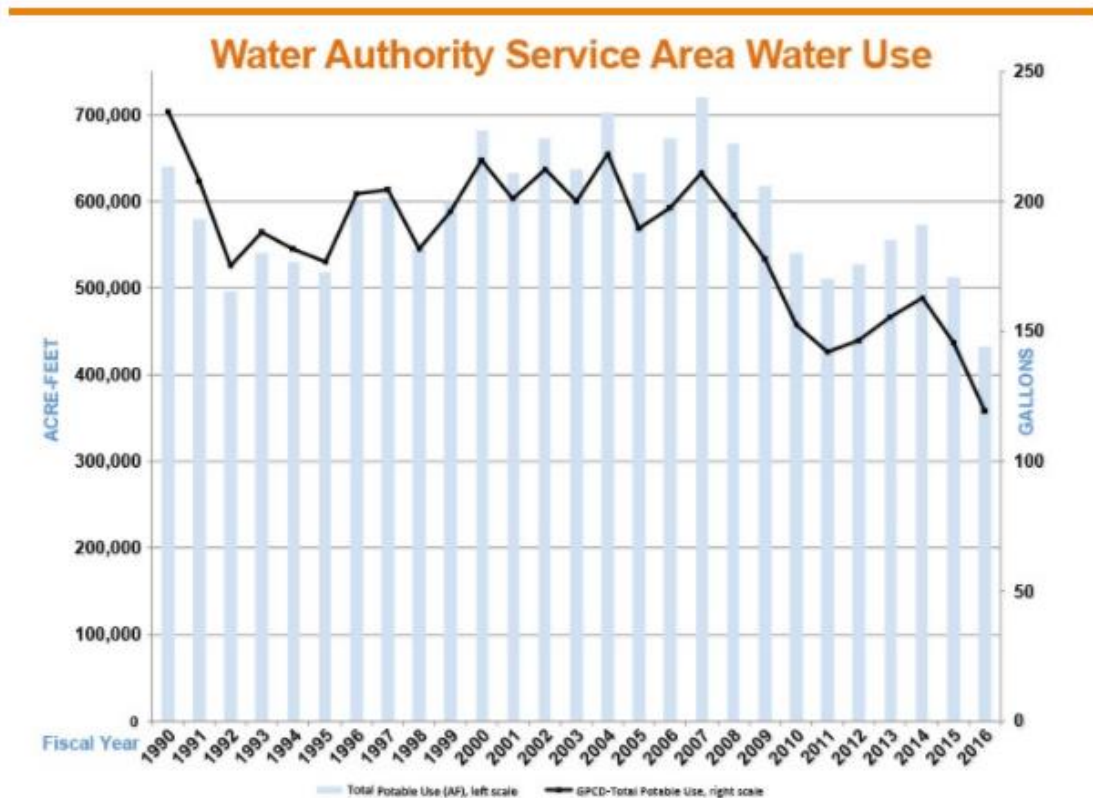
Plan (<https://www.sdcwa.org/uwmp>) that identifies the projected water resource mix. Preparation of this plan involves updating the regional water demand forecast and conservation savings projections, documenting the supplies, and coordinating with retail member agencies (<https://www.sdcwa.org/member-agencies>) (including the Vallecitos Water District) on local supply projections.

Periodically, the Water Authority will prepare a Regional Water Facilities Master Plan that identifies the proper facility mix to best meet current and future water demands. Another important element of water resources planning is on-going coordination with others involved in the areas of water management — water quality and natural resources — to ensure a comprehensive, regional, and integrated approach to water management within San Diego. Updating the region's Integrated Regional Water Management Plan along with securing and managing outside funds are both essential elements to accomplishing this effort (see <https://www.sdcwa.org/future-planning>).

Water Use

Average temperatures in San Diego have continued to be above average in most recent months. In spite of warmer temperatures, monthly water use has continued to decrease, in most months, over the 2013 base period. For the 26 months ended July 2017, potable municipal and industrial (M&I) use has decreased 20 percent over the base period.

Per capita water use in the Water Authority's service area has fallen from approximately 200 gallons per person/day (gpcd) to less than 120 gpcd over the past decade, as shown in the chart below. In 2016, total regional use of potable water was about 33 percent less than it was in 1990, *despite a population increase of approximately 32 percent over that period* (see <https://www.sdcwa.org/water-use>).



Despite the above showing, some comments object to this project moving forward during drought conditions, stating the County should not add new units and cut existing customers' water usage. The County does not concur with these comments.

First, as shown above, the County is not "adding" new, unforeseen units with this project; instead, the projected water demand for the 2011 County General Plan land uses for the property was included in Vallecitos Water District's 2014 Draft Master Plan future demand forecasts for the project study area. Thus, the projected water demand for the project study area was accounted for in future supply requirements in the 2015 UWMPs for the District, the Water Authority, and MWD. (Draft EIR, Appendix S [WSA, p. 42].)

Second, during the most recent drought, the water usage restrictions put in place by the State were not due to a local supply shortage, as the Water Authority and the Vallecitos Water District had sufficient water supplies. The cutbacks were mandated by Executive Orders from Governor Brown and interim water conservation regulations issued by the State Water Resources Control Board (State Water Board). In response to those regulations, the Water Authority and its retail member water agencies (including the Vallecitos Water District) took action implementing water shortage contingency plans to comply with the state-mandated requirements.

Nonetheless, the Water Authority, the Vallecitos Water District, and other retail water agencies in the San Diego region encourage residents to continue to make water conservation a permanent way of life. The water agencies' conservation efforts are set forth in the 2015 UWMPs, which are appended to the Draft EIR (see Appendices V-1, V-2, and V-3). Further, the 2015 UWMPs contain water shortage contingency planning measures to account for water supply reductions or interruptions, such as droughts that limit supplies. Together, the Water Authority and its retail member agencies (including the Vallecitos Water District) have coordinated their efforts to respond to drought conditions from 1987 to the present, and such efforts have worked well in all prior drought conditions and other interruptions.

Additional Analysis Water Supply and Drought Conditions

The Draft EIR reported that California was experiencing extreme dry conditions and disclosed California's response to the drought conditions and how drought affects water supply and demand.¹⁰ The following describes the regulatory actions taken in response to the recent drought. Many of the actions identified below also were disclosed in **Section 2.14**, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.¹¹

Overview of Regulatory Actions Taken in Response to Drought

Office of the Governor

In January 2014, Governor Brown declared a statewide drought emergency due to record dry conditions and an extremely low Sierra snowpack.¹² The January 2014 emergency declaration is available at <http://gov.ca.gov/news.php?id=18368>. Key measures in the Governor's drought declaration include:

- Calling on all Californians to reduce their water consumption by 20 percent.
- Directing local water suppliers to immediately implement local water shortage contingency plans.
- Ordering the State Water Board to consider petitions for consolidation of places of use for the State Water Project and Central Valley Project, which would streamline water transfers and exchanges between water users.
- Directing the California Department of Water Resources and the State Water Board to accelerate funding for projects that could break ground this year and enhance water supplies.

¹⁰ See Section 2.14, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

¹¹ See Section 2.14, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

¹² See Section 2.14, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

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- Ordering the State Water Board to put water rights holders across the state on notice that they may be directed to cease or reduce water diversions.
- Asking the State Water Board to consider modifying requirements for releases of water from reservoirs or diversion limitations so that water may be conserved in reservoirs to protect cold water supplies for salmon, maintain water supplies, and improve water quality.

In April 2014, Governor Brown issued an Executive Order to expedite actions necessary to reduce harmful effects of the drought and called on all Californians to redouble their efforts to conserve water. The April 2014 Executive Order is available at www.gov.ca.gov/news.php?id=18496.

In September 2014, Governor Brown signed into law the Sustainable Groundwater Management Act, historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs.

In April 2015, Governor Brown issued Executive Order B-29-15. The primary goal of this Executive Order was to achieve a 25 percent reduction in water use across the state as compared to the amount utilized in 2013. Specifically, key provisions included ordering the State Water Board to impose restrictions to achieve a 25 percent reduction in potable urban water usage through February 2016; directing the California Department of Water Resources to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and directing the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. There also were additional directives to the State Water Board to implement regulations to determine how new developments would be landscaped and irrigated with drip or microspray technology. The Executive Order is available at <http://gov.ca.gov/news.php?id=18910>.¹³

In April 2017, Governor Brown issued Executive Order B-40-17, which marked the termination of the drought emergency. More specifically, the Executive Order rescinded the drought emergency-related provisions of multiple Executive Orders and emergency proclamations for most counties within California (including Los Angeles County) while retaining critical water conservation provisions set forth in Executive Order B-37-16, Making Water Conservation a California Way of Life. The referenced water conservation provisions allow for the continued development and implementation of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies. The Executive Order is available at www.gov.ca.gov/docs/4.7.17_Exec_Order_B-40-17.pdf.

¹³ See **Section 2.14**, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

State Water Board

In July 2014, the State Water Board approved interim emergency regulations for statewide urban water conservation. The regulations were intended to reduce outdoor urban water use. On March 17, 2015, the State Water Board expanded and extended its emergency water conservation regulations.¹⁴

In May 2015, the State Water Board adopted emergency conservation regulations in accordance with the Governor's April 1st Executive Order B-29-15, which went into effect on May 18, 2015. The emergency regulation addressed specific provisions of the Governor's directive, including the mandatory 25 percent statewide reduction in potable urban water use between June 2015 and February 2016. The regulations delineated the conservation percentages required, compared to 2013 water use levels (i.e., the reduction amount of each urban water supplier was determined based on per capita water use whereby those areas with high per capita use were to achieve proportionally greater reductions than those with low use).¹⁵

Vallecitos Water District

Under the state rules that went into effect June 1, 2015, Vallecitos Water District was required to reduce water use by 24 percent for the period June 2015 through February 2016, compared to 2013 water use levels for the same period. In response, the Vallecitos Board of Directors adopted a series of mandatory watering restrictions and emergency water conservation measures to comply with the State Water Board's mandate for Vallecitos to reduce water use by 24 percent, as directed. These additional emergency conservation measures by Vallecitos Water District were mandatory restrictions in effect for all of its customers.

Application to the Project

The Draft EIR's impact analysis includes "Project Design Elements/Project Design Features" that summarize some of the Project's water conservation design features to reduce water demand. Specifically, **Section 2.14**, Utilities and Service Systems—Water Supply and Service, of the Draft EIR specifies the following:¹⁶

(3) Water Conservation

The Project would include design features with regard to water conservation to reduce water demand. In particular, the Project would comply with applicable provisions of the CALGreen Code (CCR Title 24) and the County's Green Building Standards Code (County Code Title 31),

¹⁴ See **Section 2.14**, Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

¹⁵ SWRCB Regulations Section 865(c)(3-10).

¹⁶ See **Section 2.14** Utilities and Service Systems—Water Supply and Service, of the Draft EIR.

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including the provision of water-efficient plumbing fixtures and appropriate water metering devices, as detailed below:

- Water-efficient toilets with a maximum 1.28 gallons per flush and urinals with a maximum 0.5 gallon per flush;
- Low-flow lavatory faucets with a maximum flow rate of 2.0 gpm at 80 psi for showerheads, 1.5 gpm at 60 psi for residential lavatory faucets, 1.8 gpm at 60 psi for residential kitchen faucets, and 2.2 gpm at 60 psi for non-residential kitchen faucets; and
- Separate submeters or metering devices for non-residential buildings/tenants meeting specified thresholds (e.g., buildings of 50,000 square feet or more; tenants using more than 100 gallons per day).

In addition, the Project would implement the CALGreen Code residential and non-residential mandatory water efficiency measures for outdoor water use, including:

- Automatic irrigation system controllers for landscaping with weather- or soil moisture-based controllers;
- Separate submeters or metering devices for landscaped areas meeting specified thresholds for non-residential development; and
- Implementation of a water budget for irrigation use.

The Project also would comply with VWC's BMPs regarding water conservation, as required as a condition of service. VWC's program identifies water saving techniques, methods, landscape designs, and internal water use practices intended to achieve VWC's long-term conservation goals described in the UWMP [footnote omitted].

Implementation of these features would help the State meet requirements to achieve a 20-percent reduction in urban per-capita water use by the end of 2020 in accordance with SBX7-7.

Furthermore, the project would be required to comply with the County of San Diego's Landscape Ordinance and Water Efficient Landscape Design Manual (<https://www.sandiegocounty.gov/content/sdc/pds/LandscapeOrdinance.html>) which was updated in 2016 to comply with more restrictive state-wide standards that were adopted by the California Water Commission in July 2015. The project's Landscape Standards and Design Guidelines (refer to Section 3.7 of the project's Specific Plan, Appendix C to the EIR) would meet or exceed the County's updated requirements. For example, the Fuel Modification Zone 1 areas of the project would utilize a plant palette and irrigation plan that uses less than half of the Maximum Applied Water Allowance as established in the County's Landscape Ordinance, which would achieve both water conservation and reduced edge effects from irrigation runoff on open space and preserve areas.

California's Drought Response

Following unprecedented water conservation and plentiful winter rain and snow, Governor Brown ended the drought state of emergency in most of California (except for a few counties in central California) in April 2017, but at the same time, maintained water reporting requirements and prohibitions on wasteful water practices, such as watering during or right after rainfall, hosing off sidewalks, and irrigating ornamental turf on public street medians.¹⁷

In related action, the State Water Board amended its emergency water conservation regulations to include a supply-based approach that recognizes the unique water supply conditions of each water supplier. The supply-based approach considers the necessity for a conservation standard for the period June 2016 through January 2017, based on each water supplier's specific circumstances and water supplies. The amended regulation requires individual urban water suppliers—or a region as a whole, if all of that region's water suppliers agree—to self-certify the sufficiency of available water supplies using a calculation methodology prescribed in the amended regulations.

In addition, since July 2014, the State Water Board has been tracking water conservation for each of the State's larger urban water suppliers (i.e., those with more than 3,000 connections) on a monthly basis. Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013 (the State Water Board's baseline year).¹⁸

The cumulative savings from June 2015 through February 2017 was 25.1 percent, compared with the same months in 2013. Based on the estimate that the average person uses 0.2 af of water per year, the 25.1 percent water savings is enough to supply 13 million Californians with water for one year, which is approximately the combined population of Los Angeles, Contra Costa, Fresno, and San Joaquin counties, or one-third of the State's population.¹⁹ Thus, water conservation efforts have worked well in response to California's most recent drought.

The most recent drought spanned water years 2012-2016 and included the driest four-year precipitation on record (2012-2015) and the smallest Sierra-Cascades snowpack year on record (2015), coupled with extraordinary heat. The State responded to the drought with actions and investment, while also advancing the State's *California Water Action Plan* (Water Action

¹⁷ California Drought, Statewide Water Savings Exceed 25 Percent in February; Conservation to Remain a California Way of Life, April 7, 2017; available at <http://drought.ca.gov/topstory/top-story-72.html>, accessed September 5, 2017.

¹⁸ "Statewide Water Conservation Grows to 28 Percent in May; Urban Water Suppliers 'Stress Test' Data Under Review," July 6, 2016, available at www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2016jul/pr070616.pdf, accessed September 5, 2017.

¹⁹ State Water Board, Fact Sheet, February 2017 Statewide Conservation Data, available at www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2017apr/fs040417_february_conservation.pdf, accessed September 5, 2017.

Plan).²⁰ This plan is California's five-year blueprint for achieving more reliable, resilient water systems to prepare for climate change and population growth.

For example, to advance the priorities in the Water Action Plan and respond to the drought, the voters passed a comprehensive water bond; the Legislature appropriated and accelerated funding; and state agencies accelerated grants and loans to water projects. California also enacted the Sustainable Groundwater Management Act; took action to improve measurement and management of water; retrofitted tens of thousands of inefficient toilets; replaced lawns with water-wise landscaping; and provided safe drinking water to impacted communities. As stated above, California also responded to the drought with extraordinary water conservation, including nearly 25 percent average reduction in urban water use across the state, as compared to 2013 water use levels.²¹

New Development During Periods of Drought

While some commenters may suggest that an appropriate response to drought conditions would be to stop or delay building new homes, evidence shows that new homes help improve efficient water use compared to existing homes. A comparison of California's existing home stock, especially houses built before 1980, and new home construction shows that new home development can improve water conservation strategies.

New homes use half as much water as most of the existing housing stock in California. More than half of California's 7.5 million existing single-family homes were built before 1980, which means they are equipped with outdated fixtures that can use up to three times more water than current models required under the California Green Building Standards Code (CALGreen Code) codified in the California Code of Regulations, Title 24, Part 11. The CALGreen Code, which was established in 2008 and most recently amended in 2016, sets new standards for the maximum flow rates of plumbing fixtures in new construction and resulted in the most significant reduction in indoor water use in the history of California building codes; it also calls for a 20 percent reduction in indoor water use.²²

Further, new three-bedroom single-family homes with four occupants in California use an estimated 46,500 gallons of water per year for indoor use.²³ This represents a savings of over 20,500 gallons of water per year from homes built in 1992 and a savings of 47,000 gallons of water per year from homes built in 1980.

²⁰ California Water Action Plan, 2016 Update, January 9, 2017; available at http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf, accessed September 5, 2017.

²¹ California Water Boards, April 4, 2017; available at www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2017apr/pr040417_february_conservation.pdf, accessed September 5, 2017.

²² For more information on the CALGreen Code, see www.bsc.ca.gov/Home/CALGreen.aspx.

²³ California Homebuilding Foundation, "Codes and Standards Research Report: California's Residential Indoor Water Use" (2d ed.), May 8, 2015, available at www.cbfa.org/uploads/5/1/2/6/51268865/codes_and_standards_residential_indoor_water_use_may_15_v2.pdf, accessed September 5, 2017.

In other words, this represents a 21-percent decrease from homes built in 2009, a 37-percent decrease from those built in 1990, and a 50-percent reduction from those built in 1980.²⁴ Much of the increased efficiency comes from installing low-flow fixtures such as toilets that average 1.28 gallons per flush in comparison to 1.6 gallons in 1992, and appliances such as clothes washers that use six gallons per cubic foot as compared with 15 gallons in 1992.²⁵

Accordingly, state and local officials contend that new growth does not necessarily translate to extra water use. Southern California water providers confirm they added 5 million residents in the last two decades without using extra water due to extensive conservation measures.²⁶

Conclusion

In short, the Draft EIR has accounted for drought conditions and has determined there are sufficient, reliable water supplies to serve the project, in addition to existing and planned future water demands within the retail and wholesale service areas of the Vallecitos Water District. The project also is consistent with and will adhere to any existing and new water regulations from the Office of the Governor, State Water Board, Metropolitan Water District, the Water Authority, and the Vallecitos Water District that are applicable and in effect at the time of building permit issuance. Further, the project would help both accommodate forecasted growth and meet the County's RHNA allocation of residential units within the County's unincorporated areas with new development that benefits from a suite of indoor and outdoor water conservation design measures, compared to California's existing housing stock. As evaluated in **Section 2.14, Utilities and Service Systems—Water Supply and Service**, of the Draft EIR, Project and cumulative impacts on water supplies and water delivery systems would be less than significant, and no mitigation measures would be required.

²⁴ Wall Street Journal, "As California Drought Drags On, Homebuilders Vie for a Voice," April 26, 2015, available at www.wsj.com/articles/as-california-drought-drags-on-home-builders-vie-for-a-voice-1429867801, accessed September 5, 2017.

²⁵ Ibid.

²⁶ The Sacramento Bee, "Sacramento wants to grow; will drought say no?" May 9, 2015, available at www.sacbee.com/news/state/california/water-and-drought/article20600319.html, accessed September 5, 2017.

Topical Response UTL-2: Reduction in Water Consumption for Existing Residents

Comment: Comments state that existing residents would be required to reduce water consumption by 36% to accommodate the project. The County does not concur for the reasons provided below.

Response: 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 Vallecitos Water District responded by posting on its website a "Correction of Misinformation." According to the District, it is not mandating the rationing of its water supplies to existing District customers (by 36% or any percentage), so as to be able to serve any proposed new development, including the Newland Sierra project. For that reason, the District considered the Twin Oaks' statement "false," requiring correction.

Based on the information provided by the District, the County concurs that the statement is inaccurate should be corrected. The District's correction 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

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Vallecitos Water District, or any agency. This is in addition to the drought-resilient water available from the Pacific Ocean from the District's direct connection to the Claude "Bud" Lewis - Carlsbad Desalination Plant.

Regardless of development in our community, we encourage all residents to continue to make water conservation a permanent way of life. Click on the links for more information about conservation or the District's Master Plan or contact us at (760) 744-0460."²⁷ (Italics added.)

In addition, at the November 16, 2016 public meeting in which the District Board of Directors considered and approved the project's WSA, Director Hernandez specifically rejected this "mandatory rationing" requirement:

"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.*" (See the District Board of Directors' meeting transcript, Nov. 16, 2016, p. 31, italics added.)

²⁷ The District'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 the District's website: <http://www.vwd.org/Home/Components/News/News/2358/18> (last accessed November 8, 2017.)

Topical Response GHG-1: Use of Carbon Offsets

Comment - The project cannot guarantee that it will offset all of its GHG emissions with carbon credits. The County has no control over these programs and, therefore, cannot be assured of their implementation.

The comment states that the County does not have any control over carbon offsets and, therefore, the County cannot ensure the project will reduce its GHG emission to net zero. However, the information below demonstrates that the carbon offsets required by Mitigation Measures M-GHG-1 and M-GHG-2 will achieve high environmental integrity standards and will be documented in a form that can be tracked and monitored by the County.

Overview of Carbon Offsets

Carbon offsets (or “offsets”) are instruments that can be bought, sold, and traded. Like a stock or equity that represents a unit of ownership in a company, a carbon offset represents a unit of GHG emissions reductions. Each offset is essentially a certification that a certain quantity of GHG emissions has been avoided, prevented, or sequestered. Examples of activities that generate offsets include reforestation to increase carbon sequestration and the capture and destruction of methane emissions from livestock.

Carbon Offsets Must Meet Certain Standards

An activity can only generate carbon offsets if the project developer demonstrates the environmental integrity of the activity by meeting specific standards. Therefore, offset registries have developed a broad consensus around the standards that are necessary to ensure that offsets are environmentally sound, namely that offsets be real, permanent, quantifiable, verifiable, enforceable, and additional, defined as follows:

“Real”: offsets may only be issued for emissions reductions that are a result of complete emissions accounting.

“Permanent”: the emissions reductions must be permanent and not be reversed. For example, in the context of forestry, offset project developers must demonstrate that the carbon sequestered in the trees of the forest will not be released to the atmosphere after the fact; i.e., that the trees will not be cut down.

“Quantifiable”: the emissions reductions from an activity must be rigorously quantified, and offsets may only be issued in an amount that corresponds to emissions that have been quantified. Project developers must ensure the accuracy of their emissions accounting by adhering to standardized quantification methodologies called “protocols,” which are discussed further below.

“Validated”: to receive offset credits, emission reductions must be well documented and transparent enough to be capable of objective review by a neutral, third party verifier.

“Enforceable”: in order to be eligible to generate offsets from reputable programs, the implementation of the activity must represent the legally binding commitment of the offset project developer. Once the developer undertakes the activity, the developer is under a legal obligation to carry it out.

“Additional”: the GHG emissions reductions generated by an activity must be “additional,” meaning that they are only eligible to generate offsets if they would not have occurred without the offset activity. Project developers must ensure additionality by adhering to the applicable protocol, as discussed further below.

Different offset programs have adopted slightly different versions of these standards, but the differences are non-substantive.²⁸ Further, these environmental integrity criteria are broadly recognized as sufficient to ensure the environmental benefit of activities that generate carbon offsets.²⁹

Climate “Registries” Use Standardized “Protocols” and a Rigorous Review Process to Approve Offset Credits

Carbon offsets are issued by a climate registry that has undertaken the responsibility of certifying that the emissions reductions have occurred. Developers of offsets can demonstrate the environmental integrity of an offset project by complying with a climate registry’s standards-based “protocol.”³⁰ A “protocol” is a method of measuring emission reductions. A standards-based protocol accomplishes that fundamental goal by establishing the baseline scenario for a given activity and then providing the project developer a specific, defined methodology to quantify and verify emissions reductions that occur over and above that baseline scenario.

For example, a livestock project may not receive offset credits for the operation of a biogas system at a farm if the farm is otherwise obligated by law or other legally binding mandate to operate the biogas control system. If a farm or feedlot had to operate a biogas control system as a condition of a permit to operate issued by a local air district or other permitting authority, the farm could not receive any offset credits for the emissions captured by the system. (This is the concept of “additionality.”)

²⁸ See generally American Carbon Registry, “The American Carbon Registry Standard” (January 2015); Climate Action Reserve, “Program Manual” (Sept. 1, 2015); VCS, “VCS Program Guide” (Oct. 19, 2016); see also Health & Safety Code Section 38562(d)(1)-(2).

²⁹ See, e.g., *Our Children’s Earth Foundation v. CARB* (2015) 234 Cal.App.4th 870; Three-Regions Offsets Working Group, “Ensuring Offset Quality: Design and Implementation Criteria for a High-Quality Offset Program” (May 2010) at pp. 3-4.

³⁰ The Market Advisory Committee recommends that California use a “standards-based approach” to quantifying and issuing offset credits. *Id.* at p. 61.

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Carbon offset registries measure compliance with approved protocols using rigorous, standardized review processes. As a general rule, when approving a GHG reduction project, the climate registry would require that the offset project meet the following steps to receive offsets:

Listing or Registration: Apply to list or register the proposed GHG emission reduction project with the climate registry. The climate registry will review the application and accept it only if it complies with the applicable climate registry requirements.

Independent, Qualified Third-Party Confirmation of Reduction or Sequestration: Once a GHG emission reduction project has begun, the climate registry will require the offset project developer to retain an independent, qualified, third-party to verify the reduction or sequestration achieved by the project. Each climate registry has adopted stringent requirements applicable to the accreditation of third parties and only such third parties are qualified to verify and audit the activities under the applicable registry rules. This process typically takes place on an annual basis. Activities undertaken in a given 12-month period are typically verified during the following 6-12 months. Most climate registry rules and protocols require “boots on the ground” audits, although in certain instances desktop reviews may be sufficient.

Registry Approval and Issuance: The final step under most climate registry rules and protocols involve the issuance of the offsets. Registry rules and protocols require the project developer to apply for issuance and to provide the verification report prepared by the independent, qualified third-party. The registry will typically review a verification report and, to the extent that the registry finds that the report complies with the applicable registry requirements, the registry will issue the offsets to the account of the project developer.

Carbon Offset Retirement: Each registry has adopted rules and procedures governing the retirement or cancellation of offsets. Typically these rules or procedures involve the transfer of the offset serial numbers from a registry account and ensure that once a carbon offset credit has been retired, the retirement is permanent and the carbon offset cannot be further used in any manner.

These protocols and processes ensure that offsets issued by offset registries satisfy the environmental integrity criteria described above, as multiple jurisdictions implementing such programs have recognized. “[C]ARB recognizes the rigor of the voluntary accounting procedures CAR adopted to establish that GHG emissions are real, additional, and permanent.”³¹

³¹ CARB, “Proposed Regulation to Implement the California Cap-and-Trade Program, Part I, Volume I: Initial Statement of Reasons” (October 28, 2010) at II-48.

The Climate Action Reserve, for example, has adopted protocols for various types of GHG-reducing projects intended to generate carbon offsets for purchase.³² The Climate Action Reserve also has a comprehensive verification process in place, which it describes as playing “a vital role in upholding the integrity and quality of the data reported to both mandatory and voluntary [GHG] programs across the world.”³³ As part of its verification process, the Climate Action Reserve ensures that the projects developed to generate carbon offsets are “real, additional, permanent, verifiable and enforceable.”³⁴

Carbon Offset Protocols Rely on Rigorous Accounting Principles

There is a broad consensus on the accounting principles necessary to ensure environmentally sound offsets. The standards include International Organization for Standardization (ISO) 14064 and 14065. The ISO is an independent, non-governmental international organization with a membership of 162 countries, including the United States. The ISO publishes standards for a wide variety of industrial activities, such as food safety management, medical device management, and anti-bribery management.³⁵ In short, the ISO is an independent, rigorous, neutral developer of standards, including greenhouse gas emission reduction accounting standards.

Carbon Offset Protocols Have Been Upheld By Courts

In *Our Children’s Earth Foundation v. CARB* (2015) 234 Cal.App.4th 870, 880, the First Appellate District recognized the validity of carbon offsets:

[P]rotocols developed by the Climate Action Reserve (Reserve) employ a standards-based approach for ensuring additionality. The Reserve is a national nonprofit organization that (1) develops standards for evaluating, verifying and monitoring GHG emission inventories and reduction projects in North America; (2) issues offset credits for those projects; and (3) tracks offset credits over time “in a transparent, publicly-accessible system.” A primary goal of the Reserve is to establish conservative GHG accounting which will ensure that GHG emission reductions are “real, permanent, additional, verifiable, and enforceable by contract.” In formulating its standards-based protocols, the Reserve identifies types of emission reduction projects that are both subject to quantification and appropriate for assessment pursuant to performance-based additionality tests.

³² See <http://www.climateactionreserve.org/how/protocols/> [identifying 18 protocols for different project types that must be complied with, as verified by an independent third party, prior to being registered and issued offset credits].

³³ See <http://www.climateactionreserve.org/how/verification/>.

³⁴ Ibid.

³⁵ ISO, “Standards” available at <http://www.iso.org/iso/home/standards.htm>.

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In 2011, CARB formally adopted its own protocols, which it took almost verbatim from Climate Action Reserve's protocols.³⁶ CARB's protocols were challenged as violating AB 32 because they purportedly failed to accurately ensure additionality as required by the act, but the court sided with CARB, finding that CARB's protocols based on Climate Action Reserve's protocols are a "workable method of ensuring additionality with respect to offset credits." (*Our Children's Earth Foundation* at p. 889.) CARB has since expanded its program to accept carbon offsets issued under American Carbon Registry and Verified Carbon Standard methodologies.³⁷

Carbon Offsets Have Been Used to Mitigate Emissions under CEQA

The appropriateness of using offsets as CEQA mitigation for GHG emissions is well established. Specifically, CEQA Guidelines Section 15126.4(c)(3) provides that "[o]ff-site measures, including offsets that are not otherwise required," can be used to mitigate a project's GHG emissions.³⁸ In promulgating the CEQA Guidelines for GHG mitigation, the California Natural Resources Agency (CNRA) and the Governor's Office of Planning and Research (OPR) addressed the legitimacy of offsets as follows:³⁹

The Initial Statement of Reasons...cites several sources discussing examples of offsets being used in a CEQA context. Further, the CARB Scoping Plan describes offsets as way to provide regulated entities a source of low-cost emission reductions, and ... encourage the spread of clean, efficient technology within and

³⁶ See, e.g., CARB, "Compliance Offset Protocol Livestock Projects: Capturing and Destroying Methane from Manure Management Systems" (October 20, 2011).

³⁷ See, e.g., Cal. Code Regs., Tit. 17, Section 95990(c)(5).

³⁸ CEQA Guidelines Section 15126.4(a)(1)(D) states: "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 shall be discussed but in less detail than the significant effects of the project as proposed." In this instance, and based on the type of information reasonably available at this time, the project's utilization of carbon offsets – via implementation of Mitigation Measures M-GHG-1 and M-GHG-2 – is not expected to result in one or more significant effects because carbon registries prioritize protocols for offset project types that can create significant co-benefits and avoid those with significant negative social and environmental impacts.

In support of this determination, please see Climate Action Reserve's webpage regarding "Criteria for Protocol Development," available at <http://www.climateactionreserve.org/how/future-protocol-development/criteria/>. See also Climate Action Reserve's *Program Manual* (September 1, 2015), available at <http://www.climateactionreserve.org/how/program/program-manual/>. As provided in Section 2.4.6 of the *Program Manual*, the Climate Action Reserve "requires project developers to demonstrate that their GHG projects will not undermine progress on other environmental issues such as air and water quality, endangered species and natural resource protection, and environmental justice." In order to ensure that such adverse effects are avoided, the Climate Action Reserve coordinates with government agencies and environmental representatives, requires project developers to demonstrate compliance with all applicable laws (including environmental regulations), and may include – within individual offset protocols – requirements specifically designed to serve as environmental and social safeguards.

³⁹ California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009).

outside California. The Natural Resources Agency finds that the offset concept is consistent with the existing CEQA Guidelines' definition of "mitigation," which includes "[r]ectifying the impact by repairing, rehabilitating, or restoring the impacted environment" and "[c]ompensating for the impact by replacing or providing substitute resources or environments."

Moreover, under AB 900, the Jobs and Economic Improvement through Environmental Leadership Act, certain CEQA streamlining benefits were provided to "environmental leadership" projects. One of the key conditions was that such projects offset all emissions to be GHG neutral. (Pub. Resources Code Section 21183(c).) To date, multiple projects have been designated as AB 900 leadership projects by CARB and the Governor, and those projects have made a commitment to purchase GHG offset credits from the voluntary carbon marketplace to ensure carbon neutrality, including (but not limited to) the Crossroads Hollywood project (a mixed-use, residential and commercial project), the Qualcomm Stadium Reconstruction project, the Soitec Solar project, the Event Center and Mixed Use Development at Mission Bay Blocks, and 8150 Sunset Boulevard.⁴⁰

In CARB's *California's 2017 Climate Change Scoping Plan* (November 2017), which was adopted in December 2017, CARB further recognized the use of carbon offsets as mitigation when discussing project-level GHG emissions reduction actions and thresholds in the CEQA context:

Where further project design features or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits. (*2017 Scoping Plan*, page 102; see also Appendix B of the *2017 Scoping Plan*, page 10.⁴¹)

Based on the County's research, it believes that sufficient carbon offsets are available for use within the CEQA context.⁴² By way of example, as of November 2017, the Climate Action Reserve has issued more than 100 million carbon offsets.⁴³ The Climate Action Reserve found that California leads the nation in the number of offset projects registered (52) and the number of

⁴⁰ Information on current AB 900 leadership projects is found at: <http://www.opr.ca.gov/ceqa/california-jobs.html>.

⁴¹ Appendix B of *California's 2017 Climate Change Scoping Plan* provides that CEQA lead agencies should consider: (1) requiring projects to purchase carbon credits from credible offset registries, and (2) encouraging projects to select local and California-only carbon credits, where available.

⁴² See, e.g., *Unlocking Potential: State of the Voluntary Carbon Markets 2017*, Ecosystem Marketplace, available at <https://www.cbd.int/financial/2017docs/carbonmarket2017.pdf>.

⁴³ See <http://www.climateactionreserve.org/blog/2017/11/06/thank-you-for-helping-us-reach-100-million-metric-tons-of-ghg-emissions-reductions/> and <http://www.climateactionreserve.org/blog/2017/11/06/north-american-climate-action-shows-its-strength-and-impact-with-milestone-100-million-offset-credits-issued-by-a-california-carbon-market-pioneer/>.

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credits issued (22.5 million).⁴⁴ The American Climate Registry reached the same milestone in August 2017,⁴⁵ and the Verified Carbon Standard (now referred to as Verra) has certified more than 1,300 projects that have removed or reduced more than 200 million tonnes of GHGs.⁴⁶

The Use of Carbon Offsets Is Not Inconsistent with the County's General Plan

Commenters have questioned whether the project's use of carbon offsets that are not associated with San Diego County-based, offsets-generating projects is consistent with the County's General Plan, and specifically Goal COS-20 and Policy COS-20.1 therein. However, as provided below, the project's mitigation framework is consistent with the General Plan because it reduces project-related emissions at a level that aligns with the statewide reduction targets established by AB 32 and SB 32.

As background, the subject Goal and Policy are set forth below, with ~~underline/strikeout~~ text used to illustrate the modifications to the subject text made by the County in concert with its February 2018 adoption of its Climate Action Plan (see **Topical Response GHG-3**).⁴⁷

Goal COS-20 (Governance and Administration)

Reduction of ~~local~~ community-wide (i.e., unincorporated County) and County Operations ~~GHG~~ greenhouse gas emissions contributing to climate change that meet or exceed requirements of the Global Warming Solutions Act of 2006, as amended by Senate Bill 32 (as amended, Pavley. California Global Warming Solutions Act of 2006: emissions limit).

Policy COS-20.1 (Climate ~~Change~~ Action Plan)

⁴⁴ See <http://www.climateactionreserve.org/blog/2017/11/06/thank-you-for-helping-us-reach-100-million-metric-tons-of-ghg-emissions-reductions/>.

⁴⁵ See <https://americancarbonregistry.org/news-events/program-announcements/acr-reaches-milestone-issuance-of-100-million-tonnes-of-greenhouse-gas-emissions-reductions>.

⁴⁶ See <http://verra.org/project/vcs-program/>.

⁴⁷ When adopting its 2018 Climate Action Plan (CAP), the County also adopted mitigation measure M-GHG-1 from its Supplemental EIR (SCH No. 2016101055) prepared to evaluate the environmental implications of the CAP. The Newland Sierra project's EIR does not use, rely on, or tier from the offset program set forth in M-GHG-1. Rather, the use of offsets to reduce GHG emissions in the Newland Sierra project's EIR was proposed by the applicant and developed independent of the CAP and its M-GHG-1, and under the auspices of CEQA Guidelines Section 15126.4(c) and other relevant precedent (e.g., the State-approved Newhall Ranch project).

While the offsets mitigation adopted by the County for its CAP and recommended in this EIR for the Newland Sierra project are complementary, that does not mean the Newland Sierra project is using the CAP's mitigation measure. As explained in **Topical Response GHG-3**, the Newland Sierra project's EIR does not use the CAP's mitigation measure, nor does it tier from the CAP or streamline its analysis based on the CAP. Any similarities between the mitigation frameworks are a reflection of the fact that the measures have been separately crafted to meet applicable CEQA requirements for the formulation of adequate mitigation.

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~~Prepare, maintain, and implement a climate change action plan with a baseline inventory of GHG emissions from all sources; GHG emissions reduction targets and deadlines, and environmental GHG emissions reduction measures. Climate Action Plan for the reduction of community-wide (i.e., unincorporated County) and County Operations greenhouse gas emissions consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5.~~

As to Goal COS-20, the Goal envisions a reduction of GHG emissions associated with community-wide activities and County operations. As explained in **Response to Comment O-1-142**,⁴⁸ the Goal does not require that the desired GHG reductions occur locally. Such an interpretation is unsupported by a plain reading of the Goal, is not consistent with the intent of the County (including its Board of Supervisors) when developing and adopting the Goal, and is not scientifically supportable given the global nature and implications of climate change. If the County had intended to mandate local reductions, the Goal would have read: “Local reduction of ...,” but it does not. An interpretation of Goal COS-20 that requires exclusively local reductions also runs afoul of the policy principles of the Kyoto Protocol (which encourage the investment of GHG reduction programs in developing nations), the California Air Resources Board’s *California’s 2017 Climate Change Scoping Plan* (which recognizes and affirms the use of non-local reduction opportunities), the Cap-and-Trade Program (which allows regulated entities to achieve a portion of their GHG reductions through the use of non-local offsets), and the California Department of Fish and Wildlife’s approval of the Newhall Ranch project (which relies on non-local GHG reduction opportunities to achieve net zero GHG emissions).

In any case, even if Goal COS-20 is erroneously interpreted as requiring local reductions, Mitigation Measures M-GHG-1 and M-GHG-2 of the Final EIR require that the County and applicant follow a geographic priority system with respect to the purchase of carbon offsets, with the highest level of priority afforded to local offsets.

Further, the project’s use of non-local carbon offsets does not mean that a significant environmental impact would follow for purposes of CEQA. As explained in this topical response and elsewhere in the Final EIR, the use of carbon offsets to mitigate GHG emissions is expressly recognized by CEQA Guidelines Section 15126.4, the California Natural Resources Agency, the California Air Resources Board, and other experts in the field.

The Goal must also be read in the context of the policies that guide its implementation. As background, the relationship between Goals, Policies, and Implementation Measures is described in the County of San Diego General Plan on page I-5 and I-6:

⁴⁸ Please also refer to **Appendix JJ-21** of the Final EIR, which contains excerpts from the County’s Climate Action Plan record of proceedings that address the County’s intent with respect to the subject Goal and Policy (see, for example, **Response to Comment O22-8**).

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- Goals describe *ideal future conditions* for a particular *topic*, such as town centers, rural character, protection of environmental resources, traffic congestion, or sustainability. Goals tend to be *very general and broad*.
- *Policies provide guidance* to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action. The policy is carried out by implementation measures. While every effort has been made to provide clear and unambiguous policies, the need for interpretation will inevitably arise. The authority of interpretation lies with the County and will be enacted through its implementation measures and decisions. Therefore, the Implementation Plan should be reviewed for a complete understanding of each policy.
- Implementation Measures, adopted by the County in a separate Implementation Plan, identify all the specific steps to be taken by the County to implement the policies. They may include revisions of current codes and ordinances, adoption of plans and capital improvement programs, financing actions, and other measures that will be assigned to different County departments after the General Plan is adopted.

The General Plan's policies guide the County's policy efforts to achieve the ideal future conditions envisioned in the goal. These policies frame the intent and vision for implementation of a goal. For Goal COS-20, the General Plan does not set forth policies envisioning direct application to individual projects, but rather policies envisioning changes to County operations and the creation of applicable plans: Policy COS-20.1 directs the County to implement a Climate Action Plan; Policy 20.2 directs the County to establish and maintain a program to monitor GHG emissions from various sources for a review of effective GHG-reducing strategies; COS-20.3 directs the County to coordinate with other jurisdictions; and COS-20.4 directs the County to provide education and assistance on the importance and approaches for reductions to GHG emissions.

As to Policy COS-20.1, the Policy is not applicable to individual projects (like the proposed Newland Sierra project), but rather pertains to a jurisdictional responsibility of the County of San Diego. CEQA Guidelines Section 15064.4 does not require that the County use a climate action plan to evaluate the environmental significance of a project, and for the reasons set forth in **Topical Response GHG-3**, the Newland Sierra project does not use, tier from, or rely on, the County's 2018 Climate Action Plan (or its mitigation), which is the subject of pending litigation.

In the context of global climate change, this structure provides the necessary goal and policy flexibility necessary to address the multi-faceted and inter-related tools to reduce overall GHG emissions. Project-level consistency must accordingly be measured by the project's consistency

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with the County's plans and operations as directed through General Plan Policies CO-20.1 through 20.4.

Topical Response GHG-2: Additionality of Carbon Offsets

Comment - The EIR's GHG analysis does not contain any commitment or substantial evidence that all carbon offsets purchased from the carbon markets will satisfy the CEQA requirement of additionality (i.e., only GHG reductions that are not otherwise required may be used to offset project emissions (CEQA Guidelines section 15126.4 (c)(3)).

This comment states that the Draft EIR does not satisfy additionality requirements with respect to the purchase of carbon offsets. The County does not concur with this statement for the following reasons.

To begin, the California Natural Resources Agency (CNRA) squarely addressed this question of additionality when revising the CEQA Guidelines in response to the passage of SB 97. In that proceeding, public commenters asked CNRA to incorporate the AB 32 cap-and-trade requirements for offsets directly into the CEQA Guidelines. CNRA declined to follow this request because AB 32 is a different statutory scheme that is not applicable to many projects subject to CEQA. Further, CEQA has established standards for ensuring the adequacy of mitigation measures, including GHG reduction mitigation measures. Specifically, CNRA concluded:

Several comments also suggested that mitigation for GHG emissions must be “real, permanent, quantifiable, verifiable, and enforceable.” The Proposed Amendments do not include such standards, however, for several reasons. The proposed standard appears to have been derived from section 38562(d) of the Health and Safety Code, which prescribes requirements for regulations to be promulgated to implement AB 32. AB 32 is a separate statutory scheme, and, as noted above, there is no indication that the legislature intended to alter standards for mitigation under CEQA. Similarly, standards for mitigation under CEQA already exist and are set out in section 15126.4(a). Specifically, mitigation must be fully enforceable, which implies that the measure is also real and verifiable. Additionally, substantial evidence in the record must support an agency’s conclusion that mitigation will be effective, and in the context of an EIR, courts will defer to an agency’s determination of a measure’s effectiveness. No existing law requires CEQA mitigation to be quantifiable.

Rather, mitigation need only be “roughly proportional” to the impact being mitigated.

(CNRA, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97* (December 2009) p. 50; internal citations omitted.)

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The Draft EIR references compliance with CEQA Guidelines Section 15126.4(c)(3), an approach that is consistent with the intent of CNRA (see Draft EIR, Section 2.7.6, Page 2.7-47). Specifically, the Draft EIR explicitly requires all carbon offsets utilized under Mitigation Measures M-GHG-1 and M-GHG-2 to satisfy additionality requirements consistent with CEQA. M-GHG-1 and M-GHG-2 state, “any carbon offset utilized to reduce the project’s GHG emissions shall be a carbon offset that represents the past reduction or sequestration of one metric tonne of carbon dioxide equivalent that is ‘not otherwise required’ (CEQA Guidelines section 15126.4(c)(3)).” (Draft EIR, pp. 2.7-48 and 2.7-49).

As an added layer of conservatism, and in order to enhance the evidentiary showing that the carbon offsets are of sufficient environmental integrity, Mitigation Measures M-GHG-1 and M-GHG-2 go beyond the plain parameters of CEQA Guidelines Section 15126.4(c)(3). Specifically, those measures require all purchased and retired carbon offsets to meet certain performance standards, including that all purchased carbon offsets be additional. By relying on established protocols from recognized registries, the County would ensure confirmation of the additionality of any carbon offsets used for Mitigation Measures M-GHG-1 and M-GHG-2. Please see **Topical Response GHG-1: Use of Carbon Offsets** for additional information regarding those performance standards.

Topical Response GHG-3: County's 2018 Climate Action Plan (CAP)

Comment - The project is not consistent with the County's Climate Action Plan (CAP).

Introduction

After release of the Newland Sierra project's Draft EIR for review and comment in April 2017, the County released a Draft CAP and Draft Supplemental EIR (SCH No. 2016101055) for the CAP for public review in August 2017. (Similarly, the project EIR's Notice of Preparation was issued in February 2015, whereas the CAP EIR's Notice of Preparation was issued in October 2016.) The Final CAP was adopted by the County's Board of Supervisors in February 2018, following certification of its related Supplemental EIR. In March 2018, lawsuits were filed by numerous environmental organizations and a business entity challenging the County's adoption of the CAP, and resolution of that litigation will post-date the County's consideration of this project.

CEQA does not require that the County have an adopted or judicially-validated CAP in place in order to analyze, determine, and mitigate the effects of the Newland Sierra project's GHG emissions. However, because the CAP remains an adopted, applicable plan for CEQA purposes while the referenced litigation is pending, this response addresses the County's CAP.

Summary of Climate Action Plan

The purpose of the CAP is to serve as mitigation to reduce GHG emissions resulting from buildout of the County's 2011 General Plan Update (GPU) in accordance with GPU Policy COS-20.1 and GPU EIR Mitigation Measures CC-1.2 and CC-1.8. The CAP includes six chapters: (1) Introduction; (2) Greenhouse Gas Emissions Inventory, Projections, and Reduction Targets; (3) Greenhouse Gas Reduction Strategies and Measures; (4) Climate Change Vulnerability, Resiliency, and Adaptation; (5) Implementation and Monitoring; and, (6) Public Outreach and Engagement. The CAP also sets the following County-specific GHG reduction targets: by 2020, a 2 percent reduction from 2014 levels; by 2030, a 40 percent reduction from 2014 levels; and, by 2050, a goal of a 77 percent reduction from 2014 levels. The CAP is designed to achieve those targets through the implementation of multiple strategies and measures applicable to five general categories of GHG emission sources: (1) Built Environment and Transportation; (2) Energy; (3) Solid Waste; (4) Water and Wastewater; and, (5) Agriculture and Conservation.

The Final CAP was prepared in accordance with the plan elements described in CEQA Guidelines Section 15183.5(b)(1). Chapter 2, GHG Emissions, Inventory, Projections, and Reduction Targets, described the County's methodology for quantifying the existing baseline inventory projected emissions inventories in the unincorporated County for 2020, 2030, and 2050 (CEQA Guidelines § 15183.5(b)(1)(A)). It also described the recommended reduction targets for 2020 and 2030, which are consistent with the recommended community targets in CARB's 2017 *Scoping Plan*, the State's 2014 GHG emissions inventory, and the targets

established by AB 32, SB 32, and Executive Orders B-30-15 and S-3-05 (CEQA Guidelines § 15183.5(b)(1)(B)). Chapter 3, GHG Reduction Strategies and Measures, described the specific strategies and actions the County would take to reduce GHG emissions and quantified the resultant reductions that would be achieved by each measure (CEQA Guidelines § 15183.5(b)(1)(C,D)). Chapter 5, Implementation and Monitoring, described how the County would implement the plan, monitor its effectiveness, and adaptively manage implementation of specific strategies to achieve reduction targets (CEQA Guidelines § 15183.5(b)(1)(E)).

The CAP was designed and developed to be an adaptive plan; as progress is made in implementing GHG reduction measures, that progress will be monitored (i.e., reductions achieved will be logged), and an assessment will be made on whether changes to the CAP would be required. For example, if certain measures have proven successful, additional investment in those measures may be made; or, conversely, if certain measures are proving to be more difficult to achieve, then the County may redirect its efforts to other measures to achieve overall GHG reduction targets. The County will continually monitor the overall effectiveness of the CAP through annual progress reports, and will ensure the CAP continues to make substantial progress toward reduction targets through inventory updates every two years and with updates made to the CAP every five years.

Summary of CAP Implementing Documents

In conjunction with its adoption of the CAP in February 2018, the County also adopted CEQA implementation tools, including the *Guidelines for Determining Significance: Climate Change* (Guidelines) and *Appendix A: Final Climate Action Plan Consistency Review Checklist* (CAP Consistency Checklist). The Guidelines and CAP Consistency Checklist set forth the following two-step process for determining the significance of GHG emissions at the project level for CEQA purposes (County of San Diego 2018):

- **Step 1:** Step 1 (Land Use Consistency) assesses a project's consistency with the growth projections and land use assumptions made in the CAP.

If a project is consistent with the projections in the CAP, its associated growth (in terms of GHG emissions) was accounted for in the CAP's emissions projections and would not increase emissions beyond what is anticipated in the CAP or inhibit the County from reaching its reduction targets. If a project is consistent with the existing General Plan land use designation(s), it can be determined to be consistent with the CAP projections and can move forward to Step 2 (CAP Measures Consistency) of the CAP Consistency Checklist. Also, a project that is inconsistent with existing General Plan or zoning designations but which would propose an equivalent or less GHG-intensive project than that allowed by existing designations can move to Step 2.

If an amendment is needed to the existing land use and/or zoning designation, and if that land use and/or zoning designation amendment results in a more GHG-intensive project, a project is required to undertake a more detailed, project-level GHG analysis. (As provided

on page 5-7 of the CAP, “General Plan Amendment projects that propose increased densities/intensities beyond that allowed by the General Plan will not be able to use the CAP streamlining provision.”) The project also is required to demonstrate compliance with each of the CAP measures identified in the CAP Consistency Checklist. Additionally, in order to support a determination that such a project would not conflict with the CAP and would not make a cumulatively considerable contribution to global climate change, the project is required to demonstrate that it results *either* in “no net increase” in GHG emissions from additional density or intensity above that identified in the County’s 2011 General Plan Update *or* “no net increase over baseline conditions (carbon neutrality).” In doing so, the project must first demonstrate compliance with relevant CAP measures and then achieve any additional needed reductions through on-site design features and mitigation measures, followed by off-site mitigation.

- **Step 2:** Step 2 (CAP Measures Consistency) identifies CAP GHG reduction measures that would apply to discretionary projects and establishes clear questions that can be used to assess a project’s consistency with CAP measures. The specific applicable requirements outlined in the Checklist, shall be required as a condition of project approval. The project must provide substantial evidence that demonstrates how the proposed project would implement each applicable Checklist requirement described in Appendix A to the satisfaction of the Director of Planning & Development Services (PDS). If a question in the Checklist is deemed not applicable (N/A) to a project, substantial evidence must be provided to the satisfaction of the Director of PDS.

Project Consistency with Climate Action Plan

As provided above, the CAP was publicly noticed and prepared following issuance of the Notice of Preparation (NOP) for the Sierra project. (The Sierra project’s NOP was circulated on February 12, 2015, whereas the CAP’s NOP was issued on October 20, 2016.) Accordingly, the project’s Draft EIR does not rely upon the CAP because it was not an applicable (or reasonably foreseeable) plan at the time the NOP was published (see CEQA Guidelines § 15125). Instead, the Draft EIR identified significance thresholds derived from Appendix G of the CEQA Guidelines, and was informed by provisions set forth in CEQA Guidelines Sections 15064.4 and 15126.4. Although the project and its environmental review processes were initiated before the CAP, now that the CAP has been adopted by the County, the project demonstrates consistency with the CAP as a condition of approval.

Regarding Step 1, the Sierra project does propose to change the existing regional categories, land use designations, and zoning. As such, the project is not eligible for CEQA streamlining under the CAP and the Draft EIR’s GHG emissions analysis does not tier from the CAP, but rather sets forth its own, independent analysis (see CEQA Guidelines Section 15183.5).

Under the CAP Consistency Checklist, two (2) options are available for projects that require a GPA:

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- Option 1: Achieve no net increase in GHG emissions above the 2011 County General Plan. (Compliance with Option 1 would first be demonstrated through compliance with the measures as identified in the CAP Checklist. Any additional reductions needed following implementation of measures identified in the CAP Checklist must be achieved through other feasible on- and off-site mitigation.)
- Option 2: Achieve net zero emissions from existing baseline conditions. (Similar to Option 1, compliance under this option would be demonstrated through compliance with the measures as identified in the CAP Checklist, then any additional emissions reductions must be achieved through other feasible on- and off-site mitigation.)

As illustrated in Draft EIR Section 2.7, the project would be consistent with Option 2, based on implementation of the recommended mitigation framework. Specifically, with its mitigation (which requires the purchase of carbon offsets and implementation of a suite of 32 PDFs), the Sierra project would result in no net increase in GHG emissions from the existing, baseline conditions. The County notes that this is a conservative approach because the CAP's inventory projections did assume a General Plan-compliant level of development on the project Site, meaning that Option 1 could have been used by the project to reduce its mitigation obligation. (See **Appendix JJ-18** of the Final EIR for additional information regarding the GHG emissions associated with a General Plan-compliant development scenario.)

Regarding Step 2, as part of the project's conditions of approval, the project would be required to implement all applicable measures included in the CAP Checklist. The project's compliance with the relevant measures in the CAP Consistency Checklist is outlined in Table 1.

Table 1
Climate Action Plan Consistency Checklist

CAP Checklist Item	Project Compliance
1a. Reducing Vehicle Miles Traveled: Non-Residential: For non-residential projects with anticipated tenant occupants of 25 or more, will the project achieve a 15% reduction in emissions from commute vehicle miles traveled (VMT)), and commit to monitoring and reporting results to demonstrate on-going compliance? VMT reduction may be achieved through a combination of Transportation Demand Management (TDM) and parking strategies, as long as the 15% reduction can be substantiated.	Consistent. The Proposed Project would result in 28,862 daily trips (Appendix R3 of the DEIR) and 294,804 total vehicle miles traveled (VMT) before the implementation of the identified TDM measures (Appendix R3). The Proposed Project would employ 203 people who would account for 3.2% of the entire VMT. Using an average pre-TDM trip length of 10.21 miles per trip, and two trips per employee, the Proposed Project's commute related trips would result in a daily VMT of approximately 9,434 miles. A 15% reduction for all commute-related VMT per the CAP requirements would be equal to approximately 1,415 VMT per day. As detailed in Attachment B of Appendix JJ-20 , PDFs 1 and 14-19 result in a 5.0% or a project-wide VMT reduction of 14,740 miles per day, which exceeds the required commute-related VMT reduction requirements. See Attachment B of Appendix JJ-20 for VMT reduction calculations

Table 1
Climate Action Plan Consistency Checklist

CAP Checklist Item	Project Compliance
2a. Shared and Reduced Parking: <u>Non-Residential:</u> For non-residential projects with anticipated tenant-occupants of 24 or less, will the project implement shared and reduced parking strategies that achieves a 10% reduction in emissions from commute VMT? Check "N/A" if the project is a residential project or if the project would accommodate 25 or more tenant-occupants.	N/A. This is not applicable to the project as it is a mixed use project and not stand-alone non-residential development; further, the mixed-use portion of the project would have 25 or more tenant-occupants.
3a. Electric or Alternately-Fueled Water Heating Systems Residential: For projects that include residential construction, will the project, as a condition of approval, install the following types of electric or alternately-fueled water heating system(s)? <input type="checkbox"/> Solar thermal water heater <input type="checkbox"/> Tankless electric water heater <input type="checkbox"/> Storage electric water heaters <input type="checkbox"/> Electric heat pump water heater <input type="checkbox"/> Tankless gas water heater <input type="checkbox"/> Other	Consistent: Prior to the issuance of residential building permits, the project applicant or its designee shall submit building plans illustrating that the project will provide each residential unit with one of the identified water heating system types.
4a. Water Efficient Appliances and Plumbing Fixtures Residential: For new residential projects, will the project comply with all of the following water efficiency and conservation BMPs? 1. Kitchen Faucets: <i>The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.5 gallons per minute at 60 psi.</i> 2. Energy Efficient Appliances: Install at least one qualified ENERGY STAR dishwasher or clothes washer per unit.	Consistent: Prior to the issuance of residential building permits, the project applicant or its designee shall submit building plans illustrating that the project will provide kitchen faucets that will not exceed 1.5 gallons per minute at 60 psi. The project also will install at least one ENERGY STAR dish or clothes washer per residential unit. The choice of appliance will be given to the residents. Residents may choose to have both appliances be ENERGY STAR, consistent with PDF-31.
5a. Rain Barrel Installations: Residential: For new residential projects, will the project make use of incentives to install one rain barrel per every 500 square feet of available roof area? Check "N/A" if the project is a non-residential project; if State, regional or local incentives/rebates to purchase rain barrels are not available; or if funding for programs/rebates has been exhausted.	Consistent: Prior to the issuance of residential building permits, the project applicant or its designee shall submit building plans illustrating that the project would install one rain barrel per every 500 square feet of available roof area, to the extent that State, regional or local incentives/rebates are available to fund the purchase of such rain barrels.
6a. Reduce Outdoor Water: <u>Residential:</u> Will the project submit a Landscape Document Package that is compliant with the County's Water Conservation in Landscaping Ordinance and demonstrates a 40% reduction in current Maximum Applied Water Allowance (MAWA) for outdoor use? <u>Non-Residential:</u> Will the project submit a Landscape Document Package that is compliant with the County's Water Conservation in Landscaping Ordinance and demonstrates a 40% reduction in current MAWA for outdoor use?	Consistent: Prior to the issuance of grading permits, the project will submit a Landscape Document Package that is compliant with the County's Water Conservation Ordinance, and demonstrates a 40% reduction in MAWA.
7a. Agricultural and Farming Equipment: Will the project use the San Diego County Air Pollution Control District's (SDAPCD's) farm equipment incentive program to convert gas- and diesel-powered farm equipment to electric equipment? Check "N/A" if the project does not contain any agricultural or farming operations; if the SDAPCD incentive program is no longer available; or if funding for the incentive program has been exhausted.	N/A. This is not applicable to the project, as the community garden would not include gas or diesel-powered farm equipment.

Table 1
Climate Action Plan Consistency Checklist

CAP Checklist Item	Project Compliance
8a. Electric Irrigation Pumps: Will the project use SDAPCD's farm equipment incentive program to convert diesel- or gas-powered irrigation pumps to electric irrigation pumps? Check "N/A" if the project does not contain any agricultural or farming operations; if the SDAPCD incentive program is no longer available; or if funding for the incentive program has been exhausted.	N/A. This is not applicable to the project, as the community garden would not include irrigation pumps.
9a. Tree Planting: Residential: For residential projects, will the project plant, at a minimum, two trees per every new residential dwelling unit proposed? Check "N/A" if the project is a non-residential project	Consistent: Prior to the issuance of grading permits, the project will submit a Landscape Document Package demonstrating that the project would plant, at a minimum, two trees per residential unit.

As shown in Table 1, the project would be consistent with the relevant measures in the County's CAP Consistency Checklist. Additionally, as described above, compliance with the adopted CAP would be required as a Condition of Approval for the project. Therefore, the project would not conflict with the County's ability to achieve its GHG emission reduction goals.

Relationship of the Project's EIR to the Climate Action Plan

It is important to note that the CEQA analysis prepared for the project's Draft EIR did not use, rely on, or tier from the CAP to streamline the project's environmental analysis. Rather, the Draft EIR rendered significance determinations (using the criteria contained in CEQA Guidelines Appendix G, and informed by CEQA Guidelines Sections 15064.4 and 15126.4) that are independent of the CAP. As such, in the event that the CAP does not withstand judicial scrutiny, the project's EIR would continue to provide a separate, stand-alone basis for the finding that the project's GHG emissions would not significantly impact the environment, with implementation of its own EIR Mitigation Measures M-GHG-1 through M-GHG-3.

On this point, the County notes that the commitment of the project to achieve carbon neutrality, and the Draft EIR's corresponding basis to determine that impacts would be less than significant with mitigation, is supported by CEQA, State guidance, and case law. For example, the overall approach presented in the project's EIR (i.e., attainment of net zero GHG emissions through utilization of a portfolio of on- and off-site reduction strategies) accords to the approach developed by the State of California (and specifically the California Department of Fish and Wildlife and California Air Resources Board) for the Newhall Ranch Project, as well as the approach described for project-level CEQA analysis by the California Air Resources Board in its adopted *California's 2017 Climate Change Scoping Plan*.

Topical Response GHG-4: 30-year Project Life

Comment - The project's GHG inventory and Mitigation Measure M-GHG-2 assume a 30-year project life from the date of construction. This assumption is not supported by any substantial evidence.

1 INTRODUCTION

Additional information has been provided below 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 topical 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:

11. 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. Specifically, when working with the California Department of Fish and Wildlife (CDFW) to evaluate the environmental impacts of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP), which would facilitate the development of a large-scale, master-planned community in Los Angeles County, CARB determined that utilization of a 30-year mitigation period

would enable the RMDP/SCP project to achieve net zero 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).)

12. 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.
13. While the Newland Sierra project has not submitted an application for the “leadership project” designation, the Draft EIR for the project incorporates mitigation measures to mitigate all project-related GHG emissions to net zero, consistent with the AB 900 designation (and akin to the mitigation framework established for the Newhall Ranch RMDP/SCP project).
14. 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.
15. 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.
16. 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.
17. Here, the project’s mitigation period under Mitigation Measure M-GHG-2 is 30 years. Because the mitigation obligation is subject to phased implementation, based on the incremental portion of development associated with each Site Plan and its corresponding building permits, the mitigation period extends beyond 2050 for Site Plans with corresponding building permits that are issued later in the project’s construction schedule. For example, the anticipated build-out year of the project is 2028. If any building permits for implementing Site Plans are issued in 2028, the mitigation period for the associated buildings would extend to 2057.
18. 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.

19. 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.

2 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.

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The focus of this topical response is on Mitigation Measure M-GHG-2. However, other elements of the project's mitigation commitment (see Mitigation Measure M-GHG-3, which requires the implementation of 32 PDFs) are a part of the on-site, built environment, all of which are reasonably anticipated to continue in effectiveness for the foreseeable future as they are maintained and applied in accordance with standard practice. For example, PDF-22 would require the installation of solar photovoltaic panels on all single and multi-family homes (as well as light fixtures along public roads); the emissions reduction benefit of this increased building energy efficiency would be inherent to the developed areas located on the project site. Additionally, PDF-1 through PDF-20 require the continuous implementation of the Newland Sierra Transportation Demand Management (TDM) Plan, which would serve to enhance the transportation options available to and reduce the number of vehicle trips made by project residents, employees and visitors. (Mitigation Measure M-GHG-1 reduces to zero the one-time emissions associated with construction and vegetation change activities.)

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:⁴⁵

Fourth, as to operational emissions, prior to the County's issuance of building permits for each implementing Site Plan (“D” Designator), the project applicant shall provide evidence to the satisfaction of the Director of PDS that it has purchased and retired 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 the incremental amount of development to net zero...

As provided for by Mitigation Measure M-GHG-2, each phase of residential and/or commercial building permits issued for project-related development triggers Mitigation Measure M-GHG-2's 30-year period. And, the reduction or sequestration of the building's 30 years of projected emissions must occur in advance of the operational emissions actually being generated. For example, a residential building permit issued in 2025 would require the project applicant to offset operational GHG emissions from that residence until approximately 2054, and a residential building permit issued in 2028 would require the project applicant to offset

⁴⁵ 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 permits and actual construction activities.

operational GHG emissions from that residence until approximately 2057. As such, no single start-and-end date exists for the project's mitigation period under Mitigation Measure M-GHG-2; rather, the mitigation period is based on the issuance of a building permit, which may be a year or two (or even longer) before the operational emissions even begin to be generated.

The Draft EIR contains a series of tables – specifically, Table 2.7-9 through Table 2.7-14 – that calculate the 30-year emissions reduction obligation of each of the project's land uses. More precisely, the land uses addressed by these tables include single-family residential, multi-family residential, age-qualified units, commercial, school and parks. The data and metrics contained in these tables, as summarized below, will allow the County to implement and track compliance with Mitigation Measure M-GHG-2 in the event the project is approved and building permits are issued.

- Per Table 2.7-9, each single-family residential unit has a total GHG offsets obligation of 480 MT CO₂E.
- Per Table 2.7-10, each multi-family residential unit has a total GHG offsets obligation of 390 MT CO₂E.
- Per Table 2.7-11, each age-qualified residential unit has a total GHG offsets obligation of 210 MT CO₂E.
- Per Table 2.7-12, each thousand (1,000) square feet of commercial development has a total GHG offsets obligation of 4,860 MT CO₂E.
- Per Table 2.7-13, each thousand (1,000) square feet of school has a total GHG offsets obligation of 840 MT CO₂E.
- Per Table 2.7-14, each acre of park has a total GHG offsets obligation of 840 MT CO₂E.

As illustrated above, these tables provide the County with the information needed to calculate the emissions reduction obligation for individual building permits on a scalable basis (e.g., per dwelling unit).

3 CARB CONCURS IN THE USE OF A 30-YEAR PROJECT LIFE

CARB is the state agency charged with the responsibility for and expertise to administer the state's GHG emissions policies (Health & Saf. Code, Section 38510). And, as described below, CARB accepts the use a 30-year project life in the context of the California Environmental Quality Act (CEQA) and AB 900.

First, in the context of analysis prepared pursuant to CEQA, CARB has determined that the use of carbon offsets during a 30-year mitigation period can be effectively relied upon to secure attainment of net zero GHG emissions. More specifically, when assisting CDFW with preparation of the environmental analysis for the Newhall Ranch RMDP/SCP project, CARB 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.; CARB, *California's 2017 Climate Change Scoping Plan* (November 2017), pp. 101-102; 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).)

Second, a 30-year project life has been used and approved by CARB to calculate offset requirements for qualified “leadership projects” under AB 900 (Public Resources Code Sections 21178 through 21189.3). To obtain certification as a “leadership project,” a project must, among other requirements, “not result in any net additional emission of [GHGs], including [GHG] emissions from employee transportation, as determined by CARB pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.” (Pub. Resources Code, Section 21183(c).) Currently, 11 applications have been submitted to CARB and the Governor for the certification of proposed leadership projects. The majority, if not all, of the 11 projects use a project life of 30 or fewer years when calculating GHG emissions reductions.⁴⁶

In summary, CARB accepts the use of a 30-year project life as a method to evaluate emissions inventory data and corresponding mitigation obligations.

4 RELEVANT SCAQMD GUIDANCE SUPPORTS THE USE OF A 30-YEAR PROJECT LIFE

The project site is located in the San Diego Air Basin and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). However, the SDAPCD does not provide guidance on the subject of mitigation periods for GHG emissions. As such, SCAQMD’s guidance for use in calculating GHG emissions is referenced. (SCAQMD is principally responsible for comprehensive air pollution control in the South Coast Air Basin, which includes portions of Los Angeles, Riverside and San Bernardino counties and all of Orange County.)

SCAQMD generally authorizes the use of a 30-year project life to calculate GHG emission offsets in the CEQA mitigation context for land use development. More specifically, in conjunction with its development of GHG emissions significance thresholds for application in the CEQA context, SCAQMD identified a 30-year project life offset criterion after multiple stakeholder working group meetings. SCAQMD recommended this specific project life because:

... the 30-year life of credits is based on a standard 30-year economic life of a project (equipment, etc.) and the SCAQMD is looking at that time period as a default time period. Other shorter options, such as equipment permitted for a shorter time period, would be considered and evaluated on a project-by-project basis.

⁴⁶ The cited documentation for the referenced AB 900 projects is located at <http://www.opr.ca.gov/ceqa/california-jobs.html>.

(SCAQMD, Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group Meeting #6 (October 22, 2008), p. 4; see also ICF International Technical Memorandum, Appendix B, Summaries of Working Group Meetings, Figure B-3, Proposed Tiered Decision Tree Approach, at p. B-10 (Jul. 30, 2008) [“Offsets provided for 30-year project life, unless project life limited by permit, lease, or other legally binding conditions.”].)

SCAQMD folded this 30-year project life into its recommendation for arriving at GHG emissions reduction measures, stating:

the lead agency would quantify GHG emissions from the project and the project proponent would implement offsite mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level. In addition, the project proponent would be required to provide offsets for the life of the project, which is defined as 30 years.

(SCAQMD, Draft Guidance Document – Interim CEQA GHG Significance Threshold, Attachment E, pp. 3-16 (Oct. 2008);⁴⁷ see also id., Figure 3-1, p. 3-11 and Table 3-4, pp. 3-18.) Indeed, SCAQMD recognized that a shorter project life (i.e., less than 30 years) can be appropriate for use in modeling under certain circumstances. (See id., Figure B-3, pp. B-10.)

In December 2008, SCAQMD’s Board adopted the staff-recommended interim GHG significance threshold for stationary source/industrial projects where the air district is the CEQA lead agency; that threshold uses a 30-year project life for modeling purposes and for determining required mitigation. SCAQMD’s Board was not asked to take final action on the significance evaluation framework developed by staff for residential and commercial projects, due to the need for further work efforts related to CARB’s then-pending interim GHG proposal. However, SCAQMD’s documentation does not discriminate between project type (industrial vs. residential/commercial) for purposes of delineating the project life criterion. Instead, like in the industrial/stationary source context, the mitigation offsets criterion for residential/commercial projects also applies to a 30-year project life.

Based on the information from SCAQMD, the 30-year project life is a supported methodological parameter for analyzing GHG emissions and calculating offsets under CEQA.

5 NUMEROUS LEAD AGENCIES AND EXPERT CONSULTANTS USE A 30-YEAR PROJECT LIFE WHEN AMORTIZING CONSTRUCTION EMISSIONS

Additional support for use of the 30-year project life is illustrated in the CEQA analysis completed by CEQA consultants and accepted by lead agencies when evaluating a project’s

⁴⁷ Attachment E of the Draft Guidance Document, which is available at [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf?sfvrsn=2), is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.

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construction and operation GHG emissions. It is industry practice to amortize construction emissions for residential and commercial projects over a 30-year period, which corresponds to the assumed operational life of such projects.

The County of San Diego is the local land use agency with jurisdiction over the project site. The County – when operating in its capacity as a lead agency under CEQA – routinely considers GHG emissions inventory estimates that are presented on an annual basis and quantified after applying a 30-year amortization period to construction emissions.⁴⁸

This standard practice is not limited to the County of San Diego, but rather is used by lead agencies and expert consultants across California. Examples include:

1. Certified Final EIR for the Otay Ranch University Villages Project (SCH No. 2013071077; November 2014), Lead Agency: City of Chula Vista, GHG Consultant: Dudek, Global Climate Change Section at pages 5.14-21 and 5.14-24 (available at: <http://www.chulavistaca.gov/home/showdocument?id=8453>);
2. Draft EIR for the Qualcomm Stadium Reconstruction Project (SCH No. 2015061061; August 2015), Lead Agency: City of San Diego, GHG Consultant: AECOM, Greenhouse Gas Emissions Section at pages 4.5-14, 4.5-16 and 4.5-19 (available at: <https://www.sandiego.gov/sites/default/files/legacy/cip/pdf/stadiumeir/chap4.pdf>);
3. Certified Final EIR for the 333 La Cienega Boulevard Project (SCH No. 2016011061; September 2016), Lead Agency: City of Los Angeles, GHG Consultant: ESA, Initial Study at pages B-42 to B-43 (available at: <http://planning.lacity.org/eir/333LaCienega/files/Appendix%20A-1%20-%20Part%201%20Initial%20Study.pdf>);
4. Initial Study/Mitigated Negative Declaration for the Oakland Airport Perimeter Dike FEMA and Seismic Improvements Project (SCH No. 2015092045; September 2015), Lead Agency: Port of Oakland, GHG Consultant: URS, page 3-40 (available at: http://www.portofoakland.com/files/PDF/environment/Airport_Public_Draft_IS_MND.pdf);
5. Certified Final EIR for The Landing at Walnut Creek Apartments Project (SCH No. 2013092048; May 2014), Lead Agency: City of Walnut Creek, GHG Consultant: The Planning Center I DC&E (PlaceWorks), Greenhouse Gas Emissions Section at pages 4.7-14 and 4.7-15 (available at: <http://www.walnut-creek.org/home/showdocument?id=3000>); and,

⁴⁸ See, e.g., Draft EIR for the Otay Ranch Resort Village Project (SCH No. 2004101058; March 2015), Lead Agency: County of San Diego, GHG Consultant: Scientific Resources Associated, Global Climate Change Evaluation in Appendix C-2 at page 30 (available at: <http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/OtayRanchVillage13Resort/PDS2004-3810-04-002-DEIR-AppendixC02-GlobalClimateChangeEvaluation.pdf>).

6. Certified Final Additional Environmental Analysis for the Newhall Ranch RMDP/SCP Project (SCH No. 2000011025, June 2017), Lead Agency: CDFW, GHG Consultants: Ascent Environmental, Inc. and Ramboll Environ, Global Climate Change/Greenhouse Gas Emissions Section at pages 2.1-20 through 2.1-22 (available at: <https://www.wildlife.ca.gov/regions/5/newhall>).

This common practice in San Diego County and other jurisdictions demonstrates that the approach used in the Draft EIR is a widely recognized and widely applied approach to evaluating the significance of a project's GHG emissions for purposes of CEQA.

6 A 30-YEAR PROJECT LIFE PERIOD IS CONSISTENT WITH EXECUTIVE ORDER S-3-05

The 30-year project life generally aligns with the 2050 horizon year established in EO S-3-05. Based on CARB's planning framework, by 2050, California would reasonably be expected to enact additional policies, regulations and programs to reduce statewide emissions to 80 percent below 1990 levels.⁴⁹ Those future policies, regulations and programs are not yet adopted and their precise parameters are unknown at this time.⁵⁰ Because of these uncertainties, predicting, with quantified precision, key variables and inputs affecting long-range GHG emissions forecasts beyond the 30-year period requires speculation, contrary to CEQA Guidelines Section 15145.

⁴⁹ See also SCAQMD, *Final 2016 AQMP*, p. 10-30 (adopted March 2017; available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>); Bay Area Air Quality Management District, 2017 Clean Air Plan: Spare the Air, Cool the Climate, p. 1-5 (adopted April 2017; available at: <http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a-proposed-final-cap-vol-1-pdf.pdf?la=en>).

⁵⁰ In *California's 2017 Climate Change Scoping Plan* (November 2017, Final), CARB identified its "Proposed Scoping Plan Scenario" for achievement of SB 32's 2030 mandate. As part of that scenario, CARB identified the following emissions-reducing strategies: amendment of the Low Carbon Fuel Standard to secure an 18 percent reduction in the carbon intensity of transportation fuels (the existing standard requires a 10 percent reduction); implementation of the Cleaner Technology and Fuels Scenario in its *Mobile Source Strategy* to increase the penetration of near-zero and zero emissions technology and to reduce vehicle miles traveled; implementation of its *Short-Lived Climate Plan* in order to reduce methane and other GHGs; adoption of regulations to attain a 20 percent reduction in GHG emissions from refineries; and, continuation of the cap-and-trade program, with a post-2020 decline in the emissions cap. (*2017 Scoping Plan Update*, Table II-1, pp. 34-37.)

Relatedly, the "Cleaner Technologies and Fuels Scenario" of CARB's *Mobile Source Strategy* (May 2016) is based on the assumption that the combined car and light trucks sales of zero emission vehicles and plug-in hybrid electric vehicles will reach 100 percent by 2050. (*Mobile Source Strategy*, p. 36.) On page 65 of the *Mobile Source Strategy*, CARB similarly observes that: "The updated Vision analysis shows the vast majority of the on-road fleet must be ZEVs and PHEVs by 2050 in order to meet GHG targets, requiring sales to achieve nearly 100 percent ZEVs (BEVs, FVCs, and PHEVs combined) by that point." Therefore, CARB, with the contemplated amendment of its Advanced Clean Cars regulation described in the *Mobile Source Strategy*, is striving to ensure that 5.3 million combined ZEVs and PHEVs statewide are on California's roadways in 2050. (*Mobile Source Strategy*, p. 65.)

The referenced "Vision analysis" is based on a multi-pollutant scenario planning tool that quantifies changes in criteria air pollutants (and their pre-cursors), GHG emissions, toxic air contaminants and petroleum usage as various technologies become widespread in vehicle and equipment fleets. (*Mobile Source Strategy*, p. 6.)

The inherent uncertainties are reflected in available GHG emissions modeling tools, which are limited to the integration of existing regulatory and technological standards.

Nonetheless, the GHG emission reductions required by Mitigation Measure M-GHG-2 continue for 30 years beyond the project's 2028 build-out year, effectively lengthening the mitigation period seven (7) years beyond the 2050 horizon established by Governor's EO S-3-05.

7 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.) 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.

Appendix K of the Draft EIR presents the methods used to calculate the numeric parameters of the project's offsets requirement for purposes of Mitigation Measure M-GHG-2. The calculations presented in Appendix K are conservatively limited to accounting for the phased achievement of the RPS in 2021, and accounting for existing regulations and fleet turnover rates reflected in CARB's Emission FAcTOr (EMFAC2014) model for mobile sources in 2021. As discussed therein, the methodology does not account for other anticipated improvements in the emissions intensity factors for natural gas and electricity, or the emissions factors associated with vehicle fuel and engine efficiencies.

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.

8 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

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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 San Diego County 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 substantial evidence.

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Topical Response PUB-1: Police and Fire Services

Comment: Comments submitted on the Draft EIR state that the project would impact the provision of police and fire services to the area. The County offers the following response.

Response:

Section 3.5, Public Services, of the EIR (see page 3.5-15), addresses the project's proposed impacts on police, fire, and emergency medical services. The proposed project would increase demand on these services. The County Fire Mitigation Fee Program (see County Code of Regulatory Ordinances section 810.309 and Ord. No. 10429 (N.S.), June 21, 2016) ensures that development fees are paid at the time of issuance of building permits, and those fees are intended to closely reflect the actual or anticipated costs of additional fire protection facilities and equipment required to adequately serve new development. The Deer Springs Fire Protection District (DSFPD) would be recipient of the project's County Fire Mitigation Fees.

The proposed project would pre-pay these Fire Mitigation Fee pursuant to a Fire Fee Payment Agreement with the DSFPD which would also provide funding beyond the required County Fire Mitigation Fees to augment the DSFPD's capabilities for continued provision of timely service to its primary jurisdictional area, including the project Site. In accordance with the project's Fire Fee Payment Agreement, the project would be subject to approximately \$2.47 million in County Fire Mitigation Fees and an additional approximately \$2.01 million in Fire Service Public Benefit Payments to the Deer Springs Fire Protection District (refer to Appendix JJ-23 to the Final EIR) for a total amount (in today's dollars) of approximately \$4.48 million to Deer Springs Fire Protection District. By pre-paying the County Fire Mitigation Fees, the project would ensure DSFPD, including Fire Station 12, would continue to have the capacity and facilities to serve the project Site and satisfy the General Plan's 5-minute response time threshold (refer Appendix N to the EIR).

As stated on page 3.5-16, Section 3.5 Public Services, the project and its increase in population will necessitate an increase in law enforcement to meet the additional demands for services that invariably accompany population growth. The project would result in the need for five additional sworn personnel. For purposes of this analysis, the estimated residential population for the proposed project is approximately 6,063 individuals, resulting in the need for five new sworn officers to meet desirable law enforcement service levels (See EIR, Appendix EE, Project Facility Availability Forms). The project would not require the expansion of existing police protection facilities or the construction of new facilities. As such, the project would not result in physical impacts associated with the provision of new or physically altered facilities.

Annual tax revenues such as property taxes, sales taxes, and assessments generated by the project would be used to cover the incremental costs associated with providing police, fire, and emergency medical services. For example, the project would generate approximately \$3.38

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million annually in property and sales tax revenue to the County's General Fund to fund County services (e.g., Sheriff services) and an additional \$1.42 million annually to Deer Springs Fire Protection District to fund fire and emergency medical services provided by the District (refer to **Appendix JJ-24**, *Newland Sierra Annual Fiscal Revenues Analysis*, prepared by DPFG, to the Final EIR).