



In reply refer to:
FWS/R8/ES

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825



NOV 20 2018

Mark Wardlaw, Director
Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, Ca 92123

Subject: Village 14, Status of Parcels PV 1, 2, 3

Dear Mr. Wardlaw,

We have reviewed the County's Subarea Plan under the San Diego Multiple Species Conservation Program (MSCP), the Implementing Agreement, and your letter detailing your rationale for why PV 1, 2, 3 are not preserve. While it is clear to us that the intent of the MSCP and its supporting documents was for PV 1, 2, 3 to be preserve, the Fish and Wildlife Service has determined the parcels were in private ownership and not conservation status when the MSCP was finalized, and they remain in that same condition today. Since these parcels are specifically identified as areas where "Take Permits Will Not Be Issued" and also are not specifically identified for development, they fall into a gray area within the plan. Therefore, because no take has been authorized in PV 1, 2, 3 we are evaluating approaches for authorizing take in those parcels including the options considered in the County's draft Condition of Approval for the Village 14 project.

Sincerely,

Michael Fris,
Assistant Regional Director,
Pacific Southwest Region,
Sacramento, California.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



November 26, 2018

Kristin Gaspar, Chair
District 3
San Diego County Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

Dear Ms. Gaspar and the Board of Supervisors:

RE: Requested Written Response Regarding Incidental Take Authority Conditional Approval for Otay Ranch Village 14 and Planning Areas 16/19 Project (SCH# 2016121042)

This letter is in response to letters dated September 27 and October 5, 2018, from the County of San Diego (County) Planning and Development Services requesting the California Department of Fish and Wildlife (Department) provide a written analysis regarding proposed options for the County's conditional approval of Otay Ranch Village 14 and Planning Areas 16/19 Project (Village 14 Project), including the areas known as Proctor Valley (PV) 1, PV 2, and PV 3. The October 5, 2018, letter specifically requests a written determination from the Department's Director, which is why I am responding directly to you. This response builds on the Department's April 16, 2018, comment letter on the Draft Environmental Impact Report (DEIR) for the Village 14 Project that included analysis of these issues and the position relayed by Department staff to County staff at their October 1, 2018, meeting.

The Department administers the Natural Community Conservation Planning (NCCP) program. The County participates in the NCCP program by implementing its approved Multiple Species Conservation Program Subregional Plan (MSCP) through the County's MSCP Subarea Plan, the associated Implementing Agreement, and the NCCP Approval and Authorization (NCCP Authorization). The MSCP is a comprehensive, long-term habitat conservation planning program that addresses the needs of multiple species and the preservation of natural vegetation communities within the southwestern subregion of San Diego County and authorizes the County to grant incidental take authority for certain development. The MSCP also addresses the loss of covered species and their habitats due to the direct, indirect, and cumulative impacts associated with land development. The MSCP, County Subarea Plan, Implementing Agreement, and corresponding NCCP Authorization are the means by which the Department authorized the incidental take of covered species by the County as permittee, streamlining development approvals under the County's jurisdiction.

The Department is providing this written response and supporting analysis detailing why the County is obligated to follow the rules and procedures it agreed to in the MSCP and Subarea Plan for any conditional approval of the Village 14 Project.

The Department and County have been performing under these agreed-upon MSCP rules for the past two decades, facilitating nearly 12,000 acres of development in the southwestern portion of the County while conserving 78,000 acres of natural habitats and the numerous species they support. For projects that fall within the boundary of the County Subarea Plan, the County committed to only approve a project if it was in conformance with the MSCP and Subarea Plan. As explained below, the MSCP and Subarea Plan do not authorize the County to conditionally approve development of the Village 14 Project and PV 1, PV 2, and PV 3 through a non-MSCP process. However, the County may seek to amend the Subarea Plan to allow for Village 14 Project development with the concurrence of the Department.

Overview

For the reasons stated in the Department's April 16, 2018, comment letter, the Department considers PV 1, PV 2, and PV 3 to be preserve. The County disagrees. The respective positions of the Department and the County regarding the preserve status of these areas appear to stem from our disparate views of whether the discussions among the Baldwin Company, the County, the City of Chula Vista, the Department, and the U.S. Fish and Wildlife Service resulted in an agreement or merely an offer to include PV 1, PV 2, and PV 3 within the MSCP preserve. The Department contends that various records from multiple parties leading up to and over the decades since the adoption of the Subarea Plan demonstrate the parties have been implementing the Baldwin Agreement. The County maintains, based in part on language in the Implementing Agreement section 10.5, that the 1995 proposal by the Baldwin Company was never finalized or executed.

The Department for purposes of the Village 14 Project specific plan approval is not seeking to resolve the status of the 1995 Baldwin negotiations nor the preserve status of PV 1, PV 2, and PV 3. The Department as the NCCP regulating entity relies on the MSCP, the Subarea Plan, and the Implementing Agreement, which the County voluntarily agreed to, to regulate and enforce NCCP requirements. Both the Department and the County agree that PV 1, PV 2, and PV 3 are designated "No Take Authorized" under the MSCP Subarea Plan. (See Implementing Agreement Exh. F and Subarea Plan Figs. 1-1, 1-2, and 1-3 [identifying PV 1, PV 2, and PV 3 as "No Take Authorized" and "Otay Ranch Areas Where No 'Take Permits' Will Be Issued"].) The primary issue is what the MSCP allows or requires for any potential development of these "No Take Authorized" areas.

September 27, 2018, County Letter and Options for Take Authority under the MSCP, Subarea Plan, and Implementing Agreement

The Department's April 16, 2018, Village 14 Project comment letter included a discussion of parcels PV 1, PV 2, and PV 3. Any development that includes these "No Take Authorized" areas must be consistent with the MSCP and the Subarea Plan. The County may approve development on PV 1, PV 2, and PV 3 after completing a major amendment under the MSCP. PV 1, PV 2, and PV 3 are not major amendment areas, which

are areas specifically mapped in Figure 1-2 and must go through the major amendment process defined in section 1.14.2 of the Subarea Plan. Nevertheless, Subarea Plan section 1.14.2 allows the Department and the U.S. Fish and Wildlife Service (collectively, the Wildlife Agencies) to process major amendment requests by the County. Consequently, the County may request a major amendment of the Subarea Plan to extend incidental take authorization and allow development on PV 1, PV 2, and PV 3.

Alternatively, a boundary line adjustment is an acceptable approach for modifying preserve boundaries under the Implementing Agreement section 10.11. In the County's view, the use of a boundary line adjustment would mean that the County is acceding to PV 1, PV 2, and PV 3 being preserve, which it is not willing to do. Acknowledging the County's concern, the Department does not explore that option in this letter.

The County proposes use of its Biological Mitigation Ordinance (BMO) analysis under the Implementing Agreement section 9.16 to satisfy MSCP requirements. In the South County Segment of the MSCP Subarea Plan, which is where Village 14 is located, the BMO analysis applies only to major and minor amendment areas. (Subarea Plan, § 1.8.) It does not apply to PV 1, PV 2, and PV 3 because they are not identified as major or minor amendment areas in the Subarea Plan Figure 1-2. The Implementing Agreement section 9.16 and its authorized use of the BMO applies to projects that had received their discretionary approvals prior to the Implementing Agreement's March 17, 1998, effective date. The Village 14 Project is currently seeking its discretionary approvals as evidenced by the DEIR. Consequently, the Implementing Agreement section 9.16 is inapplicable. The DEIR's BMO analysis for impacts to PV 1, PV 2, and PV 3, though perhaps necessary for the County's needs pursuant to the terms of the BMO, is not an appropriate process under the Subarea Plan to authorize development of PV 1, PV 2, or PV 3.

The County's second preferred alternative is to deem PV 1, PV 2, and PV 3 as minor amendment areas. The County argues this approach would be consistent with the Subarea Plan section 1.14.1 and incidental take authority can be granted through the MSCP minor amendment process. As proposed by the County, the Wildlife Agencies would have to make a finding that habitat contained by PV 1, PV 2, and PV 3 can be eliminated with mitigation without significantly affecting the overall Subarea Plan goals.

The Department concurs that this is an acceptable approach with further clarification. Subarea Plan section 1.14.1, in addition to the language noted by the County, states that the minor amendment properties must meet the goals for linkages and corridors described in the Subarea Plan sections 4.2.1 and 4.2.2 and must have the approval of the Department. While section 4.2.2 applies only to the Metro-Lakeside-Jamul Segment, section 4.2.1 details specific goals and criteria to maximize habitat structural diversity, conserve spatially representative examples of extensive patches of coastal sage scrub, create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats, and preserve the biological integrity of linkages. These considerations will be critical in any review of PV 1, PV 2, and PV 3, which are identified within the potential preserve area as private land with a 100 percent conservation target. (See MSCP Figs. 3-2, 3-3.) A minor amendment request by the County to allow

development on PV 1, PV 2, and PV 3 is an authorized process under the MSCP and Subarea Plan to the extent the amendment meets Subarea Plan section 4.2.1 linkage and corridor goals. Consequently, the County may seek a minor amendment for PV 1, PV 2, and PV 3 to eliminate the current "No Take Authorized" status. If the Department concurs the proposed minor amendment satisfies the Subarea Plan conservation goals, then the County's development approval for the Village 14 Project could proceed in conformance with the Subarea Plan.

In summary, the County may authorize development of PV 1, PV 2, or PV 3 to proceed by means of a major amendment or minor amendment to the Subarea Plan that satisfies Subarea Plan corridor and linkage goals with the Department's concurrence. A BMO analysis, though perhaps informative and necessary for the County's own process, is not an authorized method under the Subarea Plan to allow development of PV 1, PV 2, and PV 3.

October 5, 2018, County Letter and the County's Proposed Condition of Approval

County staff have proposed a draft condition of approval for the Village 14 Project that would purport to authorize the applicant to seek incidental take authorization from the Department and U.S. Fish and Wildlife Service separate from and outside of the MSCP and Subarea Plan processes. This would entail the applicant pursuing separate federal Endangered Species Act and/or California Endangered Species Act permits in order to receive approval to develop PV 1, PV 2, and PV 3. This is inappropriate. The issue is not only the isolated take of listed species on these parcels, but also the spatial value of these properties within the matrix of conserved land near the Village 14 Project and the properties' importance to the design and function of the overall Subarea Plan preserve design goals. The Implementing Agreement generally requires the County to comply with and implement the MSCP and Subarea Plan, including the Subarea Plan amendment provisions. (Implementing Agreement, §§ 10.2, 10.6.) The MSCP section 5.2.1 and Subarea Plan section 1.2 require any project approved by the County within the Subarea Plan to conform to the MSCP and the Subarea Plan. County staff and the Department agree that the MSCP Subarea Plan map designates PV 1, PV 2, and PV 3 as "No Take Authorized." (See MSCP Subarea Plan, Figs. 1-2, 1-3.) County staff and the Department differ, however, on whether this status means that PV 1, PV 2, and PV 3 constitute part of the preserve.

Regardless of whether PV 1, PV 2, and PV 3 are developable or preserve, they are "No Take Authorized." The Implementing Agreement and Subarea Plan are consistent on this point. The Implementing Agreement includes a map as Exhibit F defining the area encompassed by the Subarea Plan. That map identifies PV 1, PV 2, and PV 3 in dark green as "Otay Ranch Areas Where No 'Take Permits' Will Be Issued." Exhibit F is the same map as Figure 1-1 of the Subarea Plan.

The County agreed through the Implementing Agreement and MSCP permitting documents that no incidental take is authorized for PV 1, PV 2, and PV 3. Consequently, the County is prohibited under the MSCP section 5.2.1 and Subarea Plan section 1.2 from approving the Village 14 Project without going through processes it agreed to in the MSCP and Subarea Plan to remove the "No Take Authorized" status of these areas. The Subarea Plan prevents

Kristin Gaspar, Chair
District 3
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the County from allowing the Village 14 Project applicant to seek incidental take authorization separate from a Subarea Plan amendment.

Conclusion

The Department has partnered with the County over the past 20 years to implement the MSCP and remains committed to working with the County to address the critical MSCP and Subarea Plan implementation issues associated with the Village 14 Project. The Village 14 Project is the only project I am aware of where the County proposes setting aside the rules it agreed to in the MSCP and Subarea Plan in approving a development. The Department wishes to ensure the County is fully informed before it decides to approve the Village 14 Project with an option inconsistent with the MSCP and Subarea Plan permitting requirements. Approving the Village 14 Project with an option for the applicant to seek take authorization separate from the required Subarea Plan process would likely result in a material breach of the MSCP, Subarea Plan, and Implementing Agreement and could result in suspension or revocation of the NCCP Authorization. This would jeopardize the County's incidental take authorization under the MSCP and the MSCP approach for streamlining developments across the County.

The Department and the County agreed to the MSCP and Subarea Plan. Those rules and processes have become a model for streamlining development across the County while also conserving unfragmented habitat areas and the sensitive species they support, promoting a multiple species and habitat management and monitoring program, and protecting broad-based natural communities and species diversity. The Department greatly values the decades-long MSCP partnership that it has developed with the County through MSCP planning and implementation and wants to continue to work with the County through those agreed-upon MSCP processes.

I am available to work with you to help resolve any outstanding issues.

Sincerely,



Charlton H. Bonham
Director

cc: Paul Souza, Regional Director
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November 26, 2018

Via Electronic Mail

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Dept of Planning and Development
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5510 Overland Ave Third Floor
San Diego CA 92123
E-Mail: mark.wardlaw@sdcounty.ca.gov

Re: Development of PV-1, PV-2, and PV-3 under the San Diego
Multiple Species Conservation Plan.

Dear Mr. Wardlaw:

On behalf of the Endangered Habitats League, we write to address the County's current proposal to approve the Otay Ranch Village 14 project conditioned on a future amendment of the San Diego Multiple Species Conservation Plan ("MSCP") to allow take in development areas PV-1, PV-2, and PV-3. As you know, the MSCP currently designates PV-1, -2, and -3 as "No Take Authorized" areas. Under the MSCP Program Plan, the County's Subarea Plan, and associated Implementing Agreement, permitting a project that develops PV-1, -2, and -3 may not occur until *after* a major amendment to the MSCP allowing incidental take within these areas has been approved.

Approving the current development proposal without first obtaining an amendment to the MSCP to allow incidental take across the entire proposed project area would violate County's obligation to comply with the MSCP. Together, PV-1, -2, and -3 represent approximately 200 acres of undeveloped land currently designated as "preserve" in the MSCP Subarea Plan. *See* MSCP Subarea Plan at 1-3 (explaining that Figure 1-2 depicts "green 'preserve' areas") and Figure 1-2 (mapping PV-1, -2, and -3 as green areas). By designating these lands as "No Take Authorized" areas, the Subarea Plan further affirms that developing them is inconsistent with and would violate the MSCP. *See id.* at Figure 1-2.

Under the MSCP Subarea Plan, removing protections from designated preserve areas like PV-1, -2, and -3 can only occur through a “major amendment” to the Subarea Plan. *See id.* § 1.14 (For changes to “all dedicated *or designated* preserve areas, major amendments will be necessary.”) (emphasis added). The major amendment process requires public input and thorough review from the wildlife agencies. The County must apply to the wildlife agencies for a Take Authorization Amendment, complete CEQA and NEPA review, and, ultimately, obtain the wildlife agencies’ determinations that an amended take authorization complies with the federal and state Endangered Species Acts. *See id.* at Figure 1.4.

While some have suggested that a “boundary line adjustment” could be utilized to permit development of PV-1, -2, and -3, the boundary line adjustment process is plainly inappropriate for such a large change to the designated MSCP preserve. Under the County’s Implementing Agreement, adjustments to the preserve boundary may only occur “in limited circumstances” and require compliance with the boundary line adjustment criteria in the MSCP Program Plan. IA at § 10.11. The Program Plan only identifies using the boundary line adjustment process to *enlarge* the preserve (e.g. following a property owner’s request) or to respond to unforeseen circumstances or new information that was unavailable with the MSCP was prepared. MSCP Program Plan § 5.4.2. The MSCP Program Plan does not anticipate boundary line adjustments merely because a developer would like to build new development in preserve areas, and we are unaware of any circumstance where a boundary line adjustment was used to develop hundreds of acres of designated preserve land.

Moreover, it is highly unlikely that any boundary line adjustment allowing development of PV-1, -2, and -3 would “result in the same or higher biological value of the preserve,” as the MSCP requires. *Id.* Changes to the preserve’s biological values must be assessed through multiple enumerated factors, including effects on “significantly and sufficiently conserved habitats” and on “habitat linkages and function of preserve areas.” *Id.* As has been previously documented, PV-1, -2, and -3 sit within high value habitat and provide key habitat linkages, including a linkage between San Miguel Mountain and the Jamul Mountains. There is little chance that adjustments to the preserve’s boundary elsewhere would suffice to counteract the loss of these important habitat areas.

The “boundary” adjustment process is particularly unsuitable for developing the nearly 130 acres in PV-3. These acres do not sit along the preserve’s boundary. Rather, they are wholly *within* the preserve. Consequently, allowing take on that parcel would not “adjust” the existing preserve boundary. It would cut a hole in the middle of currently-contiguous preserve, eliminating take protections in PV-3 and dramatically reducing the habitat values of the surrounding preserve land. Such a large

and impactful change to the MSCP does not fit within the minor boundary adjustment process. It can only occur through a major amendment to the MSCP.

Finally, even if it were permissible to use the boundary line adjustment process to allow take on PV-1, -2, and -3—which it is not—that adjustment could not occur until the County initiates CEQA review to fully evaluate the environmental impact of such a change. *See* MSCP Program Plan § 5.4.2 (the “take authorization holder,” i.e., the County, is responsible for complying with CEQA for any boundary line adjustment). As we noted in our April 16, 2018 letter on this project, the MSCP EIR’s impact analysis and adopted mitigation assumed that PV-1, -2, and -3 would be “100% conserved land.” Amending the MSCP to allow take in these areas would undermine this fundamental assumption of the original MSCP EIR and, as a result, require additional environmental review. The County cannot convert these conserved lands to development without first analyzing the impacts from loss of previously adopted mitigation, loss of habitat connectivity in the MSCP preserve and surrounding lands, and resulting harm to the numerous special-status species protected under the MSCP.

If the County intends to consider approving a development project that includes PV-1, -2, and -3, it must do so by following the lawful major amendment process set forth in the MSCP, and, as stated above, such approval must be completed before the project is approved. The County cannot avoid this requirement by conditioning a project approval on future compliance with the MSCP. Moreover, because the project’s residential and commercial components depend on prerequisite roadway and other infrastructure improvements, and because mitigation measures for PV-1, -2, and -3 are necessarily integrated with mitigation measures for the remainder of the project, the applicant cannot obtain third-party beneficiary take otherization for any of the proposed project activity absent a major amendment to the MSCP that allows development of PV-1, -2, and -3. *See* IA at § 17.1.

EHL remains willing to work with the County to ensure that the legal requirements for any amendment are fulfilled and that the MSCP’s foundational species and habitat protections remain intact.

Mark Wardlaw
November 26, 2018
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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Edward T. Schexnayder

cc: Land Use and Environment Group
Calif Dept of Fish and Wildlife
US Fish and Wildlife Service
Interested parties

1063216.3

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



December 5, 2018

VIA ELECTRONIC MAIL

Department of Planning and Development Services
ATTN: Kevin Johnston, Gregory Mattson, Mark Slovick, Ashley Smith
5510 Overland Ave, Third Floor
San Diego, CA 92123

**RE: Otay Ranch Villages 14 and Planning Areas 16 & 19
Otay Ranch Village 13
Lilac Hills Ranch
Warner Ranch
Property Specific Requests**

Dear Ms. Smith, Mr. Slovick, Mr. Johnston, and Mr. Mattson:

Endangered Habitats League (EHL) hereby submits additional comments into the administrative records for the above-referenced projects. With the recently approved (Newland Sierra, Harmony Grove Village South, Valiano, Otay 250 projects) and additional proposed major general plan amendments, the County of San Diego would substantially increase the amount of new development—and add about 40,000 people—within high fire hazard locations. As this and last year’s tragic wildfires in northern and southern California make clear, residential development in the wildland urban interface and within high fire hazard severity zones is a recipe for disaster. We ask that the County halt consideration of the above projects until each project’s fire safety analysis is updated to analyze the lessons from the recent disastrous fires.

Communities Cannot Rely on Phased Evacuations to Save Lives.

Certain of the County’s proposed projects call for a phased approach to evacuation. The recent Camp Fire, with great and tragic loss of life in the town of Paradise, demonstrates that phased evacuation plans cannot be relied upon. In disaster situations, warning systems fail and roads gridlock.

After a wildfire tore through Paradise in 2008, authorities put together a detailed plan, hoping to make emergency evacuations swift and orderly, with residents leaving according to their neighborhoods. But Paradise’s carefully laid plans quickly devolved into a panicked exodus on November 8th (*AP*, Nov 15, 2018).¹ The fire simply moved too fast. “The fire had already outrun us,” said John Messina, California Department of

¹ Copies of each of the articles discussed in this letter are at https://www.dropbox.com/sh/4e3m8d37crxt24b/AAD_all-uDg8GCI9XjYMJugVa?dl=0 and will be sent to Mr. Slovick for distribution as a thumb drive. Individual links are also attached.

Fire and Forestry Protection battalion chief for Butte County (*NY Times*, Nov 11, 2018; *LA Times*, Nov 14, 2018). The bodies of several people were found “in vehicles that were overcome” by the flames, Sheriff Kory L. Honea of Butte County said, adding that they had been so badly burned, they could not immediately be identified (*NY Times*, Nov 9, 2018).

Evacuation planning was not an oversight in Paradise. The mayor, Jody Jones, worked for years as a regional manager for the California Department of Transportation. Traffic management is her specialty. The town held evacuation drills. Ms. Jones explained that no amount of planning could have prevented the panicked gridlock in Paradise. (*NY Times*, Nov. 12, 2018). Yet the County is relying on precisely the same kind of evacuation planning as the rationale for placing tens of thousands of people in harm’s way. This wishful thinking approach to fire is potentially catastrophic. As of this writing, the Camp Fire alone is known to have claimed 88 lives, with 25 people still missing.

Despite the Deadly Fires in 2017 and 2018, Agencies Continue to Rely on Outdated Warning Systems.

Disaster after disaster, California keeps falling short on evacuating people from wildfires (*LA Times*, Nov. 20, 2018). In a comprehensive look at the Woolsey (Malibu), Paradise, and Tubbs (Sonoma) fires, the Los Angeles Times found pervasive failures of warning, telephone alert, and evacuation systems. Due to outdated or flawed warning systems, only a fraction of people living near the Camp Fire received alerts or evacuation orders from local authorities. “In the town of Paradise, I think we’d be lucky to say 25% or 30%” of phone lines are in the system” (*LA Times*, Nov 14, 2018; November 20, 2018).

Fire Hardening, Defensible Space, and Shelter-In-Place Cannot Protect Against Firestorms.

Reliance upon hardening of homes is foolhardy. In the Tubbs fire, houses that were built to current fire codes burned. According to a former Sonoma County planning director and past president of the California chapter of the American Planning Association,

The WUI standards for new buildings increase the odds of a building surviving a wildfire, but relying on a hardened structure to protect whole communities in a known fire-prone area is the height of hubris and callousness . . . The lesson is that we cannot engineer our way out of every hazard (*APA Northern News*, Oct. 2018).

Given the fact that the Woolsey Fire (Malibu) jumped the 101 Freeway like hopscotch, it is magical thinking to believe that defensible space around structures will keep a wind-driven fire out. Yet consultants for developers brazenly promulgate the myth that this prudent but limited measure plus structure hardening can actually ensure safety

from firestorms. County staff routinely accept deeply flawed traffic studies which paint unrealistically optimistic chances of safe evacuation while disregarding criticisms of these studies prepared by licensed transportation engineers. Worse, the County does not even employ licensed fire protection engineers to prepare the fire “protection” plans included in its EIRs.

Limiting Development in High Risk Fire Zones Is the Only Solution.

Even if alerts overcome the technical problems, fire officials often face a no-win choice: issue a narrowly targeted alert and leave people at risk of events overtaking them, or issue a broad alert and cause certain gridlock. There is no safe approach other than limiting the number of people in danger in the first place.

Increasingly, and justifiably, development decisions by local government officials are blamed. California’s deadly wildfires have a straightforward solution, experts say: stop building homes in places that are likely to burn — and make homes that already exist in those areas a whole lot tougher (*Bloomberg News*, Nov. 14, 2018). “It’s a land-use issue,” said Alice Hill, a senior adviser for climate resilience to President Barack Obama. Without so many homes being constructed in vulnerable areas at the edge of the forest, “we would still have the fires. But we wouldn’t have this kind of devastation” (*Bloomberg News*, Nov. 14, 2018).

Some experts suggest that a state commission, much like the California Coastal Commission, should be created that would have authority over new development in hazardous fire zones (*LA Times* editorial, Nov 25, 2018).

The fact is that today’s strategy of embracing risk has failed. And it will fail again. Pete Parkinson, AICP, concludes that,

As planners and as local government decision makers, we thought we had adequately anticipated the hazards and had planned accordingly. We were wrong.

As emergency responders (and like almost every public employee), we trained and exercised for scenarios we thought were “worst case.” We were wrong about that too.

What happened in the North Bay fires last October exceeded everyone’s vision and prudence, and we’ve seen similar catastrophes play out up and down the state since then. We have been given severe lessons on the risks of putting ever more people in harm’s way. Those lessons need to work their way into our General Plans, zoning, and everyday planning practice — and soon. (*APA Northern News*, Oct. 2018).

Despite all that these human disasters teach us, San Diego County remains with its head woefully buried in the sand. Apparently, nothing ever goes contrary to a rosy, best-case scenario in San Diego. In response to the Board of Supervisor's questions during a public hearing, the fire chief touted phased evacuations and portrayed them as infallible. "No one has died," he repeats. Actually, no one has died *until they do*.

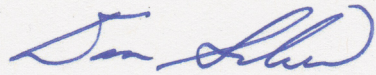
Similarly, CalFire's Jon Heggie believes that San Diego is immune from evacuation chaos and that they have as much control over the vagaries of nature, wind, smoke, and traffic as an orchestra conductor: "It's a well-orchestrated dance, so to speak," he said, "between us and our law enforcement partners to be able to do these evacuations in a timely manner" (KPBS, Nov 20, 2018). Overconfidence—and it is indeed hubris that dominates current County (and CalFire) thinking—has no place in ensuring public safety.

Apparently, no one wants to "say no" to a housing developer. The County is now overtly relying on untenable shelter-in-place evacuation scenarios instead of recognizing that the inability to evacuate should mean *project denial*. Would you tell your family to shelter-in-place during a terrifying wind-driven fire when smoke and chaos have made evacuation impossible? In Paradise, people abandoned their cars and ran.

It is long past time to for San Diego County to practice *responsible* land use planning. For reasons of topography, surrounding wildlands, wind patterns, and fire history, many parts of the County are simply too dangerous to build in, at anywhere near the densities associated with the GPAs before you. These locations have been identified by CalFire already and can be further refined.

We ask that the County halt consideration of the above projects until each project's fire safety analysis is updated to analyze the lessons from this and last year's disastrous fires. The County must completely reexamine fire safety issues in light of present knowledge. Your number one duty is to public safety.

Yours truly,



Dan Silver, MD
Executive Director

cc: Board of Supervisors
San Diego County Fire Authority
CalFire
Sara Aghassi, LUEG
Mark Wardlaw, DPDS
San Diego Union-Tribune
inewssource
KPBS
Voice of San Diego
Los Angeles Times

Attachments

Staggered evacuation plan questioned in California wildfire's aftermath

<https://www.bostonglobe.com/news/nation/2018/11/15/staggered-evacuation-plan-questioned-california-wildfire-aftermath/ilWANGQZLPXF9SKK4raCKI/story.html>

Forced Out by Deadly California Fires, Then Trapped in Traffic, The New York Times, November 11, 2018

<https://www.nytimes.com/2018/11/11/us/california-fire-paradise.html?smid=nytcore-ipad-share&smprod=nytcore-ipad>

As California's deadliest wildfire closed in, evacuation orders were slow to arrive

<https://www.latimes.com/local/lanow/la-me-paradise-fire-evacuations-20181114-story.html>

'The Whole World Was on Fire': Infernos Choke California, Piling On the Grief

<https://www.nytimes.com/2018/11/09/us/california-fires.html>

California Today: Camp Fire Matches Deadliest Fire in State History

https://www.nytimes.com/2018/11/12/us/california-today-paradise-camp-fire.html?em_pos=large&emc=edit_ca_20181112&nl=california-today&nid=15762734edit_ca_20181112&ref=headline&te=1

Disaster after disaster, California keeps falling short on evacuating people from harm's way

<https://www.latimes.com/local/lanow/la-me-paradise-fire-evacuation-system-20181120-story.html>

Third body found among wreckage of Woolsey fire as residents blast officials about emergency response

<https://www.latimes.com/local/lanow/la-me-ln-woolsey-fire-response-20181114-story.html>

We came, we planned, we were wrong

<https://norcalapa.org/wp-content/uploads/2017/06/Oct18.pdf#page=2>

California's Wildfire Epidemic Blamed On Bad Building Decisions

<https://www.bloomberg.com/news/articles/2018-11-14/california-s-wildfire-epidemic-blamed-on-bad-building-decisions>

Rebuild Paradise? California has to reconsider putting homes in the path of more dangerous fires

<https://www.latimes.com/opinion/editorials/la-ed-wildfire-rebuild-20181124-story.html>

Wildfire Fatalities Spark Fears About Recent Land Use Decisions In San Diego

<https://www.kpbs.org/news/2018/nov/20/camp-fire-fatalities-spark-fears-about-recent-land/>

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December 21, 2018

Via Electronic Mail

Charlton H. Bonham, Director
Director's Office
California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244
Director@wildlife.ca.gov

Re: MSCP Amendments for Proposed Development of PV1, PV2, and PV3

Dear Director Bonham:

On behalf of Endangered Habitats League ("EHL"), we are writing to address issues raised in your November 26, 2018 letter to Kristin Gaspar and the San Diego County Board of Supervisors. EHL deeply appreciates the Department of Fish and Wildlife's continued engagement with the County regarding the proposed Village 14 and Planning Areas 16/19 development ("Project"), and the obligation to uphold the terms and protections of the Multiple Species Conservation Program ("MSCP") and the County's associated Subarea Plan and Implementing Agreement. We would like to delineate where our assessment aligns with the Department's as well as areas of difference.

Of significant concern to EHL is the Project's current proposal to develop areas PV1, 2, and 3 – together comprising roughly 200 acres of environmentally-sensitive open space designated as "No Take Authorized" in the MSCP and Subarea Plan. As the Department recognized in earlier correspondence with the County, the MSCP designations for PV1-3 were intended to protect these areas from development along with other areas designated as MSCP preserve.

For these reasons, EHL agrees that MSCP does not permit County to use its Biological Mitigation Ordinance to circumvent the MSCP's requirements and permit

development in PV1-3. EHL also agrees that the County cannot condition a Project approval on securing separate take authorizations from the Department and the US Fish and Wildlife Service. Such an approval would contravene the Subarea Plan and breach the County's obligations under the MSCP and Implementing Agreement.

In addition, we believe there is no legal way forward for the Project, as currently proposed, without first amending the MSCP and Subarea Plan to allow development of PV1-3 and to fully compensate the MSCP preserve for the loss of this protected habitat. We further note that no phase or portion of the Project may move forward absent such an amendment. Segmenting the project into smaller units and allowing some to proceed while the PV1-3 issue is resolved would violate the Implementing Agreement, as discussed in our prior correspondence to the County. And unless and until the County conducts full CEQA review of the proposed Project – which is inconsistent with the MSCP and therefore not covered by the MSCP program EIR – neither the County nor the Department can take any action to approve the project.

We agree that major amendment process is appropriate for considering any changes to Subarea Plan that would permit development in PV1-3, but we strongly disagree that the minor amendment process is authorized here. The Subarea Plan clearly limits minor amendments to utility improvements or areas specifically mapped for minor amendments, of which PV1-3 is not one. As the Subarea Plan states, “Within [mapped] major or minor amendment areas take of covered species may be authorized only after such an area has become part of the Segment Plan through the appropriate amendment process.” Subarea Plan at 1-19; *see also* MSCP Program Plan at 5-14 (“*For land that is not part of the plan*, the owners would need to process an amendment to the plan to include it in the plan. These amendments are referred to as Major Amendments or Minor Amendments.” Emphasis added.).

There is no ambiguity on this. Nothing in the MSCP or Subarea Plan authorizes minor amendments for modifying existing hardlined boundaries within the Subarea Plan. To further eliminate doubt, the Subarea Plan *requires* that amendments to designated preserve areas utilize the major amendment process. Subarea Plan section 1.14, “Amendments to the Subarea Plan,” expressly reads “For *all* dedicated or designated preserve areas, *major amendments will be necessary*.” Subarea Plan at 1-29 (emphasis added). As the Subarea Plan and MSCP Program Plan show, and as the Department acknowledged in its April 16, 2018 letter to the County, “PV1, PV2, and PV3 are Preserve pursuant to the MSCP Plan.” As such, the only way to remove PV1-3 from the preserve is through the major amendment process.

Although the County has stated it will not pursue a boundary adjustment, we want to emphasize that a boundary adjustment is likewise inappropriate as a way to address the proposed development of PV1-3. As we have outlined in previous correspondence with the County, boundary line adjustments are only available “in limited circumstances” and must comply with the MSCP Program Plan. Implementing Agreement at § 10.11. The MSCP Program Plan does not anticipate boundary line adjustments simply because a developer would like to build new development in preserve areas.

Notably, by proposing to develop PV1-3, the County and applicant are not proposing a minor change or adjustment to the MSCP. Rather, this development would result in a wholesale elimination of designated preserve in Proctor Valley – the development hundreds of acres that the plan intended to be left undeveloped, and the destruction of crucial habitat and linkage values within the MSCP preserve and surrounding undeveloped lands. Additionally, there is little chance that a boundary line adjustment to allow development of PV1-3 would “result in the same or higher biological value of the preserve,” as the MSCP requires. MSCP Program Plan § 5.4.2. Using the boundary line process is particularly egregious if applied to removing PV-3 from the preserve because PV-3 is in the middle of the preserve, not on the boundary. Such a large and impactful change to the MSCP does not fit within the “limited circumstances” that permit the minor boundary adjustment process to be used; it can only occur through a major amendment to the MSCP.

It is also essential that such a major change to the MSCP be considered in a transparent, public process with full environmental review. The MSCP does not guarantee any public process whatsoever for the Department’s approval of a boundary adjustment or a minor amendment – no doubt because such changes were never envisioned to encompass the kind of drastic changes proposed here.

The public must have a seat at the table in any consideration of whether PV1-3 should be removed from the designated preserve. The Department cannot approve any such change consistent with the MSCP absent a showing that the applicant will provide replacement preserve lands that would equal or exceed the species, habitat, and linkage values, and ecosystem functions, of the lands impacted by the proposed development. The public must have the opportunity to review and comment on the adequacy of any such proposal. The Department’s decision simply cannot be made behind closed doors, and it must precede any action by the County to approve development of PV1-3. Failure to do so would result in improperly piecemealed environmental review, and would result in a Project that is inconsistent with the MSCP.

Charlton H. Bonham, Director
December 21, 2018
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We therefore ask that the Department ensure full public involvement and CEQA review for the consideration of any proposal to allow development in PV1-3. Such a process would ensure compliance with both the spirit and letter of the MSCP.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



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Here's how Paradise ignored warnings and became a deathtrap

By Paige St. John, Joseph Serna and Rong-Gong Lin II

Dec 30, 2018 | 3:00 AM

| Paradise, Calif.

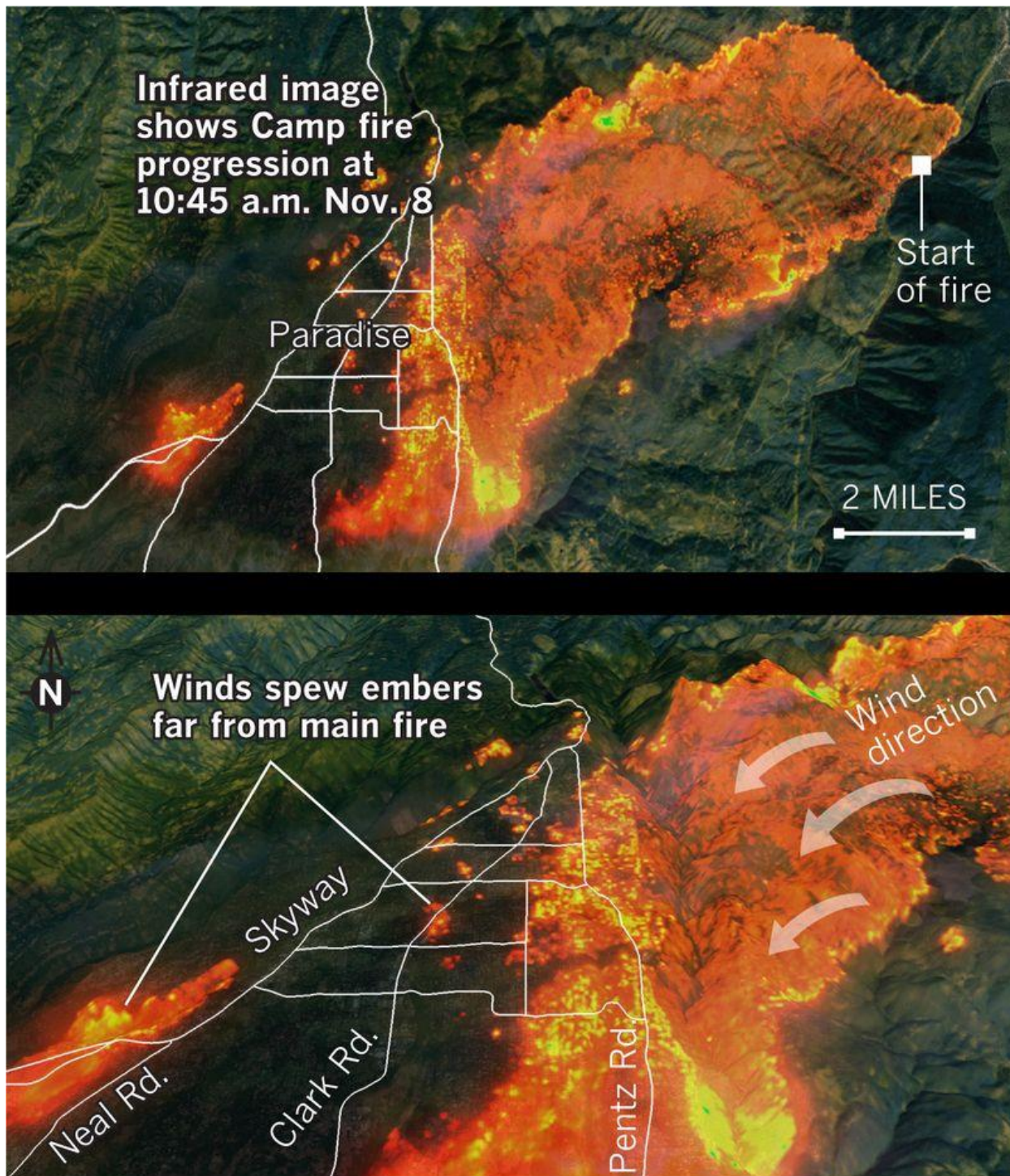


Embers blow in the wind as the Camp fire burns a KFC restaurant in Paradise, Calif., on Nov. 8. Fueled by high winds and low humidity, the rapidly spreading wildfire ripped through the town. (Justin Sullivan / Getty Images)

The fate of Paradise was cast long before a windstorm last month fueled the deadliest fire in California history.

The ridge settlement was doomed by its proximity to a crack in the mighty wall of the Sierra Nevada, a deep canyon that bellowed gale-force winds.

It was doomed by its maze of haphazard lanes and dead-end roads that paid no heed to escape.



Sources: Zeke Lunder, Deer Creek Resources, @latimesgraphics
 Google Earth, OpenStreetMap

Infrared image (Jon Schleuss / Los Angeles Times)

It remained doomed because for all the preparations community leaders made, they practiced for tamer wildfires that frequently burned to the edge of town and stopped — not a wind-driven ember storm.

In the aftermath of the Camp fire — 86 dead, more than 13,900 homes destroyed and Paradise decimated — local and state officials said the tragedy was unforeseen and unavoidable, an "unprecedented" monster of fire.

In truth, the destruction was utterly predictable, and the community's struggles to deal with the fire were the result of lessons forgotten and warnings ignored. The miracle of the tragedy, local officials now concede, is how many people escaped.

A Los Angeles Times investigation found that Paradise ignored repeated warnings of the risk its residents faced, crafted no plan to evacuate the area all at once, entrusted public alerts to a system vulnerable to fire, and did not sound citywide orders to flee even as a hail of fire rained down.

Butte County grand jury warned that Paradise faced disastrous consequences if it did not address capacity limits of its roads. (Carolyn Cole / Los Angeles Times)

Historical records show the Camp fire was typical of the catastrophic wind-driven fires responsible for California's greatest wildfire losses.

A state fire planning document warned in 2005 that Paradise risked an ember firestorm akin to the one that ripped through Berkeley and Oakland 14 years earlier, killing more than two dozen people and destroying more than 2,000 homes. But Paradise officials framed risk in historical terms: In 50 years, no wildfire had crossed the Feather River.



Cars destroyed by the Camp fire in Paradise, Calif. (Justin Sullivan / Getty Images)

The roads out of Paradise gridlocked within an hour of the first evacuation order, and began moving again only by a herculean effort of firefighters, police, bureaucrats and politicians who rushed to jammed intersections to try to unsnarl the knot, the benefit of having practiced for small fires.

In another three hours, hundreds of residents were trapped deep within town, cut off by flames. The town communications system was dead, as were cell towers. Police radios were crippled.

People jumped from cars and fled on foot. Hundreds sought refuge in parking lots and commercial buildings never intended to be temporary shelters in a firestorm. The remains of scores of residents were found inside the homes they never left.

The disaster occurred despite the fact that Paradise was proactive about preparing for fire, not just with drills and plans, but advertising its warning system, promoting "pack and go" preparations by residents, and even writing fire precautions into public construction projects. City leaders believed no other California community, except perhaps fire-dogged San Diego, was better prepared.

National transportation planners say the town's destruction should set a new bar for emergency planners in wildfire areas, the way Hurricane Katrina reshaped evacuation planning on the Gulf Coast. But despite vows to create statewide evacuation standards after previous deadly wildfires, California has yet to take action and evacuation planning remains a local responsibility.

The question is more urgent than ever after two wildfire seasons with a staggering death toll: More than 40 killed by fires in wine country, more than 20 dead from the Montecito mudslides.

But experts fear the lessons will go unheeded.

"Memories are very short and people will soon forget how terrible Paradise was," said Michael Robinson, director of the Center for Innovative Transportation Solutions at Old Dominion University, which helps communities plan for evacuations. "Or they'll think, 'It was terrible for Paradise, but it won't happen to me.'"

Drone video showing charred remains of the Ridgewood Mobile Home Park after the Camp fire

An imperfect place

Paradise was built upon a system of volcanic ledges bisected by a fan of deep ravines emptying into the Sacramento Valley.

Developers started with what had been gold mine trails and then apple orchard roads to pave a street system that maximized buildable space the way blood vessels branch into capillaries. There are nearly 100 miles of private roads that dead-end on narrow overlooks and few connector streets.

For more than 38,000 people, access to the outside world came via four roads running south, down finger ridges and through forest canopy. After 2008, a forest road north was paved to provide escape for residents on the upper ridge above Paradise. On the day of the fire, the narrow winding passage jammed and was impassable.

Other historic mining towns in the Sierra Nevada foothills follow similar chaotic, organic layouts.

"The DNA of these towns is such that they're ... set up for disaster," said Zeke Lunder, a Chico-based fire specialist and geographer whose company helps private landowners and public agencies conduct prescribed burns and prepare for inevitable wildfires.

The population boom for Paradise came in the 1960s and '70s. Nine out of 10 homes were built before 1990 and most were more than three decades old. Tax assessor records show that only 285 homes were built on the Paradise ridge since new fire codes went into effect in 2008. A Times analysis of assessor records and fire surveys showed those newer structures had a 13% survival rate in the Camp fire, compared with 3% for older homes.

Paradise officials repeatedly told The Times they never envisioned a firestorm reaching the town.

But the 2005 state fire management plan for the ridge, developed in consultation with some of those same Paradise planners, warned that canyon winds posed a "serious threat" to Paradise.



Hospital workers and first responders evacuate patients from the Feather River Hospital as the Camp fire moves through Paradise, Calif. (Justin Sullivan / Getty Images)

The "greatest risk" was an "east wind" fire, the document said, "the same type of fire that impacted the Oakland Berkeley Hills during the Oct. 20, 1991, firestorm" that killed 25 people.

The plan also warned of "a high potential for large damaging fires and loss of life and property" in the Concow Basin beside Paradise. "Heavy fuel loads, steep terrain, poor access and light flashy fuels create severe fire hazards. The increased population in this area creates a high potential for catastrophic life and property loss."

Subsequent fire plans created by Butte County and Paradise officials in conjunction with the California Department of Forestry and Fire Protection use much less direct language. Those plans warn only of "extreme" fire, a step below catastrophic. Canyon wind fires are not mentioned at all.

The town's vulnerability to fire was evident in 2008, first by the Humboldt fire that destroyed 87 homes west of Paradise, then a week later by a lightning storm that sparked dozens of fires to the east. Residents trying to flee were caught in massive traffic jams, flames burning on both sides of the road as they sat trapped in their cars. One person died of a heart attack.

"Fires mostly driven by upslope or up canyon winds have posed a serious threat to portions of Paradise ... The greatest risk to the ridge communities is from an East Wind driven fire that originates above the communities and blows downhill through developed areas. This is the same type of fire that impacted the Oakland Berkeley Hills during the October 20, 1991 firestorm."

— California Department of Forestry and Fire Protection, Butte Unit (2005)

The 2008 fires primed the land around Paradise to burn again, Lunder said, leaving both dead timber and open spaces for thick grass. It was as if the gun had been cocked.

A year later, the Butte County grand jury warned that the town faced disastrous consequences if it did not address the capacity limits of its roads. But Butte County supervisors and planners rejected the panel's call for a halt to growth until the evacuation problem was met.

The largest paper in Chico ran an editorial concluding that sufficient evacuation roads could not be built, and that those who chose to live in Paradise needed to be aware of the risk they took and be prepared to leave early.

Five of the grand jurors, interviewed by The Times, said the improvements that were made — paving of the forest road and straightening of another route — were inadequate. They felt they had been ignored.



Embers fly as wind and flames from the Camp fire tear through Paradise, Calif. (Josh Edelson / AFP/Getty Images)

Among them was Walt Sipher, a Chico resident whose sister followed their parents to Paradise and remained on the ridge after they died. Sipher called his sister the morning of the Camp fire to warn her to leave. She told him she didn't need to — it would be contained.

Judith Sipher was typical of those who perished that day: elderly, infirm with congestive heart failure and ill in bed with the flu. She had a car but seldom drove.

Walt tried driving into Paradise to fetch her, but hit blocked traffic and could not get in. He was summoned weeks later to the old Sears store in Chico to submit a saliva sample for the coroner, who was using DNA to identify the human remains found in his sister's apartment.

"There are a lot of folks on that ridge, and so few escape routes," Sipher said. "The possibility was always on everybody's mind. ... You hope it's not going to be that bad, but it was."

Narrowing the main road out

The same month the grand jury released its June 2009 report, Paradise was deep into plans to narrow its main evacuation route, Skyway.

Eight pedestrians had been injured by passing cars in the narrow business district, and heavy traffic gave the strip an "expressway" feel. The engineering firm that designed the project said it would reduce the number of vehicles that could pass through and advised against further "improvements," such as a concrete median, citing the need to remember that the road was a fire evacuation route. More than half the ridge population lived above the strip.

Town recordings show a lone voice of concern at the 2014 council meeting giving final approval to the road narrowing.

"The main thing is fire danger," said Mildred Eselin, 88. "If the council is searching for a way to diminish the population of Paradise, this would be the way to do it."

City Fire Chief David Hawks pointed to Paradise's plan to evacuate neighborhood by neighborhood rather than all at once.

"When everybody tries to evacuate at one time, that's when the bottleneck creates," Hawks said.



Police officers prepare to remove human remains that were found in a car destroyed by the Camp fire in Paradise, Calif. (Justin Sullivan / Getty Images)

Not preparing for the worst

Staggered evacuations have been at the heart of Paradise evacuation plans since 1998. An updated plan approved in March 2015 codified decisions after the 2008 fires to convert Skyway into a one-way route during emergencies, doubling its capacity for evacuations. The town practiced its plan during a 2016 drill, part of regular mock disasters, and warned residents ahead of time so they could detour if need be.

Jim Broshears, the city's emergency management director during the fire and its former longtime fire chief, estimated Paradise's roads could support the combined evacuation of four zones in two hours — less than a fourth of the population. But city officials told The Times they had no idea how long it would take to empty the entire town. They said they never envisioned a need.

"We trained on what was most probable," said town engineer Marc Mattox.

Planning for a firestorm would have been "akin to, 'Is the L.A. Basin in its entirety planned for an earthquake that may devastate the L.A. Basin?'" Hawks said. "I don't think that's realistic.

"Obviously, it's the largest or most devastating fire in California's history," he said. "It didn't get that [way] because it was a normal event."

Traffic simulation software housed at Old Dominion University and required by the Federal Emergency Management Agency for emergency plans around nuclear power plants was used by The Times to analyze Paradise's roads. It showed the entire town would need eight hours for residents to leave under blue sky conditions, and more than five hours if Skyway were immediately converted to one-way traffic out.

Those estimates are without a rain of embers, burning obstacles, exploding propane tanks and heat blasts that melted tires. They do not account for roads that were blocked by falling power poles and abandoned cars the day of the fire or the two hours that it took police to establish one-way traffic on Skyway.

Paradise did not make use of such software. Told of The Times' findings, Mattox said he would have liked to have had that information before Nov. 8. "Every public works planner, every emergency planner across the country should be aware about what those types of models would say for their community," he said.

Broshears, the architect of most of the town's emergency plan, and others acknowledge their plans were built around the sort of slower-moving wildfire Paradise had seen in the past.

"Let's all just be honest," Broshears said. "We didn't have a plan that addressed a fire that would be everywhere. ... We had an evacuation plan built for a wildland fire. We had a hydrogen bomb. ... We were so overmatched."

Failing to prepare for the larger disaster is hardly unique to Paradise, said former FEMA Administrator Craig Fugate.

Flaws in such planning are so common that Fugate describes them as the "deadly sins" of emergency management: Practicing drills that guarantee success; assuming that plans can be scaled up when a massive disaster strikes; relying on government systems to work under pressure; failing to plan how to protect vulnerable populations, such as the elderly; and mistrusting the public, which often leads to not warning the public early enough.

"We plan for what we're capable of, and we hope it isn't any worse," he said.

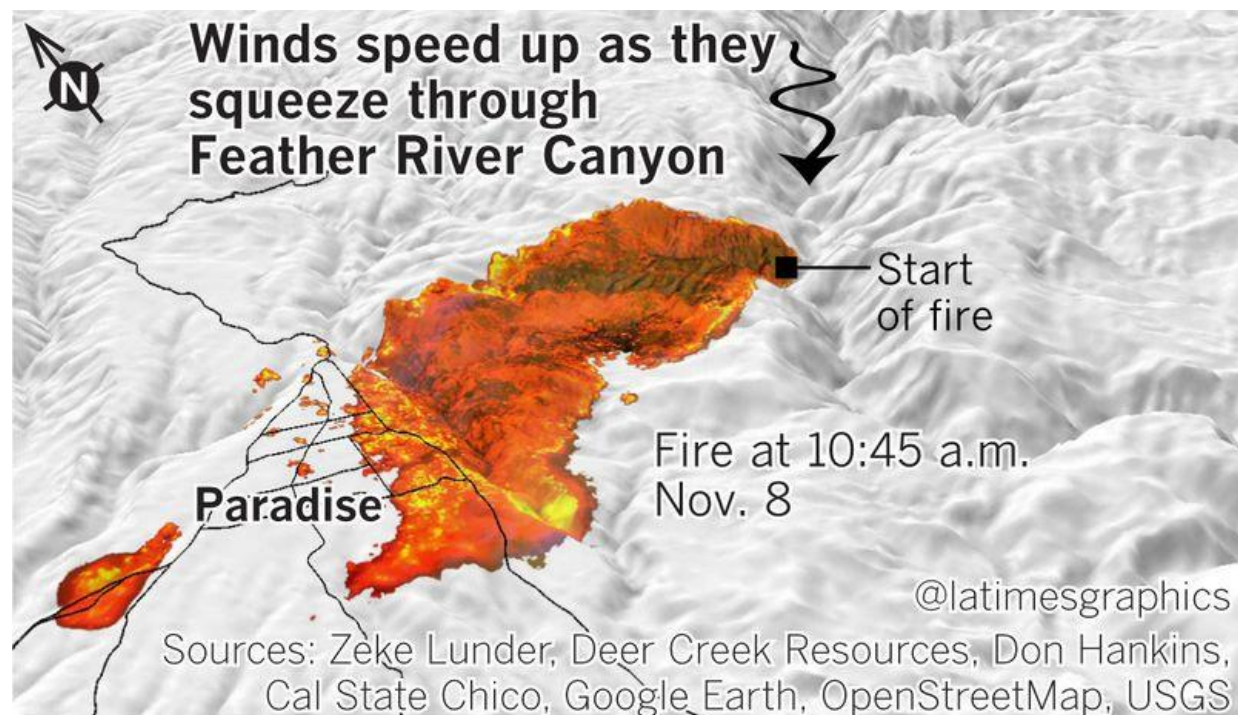
Walt Scherer, who lost an earlier house to fire in the foothills of Loomis, where he was a city official, moved to Paradise in April and knew there was high fire risk. Again he lost his house.

He said he was stunned when he later heard Paradise's mayor answer a public question about the snarled fire evacuation by stating that enough roads could never be built to evacuate the whole town at once.

"Anybody in their right mind would know that the whole town was a large oak forest, and everybody was at risk," Scherer said. It was a "colossal failure," he added, not to warn residents that the entire community couldn't be evacuated at once. "You've got to recognize the risk."

Firebrands and embers

The Feather River Canyon, where the Camp fire began, was well-known for high winds. The so-called Jarbo Gap winds rocket down the canyon from the northeast every fall, caused by high-pressure air parked over the Great Basin seeking a path through the Sierra Nevada to fill the low-pressure voids on the California coast.



Graphics reporting by Paige St. John and Rong-Gong Lin II. (Jon Schleuss / Los Angeles Times)

Meteorological records show 36 days since 2003 with gusts of 100 mph or more, and as high as 200 mph. Paradise sat in the path.

The morning the Camp fire ignited, the drying winds had been blowing for a week. According to weather equipment atop the fire station at Jarbo Gap, the probability that a single spark would ignite a fire big enough that fire crews would be needed to put it out was 76%. The station recorded gusts of up to 52 mph hours before the fire.

Rather than spreading as a flame front working its way through the forest, the Camp fire became wind-borne, lofting firebrands and embers that landed like rain. They fell on receptive fuels — trees and brush stressed by several years of drought, thick grass grown during heavy spring rains and now dry. The fuels also contained stands of gray pine, notorious for spouting embers.

The fire grew at a rapid clip — about 4,600 acres an hour, according to a Times analysis of fire maps and satellite imagery. Town and state fire officials called the speed of the fire unprecedented.

But the analysis shows other devastating California fires moved as fast, or faster.

In San Diego, the Cedar fire in 2003 kindled for hours until a Santa Ana wind rolled in at midnight. By 3 a.m., the wind-driven fire had jumped a river and a reservoir and ran nearly 17 miles. In the three-hour run, the fire spread an average of more than 19,600 acres an hour. Fifteen people were killed and more than 2,200 homes destroyed.

The Tubbs fire in 2017 matched the Camp in speed, roaring 12 miles in four hours into Santa Rosa, killing 22 people and eventually destroying more than 5,000 homes.

As the Camp fire blew into Paradise, the same high-pressure, low-pressure gradient set up a Santa Ana wind event that pushed the Woolsey fire into Malibu. Its pace in the first three hours was 21,290 acres an hour.

After the Camp fire was reported at 6:31 a.m., the wind carried embers to nearby Concow, where a mandatory evacuation order was demoted to "warning" status at 7:17 a.m.

Fifteen minutes later, embers were setting houses in Concow on fire and the evacuation order became mandatory. In short order firefighters were trapped with residents who had no time to flee. They deployed their fire shelters. Some people jumped into a lake.

The bodies of at least six people were found outside or inside their cars.

No warnings

In Paradise, the first order to evacuate part of the city came at 7:57 a.m., and the first report of fire at the edge of town two minutes later. Immediately there were a dozen spot fires in town.

The ember storm hailed on most of the town at once. Within an hour, spot fires were spread halfway across Paradise, congealing into substantial fires in backyards and on houses. They primed Paradise for the big burn hours before the arrival of the main wildfire, creating an urban firestorm that moved horizontally house to house and left trees overhead untouched.

As planned, evacuation orders began zone by zone. Calls, texts and emails were sent via CodeRed, a private service that contracted for the city and county.

But interviews and records released by the city and county show the emergency warning system failed on many levels.

Only a fraction of Paradise residents were signed up for the service — city officials at first estimated there was no better than 30% enrollment, then later told The Times they did not have access to the subscription list.

Many of the emergency alerts failed to go through — CodeRed logs showed initial call failure rates of 40%, climbing to 60% as the fire progressed. Many subscribers told The Times they never received calls.

A large portion of Paradise received no evacuation order before the fire.

Documents released under the state's Public Records Act show that three of Paradise's 14 zones received only warnings — not mandatory orders to leave — the morning of the fire, and no notifications at all were

sent to three others. The loss of fiber optic lines and cell towers shut down the warnings entirely — Paradise police abandoned their dispatch center without ever sending a citywide order for other residents to flee.

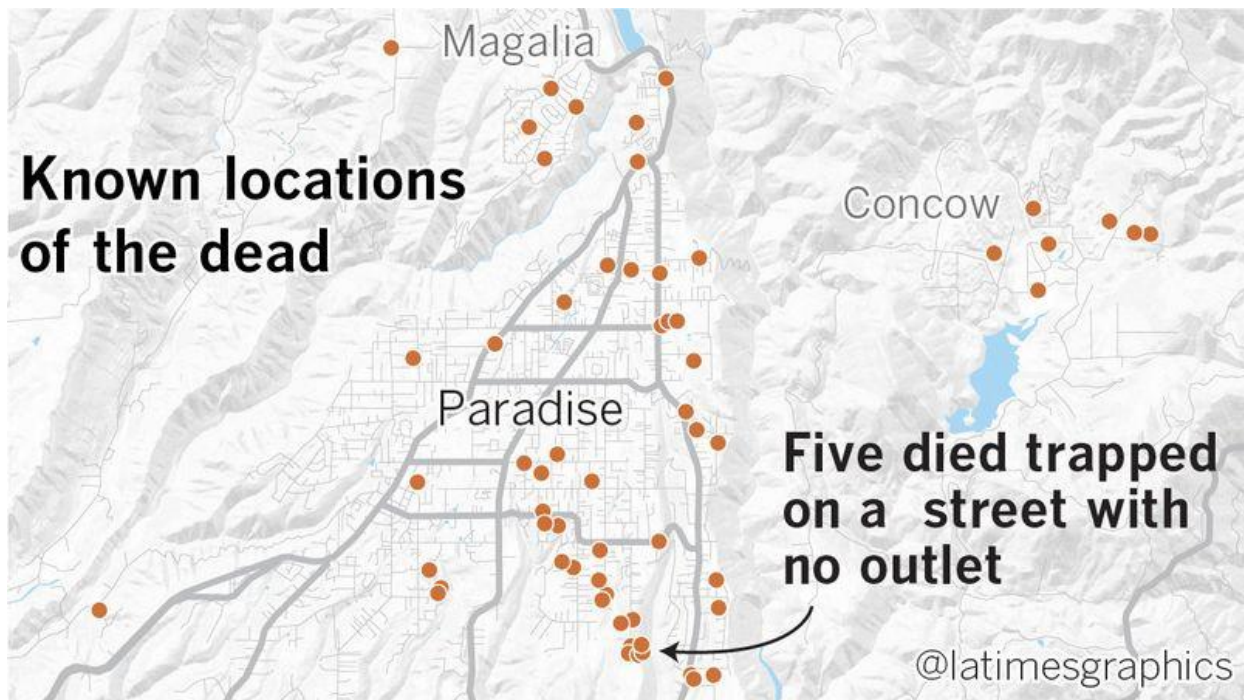
Most residents said they relied on word of mouth, emergency vehicles driving down their streets with loudspeakers, or the sight of flames.

‘Get people moving now!’

It took only an hour for Paradise to jam so thoroughly that a sheriff's sergeant jumped on the radio, his voice urgent.

"Flames!" he shouted. "Get people moving now!"

The order to open all of Skyway to one-way traffic finally came, but what took 45 minutes during a mock drill required an hour under fire conditions. The road wasn't fully converted to one-way traffic until shortly after 10 a.m. By then, dispatch recordings indicate that Skyway was choked down to Chico, and entire stretches began to be lost to fire.

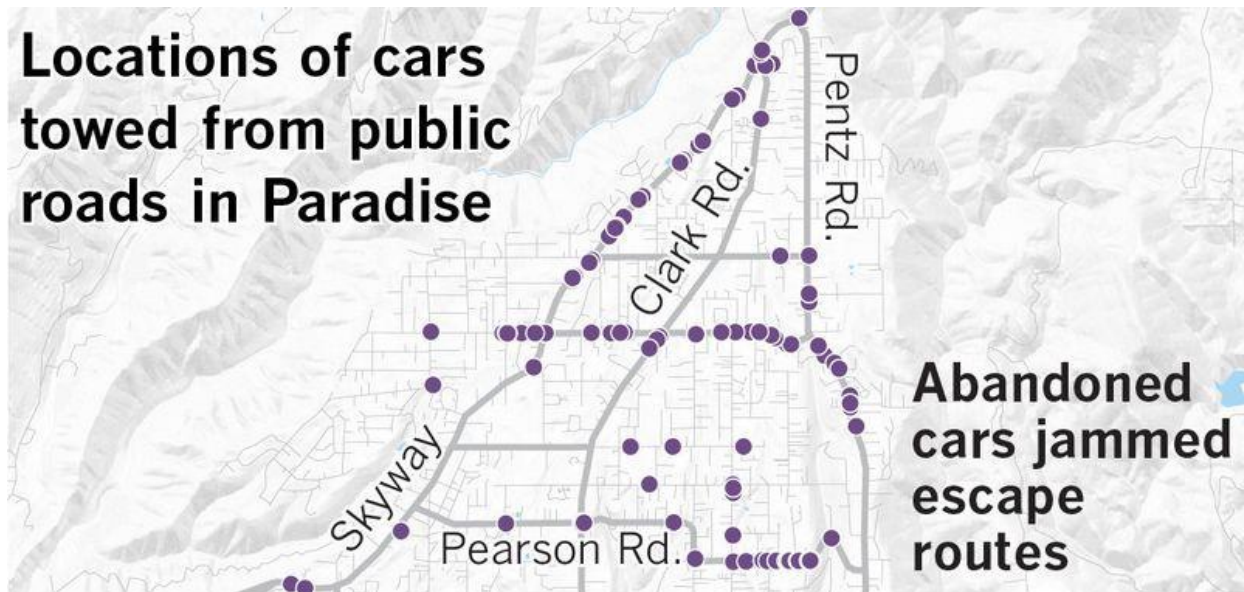


The sheriff hasn't released the location of 25 victims. One person was transported and died at UC Davis Medical Center. Sources: Nextzen, OpenStreetMap, Butte County Sheriff's Office. Graphics reporting by Paige St. John and Rong-Gong Lin II. (Jon Schleuss / Los Angeles Times)

Broshears said he was surprised by how quickly intersections became a choke point. Traffic backed up on secondary roads so solidly that motorists were trapped on dead-end streets. On one, Edgewood Lane, the bodies of five people were recovered in or just outside their cars. Firefighters were summoned to rescue burn victims at the end of another, after they attempted to flee down a horse trail.

Motorists for the most part did not panic, and stayed in their slowly moving cars as the wind-driven fire shifted around them, requiring detours and double-backs and turning the 16-mile exit into a five-hour

escape. By 3 p.m., seven hours into the exodus, Paradise Mayor Jody Jones said, the evacuation was complete.



Sources: Nextzen, OpenStreetMap, Butte County Sheriff's Office, CHP

@latimesgraphics

Graphics reporting by Paige St. John and Rong-Gong Lin II. (Jon Schleuss / Los Angeles Times)

But at the north end of town, firefighters radioed reports of civilians leaving their cars and running on foot, leaving behind a blockade of abandoned vehicles. Hundreds of residents had to ride out the fire until heavy equipment arrived to bulldoze a path for buses to carry them out.

Lessons from Paradise

In the aftermath, local emergency leaders defended their preparations. The scale of the disaster, they said, would have been much worse had Paradise not repeatedly conducted drills.

"We set the goal on traffic control," said Hawks, the city's fire chief. "We set the bar on evacuations."

Broshears said he wants an intensive study "to account for every decision that was made." He now favors a siren system that could warn everyone at once, and better plans to do what Paradise did by default — shelter people in place when escape is not possible.

Mattox, the town engineer, said he wanted to "dispel the narrative" that people died while trapped on Skyway in traffic. But he said Paradise should grade new emergency routes out of town.

During the early hours of the fire, Mattox stood in the smoke directing traffic on Skyway and watched his own family pass by. He lost his home. He now struggles with the question of whether Paradise failed to heed warnings of a wind-driven fire.

"I don't want to say 'No, we weren't prepared' because we worked so hard," he said. "And what would have been different? I just don't know."

Times staff writer Jon Schleuss contributed to this report.

Video from Skyway Road in Paradise shortly after the Camp fire. (Carolyn Cole / Los Angeles Times)



Paige St. John

Contact

Paige St. John covers criminal justice and investigative stories for the Los Angeles Times from Sacramento. She won the Pulitzer Prize for investigative reporting in 2011. She hails most recently from Florida, where she covered state politics, disasters and property insurance.



Joseph Serna

Contact

Joseph Serna is a Metro reporter who has been with the Los Angeles Times since 2012. He previously worked for papers in Orange County and Signal Hill, a 2.2-square-mile city surrounded by Long Beach. He was part of the team that won the Pulitzer Prize for Breaking News for coverage of the 2015 San Bernardino terrorist attack and is a graduate of California's community college and Cal State systems.



Rong-Gong Lin II

Contact

Rong-Gong Lin II is a metro reporter for the Los Angeles Times, specializing in covering statewide earthquake safety issues and Northern California. He won the California Newspaper Publishers Assn.'s Freedom of Information Award and the University of Florida's Joseph L. Brechner Freedom of Information Award. He was a finalist for the Ursula and Gilbert Farfel Prize for Excellence in Investigative Reporting and the Knight Award for Public Service. A San Francisco area native, he graduated from UC Berkeley in 2004.



County of San Diego

DAVID HALL, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471
PHONE (619) 531-5600 FAX (619) 338-8146
www.sandiegocob.com

ANDREW POTTER
ASSISTANT CLERK OF THE BOARD

February 5, 2019

TO: Chairwoman Dianne Jacob
Vice-Chairman Greg Cox
Supervisor Kristin Gaspar
Supervisor Nathan Fletcher
Supervisor Jim Desmond

FROM: DAVID HALL
Clerk of the Board of Supervisors

Attached, for your information, is correspondence from Norma Trost regarding the Adara Development.

Thank you.

Respectfully submitted,

A handwritten signature in black ink that reads "D Hall".

DAVID HALL
Clerk of the Board of Supervisors

Attachment

cc: Helen Robbins-Meyer, Chief Administrative Officer
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use & Environment Group
Communications Received

DCH:dl

From: Cox, Greg
Sent: Tuesday, February 05, 2019 10:19 AM
To: FGG-DL, LSDOCS
Subject: FW: Planned Adara Development

From: Norma Trost [mailto:ntrost4@cox.net]
Sent: Tuesday, February 05, 2019 10:01 AM
To: Jacob, Dianne; Helen Robbins-Meyer; Cox, Greg; Kirstin Gaspar; Fletcher, Nathan (BOS); Desmond, Jim
Cc: Kevin May; Andrea Harris; Nancy Shelburne
Subject: Planned Adara Development

February 5, 2019

Dianne Jacob, Chair
San Diego County Board of Supervisors

Dear Supervisor Jacob:

We are concerned over recently received information relating to the Adara development and its impact on our community, specifically in the areas of increased traffic, fire dangers and the use of wildlife lands for road access to parts of the development.

It has recently come to our attention that the planned Adara development, specifically Planning Area 16, has been modified to greatly increase the number of homes to be built. During a meeting in July 2018 with County Planning Department official Greg Mattson, we were told that Planning Area 16 would include 30-40 single family homes on acre-plus lots. We recently learned that Planning Area 16 will include 112 single family homes.

The developer of Adara is planning to use Whispering Meadows Lane and Valley Knolls, both private roads, for ingress to and egress from Planning Area 16. Vehicles using these two roads would then use Proctor Valley Road to access Highway 94, the traffic pattern for current residents. Whispering Meadows Lane, in particular, is a narrow road currently capable of handling the traffic generated by our small community. Allowing the Adara developer to funnel traffic from Planning Area 16 through our community would more than triple the traffic on our narrow private road. Information from the Jamul-Dulzura School District estimates 56 students would enroll in K-8 schools from Planning Area 16, greatly increasing traffic on Whispering Meadows Lane and Valley Knolls, just to take students to and from school.

Please do not think that we are against thoughtful development in our area, because we are not. But after reviewing the Adara plans, we have come to the conclusion that this development, and Planning Areas 16 and 19 to a greater extent, do not integrate well into the rural community of Jamul, where lot sizes of one or more acres are the norm.

We are further concerned about the potential for evacuating the Whispering Meadows-Valley Knolls community in the event of fire (which is not an uncommon occurrence in Jamul) with the addition of 112 new homes. Was nothing learned from the tragic Paradise fire just a few short months ago? We could easily see a

repeat of that disaster in the future if these proposed homes do not have primary access to Highway 94. The fires of 2003 and 2007, including the Otay and Harris fires, were disastrous for our county. The Otay fire, you will note, was finally contained at Proctor Valley Road after burning through the area now designated Planning Area 16. We cannot have a repeat of these tragic fires that potentially could destroy these planned homes.

Requiring the developer to build access from Planning Area 16 directly east to Highway 94 would go a long way to addressing our concerns and provide a much safer and quicker access to safety in the event of an emergency, to say nothing of daily access to the highway. As the plan currently stands, the developer is proposing to access Whispering Meadows Lane through a dedicated wildlife preserve. It is our understanding that the California Fish and Wildlife Department has not granted any right of way to build the ingress/egress road that is proposed between Planning Area 16 and Whispering Meadows Lane and that it is the department's policy to deny any request to build roads across/through their reserves.

We fail to see any logical explanation for destroying the habitat and the lives of the wildlife currently living there for a road through the preserve and the Whispering Meadows Lane/Valley Knolls neighborhood, especially when there is an alternative: requiring the developer to build a direct road link from Planning Area 16 to Highway 94 and abandoning the idea of accessing Planning Area 16 through Valley Knolls and Whispering Meadows Lane. This easterly road we are proposing will also go through some environmentally sensitive areas, but the return on safety as well as the daily access for future Area 16 residents and more direct access for emergency medical, law enforcement and fire responses makes more sense.

As you move toward your deliberations on the Adara plan, we urge you to consider the alternative we have presented here regarding traffic, ingress/egress and the wildlife reserve. We respectfully ask to be notified in advance when the Adara project is scheduled to be considered by the Board of Supervisors so that we may attend your meeting and voice our concerns.

Sincerely,

Robert T. Foor

Norma Trost Foor
13889 Whispering Meadows Lane, Jamul, CA 91935
ntrost4@cox.net

Cc: Helen Robbins-Meyer
Greg Cox
Kristin Gaspar
Nathan Fletcher
Jim Desmond

SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

WILLIAM J. WHITE
Attorney
White@smwlaw.com

March 1, 2019

Via E-Mail and U.S. Mail

Board of Supervisors
San Diego County
1600 Pacific Highway, Room 402
San Diego, CA 92101

Re: San Diego County's Climate Action Plan Obligations and the
Injunction Against Using Mitigation Measure GHG-1.

Dear Board of Supervisors:

This firm represents the Endangered Habitats League (EHL) in connection with pending and recently-approved development projects in San Diego County. We are writing to request that, until the Board can ensure compliance with existing law and court orders, the Board immediately stop processing projects that require General Plan Amendments, including projects that increase density/intensity above what is allowed in the 2011 General Plan or projects that were otherwise listed in the cumulative project list¹ in the County's Climate Action Plan (CAP) Supplemental EIR ("GPA projects").

As you know, on December 24, 2018, San Diego County Superior Court issued a peremptory writ of mandate and a permanent injunction against "the County, its agencies, agents, employees, representatives, supervisors, or other personnel." See Exhibit A. Among other things, the Court's writ directed the County to set aside its February 14, 2018 approvals of the CAP, the CAP Consistency Review Checklist, the CAP's SEIR, and the Guidelines for Determining Significance/Climate Change ("2018 Guidelines"). The permanent injunction further prohibited the County from "rely[ing] on Mitigation Measure M-GHG-1, which is contained within the County of San Diego Supplement to

¹ These projects include, without limitation, privately initiated GPAs like Lilac Hills Ranch, Newland Sierra, Otay Ranch Village 13, Otay Ranch Village 14 and Planning Areas 16 & 19, Star Ranch, Warner Ranch, and Warner Springs Ranch Resort, as well as the Property Specific Requests.

the 2011 General Plan Update Program Environmental Impact Report, dated January 2018.”

The Board has not followed the Court’s directive to set aside the CAP and associated approvals. Instead, on January 22, 2019, the County appealed the Court’s ruling.

Under the Code of Civil Procedure, filing an appeal automatically stays only the “mandatory” provisions of a court order; it does not stay an order’s “prohibitory” provisions. *See, e.g., Agricultural Labor Relations Bd. v. Tex-Cal Land Management, Inc.* (1987) 43 Cal.3d 696, 706 (“under the general appellate-stay provisions (§ 916 et seq.) . . . only mandatory portions of the injunctive enforcement judgment were subject to an automatic stay.”); *Paramount Pictures Corp. v. Davis* (1964) 228 Cal.App.2d 827, 835 (“It is well settled that an injunction mandatory in character is automatically stayed on appeal and that a prohibitory injunction is not so stayed ‘the object of the rule in both cases being to preserve the status quo.’”).)

Here, the County’s appeal stayed the Court’s order to set aside the CAP and associated approvals but not the injunction prohibiting on the County from “relying on” Mitigation Measure M-GHG-1. That injunction remains in effect.

Because the Board declined to set aside the CAP and related approvals, but remains enjoined from relying on the mitigation measure at the heart of the CAP, it may not approve any GPA projects without violating the CAP and associated approvals. The CAP, the CAP Consistency Review Checklist, and the 2018 Guidelines all *require* the use of the enjoined M-GHG-1. The 2018 Guidelines and Threshold state, “*As specified in Mitigation Measure GHG-1 of the CAP’s SEIR, the County shall require GPAs to reduce their emissions to ensure that CAP emission forecasts are not substantially altered such that attainment of GHG reduction targets could not be achieved.*” Exhibit B (emphasis added). The 2018 Guidelines also require that “Offsite mitigation that may include carbon offsets *must comply* with the requirements outlined in the CAP’s SEIR Mitigation Measure GHG-1.” *Id.* (emphasis added).

The CAP SEIR contains a similar obligation: “CAP Mitigation Measure M-GHG-1: The County *shall require* in-process and future GPAs to reduce their emissions.” Exhibit C (emphasis added). The GHG chapter of the SEIR states, “The approach for evaluating GPA consistency with the CAP is provided in Table 2.7-3. The County *shall implement the following mitigation measure* to reduce significant cumulative GHG impacts and to ensure that the County can achieve its reduction targets as part of the CAP: CAP Mitigation Measure M-GHG-1.” *Id.* This mitigation requirement applies to all

approved before January 2018, regardless of when the project's notice of preparation was issued. *See* CAP SEIR Table 2.7-3.

The CAP also clarifies that M-GHG-1 was intended and required for all in-process GPAs:

With incorporation of Mitigation Measure GHG-1, GPAs listed in the cumulative impact discussion of the Draft SEIR and all future GPAs that propose increased density/intensity above what is allowed in the General Plan will comply with the CAP and; therefore, will not interfere with the County's 2020 and 2030 GHG reduction targets or 2050 goal. General Plan Amendments would, therefore, comply with the threshold of significance, which is consistent with the CAP.

Exhibit D (emphasis added).

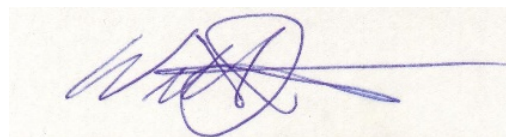
As County Counsel has recognized, the Court's prohibitory injunction ultimately does "not allow any [pending] development projects to proceed" in their current form. *See* Exhibit E. Indeed, as long as the CAP approvals remain in effect, there is no legal path for approving GPA projects. The CAP approvals require the County to use M-GHG-1, but M-GHG-1 is enjoined. And approving GPAs without relying on M-GHG-1 would violate the CAP approvals.

We urge the Board to recognize this reality and refrain from processing any additional GPAs until it adopts a new, legally defensible CAP or otherwise remedies the legal defects in M-GHG-1. Proceeding with the approval of a GPA project prior to doing so would be unlawful.

Please include this letter in the record of proceedings for all GPA projects, including, without limitation, those projects listed in note 1 above.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



William J. White

Board of Supervisors
March 1, 2019
Page 4

cc (*via e-mail only*):

Michael Zischke, San Diego County Outside Counsel
Joshua Heinlein, Senior Deputy County Counsel
Randall Sjoblom, Senior Deputy County Counsel
Sarah Aghassi, Deputy Chief Administrative Officer
Mark Wardlaw, Director of Planning and Development
Mark Slovick, Deputy Director of Planning and Development
Rami Talleh, Deputy Director of Planning and Development
Gregory Mattson, Planning Manager
Darin Neufeld, Planning Manager
Ashley Smith, Planning Manager
Nicolas Gustafson , Planning Manager
Kevin Johnston, Land Use Environmental Planner

EXHIBIT A

FILED
Clerk of the Superior Court

DEC 24 2018

By: K. BRECKENRIDGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION

SIERRA CLUB, CENTER FOR
BIOLOGICAL DIVERSITY, CLEVELAND
NATIONAL FOREST FOUNDATION,
CLIMATE ACTION CAMPAIGN,
ENDANGERED HABITATS LEAGUE,
ENVIRONMENTAL CENTER OF SAN
DIEGO, and PRESERVE WILD SANTEE,

Petitioners,

v.

COUNTY OF SAN DIEGO,

Respondent.

Case No. 37-2018-00014081-CU-TT-CTL

Related Cases:

No. 37-2012-101054-CU-TT-CTL

No. 37-2016-037402-CU-TT-CTL

No. 37-2018-013324-CU-TT-CTL

Hon. Timothy Taylor, Dept. C-72

~~PROPOSED~~ PERMANENT INJUNCTION

[CALIFORNIA ENVIRONMENTAL QUALITY
ACT]

[IMAGED FILE]

Action Filed: March 20, 2018

Date of Hearing: December 21, 2018

Time of Hearing: 1:30 p.m.

1 Final Judgment on Petitioners' Petition for Writ of Mandate in favor of Petitioners and
2 Plaintiffs Sierra Club, Center for Biological Diversity, Cleveland National Forest Foundation,
3 Climate Action Campaign, Endangered Habitats League, Environmental Center of San Diego,
4 and Preserve Wild Santee, and against Respondent and Defendant County of San Diego
5 ("County"), is entered concurrently herewith.

6 This Court finds that during CEQA review of greenhouse gas ("GHG") emissions
7 impacts of development proposals on unincorporated County lands and the issuance of any
8 permits or entitlements for any General Plan amendment projects approved on or after February
9 14, 2018, the County, its agencies, agents, employees, representatives, supervisors, or other
10 personnel, should not have relied ~~rely~~ on ~~out of County GHG offsets, such as those set forth in~~
11 Mitigation Measure M-GHG-1, which is contained within the County of San Diego Supplement
12 to the 2011 General Plan Update Program Environmental Impact Report, dated January 2018.

13 **IT IS NOW ORDERED** that commencing immediately upon service of this Permanent
14 Injunction and until the Court determines that the County has adequately complied with CEQA,
15 the Planning and Zoning Law, and all other applicable laws, by, at a minimum, correcting,
16 avoiding, or otherwise resolving the errors identified by the Court in its statement of decision,
17 the County, its agencies, agents, employees, representatives, supervisors, or other personnel, are
18 enjoined as follows.

19 a. During review of greenhouse gas ("GHG") emissions impacts of development
20 proposals on unincorporated County lands under CEQA, including in the review of such
21 impacts prior to the issuance of any permits or entitlements for any General Plan
22 amendment projects approved on or after February 14, 2018, the County, its agencies,
23 agents, employees, representatives, supervisors, or other personnel, shall not rely on ~~out~~
24 ~~of County GHG offsets, such as those set forth in~~ Mitigation Measure M-GHG-1, which
25 is contained within the County of San Diego Supplement to the 2011 General Plan
26 Update Program Environmental Impact Report, dated January 2018.

27 ~~b. The County, its agencies, agents, employees, representatives, supervisors, or other~~
28 ~~personnel, shall not (i) approve any General Plan amendment projects or (ii) approve any~~

1 such applications already on file where such General Plan amendment projects increase
2 GHG emissions within the area of the unincorporated County lands, either directly or
3 through an increase in GHG emissions from increased Vehicle Miles Traveled (VMTs),
4 above that projected for the land uses designated in the 2011 General Plan Update
5 Program Environmental Impact Report.

6
7 **THE FOREGOING PERMANENT INJUNCTION IS IMMEDIATELY ISSUED.**
8 **SO ORDERED.**

9
10 Dated: 12/24/18

By 

Honorable Timothy B. Taylor
JUDGE OF THE SUPERIOR COURT

FILED
Clerk of the Superior Court

JAN 16 2019

By: Y. Terronez, Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION

SIERRA CLUB, CENTER FOR
BIOLOGICAL DIVERSITY, CLEVELAND
NATIONAL FOREST FOUNDATION,
CLIMATE ACTION CAMPAIGN,
ENDANGERED HABITATS LEAGUE,
ENVIRONMENTAL CENTER OF SAN
DIEGO, and PRESERVE WILD SANTEE,

Petitioners,

v.

COUNTY OF SAN DIEGO,

Respondent.

Case No. 37-2018-00014081-CU-TT-CTL

Related Cases:

No. 37-2012-101054-CU-TT-CTL

No. 37-2016-037402-CU-TT-CTL

No. 37-2018-013324-CU-TT-CTL

Hon. Timothy Taylor, Dept. C-72

~~PROPOSED~~ AMENDED
PEREMPTORY WRIT OF MANDATE

[CALIFORNIA ENVIRONMENTAL QUALITY
ACT]

[IMAGED FILE]

Action Filed: March 20, 2018

Date of Hearing: December 21, 2018

Time of Hearing: 1:30 p.m.

1 Final Judgment on Petitioner's Petition for Writ of Mandate in favor of Petitioner and
2 Plaintiff Golden Door Properties, LLC, and against Respondent and Defendant County of San
3 Diego ("County"), is entered concurrently herewith.

4 This Court finds that during CEQA review of greenhouse gas ("GHG") emissions
5 impacts of development proposals on unincorporated County lands and the issuance of any
6 permits or entitlements for any General Plan amendment projects approved on or after February
7 14, 2018, the County, its agencies, agents, employees, representatives, supervisors, or other
8 personnel, should not have relied ~~rely on out-of-County GHG offsets, such as those set forth in~~
9 Mitigation Measure M-GHG-1, which is contained within the County of San Diego Supplement
10 to the 2011 General Plan Update Program Environmental Impact Report, dated January 2018.

11 IT IS NOW ORDERED that upon service of this Peremptory Writ of Mandate:

12 1. Respondent shall, within 30 days, set aside its February 14, 2018 approvals of (a)
13 its Climate Action Plan; (b) the County of San Diego Guidelines for Determining Significance /
14 Climate Change; (c) the Climate Action Plan Consistency Review Checklist; (d) the certification
15 of the Final Supplement to the 2011 General Plan Update Program Environmental Impact
16 Report, dated January 2018, and all attendant approvals in reliance thereon (as detailed in items 1
17 through 8 of the County's February 14, 2018 minute order, which is located at AR80:28788-89).

18 2. This Peremptory Writ of Mandate may be served upon Respondent pursuant to
19 Code of Civil Procedure section 1010.6.

20 3. Respondent shall file and serve a return within 30 days of service of this
21 Peremptory Writ of Mandate describing its compliance therewith. Petitioner shall have 20 days
22 from the date of the return to file any objections.

23 4. Respondent shall also include in its initial return an estimated schedule for
24 preparing a new Climate Action Plan and Guidelines for Determining Significance for
25 Greenhouse Gas Emissions, and complying with CEQA and the Planning and Zoning Law as it
26 applies to those actions. The schedule shall be updated by filing supplemental returns at
27 reasonable intervals not to exceed 45 days.

28 5. The Court shall retain jurisdiction over these proceedings pursuant to Public

1 Resources Code section 21168.9(b) until the Court determines that Respondent has adequately
2 complied with CEQA, the Planning and Zoning Law, and all other applicable laws.

3 6. In accordance with Public Resources Code section 21168.9(c), this writ does not
4 direct Respondent to exercise its discretion in any particular way.
5

6 **THE FOREGOING PEREMPTORY WRIT OF MANDATE IS IMMEDIATELY**
7 **ISSUED.**

8 **SO ORDERED.**

9
10 Dated: Jan. 16, 2019

By

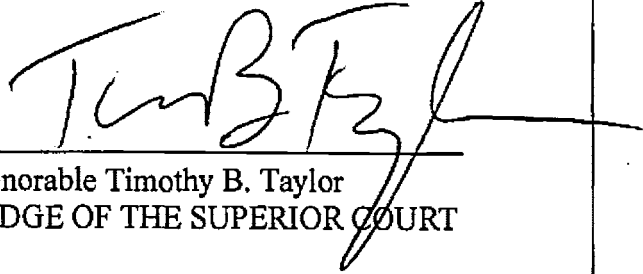

Honorable Timothy B. Taylor
JUDGE OF THE SUPERIOR COURT

EXHIBIT B

COUNTY OF SAN DIEGO
GUIDELINES FOR DETERMINING SIGNIFICANCE
CLIMATE CHANGE



LAND USE AND ENVIRONMENT GROUP

Planning & Development Services

January 2018

General Plan Amendment projects that intensify GHG emissions beyond current designations are required to provide additional analysis beyond the Checklist. As specified in Mitigation Measure GHG-1 of the CAP's SEIR, the County shall require GPAs to reduce their emissions to ensure that CAP emission forecasts are not substantially altered such that attainment of GHG reduction targets could not be achieved. Project applicants for GPAs could accomplish this through two options:

- **Option 1:** GPA projects shall achieve no net increase in GHG emissions from additional density above the 2011 GPU. Applicants shall be required to quantify the GHG emissions from their projects that exceed the GHG emissions for the 2011 GPU densities or intensities forming the basis of the CAP forecasts. This increase in emissions shall be reduced by demonstrating compliance with relevant CAP measures as identified in the Checklist first. Any additional emission reductions needed shall then be achieved through onsite design features and mitigation measures, followed by offsite mitigation. Offsite mitigation, including the purchase of carbon offset credits, would be allowed after all feasible onsite design features and mitigation measures have been incorporated.
- **Option 2:** GPA projects shall reduce all project GHG emissions to zero to achieve no net increase over baseline conditions (carbon neutrality). Project emissions shall be reduced to zero through onsite design features, mitigation measures, and offsite mitigation, including purchase of carbon offset credits. Applicants shall demonstrate compliance with relevant CAP measures as identified in the Checklist first. Any additional emission reductions needed shall then be achieved through onsite design features and mitigation measures, followed by offsite mitigation. Offsite mitigation, including purchase of carbon offset credits, would be allowed after all feasible onsite design features and mitigation measures have been incorporated.

Project specific mitigation measures, which would be in addition to all CAP Checklist items and all feasible on-site project design features, must include specific, enforceable actions to reduce project emissions, and an analysis is required to show the emission reductions achieved from each measure. Each mitigation measure should include references or a logical, fact based explanation as to why a specific mitigation measure would achieve the stated reductions. Mitigation measures and/or design features must be supported with substantial evidence showing impacts have been reduced as described in Options 1 and 2 above.

Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for projects within the County, including, but not limited to:

- Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: <http://opr.ca.gov/docs/june08-ceqa.pdf>.
- California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available: <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.
- California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

- Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

Offsite mitigation that may include carbon offsets must comply with the requirements outlined in the CAP's SEIR Mitigation Measure GHG-1, which details sources of carbon offsets, standards for acceptable carbon offsets, and the County's preferred geographic hierarchy for implementation.

Contents of Climate Change Analysis Reports

Guidance for project-specific GHG Technical Reports is outlined in the Report Format and Content Requirements for Climate Change document, provided under separate cover. The Report Format and Content Requirements document provides guidance on the outline and content of GHG analyses for discretionary projects processed by PDS that cannot show compliance with the CAP Checklist.

5. MONITORING AND UPDATE MECHANISMS

The County will prepare a CAP update every five years beginning in 2025. The CAP update will include updated baseline inventories, adjustments to reduction measures, as necessary, and any changes to land use projections, to achieve consistency with zoning and then-current General Plan land use designations and policies. Comprehensive updates to these Guidelines and associated Checklist will be coordinated with each CAP update and are subject to approval by the Board. Future updates to the CAP, Guidelines, and Checklist will comply with CEQA.

In addition to the updates to these Guidelines and Checklist that are coordinated with the comprehensive CAP updates every five years, the Guidelines and Checklist may also be administratively updated in the interim by the County to comply with amendments to State laws or court directives, or to remove measures that may become mandatory through future updates to State or local codes. Administrative revisions to the Guidelines and Checklist will be limited to changes that do not trigger a subsequent EIR or a supplement to the SEIR for the CAP pursuant to CEQA Guidelines Section 15162. Administrative revisions, as described above, will not require approval by the Board. All other changes to the Guidelines and Checklist require Board approval.

EXHIBIT C

Final
Supplement to the 2011 General Plan Update
Program Environmental Impact Report
for the
Climate Action Plan, General Plan Amendment, GHG Threshold, and
Guidelines for Determining Significance for Climate Change
EIR # PDS2016-ER-16-00-003 | SCH # 2016101055

For the
County of San Diego
Planning & Development Services Department

PREPARED FOR
County of San Diego
Planning & Development Services Department
5510 Overland Avenue, Suite 310
San Diego, CA 92123

PREPARED BY
Ascent Environmental, Inc.
600 B Street, Suite 300
San Diego, CA 92101
Contact: Amanda Olekszulyn, Project Manager

JANUARY 2018

(Option 2) GHG emissions for a 30-year period.⁷ The approach for evaluating GPA consistency with the CAP is in **Table 2.7-3** and described below.

CARB recommends that “lead agencies prioritize on-site design features and direct investments in GHG reductions in the vicinity of the project” (CARB 2017a). CARB also recognizes that “[w]here further design or regional investments are infeasible or not proved to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry” (CARB 2017a). Examples of off-site mitigation include, among other mechanisms, the purchase of verifiable carbon “offsets” from a reputable carbon registry that will undertake mitigation. The use of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines section 15126.4(c)(3).

One carbon offset credit represents the past reduction or sequestration of one metric ton of carbon dioxide equivalent that is “not otherwise required” (CEQA Guidelines section 15126.4(c)(3)). Carbon offsets that reduce the net increase of GHG emissions shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions (Cal. Health & Saf. Code section 38562(d)(1)).

The approach for evaluating GPA consistency with the CAP is provided in **Table 2.7-3**. The County shall implement the following mitigation measure to reduce significant cumulative GHG impacts and to ensure that the County can achieve its reduction targets as part of the CAP:

CAP Mitigation Measure M-GHG-1: The County shall require in-process and future GPAs to reduce their emissions to ensure that CAP emission forecasts are not substantially altered such that attainment of GHG reduction targets could not be achieved. Project applicants for in-process and future GPAs could accomplish this through two options, as outlined below:

Option 1 (No Net Increase): GPA project applicants shall achieve no net increase in GHG emissions from additional density above the 2011 GPU. Applicants shall be required in their respective CEQA documents to quantify the GHG emissions from their projects that exceed the GHG emissions for the 2011 GPU density or intensity forming the basis of the CAP emission forecasts (i.e., projections). This increase in emissions shall be reduced through on-site design features and mitigation measures and off-site mitigation, including purchase of carbon offset credits by the applicant. Applicants shall demonstrate compliance with relevant CAP measures as identified in the “CAP Consistency Review Checklist” in addition to all feasible on-site design features and mitigation measures. Off-site mitigation, including purchase of carbon offset credits, would be allowed after all feasible on-site design features and mitigation measures have been incorporated.

For example, if 400 residential units were allowed under the 2011 GPU and a GPA proposes 500 residential units, the emissions for the additional 100 units would be

⁷ A “project life” is 30 years. This methodology is consistent with the 30-year project life time frame used by the South Coast Air Quality Management District’s GHG guidance (SCAQMD 2008).

Table 2.7-3 Approach for Evaluating GPA Consistency with CAP

	New GPAs No Net Increase	New GPAs Net Zero	In-Process GPAs No Net Increase	In-Process GPAs Net Zero
Project submittal date	For projects submitted Post-CAP NOP (October 2016)	For projects submitted Post-CAP NOP (October 2016)	For projects submitted Pre-CAP NOP (October 2016)	For projects submitted Pre-CAP NOP (October 2016)
For density/ intensity allowed under the General Plan	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist 	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist; Implement all feasible on-site design features and mitigation measures as proposed by the project (project specific determination); and 	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist 	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist; Implement all feasible on-site design features and mitigation measures as proposed by the project (project specific determination); and
For any density/ intensity beyond the General Plan	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist; Implement all feasible on-site design features and mitigation measures; and Implement off-site mitigation, which may include purchase of carbon offsets for the remainder GHG emissions 	<ul style="list-style-type: none"> Implement off-site mitigation, which may include purchase of carbon offsets for the remainder GHG emissions 	Requirement: <ul style="list-style-type: none"> Comply with relevant CAP measures identified in the CAP Consistency Review Checklist; Implement all feasible on-site design features and mitigation measures; and Implement off-site mitigation, which may include purchase of carbon offsets for the remainder GHG emissions 	<ul style="list-style-type: none"> Implement off-site mitigation, which may include purchase of carbon offsets for the remainder GHG emissions
Outcome for General Plan density/ intensity	<ul style="list-style-type: none"> Consistency with CAP 	<ul style="list-style-type: none"> For all project densities/intensities: 	<ul style="list-style-type: none"> Consistency with the CAP 	<ul style="list-style-type: none"> For all project densities/intensities:
Outcome for density/ intensity beyond General Plan	<ul style="list-style-type: none"> Achieve a no net increase in GHG emissions for increased density component – to avoid conflicting with the CAP emission forecasts 	<ul style="list-style-type: none"> – Achieve net zero GHG emissions – to avoid conflicting with the CAP emission forecasts 	<ul style="list-style-type: none"> Achieve a no net increase in GHG emissions for increased density component – to avoid conflicting with the CAP emission forecasts 	<ul style="list-style-type: none"> – Achieve net zero GHG emissions – to avoid conflicting with the CAP emission forecasts

EXHIBIT D



LIVE WELL
SAN DIEGO

February 2018

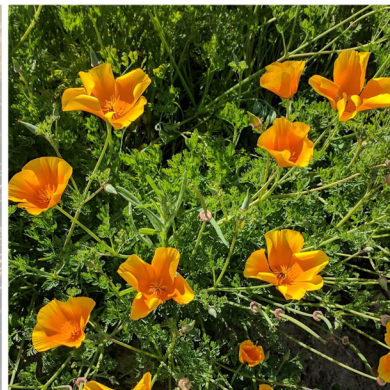
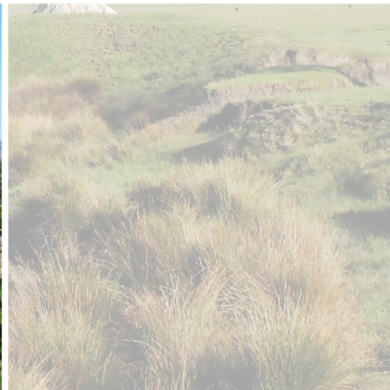


County of San Diego

CLIMATE ACTION PLAN

Final

SCH#2016101055





Emissions Gap

A comparison between the GHG reduction targets and emission projections highlights the remaining emissions gap, or reductions needed for the County to meet its future GHG reduction targets. The County is on track to meet its 2020 target with the help of existing legislation, such as the Renewables Portfolio Standard. However, to meet the 2030 target and 2050 goal, the County will need to achieve a reduction of 897,145 MTCO₂e by 2030 and

2,252,861 MTCO₂e by 2050 beyond legislative-adjusted projections. To close the emissions gap shown in Figure 2.3, this CAP proposes 11 strategies and 26 measures that the County would implement to reduce GHG emissions. Chapter 3 of the CAP discusses the GHG reduction strategies and measures aimed at closing the emissions gap for 2030.

General Plan Amendments

The GHG emissions inventory for the CAP does not include emissions attributable to proposed GPAs that would increase density/intensity above what is allowed in the General Plan. Even though there were GPAs that were adopted between 2011 (adoption of 2011 General Plan Update) and 2014 (inventory baseline year), none of these GPAs were constructed by 2014 and; therefore, their GHG emissions are not included in the 2014 inventory. The 2014 inventory is based on emissions-generating activities that existed on the ground in 2014.

The CAP GHG projections to 2020, 2030, and 2050 include GHG emissions from the GPAs that were adopted by the County between August 2011 (adoption of 2011 General Plan Update) and August 2017 (date at which the Draft CAP and CAP Draft Supplemental Environmental Impact Report [SEIR] were released for public review). See Appendix A for a detailed discussion regarding adopted GPAs, which were incorporated in the GHG projections.

General Plan Amendment projects currently in process and under County review, which have not been adopted by the San Diego County Board of Supervisors (Board)

have not been included in the 2014 GHG emissions inventory or projections. These projects are analyzed in the cumulative impact analysis of the Final SEIR, Chapter 2.7, because they represent current or reasonably foreseeable probable future projects. CEQA Guidelines Section 15130 requires discussion of cumulative impacts. As discussed in the Final SEIR, Chapter 2.7, GPAs have the potential to result in a significant cumulative impact and also impact the ability of the County to meet its targets and goal. However, Mitigation Measure GHG-1 is provided to reduce the cumulative impact to less than significant. In addition, Mitigation Measure GHG-1 would be required for all future GPAs not discussed in the Final SEIR. With incorporation of Mitigation Measure GHG-1, GPAs listed in the cumulative impact discussion of the Draft SEIR and all future GPAs that propose increased density/intensity above what is allowed in the General Plan will comply with the CAP and; therefore, will not interfere with the County's 2020 and 2030 GHG reduction targets or 2050 goal. General Plan Amendments would, therefore, comply with the threshold of significance, which is consistency with the CAP.

EXHIBIT E

1 THOMAS E. MONTGOMERY, County Counsel
County of San Diego
2 By CLAUDIA G. SILVA, Assistant County Counsel (SBN 167868)
JOSHUA M. HEINLEIN, Senior Deputy (SBN 239236)
3 1600 Pacific Highway, Room 355
San Diego, California 92101
4 Telephone: (619) 531-4860; Fax: (619) 531-6005
Email: claudia.silva@sdcounty.ca.gov
5 Email: joshua.heinlein@sdcounty.ca.gov
Exempt from Filing Fee, Gov't Code § 6103

6 Attorneys for Respondent County of San Diego
7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF SAN DIEGO**

10
11 SIERRA CLUB,) No. 37-2012-00101054-CU-TT-CTL
12) Action Filed: July 20, 2012
Petitioner,)
13) Related Cases:
14 v.) No. 37-2018-00013324-CU-TT-CTL
15) No. 37-2018-00014081-CU-TT-CTL
COUNTY OF SAN DIEGO,)
16) **RESPONDENT COUNTY OF SAN DIEGO'S**
Respondent.) **OPPOSITION TO SIERRA CLUB'S MOTION**
17) **FOR STAY OR, IN THE ALTERNATIVE,**
18) **MOTION FOR PRELIMINARY INJUNCTION**
19)
20) Date: September 14, 2018
Time: 1:30 p.m.
21) Dept: C-72
Judge: Hon. Timothy Taylor
22) **IMAGED FILE**
23)
24)
25)
26)
27)
28)

Respondent County of San Diego ("County") submits the following brief in opposition to
Petitioner Sierra Club's motion for a stay order or, in the alternative, motion for preliminary injunction.

1 Finally, “[t]he judicial resistance to injunctive relief increases when the attempt is made to compel
2 the doing of affirmative acts. ... The granting of a mandatory injunction pending trial is not permitted
3 except in extreme cases where the right thereto is clearly established.” *Shoemaker v. Cty. Of L.A.*, 37
4 Cal.App.4th 618, 625 (1995) (emphasis added; internal citations and quotations omitted). A court should
5 not grant a preliminary injunction when its effect would be to grant the moving party all of the injunctive
6 relief requested in its complaint. *Santa Monica v. Superior Court of L.A. Cty.*, 231 Cal.App.2d 223, 227
7 (1964).

8 The injunction Petitioners seek would effectively grant Petitioners all of the relief they seek in the
9 litigation. The injunction would force the County to (a) not allow any development projects to proceed,
10 whether they are consistent with the 2011 GPU land uses or seek an amendment, (b) strip the Board of its
11 discretionary authority to address matters of public interest such as the widely-publicized housing crisis in
12 reviewing projects that are in process, and (c) require applicants of projects, who are not before this Court,
13 that are currently in process to revise the sections of their EIRs addressing GHG emissions. Moreover,
14 Petitioners have an adequate remedy – they can challenge the individual projects.

15 **B. M-GHG-1 Is Not a Program; It Is a Mitigation Measure for a Cumulative Impact that Will**
16 **Be Applied to GPAs Along with the Other Mitigation Measures in the 2011 GPU that**
GPAs Must Implement.

17 Before directly addressing the various claims asserted by Petitioners regarding the adequacy of the
18 SEIR, it is important to set the record straight regarding exactly what M-GHG-1 is. Sierra Club claims
19 that M-GHG-1 is “a new method of allowing essentially unlimited development in undeveloped areas of
20 the County.” (Sierra Club Motion, 7:21-22.) This characterization is disingenuous at best. M-GHG-1
21 does not authorize any development. **M-GHG-1 is a mitigation measure for cumulative impacts from**
22 **future and in-process GPAs.** (Takahashi Dec., Ex. G, pp. 278-281.)

23 A program EIR, such as the SEIR here, need not be as detailed as an EIR for a construction project
24 “because the effects of the construction can be predicted with greater accuracy.” CEQA Guidelines §
25 15146(a). “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is
26 cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project
27 with an incremental effect that is not ‘cumulatively considerable,’ a lead agency need not consider that
28 effect significant, but shall briefly describe its basis for concluding that the incremental effect is not

From: Desmond, Jim
Sent: Monday, March 04, 2019 9:22 AM
To: FGG-DL, LSDOCS
Cc: Mills, Benjamin
Subject: FW: Proposed Otay Village 14 and Planning Area 16/19
Attachments: Proposed Otay Village 14 and Planning Area 1619_BOS_Letter_FE_28FEB2019.pdf

From: Josh and Andrea <joshanddre@gmail.com>
Sent: Friday, March 1, 2019 4:38 PM
To: Cox, Greg <Greg.Cox@sdcounty.ca.gov>; Jacob, Dianne <Dianne.Jacob@sdcounty.ca.gov>; Gaspar, Kristin <Kristin.Gaspar@sdcounty.ca.gov>; Fletcher, Nathan (BOS) <Nathan.Fletcher@sdcounty.ca.gov>; Desmond, Jim <Jim.Desmond@sdcounty.ca.gov>
Cc: FGG, CAO Mail <caomail@sdcounty.ca.gov>
Subject: Proposed Otay Village 14 and Planning Area 16/19

Good Evening Members of the Board of Supervisors,

Attached you will find a letter concerning the proposed Otay Village 14 and Planning Area 16/19. An original has been placed in the mail to your attention. Should you have any questions or concerns please do not hesitate to contact me.

Kind regards,

--
Josh & Andrea Harris
joshanddre@gmail.com

February 28, 2019

The San Diego County Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101
Phone: (619) 531-5600 Fax: (619) 338-8146

SUBJECT: Village 14 and Planning Areas 16/19: PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-ER-16-19-006; Jamul/Dulzura Subregional Plan Area

Dear Members of the Board of Supervisors,

We are writing as concerned citizens and residents of the Jamul Community, in relation to the proposed development, noted above.

Our first concern relates to the unknowns regarding the "secondary access" being proposed. The developer is proposing to connect Planning Area 16 through two private roads, Whispering Meadows Lane and Valley Knolls Road (a community known as Mountain View Estates). In addition, this proposed road would extend through existing CDFW Lands to connect to Planning Area 16.

There are currently 8 "Irrevocable Offers of Dedication" (IODs) to the County to improve both Whispering Meadows Lane and Valley Knolls Road to an ultimate 60' right-of-way, which would require removal of private improvements adjacent to the road edges, possible relocation of power lines, drainage, and other public utilities, etc. To date, the County has not accepted them, although may do so at any time to allow project access. It is also our understanding that the road maintenance may remain private and subject to the requirements of the fire protection district. We are not sure how this is even possible and why this is being considered, especially when it appears that access could be obtained by connecting directly to California State Route 94.

Another area we are concerned with in association with this proposed road connection is traffic. In the final draft environmental impact report, the Transportation and Traffic section (2.9) indicates that based on the calculations provided the traffic added to these roads would be less than the 20 trip minimum. Therefore, no further analysis is being required. Refer to exhibit A. Common sense will tell you that the residents located in the Easterly part of Planning Area 16 will not be primarily using the Southern/Westerly route to Proctor Valley Road through various roundabouts to get access to Proctor Valley Road. Just as our community does now, a majority of the time they will travel through Whispering Meadows Lane and Valley Knolls Road onto Proctor Valley Road to go either South/West or North/East. As such, we would like to request that a condition be included to require additional analysis of this, by a new consultant.

This road connection is not in the best interest of the community and we would like to propose a condition be included to require the developer to look into alternatives, such as connecting directly to California State Route 94. Or since this is strictly being proposed as a secondary access, could the existing gate at the end of Whispering Meadows Lane remain locked and only accessible by Fire and County Officials?

Secondly, we are concerned with the overall traffic impact and related fire evacuation plans. California State Route 94, which is an existing two-lane expressway, is already extremely congested. We fear that with the addition of 1,119 new homes and the additional students that will attend our schools the traffic will be impacted greatly, far more than what has been noted in the CEQA reports prepared. Recently the Jamul-Dulzura Union School District's office estimated that they are expecting around 163 additional students into the K-8 schools (Village 14 = 101, PA 16 = 56, PA 19 = 6). This estimate does not incorporate any anticipated numbers of high school students that may attend Steele Canyon High School located on California State Route 94.

Furthermore, as noted on page 41 of the OV14 Hearing Report, it indicates that it would take approximately 2.5 to 3.0 hours to evacuate the new community in the event of a fire. What does this mean for the neighboring communities? This is very concerning given the recent and tragic Camp Fire in the Community of Paradise. The Paradise Community infrastructure is set up almost identical to how our community would be with the addition of the proposed project. This tragic event clearly tells us that Cal Fire and the Sheriff's Department cannot handle evacuations in such infrastructure layouts. This is not meant to criticize them for all of their efforts, we are simply expressing our concerns, as lives depend on it. Cal Fire was present at the October 19th hearing and made it clear that they accepted the proposed project as it stands. We just don't understand how our community would be any different than the Camp Fire in Paradise, if a fast moving fire were to occur in our area again. If you refer to Exhibit B, you will notice that history tells us that fires move directly through the path in which these proposed communities would be built. The road mitigation to Proctor Valley Road is proposed to remain a narrow two-way road with a limited road shoulder and various roundabouts. Perhaps the new portion of the roadway could be built with a large enough shoulder on both sides allowing two additional lanes for evacuations and emergency vehicles.

In conclusion, we feel that a much closer review of this project is necessary. As you move toward your deliberations, we urge you to consider the alternatives we have presented here. We appreciate your time and look forward to hearing from you.

Respectfully,

Handwritten signatures of Joshua and Andrea Harris in blue ink. The signature for Joshua is above the signature for Andrea.

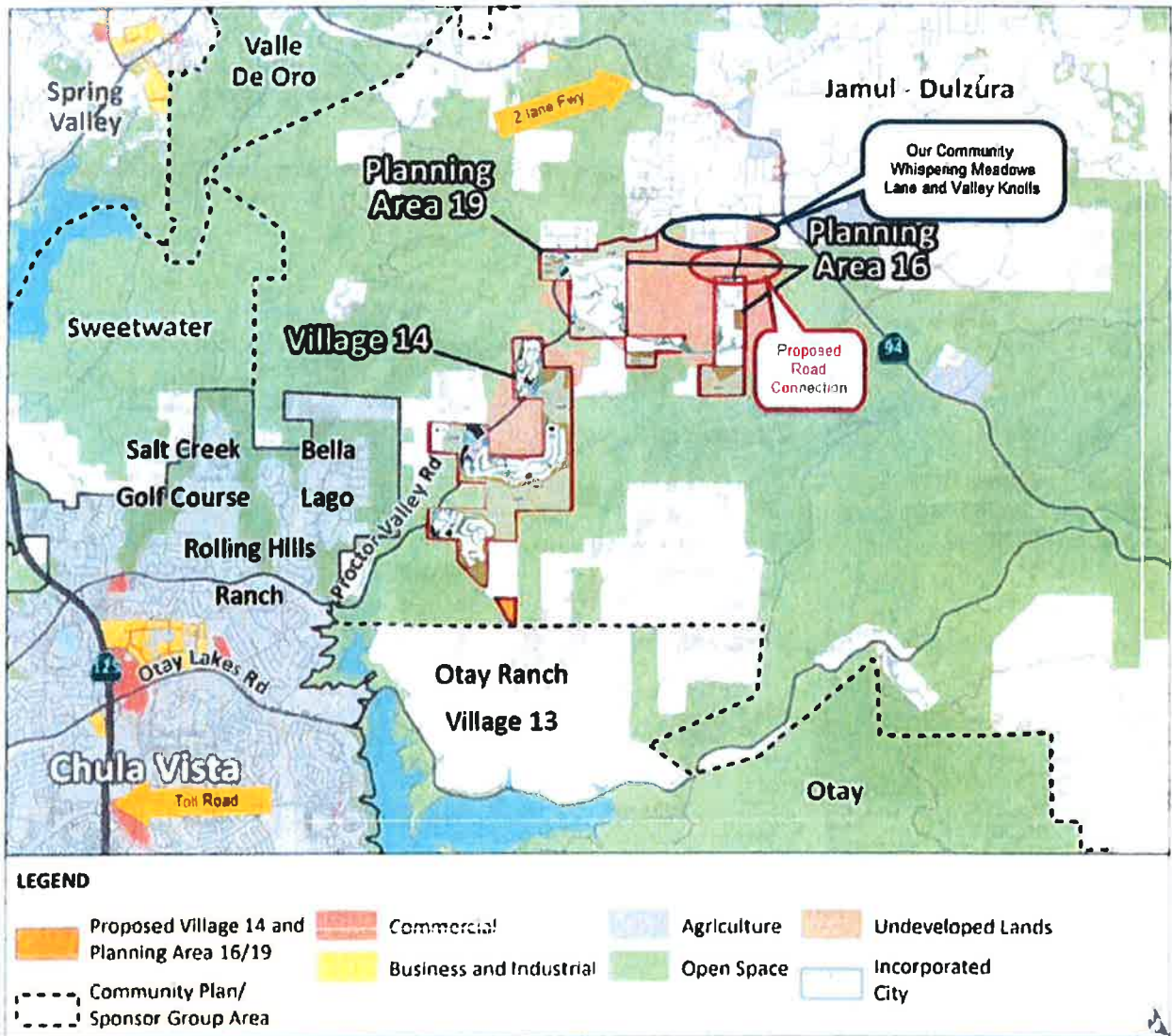
Joshua and Andrea Harris
2827 Valley Knolls Road
Jamul, CA 91935

Cc: Helen N. Robbins-Meyer, Chief Administrative Officer

EXHIBIT A

NEW ROAD CONNECTION

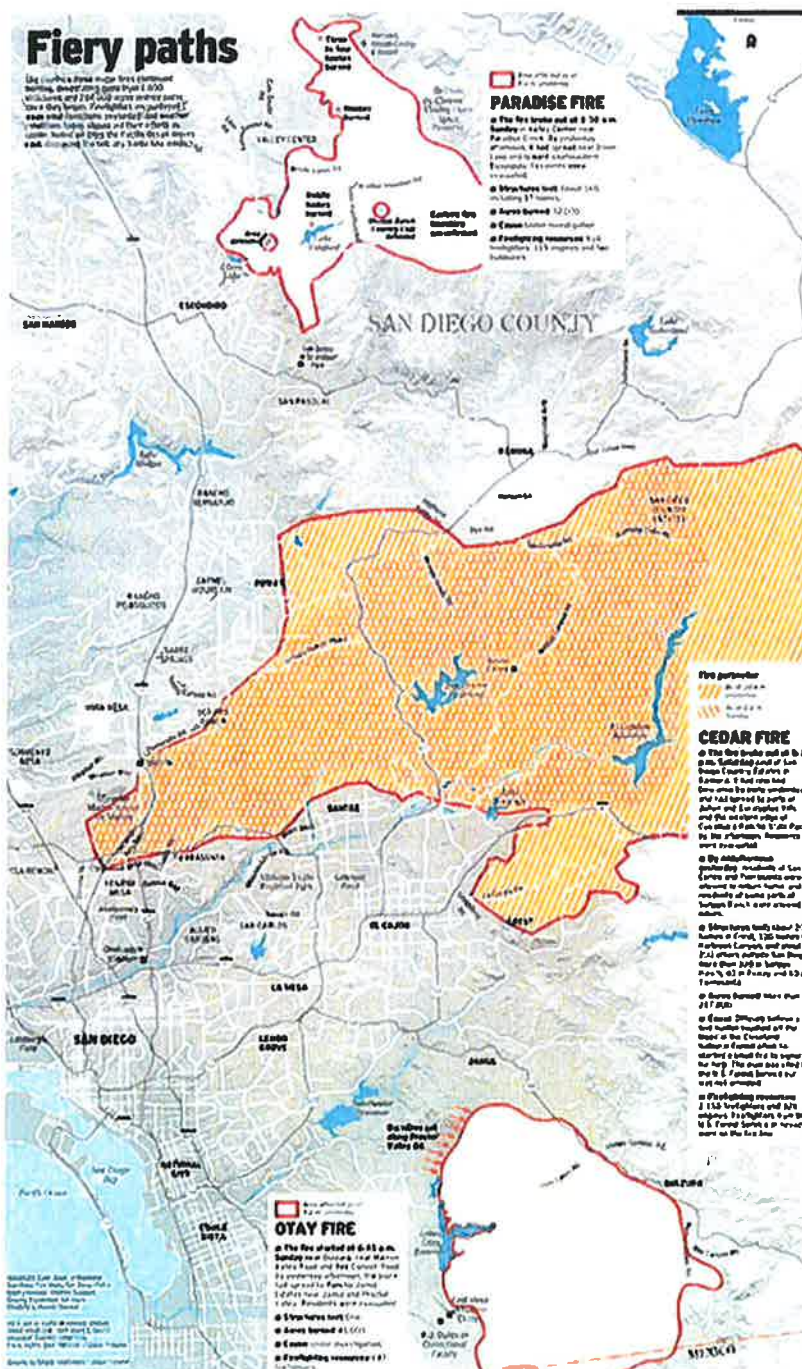
IMAGE 1: In this image you can see the locations of the proposed roadways throughout the community. Common sense will tell you that the future residence of Planning Area 16, those particularly in the easterly location will likely use the proposed secondary access through Whispering Meadows Lane and Valley Knolls Road, even if they are traveling to EastLake to avoid roundabouts, etc. However, they will definitely use it if they are traveling to State Route 94 or into Rancho San Diego, which is a shopping destination for the Jamul Community.



**This map is from the Planning Commission Hearing Report, dated 10/19/18. It includes an overlay of the proposed development showing the roadways, which was taken from the EIR Report.*

EXHIBIT B

HISTORIC FIRES



*Source: <http://www.signonsandiego.com/news/fires/multimedia.html#graphics>



County of San Diego

ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471
PHONE (619) 531-5800 FAX (619) 338-8148
www.sandiegocob.com

ERIN DEMOREST
ASSISTANT CLERK OF THE BOARD

March 5, 2019

TO: Chairwoman Dianne Jacob
Vice-Chairman Greg Cox
Supervisor Kristin Gaspar
Supervisor Nathan Fletcher
Supervisor Jim Desmond

FROM: ANDREW POTTER
Clerk of the Board of Supervisors

Attached, for your information, is correspondence from the public regarding Otay Village 14 and Planning Areas 16/19.

Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew Potter".

ANDREW POTTER
Clerk of the Board of Supervisors

Attachment

cc: Helen Robbins-Meyer, Chief Administrative Officer
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use & Environment Group
Communications Received

DCH:dl

From: Busta, Corrine
Sent: Monday, March 04, 2019 10:44 AM
To: FGG-DL, LSDOCS
Cc: Paguio, Jason
Subject: FW:
Attachments: Letter to BOS - March 2, 2019 - signed pg 1.jpg; Letter to BOS - March 2, 2019 - signed pg 2.jpg

Corrine Busta
Supervisor Kristin Gaspar | Third District
Direct Line: (619) 531-5103

From: Kevin May <kjmaymsi@cox.net>
Sent: Saturday, March 02, 2019 11:32 AM
To: Gaspar, Kristin <Kristin.Gaspar@sdcounty.ca.gov>
Subject:

Please see attached letter regarding the developments: Village 14 and Planning Areas and our concerns about them please.

Thank you,

Kevin and Marcy May
13997 Whispering Meadows Lane
Jamul, CA 91935
Home: 619-669-2925
Kevin's Cell: 619-987-2586
Email: kjmaymsi@cox.net

March 2, 2019

The San Diego County Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101
Phone: (619) 531-5600 Fax: (619) 338-8146

SUBJECT: Village 14 and Planning Areas 16/19: PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-ER-16-19-006; Jamul/Dulzura Subregional Plan Area

Dear Members of the Board of Supervisors,

We are writing this letter to let you know about our objections to and suggestions for Planning Areas 16 and 19 directly, and indirectly Village 14.

In relation to the issue of safety:

- Planning Areas 16 and 19 are in a high fire hazard zone and were directly impacted by the large fires in both 2003 and 2007. If houses were in these areas, we could have potentially had a disaster like the one that destroyed the community of Paradise, California.
- There is a proposed egress from these areas to and through a small private road, Whispering Meadows Lane, that would eventually connect to Highway 94 via Valley Knolls, Proctor Valley and Melody road. This is a poor choice. Instead, we propose building a bigger road with a more direct route to Highway 94 (see pictures below). The benefits would be:
 - Better access to Highway 94 for residents, both for daily use and during times of emergency evacuations.
 - Better access for emergency vehicles and firefighting equipment.
 - Decreased response time by paramedics for medical emergencies.Do it right the first time and not after a deadly disaster that could have been avoided.

In relation to daily traffic

- In the final EIR, it stated that there would be less than 20 car trips per day needed to trigger an analysis of the traffic through our private road, Whispering Meadows Lane, thus no need for further analysis. This is a miscalculation, thus an incorrect assessment.
- Recently the Jamul-Dulzura Union School District's office estimated 163 additional students would be coming from the above-mentioned developments. There are 56 students from Planning Area 16 alone, which when combined with other daily uses, would more than triple the car trips needed to trigger a traffic analysis. So, with this new data on school traffic, we suggest an analysis be done.

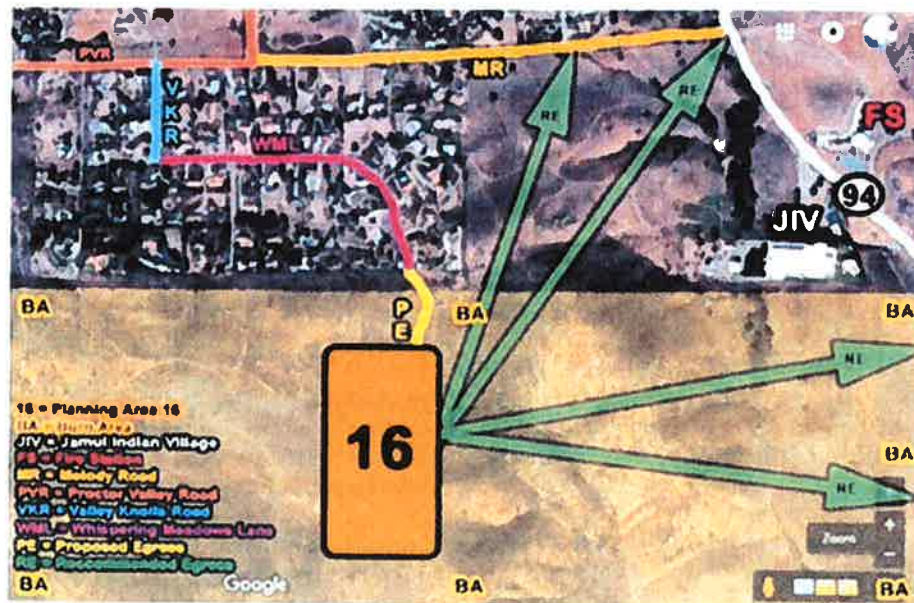
In relation to obtaining "in county" offsets for the reduction of greenhouse gas emissions, we would suggest that the developers look at using Planning Area 16 and possibly 19 to achieve that goal.

Sincerely,

KEVIN AND MARCY MAY
Printed Name(s)
Kevin May Marcy May
Signature(s)

13997 WHISPERING MEADOWS LANE, JAMUL, CA
Address 91935
3/2/14
Date

Cc: Helen N. Robbins-Meyer, Chief Administrative Officer





County of San Diego

ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471
PHONE (619) 531-5800 FAX (619) 338-8146
www.sandiegocob.com

ERIN DEMOREST
ASSISTANT CLERK OF THE BOARD

March 11, 2019

TO: Chairwoman Dianne Jacob
Vice-Chairman Greg Cox
Supervisor Kristin Gaspar
Supervisor Nathan Fletcher
Supervisor Jim Desmond

FROM: ANDREW POTTER
Clerk of the Board of Supervisors

Attached, for your information, is correspondence from the public regarding the Adara Development and Planning Areas 16 and 19.

Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew Potter".

ANDREW POTTER
Clerk of the Board of Supervisors

Attachment

cc: Helen Robbins-Meyer, Chief Administrative Officer
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use & Environment Group
Communications Received

AP:dl

February 5, 2019

Greg Cox
San Diego County Board of Supervisors
1600 Pacific Highway #335
San Diego, CA 92101

COUNTY OF SAN DIEGO
2019 MAR 11 AM 11:06
CLERK OF THE BOARD
OF SUPERVISORS

Dear Supervisor Cox:

We are concerned over recently received information relating to the Adara development and its impact on our community, specifically in the areas of increased traffic, fire dangers and the use of wildlife lands for road access to parts of the development.

It has recently come to our attention that the planned Adara development, specifically Planning Area 16, has been modified to greatly increase the number of homes to be built. During a meeting in July 2018 with County Planning Department official Greg Mattson, we were told that Planning Area 16 would include 30-40 single family homes on acre-plus lots. We recently learned that Planning Area 16 will include 112 single family homes.

The developer of Adara is planning to use Whispering Meadows Lane and Valley Knolls, both private roads, for ingress to and egress from Planning Area 16. Vehicles using these two roads would then use Proctor Valley Road to access Highway 94, the traffic pattern for current residents. Whispering Meadows Lane, in particular, is a narrow road currently capable of handling the traffic generated by our small community. Allowing the Adara developer to funnel traffic from Planning Area 16 through our community would more than triple the traffic on our narrow private road. Information from the Jamul-Dulzura School District estimates 56 students would enroll in K-8 schools from Planning Area 16, greatly increasing traffic on Whispering Meadows Lane and Valley Knolls, just to take students to and from school.

Please do not think that we are against thoughtful development in our area, because we are not. But after reviewing the Adara plans, we have come to the conclusion that this development, and Planning Areas 16 and 19 to a greater extent, do not integrate well into the rural community of Jamul, where lot sizes of one or more acres are the norm.

We are further concerned about the potential for evacuating the Whispering Meadows-Valley Knolls community in the event of fire (which is not an uncommon occurrence in Jamul) with the addition of 112 new homes. Was nothing learned from the tragic Paradise fire just a few short months ago? We could easily see a repeat of that disaster in the future if these proposed homes do not have primary access to Highway 94. The fires of 2003 and 2007, including the Otay and Harris fires, were disastrous for our county. The Otay fire, you will note, was finally contained at Proctor Valley Road after burning through the area now designated Planning Area 16. We cannot have a repeat of these tragic fires that potentially could destroy these planned homes.

Requiring the developer to build access from Planning Area 16 directly east to Highway 94 would go a long way to addressing our concerns and provide a much safer and quicker access to safety in the event of an emergency, to say nothing of daily access to the highway. As the plan currently stands, the developer is proposing to access Whispering Meadows Lane through a dedicated wildlife preserve. It is our understanding that the California Fish and Wildlife Department has not granted any right of way to build the ingress/egress road that is proposed between Planning Area 16 and Whispering Meadows Lane and that it is the department's policy to deny any request to build roads across/through their reserves.

We fail to see any logical explanation for destroying the habitat and the lives of the wildlife currently living there for a road through the preserve and the Whispering Meadows Lane/Valley Knolls neighborhood, especially when there is an alternative: requiring the developer to build a direct road link from Planning Area 16 to Highway 94 and abandoning the idea of accessing Planning Area 16 through Valley Knolls and Whispering Meadows Lane. This easterly road we are proposing will also go through some environmentally sensitive areas, but the return on safety as well as the daily access for future Area 16 residents and more direct access for emergency medical, law enforcement and fire responses makes more sense.

As you move toward your deliberations on the Adara plan, we urge you to consider the alternative we have presented here regarding traffic, ingress/egress and the wildlife reserve. We respectfully ask to be notified in advance when the Adara project is scheduled to be considered by the Board of Supervisors so that we may attend your meeting and voice our concerns.

Sincerely,



Robert T. Foor



Norma Trost Foor
13889 Whispering Meadows Lane, Jamul, CA 91935
ntrost4@cox.net

Cc: Helen Robbins-Meyer
Dianne Jacob
Kristin Gaspar
Nathan Fletcher
Jim Desmond

From: Jacob, Dianne
Sent: Monday, March 11, 2019 1:59 PM
To: FGG-DL, LSDOCS
Subject: FW: Adara development Planning Areas 16 and 19

From: kenpaulaames@aol.com <kenpaulaames@aol.com>
Sent: Monday, March 11, 2019 1:56 PM
To: Cox, Greg <Greg.Cox@sdcounty.ca.gov>; Jacob, Dianne <Dianne.Jacob@sdcounty.ca.gov>; kristin.gasper@sdcounty.ca.gov; Fletcher, Nathan (BOS) <Nathan.Fletcher@sdcounty.ca.gov>; Desmond, Jim <Jim.Desmond@sdcounty.ca.gov>; FGG, CAO Mail <caomail@sdcounty.ca.gov>
Subject: Adara development Planning Areas 16 and 19

March 11, 2019,

The San Diego County Board of Supervisors

1600 Pacific Highway, Room 402

San Diego, CA 92101

Subject: Village 14 and Planning Areas 16/19: PDS2016-GPA-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-ER-16-19-006; Jamul/Dulzura Subregional Plan Area

Dear Members of the Board of Supervisors, I am writing this letter to express my objections to and suggestions for the Adara development Planning Areas 16 and 19.

My areas of concern:

- Planning Areas 16 and 19 are in a high fire hazard zone and were already impacted by large fires in 2003 and 2007. These two developments are planned to contain a total of 125 homes. That many houses in those 2 areas could potentially present a hazard such as the one that destroyed the community of Paradise, California. I am concerned about safe and speedy evacuation in case of more fires which are inevitable. Traffic congestion is already a problem on our 2-lane Highway 94 access.
- There is a proposed egress from Area 16 to and through 2 small private roads, Whispering Meadows and Valley Knolls, which would connect to Highway 94 via Proctor Valley Road and Melody Lane. These 2 roads are privately maintained by the residents of our small community and are very narrow. While they are adequate for our residents, it would pose a problem to have 112 new single-family homes accessing these roads. Even a modest estimate of 2-3 round trips per day to each of these 112 homes will add an inordinate amount of traffic through our small neighborhood and would pose a problem in the event of a fire evacuation. There is also no mention of these homes contributing to the maintenance of our 2 roads. It would seem to make much more sense for the developer to access 94 directly instead of funneling all that traffic through our small development. It would also provide a

shorter and quicker access to 94 for these homes and for the emergency vehicles that would be serving them.

- Jamul is a rural community with homes on 1 or more acres. A housing development such as Area 16 does not fit our rural community.

I hope you will seriously consider these concerns when you are making your decisions about this proposed community.

Sincerely,

Paula Ames

13749 Whispering Meadows Lane

March 11, 2019

Wildlife and Habitat Conservation Coalition

Dedicated to the sustained conservation of native animal and plant species in the Southwest Bioregion.



April 1, 2109

Chair Jacob and Supervisors
Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101
Via email

Re: WHCC requests related to MSCP dispute resolution

Dear Chairperson Jacob and Members of the Board:

The Wildlife and Habitat Conservation Coalition is comprised of 22 conservation-based organizations in San Diego with a keen interest in and commitment to effective, implementation of the MSCP. We write today in support of the recent letter to you from the Endangered Habitats League (EHL) on the topic of dispute resolution related to MSCP implementation.

We strongly endorse the three principles or precepts that should guide dispute resolution discussions with the California Dept. of Fish and Wildlife.

Before discussing some principle that should guide any dispute issues, we wish to underscore that the County should take the proper and straightforward solution by **amending the General Plan to conform to the Subarea Plan by rezoning Proctor Valley Parcels PV 1, 2, and 3 to open space**. As there are no vested rights involved, the County can do this under its own authority.

In the event the County does not resolve this issue, we recommend the following principles.

1) Biology

Any resolution must achieve equal or greater a) conserved acreage **and** b) preserve biological functions and values. We have confidence in Department of Fish and Wildlife biologists staff on these evaluations. We also note significant outstanding golden eagle and quino checkerspot butterfly issues that should also be addressed.

2) Public process

Any plan amendment must have full and open public participation, regardless of whether the parties pursue formal or informal dispute resolution. We strongly believe that a major amendment is the only option here.

3) No advance project approval

As background, the County's proposed "condition of approval" would re-create the situation that existed *prior* to the MSCP, when the County did not have permitting authority over species and the Department was given that role post-project approval. Now, in exchange for the streamlining benefits

that come with delegation of permitting authority to the County, it is the *County's* responsibility to ensure project consistency with the plan. It must use its own land use authority to do so. It is wholly contrary to the MSCP to shirk this responsibility and “kick the can down the road” to the Department post-entitlement. To do so would set a terrible and untenable precedent for this and other plans.

Along with the Department, the undersigned members of the WHCC thus rejects the County's proposed conditional approval. We urge the County to go further and not approve a project that is inconsistent with the current MSCP ***unless and until*** a MSCP amendment has been finally approved, and the project modified accordingly. Any approach that allows project approval *before* completion of the public amendment process undermines the integrity of that process.

Our member organizations seek to work with you to protect the integrity of the MSCP.

Sincerely,

Laura Hunter, Coordinator, Wildlife and Habitat Conservation Coalition

George Courser, Sierra Club San Diego

Pamela Heatherington, Environmental Center of San Diego

Frank Landis, California Native Plant Society, San Diego Chapter

Dan Silver, Endangered Habitats League

Dr. Mike McCoy, Bill Tippetts, Southwest Wetlands Interpretive Association

Van K. Collinsworth, Preserve Wild Santee

Karin Zirk, Friends of Rose Creek

Joan Herskowitz, Buena Vista Audubon

Jim Peugh, San Diego Audubon Society

Renee Owen, Wild Zone Conservation League



County of San Diego

ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471
PHONE (619) 531-5600 FAX (619) 338-8146
www.sandiegocob.com

ERIN DEMOREST
ASSISTANT CLERK OF THE BOARD

April 10, 2019

TO: Chairwoman Dianne Jacob
Vice-Chairman Greg Cox
Supervisor Kristin Gaspar
Supervisor Nathan Fletcher
Supervisor Jim Desmond

FROM: ANDREW POTTER
Clerk of the Board of Supervisors

Attached, for your information, is correspondence from Robert and Carolyn Novinskey regarding Otay Village 14 and Planning Areas 16/19.

Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew Potter".

ANDREW POTTER
Clerk of the Board of Supervisors

Attachment

cc: Helen Robbins-Meyer, Chief Administrative Officer
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use & Environment Group
Communications Received

DCH:dl

February 27, 2019

The San Diego County Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101
Phone: (619) 531-5600 Fax: (619) 338-8146

COUNTY OF SAN DIEGO

2019 APR -8 AM 11:47

CLERK OF THE BOARD
OF SUPERVISORS

SUBJECT: Village 14 and Planning Areas 16/19: PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-ER-16-19-006; Jamul/Dulzura Subregional Plan Area

Dear Members of the Board of Supervisors,

We are concerned over recently received information relating to the Adara development and its impact on our community, specifically in the areas of increased traffic, fire dangers and the use of wildlife lands for road access to parts of the development.

It has recently come to our attention that the planned Adara development, specifically Planning Area 16, has been modified to greatly increase the number of homes to be built. During a meeting in July 2018 with County Planning Department official Greg Mattson, we were told that Planning Area 16 would include 30-40 single family homes on acre-plus lots. We recently learned that Planning Area 16 will include 112 single family homes.

The developer of Adara is planning to use Whispering Meadows Lane and Valley Knolls, both private roads, for ingress to and egress from Planning Area 16. Vehicles using these two roads would then use Proctor Valley Road to access Highway 94, the traffic pattern for current residents. Whispering Meadows Lane, in particular, is a narrow road currently capable of handling the traffic generated by our small community. Allowing the Adara developer to funnel traffic from Planning Area 16 through our community would more than triple the traffic on our narrow private road. Information from the Jamul-Dulzura School District estimates 56 students would enroll in K-8 schools from Planning Area 16, greatly increasing traffic on Whispering Meadows Lane and Valley Knolls, just to take students to and from school.

Please do not think that we are against thoughtful development in our area, because we are not. But after reviewing the Adara plans, we have come to the conclusion that this development, and Planning Areas 16 and 19 to a greater extent, do not integrate well into the rural community of Jamul, where lot sizes of one or more acres are the norm.

We are further concerned about the potential for evacuating the Whispering Meadows-Valley Knolls community in the event of fire (which is not an uncommon occurrence in Jamul) with the addition of 112 new homes. Was nothing learned from the tragic Paradise fire just a few short months ago? We could easily see a repeat of that disaster in the future if these proposed homes do not have primary access to Highway 94. The fires of 2003 and 2007, including the Otay and

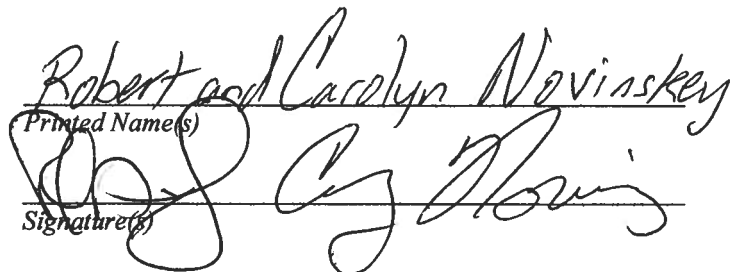
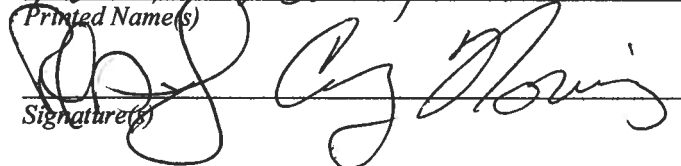
Harris fires, were disastrous for our county. The Otay fire, you will note, was finally contained at Proctor Valley Road after burning through the area now designated Planning Area 16. We cannot have a repeat of these tragic fires that potentially could destroy these planned homes.

Requiring the developer to build access from Planning Area 16 directly east to Highway 94 would go a long way to addressing our concerns and provide a much safer and quicker access to safety in the event of an emergency, to say nothing of daily access to the highway. As the plan currently stands, the developer is proposing to access Whispering Meadows Lane through a dedicated wildlife preserve. It is our understanding that the California Fish and Wildlife Department has not granted any right of way to build the ingress/egress road that is proposed between Planning Area 16 and Whispering Meadows Lane and that it is the department's policy to deny any request to build roads across/through their reserves.

We fail to see any logical explanation for destroying the habitat and the lives of the wildlife currently living there for a road through the preserve and the Whispering Meadows Lane/Valley Knolls neighborhood, especially when there is an alternative: requiring the developer to build a direct road link from Planning Area 16 to Highway 94 and abandoning the idea of accessing Planning Area 16 through Valley Knolls and Whispering Meadows Lane. This easterly road we are proposing will also go through some environmentally sensitive areas, but the return on safety as well as the daily access for future Area 16 residents and more direct access for emergency medical, law enforcement and fire responses makes more sense.

As you move toward your deliberations on the Adara plan, we urge you to consider the alternative we have presented here regarding traffic, ingress/egress and the wildlife reserve. We respectfully ask to be notified in advance when the Adara project is scheduled to be considered by the Board of Supervisors so that we may attend your meeting and voice our concerns.

Sincerely,

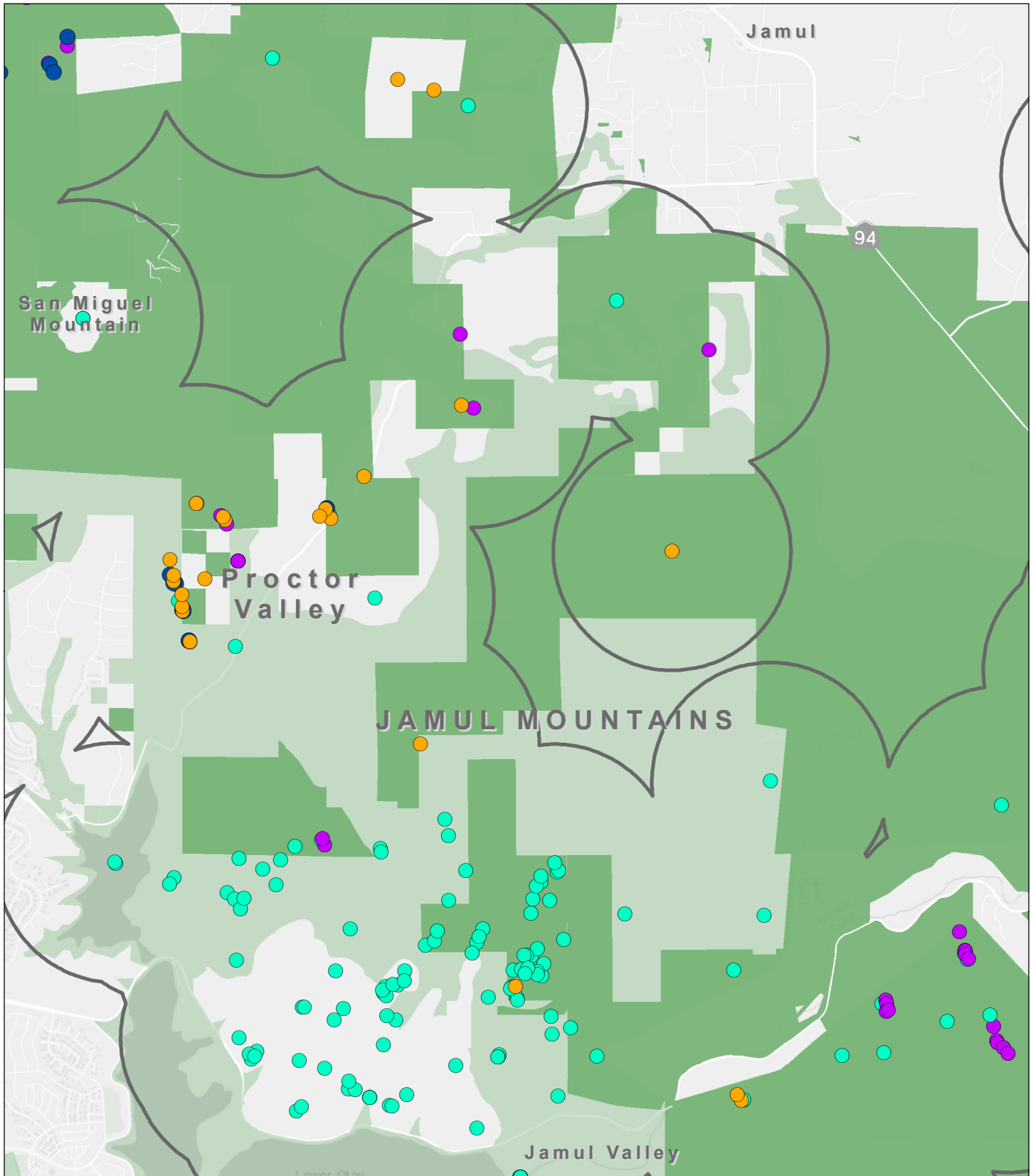
 <small>Printed Name(s)</small>	<u>2818 Valley Knolls Rd.</u> <u>Jamul, CA 91935</u> <small>Address</small>
 <small>Signature(s)</small>	<u>3/2/2019</u> <small>Date</small>

Cc: Helen N. Robbins-Meyer, Chief Administrative Officer



U.S. Fish & Wildlife Service

Quino Checkerspot Butterfly

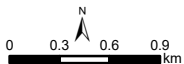


Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
(760) 431-9440
Data: U.S. Fish and Wildlife Service
Date: 4/26/2019
S:\stem\emilie\maps\ProctorValleyQCB.mxd

QCB locations

- 2019
- 2017
- 2018
- Pre-2016

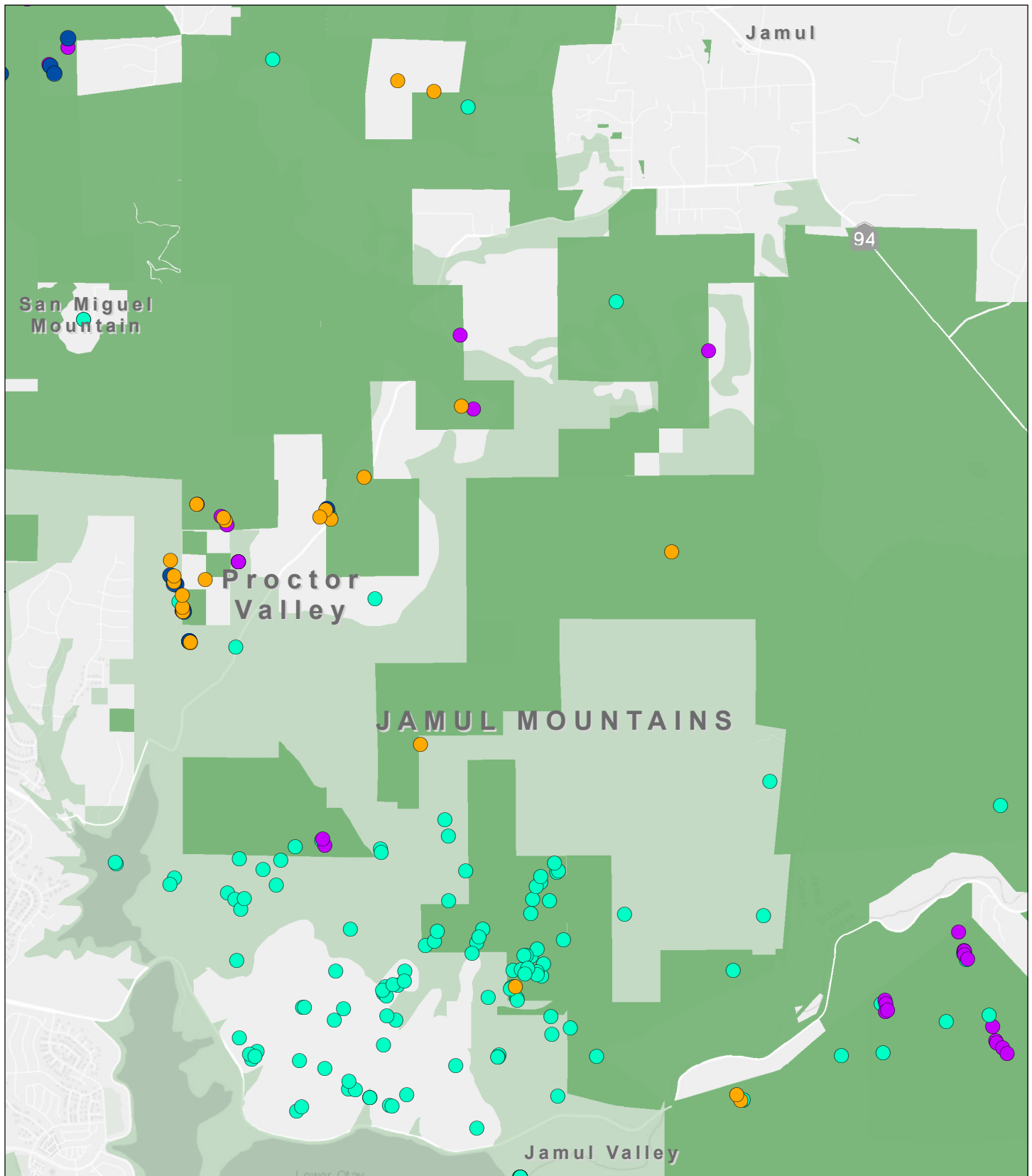
- Conserved lands
- MSCP Planned Preserve
- 1 km buffer



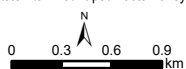


U.S. Fish & Wildlife Service

Quino Checkerspot Butterfly

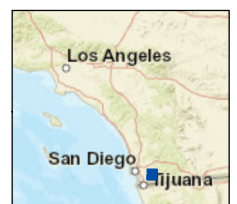


Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
(760) 431-9440
Data: U.S. Fish and Wildlife Service
Date: 5/1/2019
S:\stem\emilie\maps\ProctorValleyQCB.mxd



QCB locations

- | | | |
|--------|------------|-------------------------|
| ● 2019 | ● 2017 | ■ Conserved lands |
| ● 2018 | ● Pre-2016 | ■ MSCP Planned Preserve |



OBJECTID	SNAME	CNAME	SPECIES	SPP_CODE
26283	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26284	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26285	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26286	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26287	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26288	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26289	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26290	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26291	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26292	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26293	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26294	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26295	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26296	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26297	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
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26310	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26347	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26384	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26397	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P
26398	Euphydryas editha quino	Quino checkerspot butterfly	QCB	I00P

DATE	OCC	SURVEYOR_NAME	DOC_SOURCE
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20190318	2	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	2	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	4	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190318	1	OSBORNE K./MARTIN J./HAMILTON R.	KEN OSBORNE
20190319	1	MARTIN J.	U.S. FISH AND WILDLIFE SERVICE
20190319	1	MARTIN J.	U.S. FISH AND WILDLIFE SERVICE
20190319	1	MARTIN J.	U.S. FISH AND WILDLIFE SERVICE
20190322	7	BRUNGRABER C.	SUMMITWEST ENVIRONMENTAL INC.
20190325	1	MCBEE J.	RECON ENVIRONMENTAL INC.
20190326	5	BRUNGRABER C.	SUMMITWEST ENVIRONMENTAL INC.
20190328	5	MCBEE J./LEAVITT A.	RECON ENVIRONMENTAL
20190409	1	MARTIN J.	U.S. FISH AND WILDLIFE SERVICE
20190419	1	MARTIN J.	US FISH AND WILDLIFE SERVICE
20190419	1	MARTIN J.	US FISH AND WILDLIFE SERVICE

SITE_NAME	LOC_DESCRI	SOURCE	VOUCHER_ID	VERIFIED_V	VV_YEAR
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PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
PROCTOR VALLEY	SAN DIEGO COUNTY	3			0
SDNWR NEUNER PARCEL	PROCTOR VALLEY	3			0
SDNWR NEUNER PARCEL	PROCTOR VALLEY	3			0
SDNWR NEUNER PARCEL	PROCTOR VALLEY	3			0
OTAY FIRE BREAK ROAD	SAN DIEGO COUNTY	3			0
OTAY RANCH PRESERVE	SAN DIEGO COUNTY	3			0
OTAY FIRE BREAK ROAD	SAN DIEGO COUNTY	3			0
OTAY RANCH PRESERVE	JAMUL MOUNTAINS	3			0
JAMUL PEAK	SAN DIEGO COUNTY	3			0
SOUTH OF STEELE CANYON	SAN DIEGO COUNTY	4			0
SOUTH OF STEELE CANYON	SAN DIEGO COUNTY	4			0

PCODE	PDEF	GEO_SOURCE	CreatedOn	ModifiedOn	Year	MMDD
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1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
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1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
1	Within a 160 m diameter	4	3/26/2019	4/29/2019	2019	318
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1	Within a 160 m diameter	3	3/27/2019	4/26/2019	2019	319
1	Within a 160 m diameter	3	3/27/2019	4/26/2019	2019	319
1	Within a 160 m diameter	3	3/27/2019	4/26/2019	2019	319
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1	Within a 160 m diameter	2	4/23/2019	4/26/2019	2019	419
1	Within a 160 m diameter	2	4/23/2019	4/26/2019	2019	419



County of San Diego

ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471
PHONE (619) 531-5600 FAX (619) 338-8146
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ERIN DEMOREST
ASSISTANT CLERK OF THE BOARD

May 24, 2019

TO: Supervisor Dianne Jacob, Chairwoman
Supervisor Greg Cox, Vice Chairman
Supervisor Kristin Gaspar
Supervisor Nathan Fletcher
Supervisor Jim Desmond

FROM: Andrew Potter
Clerk of the Board of Supervisors

REFERRAL

Attached, for your information, is correspondence from Clark Hudson regarding Otay Village 14 and Planning Areas 16/19. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Andrew Potter", written over a horizontal line.

ANDREW POTTER

Attachment

cc: Helen Robbins-Meyer, Chief Administrative Officer
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use and Environment Group
Board of Supervisors Communications Received

AJP:dl

From: Cox, Greg
Sent: Friday, May 24, 2019 9:29 AM
To: FGG-DL, LSDOCS
Subject: FW: Village 14 and Planning Area 16 and 19
Attachments: Correspondence dated 5-23-2019.pdf

From: Hannah DuBois [mailto:hdubois@neildymott.com]
Sent: Thursday, May 23, 2019 5:15 PM
To: Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Fletcher, Nathan (BOS); Desmond, Jim
Cc: FGG, CAO Mail; Clark R. Hudson
Subject: Village 14 and Planning Area 16 and 19

Good afternoon,

Attached please find correspondence of today's date from Clark Hudson.

Thank you.

Very truly yours,

Hannah DuBois
Legal Secretary to
Clark R. Hudson, Jonathan R. Ehtessabian,
& Elizabeth A. Harris
*Law Offices of Neil, Dymott,
Frank, McCabe & Hudson
A Professional Law Corporation*
110 West A Street, Suite 1200
San Diego, CA 92101
T: 619.238.2229 / F: 619.238.1562

Confidentiality Notice:

This message is being sent on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Neil Dymott

ATTORNEYS

Clark R. Hudson
Direct 619.238.2229
chudson@neildymott.com

Neil, Dymott, Frank, McCabe & Hudson
A Professional Law Corporation
110 West A Street, Suite 1200
San Diego CA 92101
P 619.238.1712
F 619.238.1562

www.neildymott.com

San Diego • Palm Desert

May 23, 2019

The San Diego County Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101
Phone: (619) 531-5600 Fax: (619) 338-8146

SUBJECT: Village 14 and Planning Areas 16/19: PDS2016-GPA-16-008,
PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616,
PDS2016-ER-16-19-006; Jamul/Dulzura Subregional Plan Area

Dear Members of the Board of Supervisors,

We are writing as concerned citizens and residents of the Jamul Community, in relation to the proposed development, noted above.

Our first concern relates to the unknowns regarding the "secondary access" being proposed. The developer is proposing to connect Planning Area 16 through two private roads, Whispering Meadows Lane and Valley Knolls Road (a community known as Mountain View Estates). In addition, this proposed road would extend through existing CDFW Lands to connect to Planning Area 16.

There are currently 8 "Irrevocable Offers of Dedication" (IODs) to the County to improve both Whispering Meadows Lane and Valley Knolls Road to an ultimate 60' right-of-way, which would require removal of private improvements adjacent to the road edges, possible relocation of power lines, drainage, and other public utilities, etc. To date, the County has not accepted them, although may do so at any time to allow project access. It is also our understanding that the road maintenance may remain private and subject to the requirements of the fire protection district. We are not sure how this is even possible and why this is being considered, especially when it appears that access could be obtained by connecting directly to California State Route 94.

Another area we are concerned with in association with this proposed road connection is traffic. In the final draft environmental impact report, the Transportation and Traffic section (2.9) indicates that based on the calculations provided the traffic added to these roads would be less than the 20 trip minimum. Therefore, no further analysis is being required. Refer to exhibit A. Common sense will tell you that the residents located in the Easterly part of Planning Area 16 will not be primarily using the Southern/Westerly route to Proctor Valley Road through various roundabouts to get access to Proctor Valley

Neil Dymott

May 23, 2019

Page 2

Road. Just as our community does now, a majority of the time they will travel through Whispering Meadows Lane and Valley Knolls Road onto Proctor Valley Road to go either South/West or North/East. As such, we would like to request that a condition be included to require additional analysis of this, by a new consultant.

This road connection is not in the best interest of the community and we would like to propose a condition be included to require the developer to look into alternatives, such as connecting directly to California State Route 94. Or since this is strictly being proposed as a secondary access, could the existing gate at the end of Whispering Meadows Lane remain locked and only accessible by Fire and County Officials?

Secondly, we are concerned with the overall traffic impact and related fire evacuation plans. California State Route 94, which is an existing two-lane expressway, is already extremely congested. We fear that with the addition of 1,119 new homes and the additional students that will attend our schools the traffic will be impacted greatly, far more than what has been noted in the CEQA reports prepared. Recently the Jamul-Dulzura Union School District's office estimated that they are expecting around 163 additional students into the K-8 schools (Village 14 = 101, PA 16 = 56, PA 19 = 6). This estimate does not incorporate any anticipated numbers of high school students that may attend Steele Canyon High School located on California State Route 94.

Furthermore, as noted on page 41 of the OV14 Hearing Report, it indicates that it would take approximately 2.5 to 3.0 hours to evacuate the new community in the event of a fire. What does this mean for the neighboring communities? This is very concerning given the recent and tragic Camp Fire in the Community of Paradise. The Paradise Community infrastructure is set up almost identical to how our community would be with the addition of the proposed project. This tragic event clearly tells us that Cal Fire and the Sheriff's Department cannot handle evacuations in such infrastructure layouts. This is not meant to criticize them for all of their efforts, we are simply expressing our concerns, as lives depend on it. Cal Fire was present at the October 19th hearing and made it clear that they accepted the proposed project as it stands. We just don't understand how our community would be any different than the Camp Fire in Paradise, if a fast moving fire were to occur in our area again. If you refer to Exhibit B, you will notice that history tells us that fires move directly through the path in which these proposed communities would be built. The road mitigation to Proctor Valley Road is proposed to remain a narrow two-way road with a limited road shoulder and various roundabouts. Perhaps the new portion of the roadway could be built with a large enough shoulder on both sides allowing two additional lanes for evacuations and emergency vehicles.

Neil Dymott

May 23, 2019

Page 3

In conclusion, we feel that a much closer review of this project is necessary. As you move toward your deliberations, we urge you to consider the alternatives we have presented here. We appreciate your time and look forward to hearing from you.

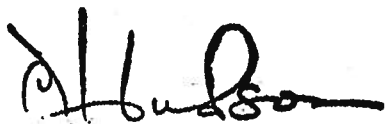
Respectfully,

Clark Hudson

13929 Whispering Meadows Lane
Jamul, CA 91935

Printed Name(s)

Address



5/23/2019

Signature(s)

Date

cc: Helen N. Robbins-Meyer, Chief Administrative Officer

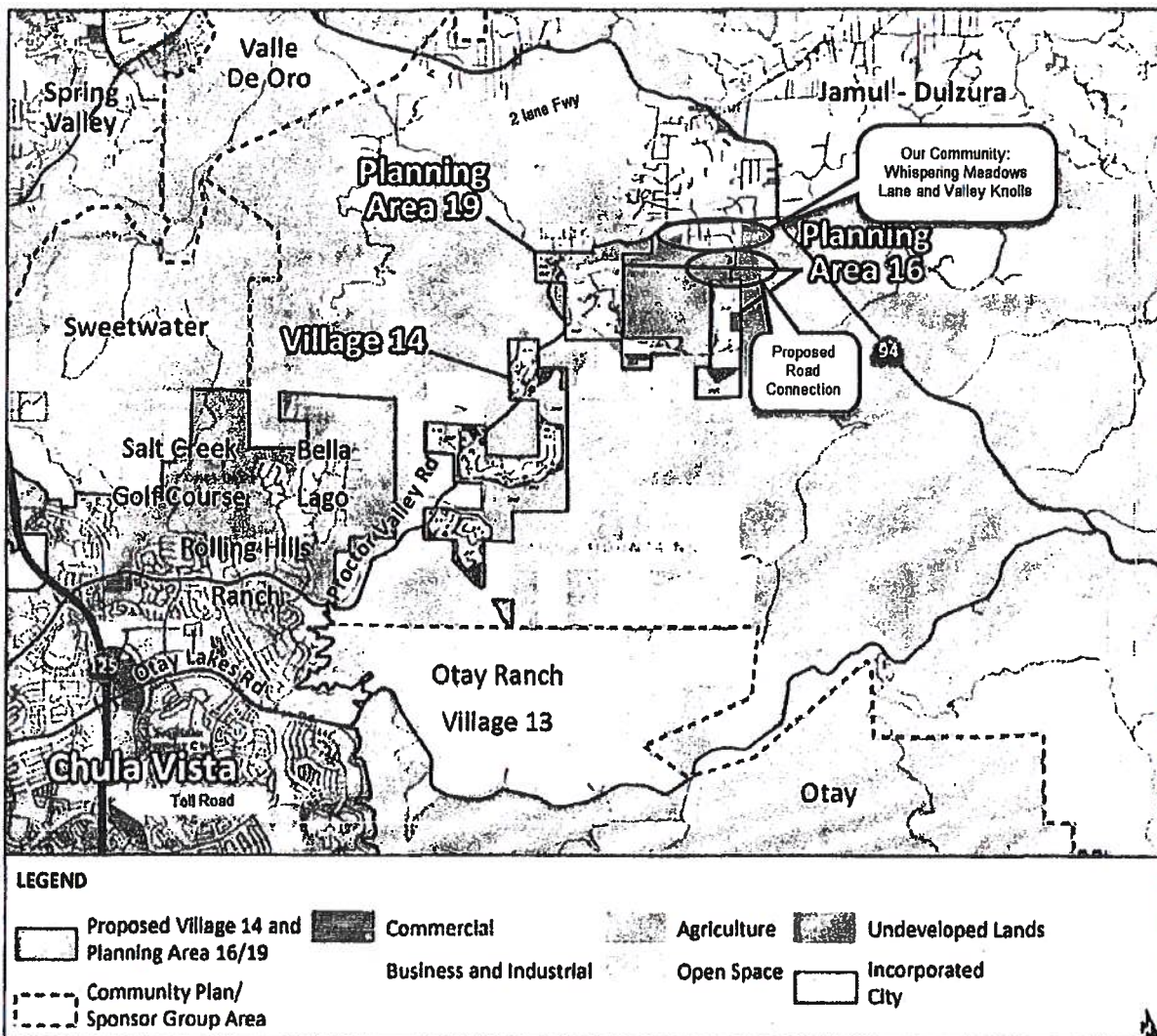
Neil Dymott

May 23, 2019

Page 4

EXHIBIT A NEW ROAD CONNECTION

IMAGE 1: In this image you can see the locations of the proposed roadways throughout the community. Common sense will tell you that the future residence of Planning Area 16, those particularly in the easterly location will likely use the proposed secondary access through Whispering Meadows Lane and Valley Knolls Road, even if they are traveling to EastLake to avoid roundabouts, etc. However, they will definitely use it if they are traveling to State Route 94 or into Rancho San Diego, which is a shopping destination for the Jamul Community.



**This map is from the Planning Commission Hearing Report, dated 10/19/18. It includes an overlay of the proposed development showing the roadways, which was taken from the EIR Report.*

EXHIBIT B HISTORIC FIRES

