

From: Leigh Rayner
To: AdvancePlanning_PDS
Subject: Draft EIR and proposed General Plan Amendment NC37, NC38+
Date: Sunday, December 17, 2017 12:58:52 PM

Dear Mr. Johnston,

I object to the up-zoning proposed for the properties labeled in the Draft EIR as NC 37, NC 38+ and NC 42.

The Draft EIR is so overbroad, confusing, and poorly organized that it is burdensome, unreasonable and virtually impossible to locate and comprehend the portions that are related to the properties located in the Twin Oaks area. Relevant comments are buried within hundreds and hundreds of pages that have nothing to do with this area. Pages discuss property in Orange County such as Trabuco Canyon for reasons that escape me. Another example is the appendix containing comments-all jumbled together without regard for what property or area they pertain to. The information and comments on Borrego Springs are interesting but do not inform on what is proposed for North Twin Oaks. The Draft EIR should be broken up in to separate documents so that all pertinent information for one area can be grouped together, not mixed in with numerous others.

If the purpose of an EIR is to inform the public and the officials who must ultimately make decisions in reliance on it, this one fails miserably. I didn't realize that the areas in question even potentially affected Newland Sierra until I saw a couple of letters in an appendix that referred to it. I assume you are aware of the considerable community opposition to this project. Putting out a confusing county wide document just before Christmas that buries any information about this controversial disaster in waiting hardly serves the public interest.

NC-42 is not analysed in most of the sections but I think is lumped in with the descriptor NC 38+. Is that right? It should be analysed and commented on for each section of the EIR. The statement for NC 37 and others that rezoning from SR10 to SR4 will not lead to loss of agriculture has no foundation. Where is the analysis or explanation for this statement? Higher density makes development more attractive and likely (exactly why the property owners seek it), thus leading to loss of land currently used for agriculture. This likely loss of agricultural use should be acknowledged.

A proposed project map is referred to in the EIR for NC 37 but I couldn't find it. Is it included somewhere? If not, why not? No parcel numbers are included for NC 37 to NC 42. The maps show different zoning than the County Planning and Development Services Argis map available online, which shows RR and A72 zoning for these areas. Which is correct? The Draft EIR inadequately identifies the properties affected.

There is no habitat analysis for NC 37 to NC 42. There is no COS 14.1 analysis, perhaps because these changes do not promote more compact development. Also

I1-8 [lacking is a slope analysis.

Perhaps the most concerning failure of the draft EIR is its analysis (or lack thereof) of the fire danger. It states a fire response time of 10 minutes, which is absurdly optimistic if an emergency were to occur during the morning or afternoon rush hour when Deer Springs, Twin Oaks, Buena Creek and Monte Vista are all backed up. This is a recent reality which is quite striking for the degree of change that has occurred in a very short time. How does an emergency vehicle serve a more densely populated area serviced by two lane roads full of stop and go traffic in both directions?

I1-9 [Just this month during the Lillac fire there was absolute gridlock in this area which would have made an evacuation impossible. I am very concerned that the study area for NC 37 includes properties to the west that are served by a very steep single lane private road. Has County staff come out and stood on these properties? The draft EIR doesn't capture what the topography and road infrastructure of this area is.

I1-10 [Living in an extreme fire zone is a challenging reality. From this perspective the proposed re-zoning is particularly ill advised.

Thank you for your time.

Leigh Rayner

~~5000 White Pine~~

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Responses to Letter I1, Reyner, Leigh

- I1-1 This comment notes the commenter's opposition to the proposed changes associated with PSR Analysis Areas NC37, NC38+, and NC42.

The NC42 Analysis Area was officially withdrawn from the project with a Board memorandum on September 2, 2016. This withdrawal included both the PSR parcels and Study Area parcels (together, making up the Analysis Area) associated with NC42. Staff received the withdrawal request on April 19, 2016, and ceased further analysis at that time, of the NC42 Analysis Area in the Draft SEIR preparation. NC42 is not part of the current GPA/Rezone.

The comment does not raise issues regarding the Draft SEIR; therefore, no further response is required.

- I1-2 The County acknowledges that the commenter found the Draft SEIR overly complex and confusing.

The County does not agree with the comment that there are pages of comments that have nothing to do with the project citing references to Orange County and Trabuco Canyon. References are made in the Draft SEIR to Orange County/Trabuco Canyon in regards to projects considered in the cumulative analysis.

This PSR GPA is a programmatic document of regional importance and scale and analyzes potential impacts for 21 PSR Analysis Areas, the former Champagne Gardens Specific Plan (CGSP) Area, and the proposed revision to Revision Policy 8 of the Valley Center Community Plan. Due to these many areas that needed to be analyzed, the County agrees that the Draft SEIR is a complex document; however, staff believes the document was organized as well as could be.

The comment reference to comments in the Draft SEIR Appendix is referring to the Notice of Preparation (NOP) comments. Some of the NOP comments refer to one Analysis Area, some refer to multiple Analysis Areas, some of them refer to all Analysis Areas within a Community Plan Area or Subregion, and some are speaking to the entire project.

The following excerpts from the State CEQA Guidelines help explain the programmatic analysis approach for a tiered SEIR that analyzes proposed changes to General Plan land use designations and zoning. The Draft SEIR tiers from the analysis of the 2011 General Plan Update PEIR. State CEQA Guidelines Section 15168 (a) provides that “[a] program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either (1) Geographically, (2) A logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.” Section 15152(b) *Tiering* states that “[a]gencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.” The Draft SEIR is also consistent with State CEQA Guidelines Section 15152(c), which

states that “where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.” Furthermore State CEQA Guidelines Section 15168 (c)(4) states that “[w]here the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.”

- I1-3 The County acknowledges the commenter’s ongoing frustration with the Draft SEIR in this comment. Every notice of the public review of the SEIR included a phone number and email address to use for any questions, in addition to submitting comments via email.
- Please refer to responses to comments I1-1 and I1-2. As noted in response I1-1, the NC42 Analysis Area was withdrawn from the project in 2016. Most of the PSR parcels that made up NC42 covered the area of the Newland Sierra project. NC42 was still part of this current GPA/Rezone at the time of the NOP, which is why there are comments on it in the Appendix of NOP comments.
- Finally, although the public review period for the Draft SEIR began before Christmas on 12/14/17, staff provided the public with an additional 15 days for public review (60 days versus the 45-day statutory requirement) to accommodate for the holidays.
- I1-4 This comment states that PSR Analysis Area NC42 is not analyzed in most of the sections but questions whether it was lumped in with the descriptor NC38+. The comment further states that NC42 should be analyzed and commented on for each section of the Draft SEIR.
- Section 1.2.1 of the Draft SEIR states, “Subsequent to the issuance of the NOP and Determination of the Scope of the SEIR, two of the property owners associated with PSRs, referred to as BO22 and NC42, requested to be removed from the Proposed Project.” The parcels associated with these PSRs and their associated Study Area properties have been eliminated from consideration within the proposed project and from any further analysis in the Draft SEIR. Therefore, parcel totals, acreage totals, potential dwelling unit calculations, and all analysis in the Draft SEIR reflect the proposed project scope without PSR Analysis Areas BO22 and NC42 and their respective Study Areas.
- I1-5 This comment suggests that the statement for PSR Analysis Area NC37 and other Analysis Areas that proposed rezoning from SR10 to SR4 will not lead to loss of agriculture has no foundation. This comment asserts that no analysis or explanation of this statement was provided.
- Impacts on agriculture are discussed in Sections 2.2.3.1 and 2.2.3.3 of the Draft SEIR, and Tables 2.2-2, 2.2-4, and 2.2-5 quantify the total area of agricultural resources within each PSR Analysis Area, including PSR Analysis Area NC37, and the combined total agricultural land that

would have the potential to be converted to non-agricultural resources. As discussed in Section 2.2.3.1, the Draft SEIR utilized the same method of calculating potential impacts to agriculture as was used in the approved General Plan Update Program EIR. As stated in the Draft SEIR, 4,724 acres of County-identified agricultural land within PSR Analysis Areas have the potential to be directly impacted (Impact AG-1) and the Proposed Project would also have the potential to indirectly convert agricultural resources to non-agricultural land uses (Impact AG-2). These impacts were determined to remain significant and unavoidable after implementation of General Plan policies and mitigation measures.(Section 2.2.5).

Though the commenter does not provide a section or page number reference for the “statement,” staff assumes the commenter may be referring to the methodology used for review of General Plan Policy LU-7.1, which call for protecting agricultural lands with lower-density land use designations that support continued agricultural operations. The General Plan does not define “lower-density land use designations” as used in the Policy. On page 2.9-42 of the Draft SEIR, there are five paragraphs explaining the research that went into the SR-2 threshold used in review of this policy. The policy and methodology used in the policy review are related to designations that support continued agricultural operations. This is related to designations that are seen as compatible with continued agriculture. There is no claim in the SEIR that density increases will not lead to a loss of agriculture.

- I1-6 This comment states that a Proposed Project map for the NC37 Analysis Area is referred to in the Draft SEIR, but the commenter was unable to locate the map and questions the location of the map. The comment expresses concern that parcel numbers were not included for NC37 to NC42. The comment states the maps in the Draft SEIR show different zoning than the County Planning and Development Services’ GIS application available online, which shows RR and A72 zoning for these areas. The comment asks which is correct and implies the Draft SEIR inadequately identifies the properties affected.

As noted in responses to comments I1-1 through I1- 5, PSR Analysis Area NC42 is not included in this GPA/rezone. The location of PSR Analysis Area NC37 is identified in Figure 1-1 of Chapter 1 of the Draft SEIR. Figure 2.9-8 of the Draft SEIR shows the Proposed Map General Plan land use designations for the NC37 Analysis Area, and Figure 4-12 shows the Existing, Proposed and Reduced Density Alternative land use designations for the NC37 Analysis Area for side by side comparison. Table 1-1 of the Draft SEIR provides the parcel, acreage, and estimated potential dwelling unit totals for the NC37 Analysis Area. Furthermore, Table 1-6 of the Draft SEIR identifies that the existing and proposed zoning for PSR Analysis Area NC37 are a combination of RR and A70. Therefore, the Draft SEIR provides the correct zoning and remains adequate.

- I1-7 This comment states no habitat analysis was provided for PSR Analysis Areas NC37 to NC42. Furthermore, the comment states there is no COS 14.1 analysis, and no slope analysis.

As noted in responses to comment I1-1 through I1-5, PSR Analysis Area NC42 is not included in this GPA/Rezone. This PSR GPA is proposing changes to existing General Plan designations that establish allowable land uses and intensities of development. The PSR GPA cannot predict when and how any future development will occur, but can analyze the maximum potential

development on a programmatic scale according to the intensities allowed by the land use designations proposed. Therefore, the Draft SEIR does not analyze building-specific impacts or efficiencies associated with construction, maintenance, or operation activities because they are still unknown at this time, and analysis of unknown activities would be speculative. The Draft SEIR tiers from the analysis of the 2011 General Plan PEIR and provides a similar group of figures and tables to address CEQA categories of impacts. Section 2.4.3.1 describes the potential for special-status plant and wildlife species to be impacted in the PSR Analysis Areas and Table 2.4-2 provides the estimated total acreage of each vegetation classification within each of the PSR Analysis Areas. Section 2.5.3.2 also provides an analysis of potential impacts to riparian habitat and other sensitive natural communities. As described in the Draft SEIR, new buildings and infrastructure in previously undeveloped areas of the PSR Analysis Areas and the former CGSP Area could result in the removal of potential habitats that support sensitive species, and the Draft SEIR discloses the potential for the proposed project to adversely affect these resources (Impacts BI-1 and BI-2). .

Section 2.9.3.2 of the Draft SEIR provides analysis for the Proposed Project's consistency with COS-14.1. The review of Policy COS14.1 was accidentally missed for Analysis Area NC37, and has been included in the Revised Draft SEIR.

I1-8 This comment expresses concern with the analysis of fire danger presented in the Draft SEIR.

Section 2.7.3.7 of the Draft SEIR provides an analysis related to emergency response and evacuation plans. Several PSR areas Analysis Areas are listed as potentially having the greatest effect; however, this list does not include any North County Metro PSR Analysis Areas. An impact was identified (Impact HZ-1) for the overall Proposed Project to result in a potentially significant impact related to emergency response and evacuation plans. Section 2.7.5.7 of the Draft SEIR lists several General Plan policies (M-1.2, M-3.3, M-4.3, S-1.3) and mitigation measures (Haz-3.1, Haz-3.2, Haz-3.3) to reduce impacts on emergency response and evacuation plans and determined that these impacts would be reduced to a less-than-significant level.

I1-9 This comment states during the Lilac Fire there was gridlock in this area, which would have made an evacuation impossible. The comment expresses concerns the Study Area for NC37 includes properties to the west that are served by a very steep single-lane private road. The comment also implies the Draft SEIR doesn't capture the topography and road infrastructure of the area.

Please see the response to comment I1-8 above. The comment questioned whether County staff has visited the site. Staff has visited the NC37 site and every site covered in the GPA/Rezone. The steep topography, habitat constraints, and access constraints of the western leg of the Analysis Area (referred to in the comment) were considered in the development of the Alternative Map for the NC37 Analysis Area, which would keep the western leg at SR-10, as discussed in Section 4.2 of the Draft SEIR, and as shown in the maps of Figure 4-12.

The analysis conducted in the Draft SEIR was performed on a programmatic scale for the densities that would be allowed by the proposed land use designations. Access proposals and

necessary road improvements would be covered in the development project-level environmental analysis of future development projects, and would address emergency access and overall compliance with the San Diego County Consolidated Fire Code.

- I1-10 This comment expresses concerns of living in an extreme fire zone and believes the proposed change in land use designations is ill advised.

Refer to response to comments I1-8 and I1-9. Section 2.7.3.8 of the Draft SIER provided an analysis of potential hazards associated with wildland fires.